



## GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)

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### Introduction

The collection of translated Russian security sector laws, related doctrines and concepts contained in the DCAF – Foundation for Political Centrism volume on ‘Russian Federation Legal Acts on Civil-Military Relations’ (Geneva – Moscow, 2003) comprise all the available post-Soviet legislation in the security field to the present day. The collection is intended to serve as an English-language reference source to the Russian language edition of these laws, Arbatov and Chernikov (eds.), ‘The Legal Acts of the Russian Federation in the Sphere of Civil-Military Relations’ (Moscow 2002), for the layman and professional alike. Each document is prefaced with a short summary outlining its main features and points of interest. Commentaries on the promulgated laws are also provided by Russian specialists. A third volume to be published by June 2003 will feature commentaries from Western authors. The laws are also available on the DCAF website as part of the DCAF Legal Database.<sup>1</sup>

By virtue of its breadth, the collection reflects the evolution of Russia’s security policy in the post-Soviet period and the political, social and economic landscapes surrounding it. The various effects of conflicts which emerged within the former Soviet Union (FSU) from 1992 onwards, the first Chechen war in 1994, the different phases of the military reform debate, the security environment engendered by the 1996 Chechen peace accords, the subsequent second Chechen war, and the wider legislative tempo dictated by the variegated phases of political development during the Yeltsin era can be collectively perceived in the legislative output. Against this background, an initially small core of legislation allowed, as circumstances permitted, the substantial growth thereafter of the body of security sector law as a whole.

The laws are underpinned by the perception of security: ‘*bezopasnost*’ (literally ‘without danger’); a reflection of Russia’s historical perception of continual security threats. Pursuant to this, the assertion of the state’s security over that of the individual is inherent to the social relations depicted in the laws. However, the collection is interesting as the laws consistently specify the relationship between citizen and state in many contingencies: in certain instances the limits of state power vis-à-vis the individual, are overtly prescribed. The role of the post-Soviet Constitution in redressing the balance between state and citizen warrants its inclusion in the collection: the progressive development of civil-military relations proceeds from its foundation.

Turning to the documents themselves, the effects of events after independence can be seen *prima facie* on the initial legislative output. The repercussions of Russia’s armed interventions as precipitated by emergencies throughout the FSU in 1992-1993 and the concomitant concern about the emergence of other conflicts in a deteriorating security environment are evident in the 1993 law ‘On Additional Guarantees and Compensations for Military Persons Carrying Out Military Service on the Territories of the Caucasus and Baltic States and the Republic of Tajikistan, and the Fulfilment of Tasks Related to Defending the Constitutional Rights of Citizens Under the State of Emergency Conditions And During Armed Conflicts.’<sup>2</sup> Whilst dealing with the practical issues of adequately compensating the contract and conscript personnel serving in the regions, the document notably singles out the situation in Chechnya as on a par with other more immediate

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<sup>1</sup> <http://www.dcaf.ch/legal/intro.htm>

<sup>2</sup> The persistence of this theme is reflected in the re-iterated specification of these first post-independence conflict zones, with additions, in the 2002 draft law ‘On the Status of Participants of Combat Operations’ which, similarly, is primarily concerned with the compensation of current and past military personnel who have served outside Russia.

emergencies a year before the major intervention in 1994. In the same year, the ‘Law On the State Border’, which remained the basis for all subsequent amendments, was promulgated: a reflection of the immediate security-oriented concerns across the political and institutional spectrums at the time.

Another reflection of the same security environment is the 1995 law on ‘The Procedure of Providing Civil and Military Personnel for Participation in the Activity on Maintenance and Restoration of the International Peace and Security.’ As peacekeeping formed a key component of Russia’s international involvement in the FSU and Balkan conflicts at that critical time, it is notable that their role was defined in law during a *de facto* legislative impasse between the president and federal assemblies.

Similarly, other laws with an immediate relevance were passed before Yeltsin’s second term, with a tendency to focus on pragmatic issues where a lowest common denominator consensus could be created between the legislature and the executive: the laws ‘On Martial Law Courts and Bodies of Military Justice’, ‘Railway Troops’, ‘On State Defence Orders’, and the key document mapping the azimuths and mentalité of Russia’s security policy, the law ‘On Defence’.

However, during Yeltsin’s second term the body of security sector law and related documents grew and consolidated and this Introduction now turns to a thematic treatment of the security legislation. Whether the increased output of laws was the result of the initial momentum provided by the new figures brought into government in 1996, the stabilisation of military, social and economic reform debates, the security stability afforded by the retreat from Chechnya, the increased stability in former ‘hotspots’ in the FSU, or the introspection afforded by a period of political stability relative to that of the earlier 1990s is unclear, but the systematic development and enunciation of security sector laws added a depth and coherence that had previously been lacking. In the same vein, the conceptual material incorporated in this collection dates in its current forms from the late-Yeltsin and early-Putin eras. The seamlessness of the transition between presidencies is indicative of the consistent interest in and consolidation of security sector laws across the administrations.

The inclusion of concepts and doctrines is warranted by their inter-relationship with the legislation promulgated in the post-Soviet period and their formal approval by the President and the corresponding *de facto* legal status afforded. Whilst asserting an ideal of the means and ends of Russia’s national interests, the National Security Concept, Military Doctrine, Foreign Policy Concept, Information Security Doctrine, Sea Doctrine, and Frontier Policy Principles (and dating in their current form from the late 1990s onwards) they collectively iterate the principles guiding the laws ‘On Defence’, ‘On Military Service’, ‘On the Fight Against Terrorism’, ‘On the State Border’, ‘On Civil Defence’, ‘On the Military Technical Cooperation of the Russian Federation with Foreign States’, ‘On Mobilisation Preparations and Mobilisation’, the draft ‘On the Creation and Application of Space Means in the Interests of Defence and Security of the Russian Federation’, and international treaties such as the ‘Ratification of the Treaty Between the Russian Federation and the United States of America On Further Reduction and Limitation of Strategic Offensive Weapons’. The intention of ensuring a coherent framework for security is clear in each document.

Proceeding from the comprehensive doctrinal focus on defence and the thoroughgoing specifications of the law ‘On Defence’, the onerous demand on the individual to perform military service for the state is defined in the law ‘On Military Duty and Military Service’ and the ‘Statute on the Performing of Military Service’. The performance of conscript or contract service for the parties concerned is comprehensively described in these documents. The legal status of enrolled military personnel is elaborated upon in the law on ‘The Status of Military Persons’. It is notable that, despite the continued emphasis on compulsory military service, its limits have been envisaged: the draft law ‘On Alternative Civil Service’ elaborates the means of allowing an alternative form of service in keeping with the provisions of Council of Europe membership.

The legal enforcement and regulation of military service is also underpinned by the laws ‘On Military Duty and Military Service’, ‘On Status of Military Persons’, ‘On The Material Liability of Military Persons’, and the section ‘On Crimes Against Military Service’ in the Criminal Code. Whereas they elaborate the sanctions against personnel for non-performance of their role and the prohibitions on conduct, the means of enforcement are detailed in the law ‘On Courts Martial’. In terms of the relationship between the state and the individual in the security field it is notable that the laws ‘On the Fight Against Terrorism’, ‘On the State Border’, ‘On Civil Defence’, and the ‘State of Emergency’ all envisage circumstances where the private citizen must assist the state’s agents. The relationship between the individual, society, the state and the military is at the heart of the draft law ‘On Civilian Control and Management of Military Organisation and Activity in the Russian Federation’ which deals with the issue of civilian oversight of the armed forces.

Balanced against the demands made on the individual are their rights pursuant to their performance of military service. Particular attention is paid to pension provision and social security for personnel and their families. Foremost among these is the law ‘On Compulsory State Insurance of Life and Health of Military Persons, Citizens Called Up for Military Training ... the Staff of Internal Affairs Penitentiary Institutions ... and ... Federal Tax Police Organisations’, an accompaniment to the earlier ‘Law on Pension Provision for Persons who Served in the Armed Forces, Internal Affairs Bodies, Penitentiary Facilities, and their Families’ of 1993. The further laws on the ‘Comprehensive State Insurance of Military Persons’, the ‘Guarantee and Compensation of Military Persons’, and elements of the ‘Status of Military Persons’ deal with related issues. The comprehensiveness of the amendments contained in the law ‘On the Introduction of Amendments to Some Legal Acts of the Russian Federation Regarding Matters of the Money Allowance to Military Persons and Provision of Certain Privileges’ indicate the detail with which the laws detailing soldiers’ rights have been re-examined over time. Notably, the theme of social security and adequate compensation for injuries have another detailed refrain in the draft law ‘On the Status of Participants of Combat Operations’. The social security of serving and retired personnel and/or their legal heirs are, in an ideal form, of high priority to the state.

The collection also includes laws which deal with the more practical side of maintaining military forces: the procurement of materiel, of which the law on the ‘State Defence Order’ provides the foundation. The emphasis on the maintenance of a strategic Russian nuclear deterrent during the 1990s is reflected in the complementary law ‘On Financing of the State Defence Order for the Strategic Nuclear Forces’ with its emphasis on defining the payment procedures for relevant materiel in this field. In contrast, the current draft ‘On Provision of Military Persons and Equated Special Users with Agricultural Products, Raw Materials, and Foodstuffs’ elaborates the more immediate need of ensuring a reliable supply of basic supplies to units through legal enforcement. In this vein, the draft law ‘On the Legal Position and the Financial and Economic Activities of Military Organisations’ contains a complementary solution to the problem: by giving military units a defined legal status comparable to that of an incorporated limited company (with the exception that the state creates and dissolves such a status in common with its monopoly on violence) the transparent operation of the legal mechanisms allow a unit’s interaction with society economically, the determination of the state’s property rights as vested in the unit, its responsibilities, and the rights and duties of its contractors.

The multi-faceted nature of Russia’s security apparatus beyond the armed forces is also notable: the ordinances ‘On the Railway Troops’, ‘On Internal Troops of the Ministry of Internal Affairs’, and ‘On the Border Guard Service’ reflect the militarised status of other federal agencies operating in society. As already indicated in the documents on insurance and compensation, the substantive militarization of many state agencies is an intrinsic feature of contemporary life and these documents reflect the depth of that phenomenon.

The collection incorporates the treaties signed by the executive and later ratified by the federal assemblies: ‘On Ratification of the Treaty Between the Russian Federation and the United States of America On Further Reduction and Limitation of Strategic Offensive Weapons’; and ‘On

Ratification of the Comprehensive Nuclear Test Ban Treaty'. Their content is indicative of Russia's commitment to international law in terms of strategic stability at the highest levels, and their eventual ratification the increased stability of the federal assemblies.

The remaining documents, in their latest forms, reflect the preoccupations of the earlier post-independence period but reflect the perennial pre-occupation with security themes. The state powers and procedures enunciated in the laws 'On The State of Emergency' (2001) and 'On Martial Law' (2002) register the recurrent concern about micro- and macro- emergencies within the state from internal or external threats.

Thus, the debate on security sector reform has begun. The editors hope that further discussion will profit from this first systematic collection of what they perceive to be highly encouraging formulations for a thoroughgoing and all encompassing study of security sector reform.

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## **Russian Laws Collection**

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## **1. THE CONSTITUTION OF THE RUSSIAN FEDERATION OF 12 DECEMBER 1993**

### Summary:

*The constitution defines the constitutional system of the Russian Federation. The document elaborates the federal structure of the state, citizenship, economic activity, ownership rights, the separation of executive legislative, and judicial power, the exercise of state power, the aim of political diversity, freedom of public association, the rights of the individual, the means of exercising power, the obligations of state bodies and citizens, status of international treaties and the separation of religion and the state. A constant throughout the document is the prohibition of state subversion through undemocratic means.*

We, the multinational people of the Russian Federation,  
united by a common fate on our land,  
establishing human rights and freedoms, civic peace and accord,  
preserving the historically established state unity,  
proceeding from the universally recognized principles of equality and self-determination of peoples,  
revering the memory of ancestors who have conveyed to us the love for the Fatherland,  
belief in the good and justice,  
reviving the sovereign statehood of Russia and asserting the firmness of its democratic basis,  
striving to ensure the well being and prosperity of Russia,  
proceeding from the responsibility for our Fatherland before the present and future generations,  
recognizing ourselves as part of the world community,  
adopt the CONSTITUTION OF THE RUSSIAN FEDERATION.

## **FIRST SECTION**

### **CHAPTER 1 - THE FUNDAMENTALS OF THE CONSTITUTIONAL SYSTEM**

#### **Article 1**

The Russian Federation—Russia is a democratic federal law-bound State with a republican form of government.

The names "Russian Federation" and "Russia" shall be equal.

#### **Article 2**

Man, his rights and freedoms are the supreme value. The recognition, observance, and protection of the rights and freedoms of man and citizen shall be the obligation of the State.

#### **Article 3**

1. The bearer of sovereignty and the only source of power in the Russian Federation shall be its multinational people.

2. The people shall exercise their power directly, and also through the bodies of state power and local self-government.

3. The supreme direct expression of the power of the people shall be referenda and free elections.

4. No one may usurp power in the Russian Federation. Seizure of power or usurping state authority shall be prosecuted by federal law.

#### **Article 4**

1. The sovereignty of the Russian Federation shall cover the whole of its territory.

2. The Constitution of the Russian Federation and federal laws shall have supremacy in the whole territory of the Russian Federation.

3. The Russian Federation shall ensure the integrity and inviolability of its territory.

## **Article 5**

1. The Russian Federation consists of Republics, territories, regions, cities of federal importance, an autonomous region and autonomous areas—all are equal subjects of the Russian Federation.

2. The Republic (State) shall have its own constitution and legislation. The territory, region, city of federal importance, autonomous region and autonomous area shall have its charter and legislation.

3. The federal structure of the Russian Federation is based on its state integrity, the unity of the system of state authority, the division of subjects of authority and powers between the bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation, the equality and self-determination of peoples in the Russian Federation.

4. In relations with federal bodies of state authority all the subjects of the Russian Federation shall be equal among themselves.

## **Article 6**

1. The citizenship of the Russian Federation shall be acquired and terminated according to federal law; it shall be one and equal, irrespective of the grounds of acquisition.

2. Every citizen of the Russian Federation shall enjoy in its territory all the rights and freedoms and bear equal duties provided for by the Constitution of the Russian Federation.

3. A citizen of the Russian Federation may be deprived of his or her citizenship or of the right to change it.

## **Article 7**

1. The Russian Federation is a social State whose policy is aimed at creating conditions for a worthy life and a free development of man.

2. In the Russian Federation the labour and health of people shall be protected, guaranteed minimum wages and salaries shall be established, state support assured to the family, maternity, paternity and childhood, to disabled persons and the elderly, the system of social services developed, state pensions, allowances and other social security guarantees shall be established.

### **Article 8**

1. In the Russian Federation guarantees shall be provided for the integrity of economic space, a free flow of goods, services and financial resources, support for competition, and the freedom of economic activity.

2. In the Russian Federation recognition and equal protection shall be given to the private, state, municipal, and other forms of ownership.

### **Article 9**

1. Land and other natural resources shall be utilized and protected in the Russian Federation as the basis of life and activity of the people living in corresponding territories.

2. Land and other natural resources may be in private, state, municipal, and other forms of ownership.

### **Article 10**

The state power in the Russian Federation shall be exercised on the basis of its division into legislative, executive, and judicial power. The bodies of legislative, executive, and judicial power shall be independent.

### **Article 11**

1. The state power in the Russian Federation shall be exercised by the President of the Russian Federation, the Federal Assembly (the Council of the Federation and the State Duma), the Government of the Russian Federation, and the courts of the Russian Federation.

2. The state power in the subjects of the Russian Federation shall be exercised by the bodies of state authority created by them.

3. The division of subjects of authority and power among the bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation shall be fixed by the given Constitution, the Federal and other treaties on the delimitation of the subjects of authority and powers.

## **Article 12**

In the Russian Federation local self-government shall be recognized and guaranteed. Local self-government shall be independent within the limits of its authority. The bodies of local self-government shall not be part of the system of bodies of state authority.

## **Article 13**

1. In the Russian Federation ideological diversity shall be recognized.
2. No ideology may be established as a state or obligatory ideology.
3. In the Russian Federation political diversity and a multi-party system shall be recognized.
4. Public associations shall be equal before the law.
5. The creation and activities of public associations whose aims and actions are aimed at a forced change of the fundamental principles of the constitutional system and at violating the integrity of the Russian Federation, at undermining its security, at setting up armed units, and at instigating social, racial, national, and religious strife shall be prohibited.

## **Article 14**

1. The Russian Federation is a secular state. No religion may be established as a state or obligatory religion.
2. Religious associations shall be separated from the State and shall be equal before the law.

## **Article 15**

1. The Constitution of the Russian Federation shall have the supreme juridical force, direct action, and shall be used on the whole territory of the Russian Federation. Laws and other legal acts adopted in the Russian Federation shall not contradict the Constitution of the Russian Federation.
2. The bodies of state authority, the bodies of local self-government, officials, private citizens and their associations shall be obliged to observe the Constitution of the Russian Federation and laws.
3. Laws shall be officially published. Unpublished laws shall not be used. Any normative legal acts concerning human rights, freedoms, and duties of man and citizen may not be used if they are not officially published for general knowledge.

4. The universally recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied.

#### **Article 16**

1. The provisions of the present chapter of the Constitution comprise the fundamental principles of the constitutional system of the Russian Federation, and may not be changed otherwise than according to the rules established by the present Constitution.

2. No other provision of the present Constitution may contradict the fundamental principles of the constitutional system of the Russian Federation.

### **CHAPTER 2 - RIGHTS AND FREEDOMS OF MAN AND CITIZEN**

#### **Article 17**

1. In the Russian Federation recognition and guarantees shall be provided for the rights and freedoms of man and citizen according to the universally recognized principles and norms of international law and according to the present Constitution.

2. Fundamental human rights and freedoms are inalienable and shall be enjoyed by everyone from their day of birth.

3. The exercise of the rights and freedoms of man and citizen shall not violate the rights and freedoms of other people.

#### **Article 18**

The rights and freedoms of man and citizen shall be directly operative. They determine the essence, meaning, and implementation of laws, the activities of the legislative and executive authorities, local self-government and shall be ensured by the administration of justice.

#### **Article 19**

1. All people shall be equal before the law and court.

2. The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be banned.

3. Man and woman shall enjoy equal rights and freedoms and have equal opportunities to exercise them.

#### **Article 20**

1. Everyone shall have the right to life.

2. Capital punishment, until its complete elimination, may be envisaged by a federal law as an exclusive penalty for especially grave crimes against life, and the accused shall be granted the right to have his case examined by jury trial.

#### **Article 21**

1. Human dignity shall be protected by the State. Nothing may serve as a basis for its derogation.

2. No one shall be subject to torture, violence, or other severe or humiliating treatment or punishment. No one may be subject to medical, scientific, and other experiments without voluntary consent.

#### **Article 22**

1. Everyone shall have the right to freedom and personal immunity.

2. Arrest, detention, and remanding in custody shall be allowed only by court decision. Without the court's decision a person may be detained for a term of more than 48 hours.

#### **Article 23**

1. Everyone shall have the right to the inviolability of private life, personal and family secrets, the protection of honour and good name.

2. Everyone shall have the right to privacy of correspondence, of telephone conversations, postal, telegraph and other messages. Limitations of this right shall be allowed only by court decision.

#### **Article 24**

1. The collection, keeping, use and dissemination of information about the private life of a person shall not be allowed without his or her consent.

2. The bodies of state authority and local self-government, their officials shall ensure for everyone the possibility of being acquainted with the documents and materials directly affecting his or her rights and freedoms, unless otherwise provided for by law.

#### **Article 25**

The home shall be inviolable. No one shall have the right to gain entry to a house against the will of those living there, except for those cases established by a federal law or by court decision.

#### **Article 26**

1. Everyone shall have the right to determine and indicate his nationality. No one may be forced to determine and indicate his or her nationality.

2. Everyone shall have the right to use his or her native language, to a free choice of the language of communication, upbringing, education, and creative work.

#### **Article 27**

1. Every person who legally stays in the territory of the Russian Federation shall have the right to freedom of travel, choice of place of stay or residence.

2. Everyone may freely leave the Russian Federation. Citizens of the Russian Federation shall have the right to freely return to the Russian Federation.

### **Article 28**

Everyone shall be guaranteed the freedom of conscience, the freedom of religion, including the right to profess individually or together with other any religion or to profess no religion at all, to freely choose, possess, and disseminate religious and other views and act according to them.

### **Article 29**

1. Everyone shall be guaranteed the freedom of ideas and speech.
2. Propaganda or agitation instigating social, racial, national, or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious, or linguistic supremacy shall be banned.
3. No one may be forced to express his views and convictions or to reject them.
4. Everyone shall have the right to freely look for, receive, transmit, produce, and distribute information by any legal method. The list of data comprising state secrets shall be determined by a federal law.
5. The freedom of mass communication shall be guaranteed. Censorship shall be banned.

### **Article 30**

1. Everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed.
2. No one may be compelled to join any association and remain in it.

### **Article 31**

Citizens of the Russian Federation shall have the right to assemble peacefully, without weapons, hold rallies, meetings, and demonstrations, marches and pickets.

### **Article 32**

1. Citizens of the Russian Federation shall have the right to participate in managing state affairs both directly and through their representatives.
2. Citizens of the Russian Federation shall have the right to elect and be elected to state bodies of power and local self-government bodies, and also to participate in referenda.
3. Deprived of the right to elect and be elected shall be citizens recognized by court as legally unfit, as well as citizens kept in places of confinement by a court sentence.
4. Citizens of the Russian Federation shall enjoy equal access to the state service.
5. Citizens of the Russian Federation shall have the right to participate in administering justice.

### **Article 33**

Citizens of the Russian Federation shall have the right to address personally, as well as to submit individual and collective appeals to state organs and local self-government bodies.

### **Article 34**

1. Everyone shall have the right to a free use of his abilities and property for entrepreneurial and economic activities not prohibited by law.
2. Economic activity aimed at monopolization and unfair competition shall not be allowed.

### **Article 35**

1. The right of private property shall be protected by law.
2. Everyone shall have the right to have property, possess, use and dispose of it both personally and jointly with other people.
3. No one may be deprived of property otherwise than by a court decision. Forced confiscation of property for state needs may be carried out only on the proviso of preliminary and complete compensation.
4. The right of inheritance shall be guaranteed.

### **Article 36**

1. Citizens and their associations shall have the right to possess land as private property.
2. Possession, utilization, and disposal of land and other natural resources shall be exercised by the owners freely, if it is not detrimental to the environment and does not violate the rights and lawful interests of other people.
3. The terms and rules for the use of land shall be fixed by a federal law.

### **Article 37**

1. Labour is free. Everyone shall have the right to freely use his labour capabilities, to choose the type of activity and profession.
2. Forced labour shall be banned.
3. Everyone shall have the right to labour conditions meeting safety and hygienic requirements, for labour remuneration without any discrimination whatsoever and not lower than minimum wages and salaries established by the federal law, as well as the right to protection against unemployment.
4. Recognition shall be given to the right to individual and collective labour disputes with the use of methods of their adjustment fixed by the federal law, including the right to strike.
5. Everyone shall have the right to rest and license. Those working by labour contracts shall be guaranteed the fixed duration of the working time, days off, and holidays, and the annual paid leave established by the federal law.

### **Article 38**

1. Maternity and childhood, and the family shall be protected by the State.
2. Care for children, their upbringing shall be equally the right and obligation of parents.
3. Able-bodied children over 18 years of age shall take care of disabled parents.

### **Article 39**

1. Everyone shall be guaranteed social security at the expense of the State in old age, in the case of an illness, disability, loss of the bread-winner, for upbringing of children and in other cases established by law.

2. State pensions and social allowances shall be established by law.

3. Promotion shall be given to voluntary social insurance and the creation of additional forms of social security and charity.

### **Article 40**

1. Everyone shall have the right to a home. No one may be arbitrarily deprived of his or her home.

2. The bodies of state authority and local self-government shall encourage housing construction and create conditions for exercising the right to a home.

3. Person with low income and other persons mentioned in law and in need of a home shall receive it *gratis* or for reasonable payment from the state, municipal, and other housing stocks according to the norms fixed by law.

### **Article 41**

1. Everyone shall have the right to health protection and medical aid. Medical aid in state and municipal health establishments shall be rendered to individuals *gratis*, at the expense of the corresponding budget, insurance contributions, and other proceeds.

2. In the Russian Federation federal programmes of protecting and strengthening the health of the population shall be financed by the State; measures shall be adopted to develop state, municipal, and private health services; activities shall be promoted which facilitate the strengthening of health, the development of physical culture and sport, ecological and sanitary–epidemiological well being.

3. The concealment by officials of the facts and circumstances posing a threat to the life and health of people shall entail responsibility according to the federal law.

#### **Article 42**

Everyone shall have the right to favourable environment, reliable information about its state, and for a restitution of damage inflicted upon his health and property by ecological transgressions.

#### **Article 43**

1. Everyone shall have the right to education.
2. Guarantees shall be provided for general access to and free pre-school, secondary, and high vocational education in state or municipal educational establishments and at enterprises.
3. Everyone shall have the right to receive on a competitive basis a free higher education in a state or municipal educational establishment and at an enterprise.
4. The basic general education shall be free of charge. Parents or persons in law parents shall enable their children to receive a basic general education.
5. The Russian Federation shall establish federal state educational standards and support various forms of education and self-education.

#### **Article 44**

1. Everyone shall be guaranteed the freedom of literary, artistic, scientific, technical and other types of creative activity, and teaching. Intellectual property shall be protected by law.
2. Everyone shall have the right to participate in cultural life and use cultural establishments and to an access to cultural values.
3. Everyone shall be obliged to care for the preservation of cultural and historical heritage and protect monuments of history and culture.

#### **Article 45**

1. State protection of the rights and freedoms of man and citizen shall be guaranteed in the Russian Federation.
2. Everyone shall be free to protect his rights and freedoms by all means not prohibited by law.

#### **Article 46**

1. Everyone shall be guaranteed judicial protection of his rights and freedoms.
2. Decisions and actions (or inaction) of bodies of state authority and local self-government, public associations and officials may be appealed against in court.
3. Everyone shall have the right to appeal, according to international treaties of the Russian Federation, to international bodies for the protection of human rights and freedoms, if all the existing internal state means of legal protection have been exhausted.

#### **Article 47**

1. No one may be deprived of the right to the consideration of his or her case in that court and by that judge in whose cognizance the given case is according to law.
2. The accused of committing a crime shall have the right to the examination of his case by a court of jury in cases envisaged by the federal law.

#### **Article 48**

1. Everyone shall be guaranteed the right to qualified legal assistance. In cases envisaged by law the legal assistance shall be free.
2. Any person detained, taken into custody, accused of committing a crime shall have the right to receive the assistance of a lawyer (counsel for the defence) from the moment of detention, confinement in custody, or facing charges accordingly.

#### **Article 49**

1. Everyone accused of committing a crime shall be considered innocent until his guilt is proved according to the rules fixed by the federal law and confirmed by the sentence of a court which has come into legal force.
2. The accused shall not be obliged to prove his innocence.
3. Irremovable doubts about the guilt of a person shall be interpreted in favour of the accused.

### **Article 50**

1. No one may be convicted twice for one and the same crime.
2. In administering justice it shall not be allowed to use evidence received by violating the federal law.
3. Everyone convicted for a crime shall have the right to appeal against the judgment of a superior court according to the rules envisaged by the federal law, as well as to ask for pardon or a mitigation of punishment.

### **Article 51**

1. No one shall be obliged to give incriminating evidence, husband or wife and close relatives the range of whom is determined by the federal law.
2. The federal law may envisage other cases of absolution from the obligation to testify.

### **Article 52**

The rights of victims of crimes and of abuse of office shall be protected by law. The State shall provide access to justice for them and a compensation for sustained damage.

### **Article 53**

Everyone shall have the right for a state compensation for damages caused by unlawful actions (inaction) of bodies of state authority and their officials.

### **Article 54**

1. A law introducing or aggravating responsibility shall not have retrospective effect.
2. No one may bear responsibility for the action which was not regarded as a crime when it was committed. If after violating law the responsibility for that is eliminated or mitigated, a new law shall be applied.

### **Article 55**

1. The listing in the Constitution of the Russian Federation of the fundamental rights and freedoms shall not be interpreted as a rejection or derogation of other universally recognized human rights and freedoms.

2. In the Russian Federation no laws shall be adopted cancelling or derogating human rights and freedoms.

3. The rights and freedoms of man and citizen may be limited by the federal law only to such an extent to which it is necessary for the protection of the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, for ensuring defence of the country and security of the State.

### **Article 56**

1. In conditions of a state of emergency in order to ensure the safety of citizens and the protection of the constitutional system and in accordance with the federal constitutional law certain limitations may be placed on human rights and freedoms with the establishment of their framework and time period.

2. A state of emergency may be introduced in the whole territory of the Russian Federation and in its certain parts in the case in which there are circumstances and according to the rules fixed by the federal constitutional law.

3. The rights and freedoms envisaged in Articles 20, 21, 23 (the first part), 24, 28, 34 (the first part), 40 (the first part), 46-54 of the Constitution of the Russian Federation, shall not be liable to limitations.

### **Article 57**

Everyone shall be obliged to pay the legally established taxes and dues. Laws introducing new taxes or deteriorating the position of taxpayers may not have retroactive effect.

### **Article 58**

Everyone shall be obliged to preserve nature and the environment, carefully treat the natural wealth.

### **Article 59**

1. Defence of the Fatherland shall be a duty and obligation of citizens of the Russian Federation.

2. A citizen shall carry out military service according to the federal law.

3. A citizen of the Russian Federation shall have the right to replace military service by alternative civilian service in the case in which his convictions or religious belief contradict military service and also in other cases envisaged by the federal law.

### **Article 60**

A citizen of the Russian Federation may exercise his or her rights and duties in full from the age of 18.

### **Article 61**

1. A citizen of the Russian Federation may not be deported from Russia or extradited to another State.

2. The Russian Federation shall guarantee to its citizens protection and patronage abroad.

### **Article 62**

1. A citizen of the Russian Federation may have the citizenship of a foreign State (dual citizenship) according to the federal law or an international agreement of the Russian Federation.

2. The possession of a foreign citizenship by a citizen of the Russian Federation shall not derogate his rights and freedoms and shall not free him from the obligations stipulated by the Russian citizenship, unless otherwise provided for by federal law or an international agreement of the Russian Federation.

3. Foreign nationals and stateless persons shall enjoy in the Russian Federation the rights and bear the obligations of citizens of the Russian Federation, except for cases envisaged by the federal law or the international agreement of the Russian Federation.

### **Article 63**

1. The Russian Federation shall grant political asylum to foreign nationals and stateless persons according to the universally recognized norms of international law.

2. In the Russian Federation it shall not be allowed to extradite to other States those people who are persecuted for political convictions, as well as for actions (or inaction) not recognized as a crime in the Russian Federation. The extradition of people accused of a crime, and also the handover of convicts for serving sentences in other States shall be carried out on the basis of the federal law or the international agreement of the Russian Federation.

### **Article 64**

The provisions of the present chapter comprise the basis of the legal status of the individual in the Russian Federation and may not be changed otherwise than according to the rules introduced by the present Constitution.

## **CHAPTER 3 - THE FEDERAL STRUCTURE**

### **Article 65**

1. The Russian Federation includes the following subjects of the Russian Federation:

-the Republic of Adygeya (Adygeya), the Republic of Altai, the Republic of Bashkortostan, the Republic of Buryatia, the Republic of Daghestan, the Republic of Ingushetia, the Kabardino-Balkarian Republic, the Republic of Kalmykia, the Karachayevo-Circassian Republic, the Republic of Karelia, the Komi Republic, the Republic of Marii El, the Republic of Mordovia, the Republic of Sakha (Yakutia), the Republic of North Ossetia - Alania, the Republic of Tatarstan (Tatarstan), the Republic of Tuva, the Udmurtian Republic, the Republic of Khakassia, the Chechen Republic, the Chuvash Republic - Chuvashia;

-the Altai Territory, the Krasnodar Territory, the Krasnoyarsk Territory, the Primorie Territory, the Stavropol Territory, the Khabarovsk Territory;

the Amur Region, the Archangel Region, the Astrakhan Region, the Belgorod Region, the Bryansk Region, the Vladimir Region, the Volgograd Region, the Vologda Region, the Voronezh Region, the Ivanovo Region, the Irkutsk Region, the Kaliningrad Region, the Kaluga Region, the

Kamchatka Region, the Kemerovo Region, the Kirov Region, the Kostroma Region, the Kurgan Region, the Kursk Region, the Leningrad Region, the Lipetsk Region, the Magadan Region, the Moscow Region, the Murmansk Region, the Nizhni Novgorod Region, the Novgorod Region, the Novosibirsk Region, the Omsk Region, the Orenburg Region, the Orel Region, the Penza Region, the Perm Region, the Pskov Region, the Rostov Region, the Ryazan Region, the Samara Region, the Saratov Region, the Sakhalin Region, the Sverdlovsk Region, the Smolensk Region, the Tambov Region, the Tver Region, the Tomsk Region, the Tula Region, the Tyumen Region, the Ulyanovsk Region, the Chelyabinsk Region, the Chita Region, the Yaroslavl Region;

Moscow, St. Petersburg—cities of federal importance;

the Jewish Autonomous Region;

the Aginsk Buryat Autonomous Area, the Komi-Permyak Autonomous Area, the Koryak Autonomous Area, the Nenets Autonomous Area, the Taimyr (Dolgano-Nenets) Autonomous Area, the Ust-Ordyn Buryat Autonomous Area, the Khanty-Mansi Autonomous Area, the Chukotka Autonomous Area, the Evenki Autonomous Area, the Yamalo-Nents Autonomous Area.

2. The admission to the Russian Federation and the creation in it of a new subject shall be carried out according to the rules established by the federal constitutional law.

## **Article 66**

1. The status of a Republic shall be determined by the Constitution of the Russian Federation and the Constitution of the Republic.

2. The status of a territory, region, city of federal importance, autonomous region and autonomous area shall be determined by the Constitution of the Russian Federation and the Charter of the territory, region, city of federal importance, autonomous region or autonomous area, adopted by the legislative (representative) body of the corresponding subject of the Russian Federation.

3. Upon the proposal of the legislative and executive bodies of the autonomous region or autonomous area a federal law on autonomous region or autonomous area may be adopted.

4. The relations between the autonomous area within a territory or region may be regulated by the federal law or a treaty between the bodies of state authority of the autonomous area and, accordingly, the bodies of state authority of the territory or region.

5. The status of a subject of the Russian Federation may be changed upon mutual agreement of the Russian Federation and the subject of the Russian Federation and according to the federal constitutional law.

### **Article 67**

1. The territory of the Russian Federation shall include the territories of its subjects, inland waters and territorial sea, and the air space over them.

2. The Russian Federation shall possess sovereign rights and exercise the jurisdiction on the continental shelf and in the exclusive economic zone of the Russian Federation according to the rules fixed by the federal law and the norms of international law.

3. The borders between the subjects of the Russian Federation may be changed upon their mutual consent.

### **Article 68**

1. The Russian language shall be a state language on the whole territory of the Russian Federation.

2. The Republics shall have the right to establish their own state languages. In the bodies of state authority and local self-government, state institutions of the Republics they shall be used together with the state language of the Russian Federation.

3. The Russian Federation shall guarantee to all of its peoples the right to preserve their native language and to create conditions for its study and development.

### **Article 69**

The Russian Federation shall guarantee the rights of the indigenous small peoples according to the universally recognized principles and norms of international law and international treaties and agreements of the Russian Federation.

### **Article 70**

1. The state flag, coat of arms, and anthem of the Russian Federation, their description and rules of official use shall be established by the federal constitutional law.

The capital of the Russian Federation is the city of Moscow. The status of the capital shall be determined by the federal law.

## **Article 71**

The jurisdiction of the Russian Federation includes:

- a) adoption and amending of the Constitution of the Russian Federation and federal laws, control over their observance;
- b) federal structure and the territory of the Russian Federation;
- c) regulation and protection of the rights and freedoms of man and citizen; citizenship in the Russian Federation, regulation and protection of the rights of national minorities;
- d) establishment of the system of federal bodies of legislative, executive and judicial authority, the rules of their organization and activities, formation of federal bodies of state authority;
- e) federal state property and its management;
- f) establishment of the principles of federal policy and federal programmes in the sphere of state, economic, ecological, social, cultural and national development of the Russian Federation;
- g) establishment of legal groups for a single market; financial, currency, credit, and customs regulation, money issue, the principles of pricing policy; federal economic services, including federal banks;
- h) federal budget, federal taxes and dues, federal funds of regional development;
- i) federal power systems, nuclear power-engineering, fission materials, federal transport, railways, information and communication, outer space activities;
- j) foreign policy and international relations of the Russian Federation, international treaties and agreements of the Russian Federation, issues of war and peace;
- k) foreign economic relations of the Russian Federation;
- l) defence and security; military production; determination of rules of selling and purchasing weapons, ammunition, military equipment and other military property; production of poisonous substances, narcotic substances and rules of their use;
- m) determination of the status and protection of the state border, territorial sea, air space, exclusive economic zone and continental shelf of the Russian Federation;
- n) judicial system, procurator's office, criminal, criminal procedure and criminal-executive legislation, amnesty and pardoning , civil, civil procedure and arbitration procedure legislation, legal regulation of intellectual property;
- o) federal law of conflict of laws;
- p) meteorological service, standards, metric system, horometry accounting, geodesy and cartography, names of geographical units, official statistics and accounting;

- q) state awards and honorary titles of the Russian Federation;
- r) federal state service.

## **Article 72**

1. The joint jurisdiction of the Russian Federation and the subjects of the Russian Federation includes:

a) providing for the correspondence of the constitutions and laws of the Republics, the charters and other normative legal acts of the territories, regions, cities of federal importance, autonomous regions or autonomous areas to the Constitution of the Russian Federation and the federal laws;

b) protection of the rights and freedoms of man and citizen; protection of the rights of national minorities; ensuring the rule of law, law and order, public security, border zone regime;

c) issues of possession, use and disposal of land, subsoil, water, and other natural resources;

d) delimitation of state property;

e) nature utilization, protection of the environment and ensuring ecological safety; specially protected natural territories, protection of historical and cultural monuments;

f) general issues of upbringing, education, science, culture, physical culture and sports;

g) coordination of issues of health care; protection of the family, maternity, paternity and childhood; social protection, including social security;

h) carrying out measures against catastrophes, natural calamities, epidemics, elimination of their aftermath;

i) establishment of common principles of taxation and dues in the Russian Federation;

j) administrative, administrative procedure, labour, family, housing, land, water, and forest legislation; legislation on subsoil and environmental protection;

k) personnel of the judicial and law enforcement agencies; the Bar, notaryship;

l) protection of traditional living habitat and of traditional way of life of small ethnic communities;

m) establishment of common principles of organization of the system of bodies of state authority and local self-government;

n) coordination of international and foreign economic relations of the subjects of the Russian Federation, fulfilment of international treaties and agreements of the Russian Federation.

2. Provisions of this Article shall be equally valid for the Republics, territories, regions, cities of federal importance, autonomous regions or autonomous areas.

### **Article 73**

Outside the limits of authority of the Russian Federation and the powers of the Russian Federation on issues under joint jurisdiction of the Russian Federation and the subjects of the Russian Federation, the subjects of the Russian Federation shall possess full state power.

### **Article 74**

1. In the territory of the Russian Federation it shall not be allowed to establish customs borders, dues or any other barriers for a free flow of goods, services and financial resources.

2. Limitations on the transfer of goods and services may be introduced according to the federal law if it is necessary to ensure security, protect the life and health of people, protect nature and cultural values.

### **Article 75**

1. The monetary unit in the Russian Federation shall be the rouble. Money issue shall be carried out exclusively by the Central Bank of the Russian Federation. Introduction and issue of other currencies in Russia shall not be allowed.

2. The protection and ensuring the stability of the rouble shall be the major task of the Central Bank of the Russian Federation, which it shall fulfil independently of the other bodies of state authority.

3. The system of taxes paid to the federal budget and the general principles of taxation and dues in the Russian Federation shall be fixed by the federal law.

4. State loans shall be issued according to the rules fixed by the federal law and shall be floated on a voluntary basis.

### **Article 76**

1. On the issues under the jurisdiction of the Russian Federation federal constitutional laws and federal laws shall be adopted and have direct action in the whole territory of the Russian Federation.

2. On the issues under the joint jurisdiction of the Russian Federation and subjects of the Russian Federation federal laws shall issued and laws and other normative acts of the subjects of the Russian Federation shall be adopted according to them.

3. Federal laws may not contradict the federal constitutional laws.

4. Outside the limits of authority of the Russian Federation, of the joint jurisdiction of the Russian Federation and the subjects of the Russian Federation, the Republics, territories, regions, cities of federal importance, autonomous regions or autonomous areas shall exercise their own legal regulation, including the adoption of laws and other normative acts.

5. The laws and other legislative acts of the subjects of the Russian Federation may not contradict the federal laws adopted according to the first and second parts of this Article. In the case of a contradiction between a federal law and an act issued in the Russian Federation the federal law shall be applied.

6. In the case of a contradiction between a federal law and a normative act of a subject of the Russian Federation adopted according to the fourth part of this Article, the normative legal act of the subject of the Russian Federation shall be applied.

#### **Article 77**

1. The system of bodies of state authority of the Republics, territories, regions, cities of federal importance, autonomous regions or autonomous areas shall be established by the subjects of the Russian Federation independently and according to the principles of the constitutional system of the Russian Federation and the general principles of the organization of representative and executive bodies of state authority fixed by federal law.

2. Within the limits of jurisdiction of the Russian Federation and the powers of the Russian Federation on the issue under the joint jurisdiction of the Russian Federation and the subjects of the Russian Federation the federal bodies of executive authority and the bodies of executive authority of the subjects of the Russian Federation shall make up a single system of executive power of the Russian Federation.

#### **Article 78**

1. The federal bodies of executive power in order to exercise their powers may create their own territorial organs and appoint corresponding officials.

2. The federal bodies of executive power by agreement with the bodies of executive power of the subjects of the Russian Federation may transfer to them the fulfilment of a part of their powers, if it does not contradict the Constitution of the Russian Federation and the federal laws.

3. The bodies of executive power of the subjects of the Russian Federation by agreement with the federal bodies of executive authority may transfer to them the fulfilment of a part of their powers.

4. The President of the Russian Federation and the Government of the Russian Federation shall ensure, according to the Constitution of the Russian Federation, the implementation of the powers of the federal state authority in the whole territory of the Russian Federation.

### **Article 79**

The Russian Federation may participate in interstate associations and transfer to them part of its powers according to international treaties and agreements, if this does not involve the limitation of the rights and freedoms of man and citizen, and does not contradict the principles of the constitutional system of the Russian Federation.

## **CHAPTER 4 - THE PRESIDENT OF THE RUSSIAN FEDERATION**

### **Article 80**

1. The President of the Russian Federation shall be the head of the State.

2. The President of the Russian Federation shall be guarantor of the Constitution of the Russian Federation, of the rights and freedoms of man and citizen. According to the rules fixed by the Constitution of the Russian Federation, he shall adopt measures to protect the sovereignty of the Russian Federation, its independence and state integrity, ensure coordinated functioning and interaction of all the bodies of state power.

3. According to the Constitution of the Russian Federation and the federal laws the President of the Russian Federation shall determine the guidelines of the internal and foreign policies of the State.

4. As the head of the State the President of the Russian Federation represent the Russian Federation within the country and in international relations.

### **Article 81**

1. The President of the Russian Federation shall be elected for four years by citizens of the Russian Federation on the basis of universal, equal, direct suffrage by secret ballot.

2. Any citizen of the Russian Federation not younger than 35 years of age and with a permanent residence record in the Russian Federation of not less than 10 years may be elected President of the Russian Federation.

3. One and the same person may not be elected President of the Russian Federation for more than two terms running.

4. The rules of electing the President of the Russian Federation shall be determined by the federal law.

### **Article 82**

1. When taking office the President of the Russian Federation shall take the following oath of loyalty to the people:

"I swear in exercising the powers of the President of the Russian Federation to respect and safeguard the rights and freedoms of man and citizen, to observe and protect the Constitution of the Russian Federation, to protect the sovereignty and independence, security and integrity of the State, to faithfully serve the people".

2. The oath shall be taken in a solemn atmosphere in the presence of members of the Council of the Federation, deputies of the State Duma and judges of the Constitution Court of the Russian Federation.

### **Article 83**

The President of the Russian Federation shall:

a) appoint by agreement with the State Duma the Chairman of the Government of the Russian Federation;

b) have the right to chair meetings of the Government of the Russian Federation;

c) adopt decision on the registration of the Government of the Russian Federation;

d) present to the State Duma a candidate for the appointment to the post of the Chairman of the Central Bank of the Russian Federation, raise before the State Duma the issue of dismissing the Chairman of the Central Bank of the Russian Federation;

- e) on the proposal by the Chairman of the Government of the Russian Federation appoint and dismiss deputy chairmen of the Government of the Russian Federation and federal ministers;
- f) present to the Council of the Federation candidates for appointment as judges of the Constitution Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Court of Arbitration of the Russian Federation, as well as a candidate for the post of the Procurator General of the Russian Federation; appoint judges of other federal courts;
- g) form and head the Security Council of the Russian Federation, the status of which is determined by the federal law;
- h) approve the military doctrine of the Russian Federation;
- i) form the Administration of the President of the Russian Federation;
- j) appoint and dismiss plenipotentiary representatives of the President of the Russian Federation;
- k) appoint and dismiss the supreme command of the Armed Forces of the Russian Federation;
- l) after consultations with corresponding committees and commissions of the chambers of the Federal Assembly appoint and recall diplomatic representatives of the Russian Federation in foreign States and international organizations.

#### **Article 84**

The President of the Russian Federation shall:

- a) announce elections to the State Duma according to the Constitution of the Russian Federation and the federal law;
- b) dissolve the State Duma in cases and according to the rules fixed by the Constitution of the Russian Federation;
- c) announce a referendum according to the rules fixed by the federal constitutional law;
- d) submit bills to the State Duma;
- e) sign and make public the federal laws;
- f) address the Federal Assembly with annual messages on the situation in the country, on the guidelines of the internal and foreign policy of the State.

#### **Article 85**

1. The President of the Russian Federation may use conciliatory procedures to solve disputes between the bodies of state authority of the Russian Federation and bodies of state

authority of the subjects of the Russian Federation, as well as between bodies of state authority of the subjects of the Russian Federation. In the cases in which no agreed decision is reached, he shall have the right to submit the dispute for the consideration of a corresponding court.

2. The President of the Russian Federation shall have the right to suspend acts of the Bodies of executive power of the subjects of the Russian Federation in the case in which these acts contradict the Constitution of the Russian Federation and the federal laws, international commitments of the Russian Federation or violate the rights and freedoms of man and citizen until the issue is solved by a corresponding court.

### **Article 86**

The President of the Russian Federation shall:

- a) govern the foreign policy of the Russian Federation;
- b) hold negotiations and sign international treaties and agreements of the Russian Federation;
- c) sign ratification instruments;
- d) received credentials and letters of recall of diplomatic representatives accredited to him.

### **Article 87**

1. The President of the Russian Federation shall be the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation.

2. In the case of an aggression against the Russian Federation or of a direct threat of aggression the President of the Russian Federation shall introduce in the territory of the Russian Federation or in its certain parts a martial law and immediately inform the Council of the Federation and the State Duma about this.

3. The regime of the martial law shall be defined by the federal constitutional law.

### **Article 88**

The President of the Russian Federation, in circumstances and according to the rules envisaged by the federal constitutional law, shall introduce a state of emergency in the territory of the Russian Federation or in its certain parts and immediately inform the Council of the Federation and the State Duma about this.

### **Article 89**

The President of the Russian Federation shall:

- a) solve the issues of citizenship of the Russian Federation and of granting political asylum;
- b) decorate with state awards of the Russian Federation, award honorary titles of the Russian Federation, higher military and higher special ranks;
- c) decide on pardoning.

### **Article 90**

1. The President of the Russian Federation shall issue decrees and orders.
2. The decrees and orders of the President of the Russian Federation shall be obligatory for fulfilment in the whole territory of the Russian Federation.
3. Decrees and orders of the President of the Russian Federation shall not run counter to the Constitution of the Russian Federation and the federal laws.

### **Article 91**

The President of the Russian Federation shall possess immunity.

### **Article 92**

1. The President of the Russian Federation shall take up his powers from the moment of taking the oath of loyalty and cease to fulfil them with the expiration of the term of office and from the moment a newly elected president is sworn in.
2. The President of the Russian Federation shall cease to exercise his powers short of the term in the case of his resignation, stable inability because of health reasons to exercise the powers vested in him or in the case of impeachment. In this case the election of the President of the Russian Federation shall take place not later than three months after the termination of the powers short of the term.
3. In all cases when the President of the Russian Federation is incapable of fulfilling his duties, they shall temporarily be fulfilled by the Chairman of the Government of the Russian Federation. The Acting President of the Russian Federation shall have no right to dissolve the

State Duma, appoint a referendum, and also provisions of the Constitution of the Russian Federation.

### **Article 93**

1. The President of the Russian Federation may be impeached by the Council of the Federation only on the basis of the charges of high treason or another grave crime, advanced by the State Duma and confirmed by the conclusion of the Supreme Court of the Russian Federation on the presence of the elements of crime in the actions of the President of the Russian Federation and by the conclusion of the Constitution Court of the Russian Federation confirming that the rules of advancing the charges were observed.

2. The decision of the State Duma on advancing charges and the decision of the Council of the Federation on impeaching the President shall be adopted by two thirds of the votes of the total number of members of each chamber and on the initiative of not less than one third of the deputies of the State Duma and with the conclusion of a special commission set up by the State Duma.

3. The decision of the Council of the Federation on impeaching the President of the Russian Federation shall be adopted not later than three months after the State Duma advanced the charges against the President. If a decision of the Council of the Federation is not adopted during this time, the charges against the President shall be regarded as rejected.

## **CHAPTER 5 - THE FEDERAL ASSEMBLY**

### **Article 94**

The Federal Assembly—the parliament of the Russian Federation—shall be the representative and legislative body of the Russian Federation.

### **Article 95**

1. The Federal Assembly consists of two chambers—the Council of the Federation and the State Duma.

2. The Council of the Federation includes two representatives from each subject of the Russian Federation: one from the legislative and one from the executive body of state authority.
3. The State Duma consists of 450 deputies.

#### **Article 96**

1. The State Duma shall be elected for a term of four years.
2. The rules of forming the Council of the Federation and the rules of electing deputies to the State Duma shall be introduced federal laws.

#### **Article 97**

1. A citizen of the Russian Federation over 21 years of age and with the right to participate in elections may be elected deputy of the State Duma.
2. One and the same person may not be simultaneously a member of the Council of the Federation and a deputy of the State Duma. A deputy of the State Duma may not be a deputy of other representative bodies of state authority and local self-government.
3. Deputies of the State Duma shall work on a permanent professional basis. Deputies of the State Duma may not be employed in the state service, engage in other paid activities, except for teaching, scientific, and other creative work.

#### **Article 98**

1. Members of the Council of the Federation and deputies of the State Duma shall possess immunity during the whole term of their mandate. They may not be detained, arrested, searched, except for cases of detention at the site of crime. They may not be personally inspected, except for the cases envisaged by the federal law in order to ensure the safety of other people.
2. The issue of depriving immunity shall be solved upon the proposal of the Procurator General of the Russian Federation to the corresponding chamber of the Federal Assembly.

### **Article 99**

1. The Federal Assembly shall work on a permanent basis.
2. The State Duma shall be convened at its first sitting on the thirtieth day after the elections. The President of the Russian Federation may convene a sitting of the State Duma earlier than the mentioned time.
3. The first sitting of the State Duma shall be opened by the oldest deputy.
4. From the time the State Duma of a new convocation begins to work the mandate of the State Duma of the previous convocation shall expire.

### **Article 100**

1. The Council of the Federation and the State Duma shall hold separate sittings.
2. Sittings of the Council of the Federation and of the State Duma shall open. In cases envisaged by procedural rules the chambers shall have the right to hold sittings behind closed doors.
3. The chambers may hold joint sittings for the consideration of the messages of the President of the Russian Federation, the messages of the Constitution Court of the Russian Federation, and speeches of leaders of foreign states.

### **Article 101**

1. The Council of the Federation shall elect from among its deputies the Chairman of the Council of the Federation and his deputies. The State Duma shall elect from among its deputies the Chairman of the State Duma and his deputies.
2. The Chairman of the Council of the Federation and his deputies, the Chairman of the State Duma and his deputies chair sittings and shall be in charge of the internal routine work of the respective chamber.
3. The Council of the Federation and the State Duma shall set up committees and commissions, hold parliamentary hearings on issues in their authority.
4. Each of the chambers shall adopt its procedural rules and solve issues of procedure for its work.

5. For controlling the implementation of the federal budget the Council of the Federation and the State Duma shall create the Accounting Chamber, the composition and the rules of work of which are fixed by the federal law.

### **Article 102**

1. The jurisdiction of the Council of the Federation includes:

- a) approval of changes in borders between subjects of the Russian Federation;
- b) approval of the decree of the President of the Russian Federation on the introduction of a martial law;
- c) approval of the decree of the President of the Russian Federation on the introduction of a state of emergency;
- d) deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation;
- e) appointment of elections of the President of the Russian Federation;
- f) impeachment of the President of the Russian Federation;
- g) appointment of judges of the Constitution Court of the Russian Federation, of the Supreme Court of the Russian Federation, of the Higher Arbitration Court of the Russian Federation;
- h) appointment and dismissal of the Procurator General of the Russian Federation;
- i) appointment and dismissal of Deputy Chairman and half of the auditors of the all Accounting Chamber.

2. The Council of the Federation shall adopt resolutions on the issues referred to its authority by the Constitution of the Russian Federation.

3. Resolution of the Council of the Federation shall be adopted by a majority of the total number of the members of the Council of the Federation, if other rules for adopting decisions are not envisaged by the Constitution of the Russian Federation.

### **Article 103**

1. The jurisdiction of the State Duma includes:

- a) approving the appointment of the Chairman of the Government of the Russian Federation by the President of the Russian Federation;
- b) solution of the issue of confidence in the Government of the Russian Federation;

c) appointment and dismissal of the Chairman of the Central Bank of the Russian Federation;

d) appointment and dismissal of the Chairman and half of the auditors of the Accounting Chamber;

e) appointment and dismissal of the Commissioner for human rights, who acts according to the federal constitutional law;

f) proclamation of amnesty;

g) advancing of charges against the President of the Russian Federation for his impeachment.

2. The State Duma shall adopt resolutions on the issues referred to its authority by the Constitution of the Russian Federation.

3. Resolutions of the State Duma shall be adopted by a majority of the total number of the deputies of the State Duma, if other rules for adopting decisions are not stipulated by the Constitution of the Russian Federation.

#### **Article 104**

1. The power to initiate legislation shall belong to the President of the Russian Federation, the Council of the Federation, the members of the Council of the Federation, the deputies of the State Duma, the Government of the Russian Federation, and the legislative (representative) bodies of the subjects of the Russian Federation. The power to initiate legislation shall also belong to the Constitution Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation on the issues in their authority.

2. Bills shall be submitted to the State Duma.

3. Bills on the introduction or cancellation of taxes, on exemption from their payment, on the issue of state loans, on changes in the financial obligations of the State, and other bills envisaging expenses covered from the federal budget may be submitted only upon the conclusion of the Government of the Russian Federation.

#### **Article 105**

1. Federal laws shall be adopted by the State Duma.

2. Federal laws shall be adopted by a majority of votes of the total number of the deputies of the State Duma, unless otherwise envisaged by the Constitution of the Russian Federation.

3. The federal laws adopted by the State Duma shall be submitted in five days for the consideration of the Council of the Federation.

4. A federal law shall be considered to be approved by the Council of the Federation, if over a half of the total number of the members of the chamber have voted for it or if the Council of the Federation does not consider it in fourteen days. In the case in which the Council of the Federation rejects a law, the chambers may create a conciliatory commission for overcoming the contradictions that arose, after which the federal law shall be recognized by the State Duma.

5. In the case in which the State Duma disagrees with the decision of the Council of the Federation, a federal law shall be considered adopted, if during the second vote not less than two thirds of the total number of the deputies of the State Duma supported it.

### **Article 106**

Liable to obligatory consideration by the Council of the Federation shall be the federal laws adopted by the State Duma on the following issues:

- a) federal budget;
- b) federal taxes and dues;
- c) financial, currency, credit, customs regulation, and money issue;
- d) ratification and denunciation of international treaties and agreements of the Russian Federation;
- e) the status and protection of the state border of the Russian Federation;
- f) peace and war.

### **Article 107**

1. The adopted federal law shall be submitted in five days to the President of the Russian Federation for signing and making it public.

2. The President of the Russian Federation shall sign the federal law and make it public in fourteen days.

3. If in fourteen days since the moment of receiving the federal law the President rejects it, the State Duma and the Council of the Federation shall reconsider the given law according to the rules fixed by the Constitution of the Russian Federation. If during the second vote the law is approved in the earlier adopted wording by not less than two thirds of the total number of the members of the Council of the Federation and of the deputies of the State Duma, it shall be signed by the President in seven days and made public.

### **Article 108**

1. Federal constitutional laws shall be adopted on the issues envisaged by the Constitution of the Russian Federation.

2. A federal constitutional law shall be considered to be adopted, if it is approved by not less than three fourths of the total number of the members of the Council of the Federation and not less than two thirds of the total number of the deputies of the State Duma. The adopted federal constitutional law shall be signed by the President of the Russian Federation in fourteen days and made public.

### **Article 109**

1. The State Duma may be dissolved by the President of the Russian Federation in cases envisaged in Articles 111 and 117 of the Constitution of the Russian Federation.

2. In the case in which the State Duma is dissolved, the President of the Russian Federation shall appoint the date of election so that a newly elected State Duma can meet not later than four months since the moment of dissolution.

3. The State Duma may not be dissolved on the grounds envisaged in Article 117 of the Constitution of the Russian Federation during a year after it was elected.

4. The State Duma may not be dissolved from the moment it advances charges against the President of the Russian Federation until the Council of the Federation adopts a decision on the issue.

5. The State Duma may not be dissolved while a state of emergency or a martial law operating in the whole territory of the Russian Federation, as well as during six months before the term of office of the President expires.

## **CHAPTER 6 -THE GOVERNMENT OF THE RUSSIAN FEDERATION**

### **Article 110**

1. The executive power in Russia shall be exercised by the Government of the Russian Federation.

2. The Government of the Russian Federation consists of the Chairman of the Government of the Russian Federation, Deputy Chairman of the Government of the Russian Federation and federal ministries.

### **Article 111**

1. The Chairman of the Government of the Russian Federation shall be appointed by the President of the Russian Federation with the consent of the State Duma.

2. The proposal for the candidate to the post of the Chairman of the Government of the Russian Federation shall be submitted not later than two weeks after a newly elected President of the Russian Federation takes office or after the resignation of the Government of the Russian Federation or one week after the State Duma rejects the candidate.

3. The State Duma shall consider the candidate nominated by the President of the Russian Federation for the post of the Chairman of the Government of the Russian Federation during week after the submission of the nomination.

4. In the case in which the State Duma rejects three times the candidates for the post of the Chairman of the Government of the Russian Federation, dissolve the State Duma and appoint new elections.

### **Article 112**

1. Not later than a week after appointment shall submit to the President of the Russian Federation proposals on the structure of the federal bodies of executive power.

2. The Chairman of the Government of the Russian Federation shall propose to the President of the Russian Federation candidates for the posts of Deputy Chairmen of the Government of the Russian Federation and federal ministries.

### **Article 113**

According to the Constitution of the Russian Federation, the federal laws and decrees of the President of the Russian Federation the Chairman of the Government of the Russian Federation shall determine the guidelines of the activities of the Government of the Russian Federation and organize its work.

#### **Article 114**

1. The Government of the Russian Federation shall:
  - a) work out and submit to the State Duma the federal budget and ensure its implementation, submit to the State Duma a report on the implementation of the federal budget;
  - b) ensure the implementation in the Russian Federation of a single financial, credit, and monetary policy;
  - c) ensure the implementation in the Russian Federation of a single state policy in the sphere of culture, science, education, health protection, social security, and ecology;
  - d) manage the federal property;
  - e) carry out measures to secure the defence of the country, the state security, and the implementation of the foreign policy of the Russian Federation;
  - f) implement measures to ensure the rule of law, human rights and freedoms, protection of property and public order, and crime control;
  - g) exercise other powers vested in it by the Constitution of the Russian Federation, the federal laws and decrees of the President of the Russian Federation.
2. The rules of activities of the Government of the Russian Federation shall be determined by the federal constitutional law.

#### **Article 115**

1. On the basis and for the sake of implementation of the Constitution of the Russian Federation, the federal laws, normative decrees of the President of the Russian Federation the Government of the Russian Federation shall issue decisions and orders and ensures their implementation.
2. The decisions and orders of the Government of the Russian Federation shall be obligatory for fulfilment in the Russian Federation.
3. The decisions and orders of the Government of the Russian Federation, if they are inconsistent with the Constitution of the Russian Federation, federal laws and decrees of the President of the Russian Federation, may be cancelled by the President of the Russian Federation.

### **Article 116**

The Government of the Russian Federation shall resign before a newly elected President of the Russian Federation.

### **Article 117**

1. The Government of the Russian Federation may offer to resign and the President of the Russian Federation either shall accept or reject the resignation.

2. The President of the Russian Federation may take a decision on the resignation of the Government of the Russian Federation.

3. The State Duma may express 'no confidence' in the Government of the Russian Federation. A no confidence resolution shall be adopted by a majority of votes of the total number of the deputies of the State Duma. After the State Duma expresses no confidence in the Government of the Russian Federation, the President of the Russian Federation shall be free to announce the resignation of the Government or to reject the decision of the State Duma. In the case in which the State Duma again expresses no confidence in the Government of the Russian Federation during three months, the President of the Russian Federation shall announce the resignation of the Government or dissolve the State Duma.

4. The Chairman of the Government of the Russian Federation may raise before the State Duma the issue of no confidence in the Government of the Russian Federation. If the State Duma votes no confidence, the President shall adopt in seven days a decision on the resignation of the Government of the Russian Federation or dissolve the State Duma and announce new elections.

5. In the case of a resignation of the Government of the Russian Federation it shall continue to work on the instruction of the President of the Russian Federation until a new Government of the Russian Federation is formed.

## **CHAPTER 7 - JUDICIAL POWER**

### **Article 118**

1. Justice in the Russian Federation shall be administered by courts alone.

2. The judicial power shall be exercised by means of constitutional, civil, administrative, and criminal proceedings.

3. The judicial system of the Russian Federation shall be instituted by the Constitution of the Russian Federation and the federal constitutional law. The creation of extraordinary courts shall not be allowed.

#### **Article 119**

Judges may be citizens of the Russian Federation over 25 years of age with a higher education in law and a law service record of not less than five years. The federal law may introduce additional requirements for judges of the courts of the Russian Federation.

#### **Article 120**

1. Judges shall be independent and submit only to the Constitution and the federal law.
2. If after considering a case, the court of law decides that an act of a state or other body contradicts the law, it shall pass an appropriate decision according to the law.

#### **Article 121**

1. Judges shall be irremovable.
2. The powers of a judge shall be ceased or suspended only on the grounds and according to the rules fixed by the federal law.

#### **Article 122**

1. Judges shall possess immunity.
2. A judge may not face criminal responsibility otherwise than according to the rules fixed by the federal law.

#### **Article 123**

1. Examination of cases in all courts shall be open. Examinations in camera shall be allowed only in cases envisaged by the federal law.
2. Trial by default in criminal courts shall not be allowed except in cases fixed by the federal law.
3. Judicial proceedings shall be held on the basis of controversy and equality of the parties.

4. In cases fixed by the federal law justice shall be administered by a court of jury.

#### **Article 124**

The courts shall be financed only from the federal budget and the possibility of the complete and independent administration of justice shall be ensured in keeping with the requirements of federal law.

#### **Article 125**

1. The Constitution Court of the Russian Federation consists of 19 judges.

2. The Constitution Court of the Russian Federation upon requests of the President of the Russian Federation, the Council of the Federation, the State Duma, one fifth of the members of the Council of the Federation or of the deputies of the State Duma, the Government of the Russian Federation, the Supreme Court of the Russian Federation and the Higher Arbitration Court of the Russian Federation, the bodies of legislative and executive power of the subjects of the Russian Federation shall consider cases on the correspondence to the Constitution of the Russian Federation of:

a) the federal laws, normative acts of the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation;

b) the constitutions of republics, charters, and also the laws and other normative acts of the subjects of the Russian Federation adopted on the issues under the jurisdiction of the bodies of state authority of the Russian Federation or under the joint jurisdiction of the bodies of state authority of the Russian Federation and the bodies of state authority of the subjects of the Russian Federation;

c) the treaties concluded between the bodies of state authority of the Russian Federation and the bodies of state authority of the subjects of the Russian Federation, the treaties concluded between the bodies of state authority of the subjects of the Russian Federation;

d) international treaties and agreements of the Russian Federation which have not come into force.

3. The Constitution Court of the Russian Federation shall resolve disputes on jurisdiction matters:

a) between the federal bodies of state authority;

b) between the bodies of state authority of the Russian Federation and the bodies of state authority of the subjects of the Russian Federation;

c) between the higher bodies of state authority of the subjects of the Russian Federation.

4. The Constitution Court of the Russian Federation, upon complaints about violations of constitutional rights and freedoms of citizens and upon court requests shall check, according to the rules fixed by the federal law, the constitutional of a law applied or subject to be applied in a concrete case.

5. The Constitution Court of the Russian Federation, upon the requests of the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation, the bodies of the legislative power of the subjects of the Russian Federation, shall give its interpretation of the Constitution of the Russian Federation.

6. Acts or their certain provisions recognized as unconstitutional shall become invalid; international treaties and agreements not corresponding to the Constitution of the Russian Federation shall not be liable for enforcement and application.

7. The Constitution Court of the Russian Federation, upon the request of the Council of the Federation, shall provide a conclusion on the observance of the fixed procedure for advancing charges of treason or of another grave crime against the President of the Russian Federation.

#### **Article 126**

The Supreme Court of the Russian Federation shall be the supreme judicial body for civil, criminal, administrative and other cases under the jurisdiction of common courts, shall carry out judicial supervision over their activities according to federal procedural forms envisaged in law and provide explanations on the issues of court proceedings.

#### **Article 127**

The Higher Arbitration Court of the Russian Federation shall be the supreme judicial body for settling economic disputes and other cases examined by courts of arbitration, shall carry out judicial supervision over their activities according to federal procedural forms envisaged in law and provide explanations on the issues of court proceedings.

#### **Article 128**

1. The judges of the Constitution Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation shall be appointed by the Council of the Federation upon the proposals by the President of the Russian Federation.

2. Judges of other federal courts shall be appointed by the President of the Russian Federation according to the rules fixed by the federal law.

3. The powers, the rules for forming and functioning of the Constitution Court of the Russian Federation, of the Supreme Court of the Russian Federation and the Higher Arbitration Court of the Russian Federation shall be fixed by the federal constitutional law.

### **Article 129**

1. The Procurator's Office of the Russian Federation shall form a single centralized structure in which procurators are subordinate to superior procurators and the Procurator General of the Russian Federation.

2. The Procurator General of the Russian Federation shall be appointed and dismissed by the Council of the Federation upon the proposal of the President of the Russian Federation.

3. The procurators of the subjects of the Russian Federation shall be appointed by the Procurator General of the Russian Federation by agreement with the subjects.

4. Other procurators shall be appointed by the Procurator General of the Russian Federation.

5. The powers, organization and the rules of the functioning of the Procurator's Office of the Russian Federation shall be determined by the federal law

## **CHAPTER 8 - LOCAL SELF-GOVERNMENT**

### **Article 130**

1. Local self-government in the Russian Federation shall ensure the independent solution by the population of the issues of local importance, of possession, use, and disposal of municipal property.

2. Local self-government shall be exercised by citizens through a referendum, election, other forms of direct expression of the will of the people, through elected and other bodies of local self-government.

### **Article 131**

1. Local self-government shall be administered in urban and rural settlements and in other areas with the consideration of the historical and other local traditions. The structure of local self-government bodies shall be determined by the population independently.

2. Changes in borders of the areas in which local self-government is administered shall be made with the consideration of the opinion of the population of the corresponding areas.

### **Article 132**

1. The local self-government bodies shall independently manage municipal property, form, adopt, and implement the local budgets, introduce local taxes and dues, ensure the protection of public order, and also solve other issues of local importance.

2. The local self-government bodies may be vested by law with certain state powers and receive the necessary material and financial resources for their implementation. The implementation of the delegated powers shall be controlled by the State.

### **Article 133**

Local self-government in the Russian Federation shall be guaranteed by the right for judicial protection, for a compensation for additional expenses emerging as a result of decisions adopted by state authority bodies, by a ban on the limitations on the rights of local self-government fixed by the Constitution of the Russian Federation and the federal laws.

## **CHAPTER 9 - CONSTITUTIONAL AMENDMENTS AND REVIEW OF THE CONSTITUTION**

### **Article 134**

Proposals on amendments and review of the provisions of the Constitution of the Russian Federation may be submitted by the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation, the legislative (representative) bodies of the subjects of the Russian Federation, and also by groups numbering not less than one fifth of the number of the members of the Council of the Federation or of the deputies of the State Duma.

### **Article 135**

1. Provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation may not be revised by the Federal Assembly.

2. If a proposal on the review of the provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation is supported by three fifths of the total number of the members of the Council of the Federation and the deputies of the State Duma, then according to federal constitutional law a Constitutional Assembly shall be convened.

3. The Constitutional Assembly shall either confirm the invariability of the Constitution of the Russian Federation or draft a new Constitution of the Russian Federation, which shall be adopted by the Constitutional Assembly by two thirds of the total number of its members or submitted to a referendum. In the case of a referendum the Constitution of the Russian Federation shall be considered adopted, if over half of the voters who came to the polls supported it and under the condition that over half of the electorate participated in the referendum.

### **Article 136**

Amendments to the provisions of Chapters 3–8 of the Constitution of the Russian Federation shall be adopted according to the rules fixed for adoption of federal constitutional laws and come into force after they are approved by the bodies of legislative power of not less than two thirds of the subjects of the Russian Federation.

### **Article 137**

1. Amendments in Article 65 of the Constitution of the Russian Federation determining the structure of the Russian Federation shall be introduced on the basis of the federal constitutional law on the admission to the Russian Federation and the creation of new subjects of the Russian Federation within it, on changes in the constitutional-legal status of a subject of the Russian Federation.

2. In the case that changes are made in the name of a Republic, territory, region, city of federal importance, autonomous region or autonomous area, the new name of the subject of the Russian Federation shall be included in Article 65 of the Constitution of the Russian Federation.

## **SECOND SECTION**

### **CONCLUDING AND TRANSITIONAL PROVISIONS**

1. The Constitution of the Russian Federation shall come into force from the moment of its official publication according to the results of a nationwide referendum.

The day of the nationwide referendum of December 12, 1993 shall be considered to be the day of adopting the Constitution of the Russian Federation.

Simultaneously the Constitution (Fundamental Law) of the Russian Federation—Russia, adopted on April 12, 1978, with all amendments and changes, shall become invalid.

In the case of non-compliance with the Constitution of the Russian Federation of the provisions of the Federal treaty—the Treaty on the Division of Subjects of Jurisdiction and Powers Between the Federal Bodies of State Power of the Russian Federation and the Bodies of Authority of the Sovereign Republics within the Russian Federation, the Treaty on the Division of Subjects of Jurisdiction and Powers Between the Federal Bodies of State Power of the Russian Federation and the Bodies of Authority of the Territories, Regions, Cities of Moscow and St. Petersburg of the Russian Federation, the Treaty on the Division of Subjects of Jurisdiction and Powers Between the Federal Bodies of State Power of the Russian Federation and the Bodies of Authority of the Autonomous Region, and Autonomous Areas within the Russian Federation, and also other treaties concluded between the federal bodies of state authority of the Russian Federation and bodies of state authority of the subjects of the Russian Federation, treaties between the bodies of state authority of the subjects of the Russian Federation, the provisions of the Constitution of the Russian Federation shall be applicable.

2. The laws and other legal acts acting in the territory of the Russian Federation before the given Constitution comes into force shall be applied in that part which does not contradict the Constitution of the Russian Federation.

3. The President of the Russian Federation, elected according to the Constitution (Fundamental Law) of the Russian Federation—Russia, from when the given Constitution comes into force, from when the carrying out the powers fixed in it until the term of office for which he was elected expires.

4. The Council of Ministers (Government) of the Russian Federation from the moment when the given Constitution comes into force shall acquire the rights, obligations, and responsibilities of the Government of the Russian Federation fixed by the Constitution of the Russian Federation and from then shall be called the Government of the Russian Federation.

5. The courts of the Russian Federation shall administer justice according to their powers fixed by the given Constitution.

After the Constitution comes into force, the judges of all the courts of the Russian Federation shall retain their powers until the term for which they were elected expires. Vacant positions shall be filled in according to the rules fixed by the given Constitution.

6. Until the adoption and coming into force of the federal law establishing the rules for considering cases by a court of jury, the existing rules of court examination of corresponding cases shall be preserved.

Until the criminal procedure legislation of the Russian Federation is brought into conformity with the provisions of the present Constitution, the previous rules for arrest, detention, and keeping in custody of people suspected of committing crime shall be preserved.

7. The Council of the Federation of the first convocation and the State Duma of the first convocation shall be elected for a period of two years.

8. The Council of the Federation shall meet in its first sitting on the thirtieth day after its election. The first sitting of the Council of the Federation shall be opened by the President of the Russian Federation.

9. A deputy of the State Duma of the first convocation may be simultaneously a member of the Government of the Russian Federation. The provisions of the present Constitution on the immunity of deputies in that part which concerns the actions (inaction) connected with fulfilment of office duties shall not extend to the deputies of the State Duma, members of the Government of the Russian Federation.

The deputies of the Council of the Federation of the first convocation shall exercise their powers on a non-permanent basis.

## **2. APPROVAL OF THE CONCEPT OF THE NATIONAL SECURITY OF THE RUSSIAN FEDERATION OF 10 DECEMBER 1997**

(with the Amendments and Additions of January 10, 2000)

### Summary:

*The National Security concept outlines the security dilemmas facing the Russian Federation and elaborates the requisite measures to ensure security. The document defines national security, describes the position of Russia in the international system, defines the national interests of Russia, the threats to national security (including ecological and criminal activities, as well as terrorist threats), and the means of ensuring national security. The role and objectives of the various state institutions in meeting the threats are detailed as a whole.*

*With the objective to consolidate the efforts of the bodies of federal authority, the state bodies of the Russian Federation's constituent members, organizations and citizens of the Russian Federation towards safeguarding of the national interests and security of the Russian Federation, it is hereby resolved:*

1. To approve the attached Conception of the National Security of the Russian Federation.
2. The bodies of federal authority and the state bodies of the Russian Federation's constituent members shall be guided by the provisions of the Conception of the National Security of the Russian Federation in their practical work and when preparing documents related to the safeguarding of the national interests of the Russian Federation.
3. To entrust the Secretary of the Russian Federation Security Council with:
  - the preparation for the President of the Russian Federation of reports containing an analysis, assessment and forecast of Russia's military, political and international situation;
  - the working out of directives of the President of the Russian Federation for the top governmental officials and federal executive authorities concerning the implementation of the Conception of the National Security of the Russian Federation.
1. The control over the execution of the directives of the President of the Russian Federation specified under Item 3 hereof shall be entrusted to the Secretary of the Russian Federation Security Council.

President  
of the Russian Federation  
Moscow, The Kremlin

B. Yeltsin

### **3. CONCEPT OF NATIONAL SECURITY OF THE RUSSIAN FEDERATION**

(Approved by the Decree of the president of the Russian Federation No. 1300 of December 17, 1997. In the Wording of the Decree of the President of the Russian Federation No. 24 of January 10, 2000)

- I. Russia in the World Community
- II. The National Interests of Russia
- III. Threats to the National Security of the Russian Federation
- IV. Ensuring the National Security of the Russian Federation

The concept of national security of the Russian Federation (hereinafter referred to as "the Concept") is a system of views regarding the ways to ensure the security of the individual, society and state in the Russian Federation from external and internal threats in all the spheres of life. The Concept provides the most important guidelines of the state policies of the Russian Federation.

The "national security of the Russian Federation" is understood to be the security of its multi-national people as the carrier of sovereignty and sole source of power in the Russian Federation.

#### **I. RUSSIA IN THE WORLD COMMUNITY**

The world situation is characterized by a dynamic transformation of the system of international relations. Two incompatible trends have prevailed since the end of the era of bi-polar confrontation.

The former manifests itself in the strengthening economic and political positions of a significant number of states and their integrational entities, in the improvement of the multilateral mechanisms controlling international developments. Here an ever stronger role is played by economic, political, scientific/technological, environmental and information factors. Russia is going to promote the philosophy of the creation of a multi-polar world on this basis.

The latter manifests itself through the attempts at creating an international relations structure based on the domination of developed Western countries in the international community as lead by the U.S.A. and designed with a view to providing unilateral - mostly by force and military might - solutions to key problems in the world politics in circumvention of the basic norms of international law.

The shaping up of international relations is accompanied by competition as well as by the striving of a number of states towards enhancing their influence on the world politics for instance by creating mass destruction weapons. The significance of military and sheer force factors in international relations still persists.

Russia is one of the biggest countries of the world with a centuries-long history and rich cultural traditions. Despite the complex international situation and domestic difficulties Russia by virtue of a significant economic, scientific/technological and military potential, a unique strategic situation on the Eurasian continent objectively goes on playing a major role in the world developments.

In perspective there is going to be a broader integration of the Russian Federation into the world economy as well as development of cooperation with international economic and financial institutions. Objectively there continues to exist mutual interests of Russia and other states relating to many problems of international security, including mass destruction weapons non-proliferation, prevention and settling of regional conflicts, struggle against international terrorism and narcotics business, resolution of acute global ecological problems including the problems of nuclear and radiation safety.

At the same time a number of states are boosting their activities aimed at slackening Russia's positions in political, economic, military and other fields. The attempts at ignoring Russian interests when large international relations problems are being resolved, including conflict situations capable of undermining international security and stability, slow down the positive changes in international relations under way.

In many countries including the Russian Federation the problem of terrorism has suddenly become acute, such a problem having a transnational character and threatening the stability in the world as causing the need for pooling the efforts of the whole international community, enhancing the effectiveness of existing forms and techniques of warding-off this menace, taking expedient measures for neutralizing it.

## II. THE NATIONAL INTERESTS OF RUSSIA

The national interests of Russia encompass an aggregate of balanced interests of the individual, society and state in economic, domestic political, social, international, information, military, border, environmental and other spheres. Having a long-term nature, they determine the basic goals, strategic and current tasks of the state's domestic and foreign policies. The national interests are catered for by the institutions of state power performing their functions for instance

in interaction with public organizations operating on the basis of the Constitution of the Russian Federation and law of the Russian Federation.

The interests of the individual imply the exercise of constitutional rights and freedoms, personal security, the raising of the quality and level of life, physical, spiritual and intellectual development of the man and citizen.

The interests of the society imply the strengthening of democracy, the building of a social state governed by law, the attainment and maintenance of public conciliation, the spiritual renovation of Russia.

The interests of the state imply the inviolability of the constitutional system, the sovereignty and territorial integrity of Russia, political, economic and social stability, the unconditional safeguarding of law and order, the development of an equal and mutually beneficial international cooperation.

The national interests of Russia can only be pursued on the basis of a steady development of the economy. Thus, Russia's national interests in this field are a key point.

In the sphere of domestic policy Russia's national interests imply the safeguarding of stability of the constitutional system, state power institutions, the ensuring of civil peace and international conciliation, territorial integrity, uniformity of legal space, law and order and the completion of the building of a democratic society as well as the neutralization of the causes and conditions fostering political and religious extremism, ethnoseparatism and their consequences, i.e. social, inter-ethnic and religious conflicts as well as terrorism.

Russia's national interests in the social sphere imply a striving for a higher standard of living for the people.

The national interests in spiritual sphere imply the preservation and strengthening of moral values of the society, the traditions of patriotism and humanism, cultural and scientific potential of this country.

Russia's national interests in the international sphere imply the safeguarding of sovereignty, the strengthening of Russia's positions as a great power - one of the centers of influence of the multi-polar world - the development of equal and mutually beneficial relations with all countries and integration entities, first of all, with the member states of the Commonwealth of Independent States and Russia's traditional partners, a comprehensive observance of human rights and freedoms and the rejection of the application of double standards to these matters.

Russia's national interests in the information sphere imply the observance of citizens' constitutional rights and freedoms in the sphere of access to and use of information, the development of up-to-date telecommunication technologies, the protection of state information resources from unauthorized access.

Russia's interests in the military sphere imply the protection of Russia's independence, sovereignty, state and territorial integrity, the prevention of a military aggression against Russia and its allies, the bringing about of favorable conditions for a peaceful, democratic development of the state.

Russia's interests in the border sphere imply the creation of political, legal, organizational and other conditions for ensuring a reliable protection of the state border of the Russian Federation, the observance of the procedure and rules governing the pursuance of economic and other kinds of activity in the border area of the Russian Federation as established by the law of the Russian Federation.

Russia's interests in the environmental sphere imply the preservation and rehabilitation of the environment.

The following are the most important components of Russia's national interests: protection of the individual, society and state from terrorism, including international terrorism as well as emergencies of natural and man-made origin and the aftermath thereof and in time of war from threats arising or resulting from hostilities.

### III. THREATS TO THE NATIONAL SECURITY OF THE RUSSIAN FEDERATION

The state of the Russian economy, imperfections of the system of organization of state power and civil society, socio-political polarization of the Russian society and criminalization of public relationships, growth of organized crime and scope of terrorism, the sharpening of inter-ethnic tensions and aggravation of international relations are creating a broad spectrum of domestic and foreign threats to this country's national security.

In the economic sphere the threats are of a complex nature and they are caused primarily by a significant decline in the gross domestic product, investment, innovation activities as well as scientific and technological potential, stagnation of the agricultural sector, disbalancing of the banking system, growth of foreign and domestic state debt, the trend towards the domination of fuels and raw materials as well as energy components in the exports and of foodstuffs and consumer products including staples in the imports.

The weakening of this country's scientific and technological as well as know-how potential, the decline in research along the strategically important lines of scientific and technological development, and outflow of specialists and intellectual property to foreign countries threaten Russia with a loss of advanced positions in the world, degradation of scientific research-intensive production facilities, growth of external technological dependence and undermining of Russia's defense capabilities.

The negative economic processes underlie the separatist aspirations of a number of subjects of the Russian Federation. That leads to an increase in political instability, a weaker single economic space of Russia and its most important components, i.e. production and technological as well as transportation relationships, the financial, banking, credit and tax systems.

The economic disintegration, social differentiation of the society, deterioration of spiritual values assist in intensifying the tensions in the relationships between the regions and the center acting as a menace to the federal system and the prevailing social and economic practices of the Russian Federation.

The ethnic egocentrism, ethnocentrism and chauvinism manifesting themselves in the activities of a number of public associations and also control-free migration add to the growth of nationalism, political and religious extremism, ethnoseparatism and foster conditions for the occurrence of conflicts.

The single legal space of this country is blurred as a result of the non-observance of the principle of priority of the norms of the Constitution of the Russian Federation over other legal norms, the federal legal norms over the norms of the subjects of the Russian Federation, the lack of sufficient smoothness in the operation of the state administration mechanism at the various levels.

The threat of criminalization of public relationships shaping up in the course of social, political and economic reforms is getting especially acute. The serious miscalculations committed at the initial phase of reforms in economic, military, law enforcement and other domains of state activity, the slackening of the system of state regulation and control, the imperfections of legal environment and lack of a strong state policy in social sphere, the decline of the spiritual and moral potential of the society are major factors adding to the growth of crime, especially its organized forms, as well as corruption.

The consequences of these miscalculations manifest themselves in the slackening of legal control over the situation in this country, in the merger of specific elements of executive and legislative power with criminal structures, the infiltration thereof into the management of the banking business, large-scale production, trade organizations and commodity-supply networks. Accordingly, struggle against organized crime and corruption bears not only legal but also political nature.

The scope of terrorism and organized crime are growing due to the change in the form of ownership, the aggravation of the struggle for power on the basis of group and nationalist interests that are frequently accompanied by conflict. The lack of an effective system of social offense prevention, the insufficient legal and logistical backup of activities aimed at preventing

terrorism and organized crime, the legal nihilism, the outflow of skilled cadre from law enforcement bodies enhance the effect of this threat on the individual, society and state.

A threat to Russia's national security in social sphere is posed by a deep stratification of the society into a narrow circle of the rich and a prevailing mass of low-income citizens, the growth of specific weight of the population living below the poverty line, the growth of unemployment.

A threat to the physical health of the nation is posed by the crisis of public health and population's social protection systems, the growth in alcohol and narcotics consumption.

The consequences of the deep social crisis are an abrupt decline in birth rate and average life expectancy in this country, the distortion of demographic and social composition of the society, the undermining of labor resources as a basis for production development, the weakening of the family as the society's fundamental cell, the decline in the population's spiritual, moral and creative potential.

The aggravation of the crisis in domestic political, social and spiritual spheres can lead to a loss of the democratic achievements.

The basic threats in the international sphere are caused by the following factors:

the strive of some states and inter-state entities to downplay the role of existing mechanisms of safeguarding international security, primarily the UN and the OSCE;

the threat of weakening of Russia's political, economic and military influence in the world;

the strengthening of the military-political blocks and alliances, primarily the eastward expansion of the NATO;

a possibility of the occurrence of foreign military bases and large troop detachments in the immediate vicinity of the Russian borders;

the proliferation of mass destruction weapons and carriers thereof;

the slackening of integration processes within the Commonwealth of Independent States;

the occurrence and escalation of conflicts in the vicinity of the state border of the Russian Federation and the outer borders of the member states of the Commonwealth of Independent States;

encroachments on the territory of the Russian Federation.

Threats to the international security of the Russian Federation in the international sphere manifest themselves in other states' attempts at impeding the growth of Russia's strength as a center of influence in the multi-polar world, hinder the pursuance of national interests and weaken Russia's positions in Europe, Middle East, Transcaucasian area, Central Asia and the Asia and Pacific region.

A serious threat to the national security of the Russian Federation is posed by terrorism. International terrorism has unleashed an overt campaign aimed at destabilizing the situation in Russia.

Threats to the national security of the Russian Federation are growing in the information sphere. A serious threat is posed by the striving of a number of countries to dominate in the world information space, to oust Russia off the foreign and domestic information market; the elaboration of an information war concept by a number of states fostering conditions that have a dangerous effect on the information spheres of other countries of the world; the breaking of the normal operation of information and telecommunication systems as well as safety of information resources, the getting of unauthorized access to them.

The level and scale of threats in the military sphere are growing.

The NATO's transition to the practices of power (military) actions outside of the NATO's zone of responsibility and with no sanction of the UN Security Council recognized as a strategic doctrine is fraught with a threat of destabilizing the whole strategic situation in the world.

The growing technological break away of a number of leading powers and their build-up of capabilities for the creation of new-generation weaponry and materiel provide new prerequisites for a qualitatively new stage of arms race, a drastic change in warfare forms and techniques.

The activities of foreign special services and the organizations used by them is being stepped up on the territory of the Russian Federation.

Negative trends in the military sphere are being amplified by a protracted process of reform of the military organization and defense industrial complex of the Russian Federation, insufficient financing of national defense and the imperfections of the regulatory legal environment. As of now this manifests itself in a critically low level of operative and combat preparedness of the Armed Forces of the Russian Federation, other troops, military formations and bodies, intolerable decline in troops' (forces) equipment with up-to-date armaments, military and special materiel, in the extreme acuteness of social problems and that leads to slackening the military security of the Russian Federation in general.

The threats to the national security and interests of the Russian Federation in the border sphere are caused by the following:

the economic, demographic and culture-religious expansion of adjacent states to the Russian territory;

the stepping up of the activities of transborder organized crime as well as foreign terrorist organizations.

The threat of deterioration of the ecological situation in the country and depletion of its natural resources is directly linked to the state of economy and the society's readiness to

recognize the global nature and importance of these problems. For Russia the threat is especially great due to the predominant development of the fuel and power branches of industry, the low development level of legislative base for environmental protection activities, the lack or limited use of environmentally friendly know-how, and a low ecological culture. Russia's territory tends to be used as a place of processing and dumping materials and substances being a hazard for the environment.

Under such conditions the weakening of the state supervision, insufficient effectiveness of the legal and economic mechanisms for averting and eliminating emergencies enhance the risk of man-made disasters in all the fields of economic activity.

#### IV. ENSURING THE NATIONAL SECURITY OF THE RUSSIAN FEDERATION

The following are the tasks in the sphere of ensuring the national security of the Russian Federation:

timely forecasting and uncovering foreign and domestic threats to the national security of the Russian Federation;

implementing short-term and long-term measures for preventing and neutralizing domestic and foreign threats;

safeguarding the sovereignty and territorial integrity of the Russian Federation, security of its border areas;

raising the economy of this country, pursuing an independent and socially-oriented economic policy;

overcoming the scientific, technological and know-how dependence of the Russian Federation on foreign sources;

ensuring the man's and citizen's personal security, his constitutional rights and freedoms on the territory of Russia;

improving the system of state power of the Russian Federation, federal relationships, local self-government and legislation of the Russian Federation, shaping up harmonious inter-ethnic relations, consolidating law and order and maintaining the social and political stability of the society;

providing a strict observance of the legislation of the Russian Federation by all citizens, officials, state bodies, political parties, public and religious organizations;

maintaining an equal and mutually beneficial cooperation of Russia first of all with the leading states of the world;

building up the military potential of the state and maintaining it at a sufficiently high level;  
consolidating the regimen of non-proliferation of mass destruction weapons and the means  
of delivery thereof;

taking effective measures for revealing, preventing and stopping intelligence and subversive  
activities of foreign states directed against the Russian Federation;

improving crucially the ecological situation in this country.

The safeguarding of the national security and Russia's interests in the economic sphere are  
priority guidelines of the state policies.

The most important tasks in the foreign economic sphere are as follows:

creating favorable conditions for international integration of the Russian economy;

expanding sales markets for Russian-made products;

shaping up the single economic space with the member states of the Commonwealth of  
Independent States.

Under the conditions of liberalization of Russia's foreign trade and growing competition on  
the world market of goods and services it is necessary to enhance the protection of interests of  
Russia's manufacturers.

A most important significance is being acquired by the pursuance of a balanced credit and  
financial policy aimed at step by step reduction of Russia's dependence on foreign borrowing and  
strengthening its positions in the international financial and economic organizations.

It is necessary to enhance the role of the state in regulating the activities of foreign banking,  
insurance and investment companies, impose clear-cut and substantiated restrictions in respect of  
foreign companies pursuing the mining of strategic natural resources, operating  
telecommunications, transportation and commodities distribution networks.

Effective measures are to be taken in the sphere of currency regulation and control for the  
purpose of creating conditions for terminating settlements in foreign currencies on the domestic  
market and precluding unlimited capital drain.

The following are the major guidelines for ensuring the national security of the Russian  
Federation in domestic economic activities:

providing a legal environment for reforms and setting up an effective mechanism for  
monitoring the observance of the legislation of the Russian Federation;

enhancing state regulation in the economy;

adopting the necessary measures for overcoming the consequences of economic crisis,  
preserving and developing scientific, technological, know-how and production potential, for  
bringing about economic growth and lowering the probability of man-made disasters, boosting  
the competitiveness of Russian industrial products, raising the well-being of the people.

Transition to a high-performance socially-oriented market economy must be brought about by means of step by step formation of optimum mechanisms of production organization as well as goods and services distribution for the purpose of achieving the maximum possible growth of well-being of the society and each citizen.

The tasks that are coming to the forefront are the ones relating to the elimination of distortions in the structure of Russia's economy, arranging for an advance growth of the manufacture of research-intensive products and high processing degree products, with support rendered to the branches providing a foundation for extended reproduction, provision of jobs for the population.

Of substantial significance are the strengthening of state support to investment and innovation activities, the taking of measures for setting up a steady banking system meeting the interests of real economy, providing an easier access for enterprises to long-term credits towards financing capital investments, providing a real state support to target programs of industry restructuring.

The most important tasks are the advance development of competitive sectors and production facilities, expansion of research-intensive products market. To fulfill them it is necessary that measures be taken for providing incentives for the transfer of new military know-how to civilian sectors, a mechanism be implemented to reveal and develop progressive know-how which, if commercialized, is going to ensure the competitiveness of Russian enterprises in the world market.

The solution of the said problems presupposes a concentration of financial and material resources along priority lines of development of science and technology, provision of assistance to leading scientific schools, accelerated of scientific and technological achievements and a national know-how base, attraction of private capital for instance by setting up funds and using grants, implementing programs of the development of territories having a high scientific and technological potential, setting up an infrastructure with the state support to bring about commercialization of the results of research and development works and at the same time protection of intellectual property inside this country and abroad, development of generally accessible scientific, technological and commercial information network.

The state must promote the creation of equal opportunities for the development and boosting of enterprises' competitiveness, irrespective of the form of ownership including the emergence and development of private business in all spheres where it contributes in the growth of public well-being, progress of science and education, spiritual and moral development of the society, protection of consumers' rights.

Within a short term there are to be elaborated mechanisms to support the life and economic activities of most crisis-affected regions and areas of the extreme North as well as a tariff policy ensuring the uniformity of the economic space of this country.

The priority of economic factors in the social sphere is of principal importance for strengthening the state, real provision of social guarantees by the state, development of mechanisms of collective responsibility and democratic decision-making, social partnership. Here it is important that socially just and economically effective policies be pursued in the sphere of income distribution.

The organization of operation of the federal bodies of executive power, the bodies of executive power of the subjects of the Russian Federation aimed at implementing specific measures for preventing and overcoming threats to the national interests of Russia in the field of economy also demands a further improvement of the legislation of the Russian Federation in the said field and making sure that it is strictly observed by all economic entities.

The bridging of the gap between the interests of the peoples living in this country, the bringing about of a comprehensive cooperation between them, the pursuance of a responsible and well-balanced state policy in respect of nationalities as well as regional policies will allow to ensure the stability of Russia's domestic policies. A complex approach to the fulfillment of these tasks must make up a foundation for a domestic state policy capable of ensuring the development of the Russian Federation as a multi-national democratic federal state.

The strengthening of Russia's statehood, improvement of federal relationships and local self-government must assist in safeguarding the national security of the Russian Federation. There is a need for a comprehensive approach in addressing legal, economic, social and ethno-political problems, given the balanced observance of the interests of the Russian Federation and its subjects.

The implementation of the constitutional principle of power of the people demands a coordinated operation and interaction of all the bodies of state power, a rigid vertical executive power structure and uniformity of the judicial system of Russia. This is brought about by the constitutional principle of separation of powers, by setting up a more clear-cut functional distribution of powers among the state institutions, consolidating the federal system of Russia by means of improving its relationships with the subjects of the Russian Federation within the framework of their constitutional status.

The following are the basic guidelines for the protection of constitutional system in Russia:  
ensuring the priority of federal law and improving the law of the subjects of the Russian Federation on this basis;

elaborating the organizational and legal mechanisms geared to protect state integrity, ensuring the uniformity of Russia's legal space and national interests;

elaborating and implementing regional policies as providing for the optimum balance between federal and regional interests;

improving the mechanism preventing the setting up of political parties and public associations pursuing separatist and anti-constitutional goals, and terminating their activities.

It is necessary to consolidate the efforts aimed at fighting crime and corruption. Russia is extremely interested in eradicating an economic and socio-political basis of these phenomena that pose a danger to the society, elaborating a comprehensive system of measures for an effective protection of the individual, society and state against criminal encroachments.

Priority is given to the formation of a system of measures for an effective social prophylaxis and for bringing up law-abiding citizens. These measures must be directed towards protecting the rights and freedoms, morals, health and property of each human being irrespective of race, nationality, language, origin, property and employment position status, abode, religion, conscience, membership in public associations as well as other circumstances.

The following are the most important tasks in the field of fighting crime:

revealing, eliminating and preventing the causes and conditions leading to crime;

enhancing the role of the state as the guarantor of security of the individual and society, creating a legal environment required for this and a mechanism to implement it;

strengthening the system of law-enforcement bodies, primarily the structures countering organized crime and terrorism, creating conditions for their effective operation;

having the state bodies, within their competence, to perform activities aimed at preventing unlawful acts;

expanding mutually beneficial international cooperation in the law-enforcement sphere, first of all with the member states of the Commonwealth of Independent States.

The decisions and measures taken by the bodies of state power in the field of struggle against crime must be transparent, concrete and understandable for every citizen, they must be preemptive, ensuring equality under law and inevitability of being held accountable, they shall rest on the support of the society.

For the purpose of crime prevention and fighting against crime it is necessary first of all to develop the legal environment as a basis for a reliable protection of the rights and lawful interests of citizens as well as observance of the international legal obligations assumed by the Russian Federation in the sphere of anti-crime fight and human rights. It is important to deprive crime of a nourishing media ensuing from the faults of law as well as the economic and social crises.

To prevent corruption and eliminate conditions for legalizing unlawfully earned capitals it is necessary to set up an effective system of financial control, improve the administrative, civil and criminal sanctions, elaborate and test a mechanism for verifying the property status and sources of income of the officials and employees of organizations and institutions, irrespective of the form of ownership, as well as a correspondence of their expenses and these incomes.

Fight against terrorism, narcotics business and contraband must be carried on the basis of a national comprehensive set of counter measures aimed at precluding these kinds of criminal activity.

Being based on the international agreements, it is necessary to effectively cooperate with foreign states, their law-enforcement bodies and special services as well as the international organizations vested with the task of fighting terrorism. Also it is necessary to use on a wider scope the international experiences of struggle against this phenomenon, to set up a coordinated mechanism for counteracting international terrorism, to put a reliable stop to all possible illegal arms and explosives trafficking channels inside this country and from abroad.

The federal bodies of state power shall persecute on the territory of this country persons engaged in terrorist activities, irrespective of where acts of terror have been planned and committed, as damaging the interests of the Russian Federation.

The safeguarding of the national security of the Russian Federation includes also the protection of cultural, spiritual and moral heritage, historic traditions and public life standards, the preservation of the cultural wealth of all peoples of Russia, the formation of state policies in the field of spiritual and moral upbringing of the population, the imposition of a ban on the use of broadcast time in the electronic mass media to distribute programs propagating violence, thriving on mean behavior manifestations and it also implies the countering of the negative influence of foreign religious organizations and missionaries.

The spiritual rebirth of the society is impossible without the preservation of the role of the Russian language as a factor of spiritual unification of the peoples of the multi-national Russia and the inter-state language of the peoples of member states of the Commonwealth of Independent States.

For the purpose of ensuring preservation and development of our cultural and spiritual heritage it is necessary to foster socio-economic conditions for the pursuance of creative activities and operation of culture institutions.

In the sphere of protecting and improving citizens' health it is necessary to enhance attention on part of the society, the bodies of state power of the Russian Federation to the development of state (federal and municipal) insurance medical assistance and private medical assistance, the pursuance of state protectionism in respect of Russia's medical and pharmaceutical industry, the

implementation of federal programs in the field of sanitation and epidemiology, child health protection, ambulance and emergency medical aid, disaster medicine.

The priority guidelines for state activities in the ecological sphere are as follows:

the rational use of natural resources, education aimed at fostering the ecological culture of the population;

the prevention of environmental pollution through increasing the safety of the know-how relating to the dumping and disposal of toxic industrial and household waste;

the prevention of radioactive pollution of the environment, the minimization of the aftermath of the radiation accidents and disasters that have occurred earlier;

the environment-friendly storage and disposal of decommissioned weapons, first of all atomic submarines, nuclear-powered ships and vessels, nuclear ammunition, liquid missile fuel, atomic power plant fuel;

the environment-safe and health-safe storage and elimination of chemical weapon stockpiles;

the elaboration and implementation of hazard-free production facilities, a search for the methods of practical use of environment-friendly energy sources, the adoption of expedient environmental protection measures in ecologically hazardous regions of the Russian Federation.

A new approach is needed to the organization and arrangement of civil defense on the territory of the Russian Federation, a qualitative improvement of the comprehensive state emergency prevention and relief system including a further integration thereof with the similar systems of foreign states.

The foreign policy of the Russian Federation must be directed at:

pursuing an active foreign policy;

strengthening the key mechanisms of multi-lateral management of world political and economic developments, primarily under the aegis of the UN Security Council;

fostering favorable conditions for the economic and social development of this country, maintaining global and regional stability;

protecting the lawful rights and interests of Russian citizens abroad for instance through the use of political, economic and other measures;

developing relations with the member states of the Commonwealth of Independent States in keeping with the principles of international law, promoting integration processes in compliance with the interests of Russia within the framework of the Commonwealth of Independent States;

Russia's full-fledged participation in the global and regional economic and political structures;

assisting in settling conflicts including peacekeeping activities under the aegis of the UN and other international organizations;

achieving progress in the sphere of nuclear weapons control, maintenance of strategic stability in the world as based on the states' performing under their international obligations in this sphere;

performing under mutual obligations in the field of reduction and elimination of mass destruction weapons, conventional weapons, implementation of measures for strengthening mutual confidence and stability, ensuring international control of the export of goods and know-how as well as providing military-purpose and dual-purpose services;

adapting the existing arms control and disarmament treaties to the new conditions of international relations as well as elaborating, if necessary, new treaties primarily on measures for consolidating mutual confidence and security;

promoting the establishment of mass destruction weapon free zones;

developing international cooperation in the field of struggle against transnational crime and terrorism.

The provision of military security of the Russian Federation is the most important line of activity of the state. In this field the main goal is the provision of an opportunity for an adequate reaction to threats that can arise in the twenty first century coupled with rational national defense expenditures.

In the prevention of wars and armed conflicts the Russian Federation gives priority to political, diplomatic, economic and other non-military means. However, the national interests of the Russian Federation require a military might that is sufficient for its defense. The Armed Forces of the Russian Federation play the main role in ensuring the military security of the Russian Federation.

The most important task of the Russian Federation is to provide a deterrent in the interests of averting an aggression of any scale, including the one with the use of nuclear weapons, against Russia and its allies.

The Russian Federation must have nuclear forces capable to ensure a guaranteed infliction of intended damage to any aggressor state or a coalition of states under any conditions and circumstances.

By its peacetime combat strength the Armed Forces of the Russian Federation must be capable of providing a reliable defense of this country against an air attack and of fulfilling jointly with other troops, military formations and bodies the assignments of countering an aggression in a local war (armed conflict) as well as a strategic deployment to fulfill assignments in a large-

scale war. The Armed Forces of the Russian Federation must allow the performance of peacekeeping activities by the Russian Federation.

One of the most important strategic guidelines in the field of providing the military security of the Russian Federation is an effective interaction and cooperation with the member states of the Commonwealth of Independent States.

The interests of ensuring the national security of the Russian Federation predetermine under appropriate conditions the need for a military presence of Russia in some strategically important regions of the world. The deployment of limited military contingents (military bases, naval forces) under an agreement and on international legal basis as well the principles of partnership must provide Russia's readiness to perform under its obligations, promote the formation of a stable military-strategically balance of force in the regions and enable the Russian Federation to react to a crisis situation at its initial stage, assist in the implementation of foreign policy goals of the state.

The Russian Federation considers the possibility of using military force for safeguarding its national security proceeding from the following principles:

the use of all forces and means at its disposal including nuclear weapons, should it become necessary to ward off an armed aggression if all other crisis settlement measures have been exhausted or turned out to be ineffective;

the use of military force inside this country is admitted in strict compliance with the Constitution of the Russian Federation and federal laws in the event when there occurs a threat to the life of citizens, territorial integrity of this country as well as a threat of forcible change of the constitutional system.

An important role in ensuring the national interests of Russia belongs to the defense industrial complex. The restructuring and conversion of the defense industrial complex must be carried on without a damage to the development of new know-how and scientific and technological capabilities, the upgrading of weaponry, military and special materiel and the strengthening of Russian manufacturers' position on the world armaments market.

It is necessary to create all necessary conditions for the organization of priority fundamental, forecast and prospecting scientific research making sure advance scientific and technological achievements are accumulated in the interests of defense and security of the state.

The main tasks of the Russian Federation in the border sphere are as follows:

creating the necessary regulatory legal environment;

developing inter-state cooperation in this field;

countering economic, demographic and culture-religious expansion to the territory of Russia on part of other states;

stopping the activities of transnational organized crime as well as illegal migration;  
taking collective measures for ensuring the security of border areas of the member states of the Commonwealth of Independent States.

The most important tasks of ensuring the information security of the Russian Federation are as follows:

exercising the constitutional rights and freedoms of citizens of the Russian Federation in the sphere of information activity;

improving and protecting Russian information infrastructure, integrating Russia in the world information space;

countering the threat of unleashing confrontation in the information sphere.

Of special significance for safeguarding the national security of the Russian Federation is the effective use and comprehensive development of the capabilities of intelligence and counterintelligence for the purpose of timely uncovering threats and determining the sources thereof.

The national security system of the Russian Federation is set up and developed in keeping with the Constitution of the Russian Federation, federal laws, decrees and orders of the President of the Russian Federation, decisions and orders of the Government of the Russian Federation, federal programs in this field.

The foundation of the national security system of the Russian Federation is made up of the bodies, forces and means that safeguard the national security through implementing the measures of political, legal, organizational, economic, military and other nature directed at safeguarding the security of the individual, society and state.

The powers of the national security bodies and forces of the Russian Federation, the composition thereof, the principles and procedure of actions are determined by applicable legislative acts of the Russian Federation.

The following take part in the formulation and implementation of the national security policy of the Russian Federation:

President of the Russian Federation controls within the scope of his constitutional powers the national security bodies and forces of the Russian Federation, authorizes the actions of ensuring national security, sets up, reorganizes and abolishes under the legislation of the Russian Federation the national security bodies and forces that report to him, issues messages, addresses and directives on the problems of national security, updates in his annual messages to the Federal Assembly specific provisions of the Concept of National Security of the Russian Federation, lays out the guidelines of current domestic and foreign policies of this country;

Federal Assembly of the Russian Federation under the Constitution of the Russian Federation on the proposal of President of the Russian Federation and Government of the Russian Federation makes up the legislative base concerning the safeguarding of the national security of the Russian Federation;

Government of the Russian Federation within the scope of its powers and with due regard to the Russian Federation national security priorities set forth in the annual messages of the President of the Russian Federation to the Federal Assembly coordinates the activities of the federal bodies of executive power as well as the bodies of executive power of the subjects of the Russian Federation, defines in due course federal budget items for the purpose of implementing specific target programs in this field;

Security Council of the Russian Federation carries on the work of detecting and assessing in advance threats to the national security of the Russian Federation, prepares operatively for the President of the Russian Federation draft decisions as to the averting them, elaborates proposals in the sphere of ensuring the national security of the Russian Federation as well as proposals for updating specific provisions of the Concept of National Security of the Russian Federation, coordinates the activities of the national security forces and bodies, monitors the implementation of decisions in this field by the federal bodies of executive power and the bodies of executive power of the subjects of the Russian Federation;

the federal bodies of executive power provide for the observance of the legislation of the Russian Federation, decisions of the President of the Russian Federation and the Government of the Russian Federation in the sphere of national security of the Russian Federation, elaborate within their competence regulatory legal acts in this sphere and lay them before the President of the Russian Federation and the Government of the Russian Federation;

the bodies of executive power of the subjects of the Russian Federation interact with the federal bodies of executive power on the issues of implementation of the legislation of the Russian Federation, decisions of the President of the Russian Federation and the Government of the Russian Federation in the sphere of national security of the Russian Federation as well as federal programs, plans and directives issued by the Supreme Commander of the Armed Forces of the Russian Federation in the sphere of the military security of the Russian Federation, carry on jointly with the bodies of local self-government measures aimed at attracting citizens, public associations and organizations to render assistance in resolving the problems of national security under the law of the Russian Federation, introduce to the federal bodies of executive power proposals for improving the national security system of the Russian Federation.

The Russian Federation is going to act resolutely and firmly to safeguard its national security. The existing legal democratic institutions, the prevailing structure of the bodies of state power of the Russian Federation, the broad participation of political parties and public associations in implementing the Concept of National Security of the Russian Federation is a prerequisite for a dynamic development of Russia in the twenty first century.

## **4. MILITARY DOCTRINE OF THE RUSSIAN FEDERATION**

(Approved by Decree # 706 of the President of the Russian Federation dated April 21 2000)

### Summary:

*The military doctrine assesses and develops the military tasks and requirements of the Russian Federation. The doctrine espouses a defensive character. The document elaborates: factors affecting the politico-military environment; the main threats to internal and external military security; factors affecting the maintenance of military security; the role of the military establishment; and the administration of the military establishment.*

*Military strategic principles affecting military policy (including the character of war and armed conflict) and military and economic support of security are also discussed.*

### **I. MILITARY-POLITICAL PRINCIPLES**

- a. Military-Political Situation
- b. Main Threats to Military Security
- c. Maintenance of Military Security
- d. National Military Establishment
- e. Administration of the National Military Establishment

### **I. MILITARY-STRATEGIC PRINCIPLES**

- a. Character of Wars and Armed Conflicts
- b. Principles of Using the Armed Forces of the Russian Federation and Other Troops

### **II. MILITARY AND ECONOMIC PRINCIPLES**

- a. Military and Economic Support of Military Security
- b. International Military (Military-Political) and Military-Technical Cooperation

The Military Doctrine of the Russian Federation (hereinafter referred to as the Military Doctrine) represents a body of official points of views (lines), defining the military-political, military-strategic and military and economic principles of maintaining the military security of the Russian Federation.

The Military Doctrine shall be the document of the transition period, i.e. the period of establishing the democratic state system, multi-structural economy, transformation of the national military establishment, and dynamic transformation of the system of international relations.

The Military Doctrine shall develop the fundamental provisions of the Military Doctrine of the Russian Federation of 1993 and specify the lines of the National Security Conception of the

Russian Federation applicable to the military domain. The Military Doctrine provisions shall be based on complex assessment of the condition of the military-political situation and strategic forecast of its development, on the scientifically-grounded definition of the current and perspective tasks, objective requirements and real opportunities of maintaining the military security of the Russian Federation, as well as on the system analysis of the content and character of contemporary wars and armed conflicts, domestic and foreign experience of military construction and military art.

The Military Doctrine shall have a defensive character, which is predetermined with organic combination in its provisions of the consistent adherence to peace with firm determination to protect the national interests and guarantee the military security of the Russian Federation and its allies.

The legal basis of the Military Doctrine shall be made of the Constitution of the Russian Federation, Federal laws and other legal acts of the Russian Federation, as well as the international treaties of the Russian Federation in the sphere of maintaining the military security.

The provisions of the Military Doctrine may be specified and added due to changes of the military-political situation, character and content of military threats, conditions of construction, development and application of the national military establishment, as well as defined concretely in the annual messages of the President of the Russian Federation to the Federal Assembly, in the directives on planning and use of the Armed Forces of the Russian Federation, other troops, military formations and bodies, in other documents on the matters of maintaining the military security of the Russian Federation.

Realization of the Military Doctrine shall be achieved on account of centralization of the State and military management, implementation of the complex of political, diplomatic, economic, social, informational, legal, military and other measures, targeted at maintaining the military security of the Russian Federation and its allies.

## I. MILITARY-POLITICAL PRINCIPLES

### A. MILITARY-POLITICAL SITUATION

1. The condition and the prospects of developing the modern military-political situation shall be defined by qualitative perfection of the means, forms and ways of the armed struggle, expansion of its spatial extent and gravity of the consequences, spread on the new spheres. Opportunity of reaching the military-political aims by non-direct, non-contact actions shall predetermine special danger of the modern wars and armed conflicts for the peoples and the States, for maintenance of the international stability and peace, conditions the vital necessity of

taking comprehensive measures for their prevention, peaceful settlement of the contradictions at the early stages of their occurrence and development.

2. The military-political situation shall be defined by the following main factors:

decrease of the danger of unleashing a large-scale war, including a nuclear one;

forming and strengthening of the regional centers of force;

increase of the national, ethnic and religious extremism;

animation of separatism;

spread of local wars and armed conflicts;

increase of the regional arms race;

proliferation of nuclear and other types of weapons of mass destruction, vehicles of its delivery;

escalation of information confrontation.

3. The military-political situation is destabilized with:

attempts of weakening (ignoring) the existing mechanisms of ensuring the international security (first of all the UN and OCSE);

use of military-force actions as a means of "humanitarian interference" without sanction of the Security Council of the United Nations Organization in contravention of the generally recognized principles and norms of the international law;

breach of international treaties and agreements in the sphere of arms limitation and disarmament admitted by individual states;

use of the information and other (including the non-traditional ones) means and technologies for the aggressive (expansionist) purposes by the constituents of the international relations;

activity of extremist nationalist, religious, separatist, terrorist movements, organizations and structures;

expansion of the scales of organized criminality, terrorism, illegal turnover of arms and drugs, transnational character of this activity.

## B. MAIN THREATS TO MILITARY SECURITY

4. In the contemporary conditions the threat of direct military aggression in the traditional forms against the Russian Federation and its allies reduced due to the positive changes of the international situation, active peaceful foreign-policy course pursued by our country, and maintenance of the Russian military potential at the sufficient level - the potential of nuclear containment first of all.

Along with this potential external and internal threats to the military security of the Russian Federation and its allies remain and increase at individual directions.

5. Main External Threats:

territorial claims to the Russian Federation;

interference with the internal affairs of the Russian Federation;

attempts of ignoring (infringing upon) the interests of the Russian Federation in solving the international security problems, opposing its strengthening as one of the influential centers of the multi-polar world;

presence of armed conflict centers, first of all nearby to the state border of the Russian Federation and the borders of its allies;

creation ( build-up) of troop (forces) groups, leading to imbalance of forces nearby to the state border of the Russian Federation and the borders of its allies, as well as in the seas adjacent to their territories;

expansion of military blocks and allies to the damage of military security of the Russian Federation;

introduction of foreign troops in breach of the UN Charter in the territories of the states contiguous with and friendly to the Russian Federation;

creation, equipping and training of armed units and groups in the territories of other states for the purposes of their transference for actions in the territories of the Russian Federation and its allies;

attacks (armed provocations) at the military facilities of the Russian Federation, located in the territories of foreign states, as well as at the facilities and structures at the state border of the Russian Federation, borders of its allies and in the world's oceans;

actions, targeted at undermining of the global and regional stability, including the ones by real-time obstruction of the Russian systems of the state and military administration, at breakdown of functioning of the strategic nuclear forces, missile attack warning systems, anti-missile defense systems, outer space control and assurance of their combat stability, nuclear ammunition storage facilities, atomic energy, atomic and chemical industry, and other potentially hazardous facilities; hostile information (information-technical, information-psychological) actions, causing damage to the military security of the Russian Federation and its allies;

discrimination, suppression of rights, freedoms and legal interests of the citizens of the Russian Federation in the foreign states;

international terrorism.

6. Major Internal Threats:

attempt of forcible subversion of the Constitutional order;

anti-legal activity of the extremist nationalist, religious, separatist and terrorist movements, organizations and structures, targeted at breaking the unity and the territorial integrity of the Russian Federation, destabilization of the internal political situation in the country;

planning, preparation and exercising of actions, targeted at disorganization of the functioning of the Federal Authorities, attacks on national, business, and military facilities, as well as on the facilities of life support and information infrastructure;  
creation, equipping, training and functioning of illegal armed units;  
illegal distribution (turnover) in the territory of the Russian Federation of arms, ammunition, explosives and other means, which can be used for implementation of diversions, terrorist acts and other illegal actions;  
organized criminality, terrorism, smuggling and other illegal activity in the scales threatening the military security of the Russian Federation.

### C. MAINTENANCE OF MILITARY SECURITY

7. Maintenance of military security of the Russian Federation shall be the most important line of the state activity.

The main targets of ensuring the military security include prevention, localization and neutralization of military threats to the Russian Federation.

The Russian Federation regards maintenance of its military security in the context of constructing a democratic legal state, implementation of social-economic reforms, establishment of the principles of equal partnership, mutually beneficial cooperation and good-neighborliness in the international relations, successive forming of the general and comprehensive system of international security, maintenance and strengthening of the universal peace.

The Russian Federation shall:

proceed from the imperishable value of the fundamental principles and norms of the international law, which are organically interconnected and supplement each other;

maintain the status of the nuclear power for containment (prevention) of aggression against it and (or) its allies;

pursue jointly with the Republic of Byelorussia the defense policy, coordinate with the Republic of Byelorussia activity in the domain of the military construction, development of the Armed Forces of the states – Members of the Allied State, utilization of the military infrastructure;

take other measures on maintenance of the defensive capability of the Allied State;

attach priority value to the strengthening the system of collective security within the framework of the Commonwealth of Independent States based on the development and strengthening of the Treaty on Collective Security;

regard as partners all the states whose policy causes no damage to its national interests and security and is not in contradiction with the UN Charter;

give preference to the political, diplomatic and other non-military means of prevention, localization and neutralization of military threats at the regional and global levels; strictly observe the international treaties of the Russian Federation in the sphere of limitation, reduction and liquidation of armaments, promote their realization and support of the regime fixed by them;

punctually fulfill the international treaties of the Russian Federation related to strategic offensive arms and anti-ballistic missile defense, be ready for further reduction of its nuclear weapons on the bilateral basis with the USA, as well as on a multilateral basis with other nuclear states until the minimum levels corresponding to the requirements of strategic stability are met;

stand for attaching a universal character to the regime of non-proliferation of nuclear weapons and its delivery vehicles, for decisive enhancement of the efficiency of this regime by combination of prohibitive, control and technological measures, for termination and comprehensive ban of nuclear tests;

promote expansion of confidence measures between the States in the military domain, including mutual exchange of military data, coordination of military doctrines, plans and activities of military construction and military activity.

8. The military security of the Russian Federation shall be provided with all aggregate of the forces, means and resources, available at its disposal.

In contemporary conditions the Russian Federation proceeds from the need of possessing nuclear capability, capable of causing set damage to any aggressor (state or coalition of states) in a guaranteed manner in any conditions;

At the same time the nuclear weapons in the equipment of the Armed Forces of the Russian Federation shall be regarded by the Russian Federation as a factor of containment of aggression, assurance of military stability of the Russian Federation and its allies, maintenance of international stability and peace.

The Russian Federation shall reserve its right to use nuclear weapons in response to the use of nuclear weapons or weapons of mass destruction against it and (or) its allies, as well as in response to a large-scale aggression with application of conventional arms in the situations, critical for the national security of the Russian Federation.

The Russian Federation shall not use nuclear weapons against the States - Parties to the Non-Proliferation Treaty, which are not in possession of nuclear weapons except for the case of attacking the Russian Federation, the Armed Forces of the Russian Federation or other troops, its allies or the state, with which the Russian Federation has obligations related to the security, realized or supported by such state, not possessing nuclear weapons jointly or at presence of allied obligations with the state, possessing nuclear weapons.

9. Major Principles of Maintaining the Military Security:

combination of the firm centralized management of the national military establishment and civil control over its activity;

effectiveness of forecasting, timeliness of disclosure and classification of military threats, adequacy of reacting to them;

sufficiency of forces, means and resources, required to provide the military security and their rational use;

conformance of the level of availability, training and supply of the national military establishment to the needs of military security;

causing of no damage to the international security and national security of other states.

10. Basic Content of Maintaining the Military Security of the Russian Federation:

a) in the time of peace:

forming and realization of the unified state policy in the domain of maintaining the military security;

maintenance of internal political stability, protection of the Constitutional order, integrity and immunity of the territory of the Russian Federation;

development and strengthening of friendly (allied) relations with the neighboring and other States;

creation and perfection of the defense system of the Russian Federation and its allies;

comprehensive supply and qualitative perfection of the Armed Forces of the Russian Federation, other troops, military formations and bodies (hereinafter referred to as the Armed Forces of the Russian Federation and other troops), their maintenance in availability to coordinated actions on prevention, localization and neutralization of external and internal threats;

preparation of the system of measures for shifting the Armed Forces of the Russian Federation and other troops to the conditions of military time (including their mobilization deployment);

perfection of the economic, technological and defense-industrial base, increase of the mobilization availability of the economy; creation of the conditions, providing advance conversion of the industrial enterprises, envisaged in the plan, to release of military products; organization of preparation of the authorities, enterprises, institutions and organizations, population of the state to solving problems on maintaining the military security, and implementation of the territorial and civil defense;

protection of the facilities and structures of the Russian Federation in the world's oceans, outer space, in the territories of foreign states, protection of navigation, producer's and other types of activity in the adjacent sea zone and remote areas of the world's oceans;

guarding and protection of the state border of the Russian Federation within the near-frontier territory, air space and submarine environment, as well as the exclusive economic zone and continental shelf of the Russian Federation and their natural resources;

support (as required) of political actions of the Russian Federation by holding corresponding measures of military character, as well as presence of the Navy;

preparation to the territorial and civil defense;

development of the necessary military infrastructure;

assurance of security and protection of citizens of the Russian Federation against military threats;

forming of voluntary attitude of the population to assurance of the military security of the country;

realization of control over the mutual compliance with the Treaties in the domain of limitation, reduction and liquidation of armaments and strengthening of confidence measures;

provision of availability to participate (participation) in the peaceful activity;

b) within the threatened period and along with the start of war (armed conflict):

timely declaration of war, introduction of the martial law or the state of emergency in the country or in its individual localities, holding of full or partial strategic deployment of the Armed Forces of the Russian Federation and other troops or their units, making them available for accomplishment of the tasks;

coordination in compliance with the Federal legislation of the activity of the Federal authorities, authorities of the constituents of the Russian Federation, bodies of local self-government, public associations and citizens in the interests of repulsing the aggression;

organization and coordinated running of the armed, political, diplomatic, information, economic and other types of struggle;

taking and realization of decisions on preparation and prosecution of hostilities;

transfer of the economic system of the country and its individual branches, as well as transfer of enterprises and organizations, transport and communications to the operation in the conditions of the martial law;

organization and realization of the territorial and civil defense measures;

rendering of assistance to the allies of the Russian Federation, attraction and realization of their opportunities for reaching joint goals in the war (armed conflict);

prevention of drawing of other States in the war (armed conflict) at the side of an aggressor;

use of opportunities of the United Nations Organization, other international organizations for prevention of aggression, forcing the aggressor to termination of the war (armed conflict) at the early stages, restoration of the international security and peace;

#### D. NATIONAL MILITARY ESTABLISHMENT

11. The national military establishment shall serve the targets of maintaining the military security of the Russian Federation.

12. The national military establishment includes the Armed Forces of the Russian Federation, constituting its core and the basis for providing the military security, other troops, military formations and bodies, designed for accomplishing the tasks of military security by military methods, as well as the bodies of their administration.

The national military establishment also includes part of the industrial and scientific complexes of the country, purposed at supporting the tasks of military security.

13. Guaranteed protection of the national interests and military security of the Russian Federation and its allies is the main development target of the national military establishment.

14. Main Principles of Developing the National Military Establishment:

adequate accounting of the conclusions made from the analysis of the condition and development prospects of the military-political situation;

centralization of management;

one-man management on the legal basis; attained conformance within the economic opportunities of the country of the level of combat and mobilization availability, as well as training of the military administration bodies and troops (forces), their structures, combat staff and quantity of the reserve, inventory reserves and resources to the tasks of assuring the military security;

unity of teaching and education;

realization of rights and freedoms of military personnel, assurance of their social security, worthy social status and level of life.

Development of all components of the national military establishment is realized in compliance with the legal acts, governing their activity in accordance with the coordinated and endorsed programs and plans.

15. Main Priorities of Developing the National Military Establishment:

creation of the unified administration system of the national military establishment and provision of its effective functioning;

development and perfection of the troops (forces), providing the strategic containment (including the nuclear one);

creation and maintenance of the required availability of the structures for preparation of the mobilization resources and assuring the mobilization deployment of the Armed Forces of the Russian Federation and other troops;

staffing, equipping, comprehensive support and training of formations and military units for continuous combat availability of the conventional forces for accomplishment of the tasks of containment and prosecution of hostilities in the local wars and armed conflicts.

16. Main Development Lines of the National Military Establishment:

adjustment of the structure, composition and quantity of the national military establishment components in conformance with the tasks of assuring the military security with account of the economic opportunities of the country;

increase of the qualitative level, effectiveness and safety of functioning of the technological basis of the state and military administration system;

perfection of the military and economic support of the national military establishment on the basis of concentration and rational use of financial means and material resources;

perfection of the strategic planning based on the principle of continuity in use of the Armed Forces of the Russian Federation and other troops;

enhancement of the functioning effectiveness of the systems of staff training, military education, day-to-day and combat training, education of military personnel, all types of support, as well as of the military art;

perfection of the staffing system (on the basis of the contract and call-up principle with the successive increase of the number of military personnel undergoing military service under the contract, first of all at the positions of junior commanders and specialists of the leading combat specialties, successive along with creation of necessary social-economic conditions);

enhancement of the effectiveness of the armaments and military equipment operation and repair system;

perfection of the special information support of the Armed Forces of the Russian Federation and other troops, bodies of their administration;

strengthening of legality, law and order and military discipline;

realization of the state policy on strengthening the military service prestige, pre-training of the citizens of the Russian Federation to the military service;

development of the international military (military-political) and military-technical cooperation;

perfection of the legal base for construction, development and use of the national military establishment, as well as of the system of its relationships with society.

17. Carrying-out of the complex military reform, conditioned with radical changes of the military-political situation, tasks and conditions of assuring the military security of the Russian Federation is a component and priority task of the contemporary stage of military construction.

The interconnected reforming of all components of the national military establishment is implemented within the military reform.

## E. ADMINISTRATION OF THE NATIONAL MILITARY ESTABLISHMENT

18. Administration of the construction, preparation and use of the national military establishment, maintenance of the military security of the Russian Federation shall be realized by the President of the Russian Federation, who is the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation.

19. The Government of the Russian Federation shall organize equipping of the Armed Forces of the Russian Federation and other troops with armaments, military and special equipment, their supply with material means, resources and services, realize general administration with real-time equipping of the territory of the Russian Federation in the interests of defense, as well as implementing other functions on assurance of military security, established by the Federal legislation;

20. The Federal authorities, authorities of the constituents of the Russian Federation and local self-government bodies shall exercise powers on maintaining the military security, imposed on them by the Federal legislation.

The enterprises, establishments, public associations and citizens of the Russian Federation take part in maintaining the military security under the procedure fixed by the Federal legislation;

21. Administration of the Armed Forces of the Russian Federation and other troops shall be realized by the Heads of the corresponding Federal executive authorities.

22. The Ministry of Defense of the Russian Federation shall coordinate the activity of the Federal executive authorities and executive authorities of the constituents of the Russian Federation regarding the matters of defense, elaboration of the conceptions of construction and development of other troops, orders on the armaments and the military equipment for them, develop with involvement of the corresponding Federal executive authorities the conception of development of armaments, military and special equipment and the Federal State program of armaments, as well as proposals on the State Defense Order.

The General Staff of the Armed Forces of the Russian Federation shall be the major day-to-day administration body of the Armed Forces of the Russian Federation, coordinating the activity and organizing the interaction of the Armed Forces of the Russian Federation and other troops on accomplishment of the tasks in the domain of defense.

Departments of the Commanders-in-Chief (Commanders) of the categories (combat arms) of the Armed Forces of the Russian Federation (troops) shall implement development and realization of the plans of construction and use of the categories (combat arms) of the Armed Forces of the Russian Federation (troops), their day-to-day and mobilization training, technical equipping, and

staff training; provide administration of the troops (forces) and their routine activity, development of the system of deployment and infrastructure.

Departments of the Military Okrugs (Strategic Headquarters) shall implement administration of the inter-category groups of the general purpose troops (forces), as well as together with other troops, military formations and bodies they shall realize planning and organization of the activities on training to maintain the military security within the established limits of the terms of reference, subject to their tasks and the unified system of the military-administrative division of the territory of the Russian Federation.

23. To administrate coalition groups of troops (forces) there shall be created the corresponding combined bodies of military administration by the coordinated decision taken by the authorities of the coalition Member States.

24. For centralized administration of maintaining the military security of the Russian Federation there shall be realized the unified strategic and day-to-day planning of use of the Armed Forces of the Russian Federation and other troops, and program-purpose planning of military construction, envisaging development of the long-term (10-15 years), middle-term (4-5 years) and short-term (1-2 years) documents.

25. Organization of the administration of maintaining the military security of the Russian Federation within the threatened period, creation and functioning of the corresponding authorities and bodies of military administration shall be governed with the corresponding legislation and other legal acts of the Russian Federation.

## F. MILITARY-STRATEGIC PRINCIPLES

### A. CHARACTER OF WARS AND ARMED CONFLICTS

1. The Russian Federation shall maintain availability to waging of wars and participation in the armed conflicts exclusively for the purposes of preventing and repulsing aggression, defending the integrity and inviolability of its territory, assuring military security of the Russian Federation, as well as the one of its allies in compliance with the international treaties.

2. The character of modern wars (armed conflicts) shall be determined by their military-political targets, means of achieving these targets and scales of hostilities.

In compliance with this a modern war (armed conflict) may be:

By the military-political targets it may be fair (not contradicting to the UN Charter, fundamental norms and principles of the international law, waged under the procedure of self-defense by the Party, which has been exposed to the aggression);

unfair (contradicting to the UN Charter, fundamental norms and principles of the international law and coming within the definition of aggression, being waged by the Party, undertaken an armed attack);

by the applied means – with use of nuclear weapons and other types of the weapons of mass destruction; with application only of conventional means of destruction;

on the scale – local, regional and large-scale one.

3. General Basic Features of the Contemporary War:

impact on all spheres of the mankind life activity;

coalition character;

wide use of indirect, non-contact and other (including non-traditional) forms and means of actions, far-fire and electronic destruction;

active information opposition, disorientation of the public opinion in individual States and the world community on the whole;

striving of the Parties to disorganization of the State and military administration system;

application of the up-to-date highly-efficient (including the ones based on the new physical principles) systems of armaments and military equipment;

maneuvering actions of the troops (forces) at odd directions with wide application of air-mobile forces, troops landed and special-purpose troops;

defeat of the troops (forces), base facilities, economy, communications all over the territory of each of the opposing Parties;

carrying out of air campaigns and operations;

catastrophic consequences of defeat (destruction) of power enterprises (first of all, enterprises of nuclear power), chemical and other hazardous industries, infrastructure, communications, life support facilities;

high probability of involving new states in the war, escalation of armed struggle, expansion of the scale and spectrum of the applied means, including the weapons of mass destruction;

participation in the war of irregular armed units along with the regular ones.

4. An armed conflict may arise in the form of an armed incident, armed action and other armed collisions of limited scale and become a consequence of an attempt to settle national, ethnic, religious and other contradictions with the help of armed struggle means.

A near-border conflict is a special form of an armed conflict.

An armed conflict may have an international character (with participation of two or several states) or non-international, internal character (with prosecution of an armed opposition within the territory of one state).

5. An armed conflict is characterized with:

high involvement in it and vulnerability of local population;  
use of non-regular armed units;  
wide application of diversionary and terrorist methods;  
complexity of the moral-psychological situation under which the troops operate;  
involuntary derivation of substantial forces and means for providing safety of movement routes, areas and places of location of troops (forces);  
danger of transformation into a local (international armed conflict) or civil (internal armed conflict) war.

6. To accomplish tasks in an internal armed conflict there may be created combined (various departmental) groups of troops (forces) and their administration bodies.

7. A local war can be waged by groups of troops (forces), deployed in the area of conflict with their increase when necessary by maneuvering troops, forces and means from other directions and carrying out of partial strategic deployment of armed forces.

In the local war the Parties will act within the borders of the opposing States and purpose limited military-political aims.

8. A regional war may become a result of escalating a local war or armed conflict and be waged with participation of two or several states (groups of states) of one region, National or coalition armed forces with application of both the conventional and nuclear means of destruction.

In the regional war the Parties will purpose important military-political aims.

9. A large-scale war may become a result of escalating an armed conflict, local or regional war, and involving a substantial quantity of the states of different regions of the world in them.

A large-scale war with application of only conventional means of destruction will be characterized with high probability of development into a nuclear one with catastrophic consequences for civilization and principles of the mankind life activity and existence.

In the large-scale war the Parties will set radical military-political aims. It will require complete mobilization of all material and spiritual resources of the member states.

10. A large-scale (regional) war may be preceded with a threatened period.

11. A large-scale (regional) war may have an initial period with its basic content of a tense armed struggle for getting control over the strategic initiative, maintenance of a stable state and military administration, attainment of superiority in the information sphere, conquest (retention) of domination in the air.

In case of a protracted character of a large-scale (regional) war its aims will be attained within the subsequent and completion periods.

12. The Russian Federation has been successively and firmly striving for creation of an effective system of political, legal, organizational-technical and other international guarantees of non-admission of armed conflicts and wars.

#### B. PRINCIPLES OF USING THE ARMED FORCES OF THE RUSSIAN FEDERATION AND OTHER TROOPS

13. The Russian Federation shall regard lawful to use the Armed Forces of the Russian Federation and other troops for repulsing aggression against it.

The Armed Forces of the Russian Federation and other troops may also be applied for protection against the anti-constitutional actions, unlawful armed violence, threatening the integrity and inviolability of the territory of the Russian Federation, for accomplishing tasks in compliance with the international treaties of the Russian Federation and for fulfillment of other tasks in accordance with the Federal legislation.

14. Aims of Application of the Armed Forces of the Russian Federation and Other Troops: in the large-scale (regional) war in case it is unleashed by some state (group, coalition of States) – protection of independence and sovereignty, territorial integrity of the Russian Federation and its allies, repulsion of aggression, inflicting a defeat on the aggressor, forcing of the aggressor to termination of hostilities subject to the conditions meeting the interests of the Russian Federation and its allies;

in local wars and international armed conflicts – localization of a tension center, creation of pre-conditions for termination of a war, an armed conflict or for forcing to their termination at early stages; neutralization of the aggressor and attainment of the settlement subject to the conditions meeting the interests of the Russian Federation and its allies;

in the internal armed conflicts – defeat and liquidation of illegal armed units, creation of conditions for the full-scale settlement of the conflict on the basis of the Constitution of the Russian Federation and the Federal Legislation;

in the operations on maintenance and reinstatement of peace – keeping the opposing Parties apart, stabilization of situation, provision of conditions for the fair peaceful settlement.

15. Main Forms of Use of the Armed Forces of the Russian Federation and Other Troops: strategic operations, operations and combat actions – in large-scale and regional wars; joint special operations - in the internal armed conflicts; counter-terrorist operations - at participation in the fight against terrorism in compliance with the Federal legislation; peace-making operations.

16. The Armed Forces of the Russian Federation and other troops shall be available for repulsing an attack and inflicting a defeat on an aggressor, for carrying out active actions (both the defensive and the offensive ones) at any variant of unleashing and waging wars and armed conflicts in the conditions of the enemy's massive application of contemporary and perspective combat means of destruction, including all types of weapons of mass destruction.

At the same time the Armed Forces of the Russian Federation shall provide realization of peace-making activity by the Russian Federation both independently and in the international organizations.

17. The main Tasks of the Armed Forces of the Russian Federation and other troops:

a) on assurance of military security:

timely disclosure of threatening development of the military-political situation, preparation of an armed attack at the Russian Federation and (or) its allies;

maintenance of the composition, condition of the combat and mobilization preparedness and preparation of the strategic nuclear forces, forces and means, providing their functioning and use, as well as the systems of control at the level, which guarantees inflicting a set damage on an aggressor in any conditions;

maintenance of combat potential, combat and mobilization availability and training of groups of general-purpose troops (forces) of the period of peace at the level, providing repulsion of a local-scale aggression;

maintenance of armament and military (special) equipment, reserves of material means in availability to combat application;

performance of combat duty (active service) by the assigned (appointed) troops, forces and means;

qualitative and in full volume fulfillment of plans and programs of the day-to-day, combat and mobilization training, education of the personnel of the troops (forces);

maintenance of availability to strategic deployment within the State activities on transfer of the country to the war time conditions;

guard and protection of the frontier of the Russian Federation;

development of air-raid defense of the Russian Federation as the unified system on the basis of the centralized control of all forces and means of air-raid defense;

creation of conditions for security of the economic activity, protection of the national interests of the Russian Federation in the territorial sea, in the continental shelf and in the exclusive economic zone of the Russian Federation, as well as in the World Ocean;

guard of important State facilities;

prevention and suppression of diversions and terrorist acts;

prevention of ecological catastrophes and other emergency situations, liquidation of their consequences;

organization of the civil and territorial defense;

provision of technical cover and rehabilitation of communications;

provision of information security.

Accomplishment of the tasks on protection of the national interests of the Russian Federation in the world ocean shall be realized in compliance with the principles of the policy of the Russian Federation in the domain of the naval activity.

All tasks on maintenance of military security shall be accomplished by the Armed Forces of the Russian Federation and other troops in coordination, close interaction and in compliance with their functions, fixed by the Federal Legislation;

b) on repulsing an armed attack (aggression) at the Russian Federation and (or) its allies:

partial or full strategic deployment;

prosecution of strategic operations, operations and combat actions (including the joint ones with the allied states) on defeat of the invaded, destruction of the created (under creation) groups of troops (forces) of the aggressor in the areas of their deployment, concentration and on the communications;

maintenance of availability to application and the application (in the cases envisaged with the Military Doctrine and under the established order) of the nuclear containment potential;

localization and neutralization of the near-border armed conflicts;

maintenance of the state of martial law (state of emergency);

protection of population, facilities of the economy and infrastructure against impact of the enemy's means of destruction;

compliance with the allied obligations in accordance with the international treaties of the Russian Federation.

Accomplishment of the tasks on repulsion of an armed attack (aggression) shall be organized and realized in compliance with the Plan of Use of the Armed Forces of the Russian Federation, Mobilization Plan of the Armed Forces of the Russian Federation, Decrees of the President of the Russian Federation in relation to the military security, orders and directives of the Commander-in-Chief of the Armed Forces of the Russian Federation, other legal acts, plans and directive documents;

c) in the internal armed conflicts:

defeat and liquidation of illegal armed units, bandit and terrorist groups and organizations, destruction of their bases, training centers, warehouses and communications;

rehabilitation of legality, law and order;

provision of the public security and stability;  
maintenance of the legal regime of the state of emergency in an area of conflict;  
localization and blocking of the area of conflict;  
suppression of armed collisions and separation of opposing Parties;  
arms withdrawal from the population in the area of conflict;  
increase of protection of the public order and security in the areas, adjacent to the area of conflict.  
Accomplishment of tasks on prevention and suppression of internal armed conflicts, localization and blocking of the areas of conflict, liquidation of illegal armed units, bands and terrorist groups shall be imposed on the temporary created combined (various departmental) groups of troops (forces) and bodies of their administration;

d) in the operations on maintenance and restoration of peace:

separation of armed groups of the opposing Parties;  
provision of the conditions for delivery of humanitarian aid to the civil population and its evacuation out of the area of conflict;  
blocking of the area of conflict for the purposes of providing fulfillment of sanctions, taken by the international community;  
creation of pre-conditions for political settlement.

Accomplishment of the tasks in operations for the maintenance and restoration of peace shall be imposed on the Armed Forces of the Russian Federation. Specially appointed formations and military units shall be assigned for preparation to accomplishment of these tasks. Along with the training on use by the direct destination they are trained by a special program. The Russian Federation realizes a base an technical supply, education, preparation of the Russian contingents, planning of their use and real-time administration of them in compliance with the standards and procedures of the UN, OSCE (Organization for Security and Cooperation in Europe) and the Commonwealth of Independent States (CIS);

18. The forces and means of the Armed Forces of the Russian Federation and other troops may be attracted for rendering assistance to the authorities, bodies of local government and population during liquidation of consequences of accidents, catastrophes and natural disasters;

19. For accomplishment of other tasks facing the Armed Forces of the Russian Federation and other troops there shall be created groups of troops (forces) in the territory of the Russian Federation subject to:

degree of the potential war danger at the specific strategic directions;  
character of interactions of the Russian Federation with contiguous states;  
location of the industrial areas, areas of strategic resources, and very critical facilities, which are vitally important for the Russian Federation;

opportunities of strategic deployment in the threatened directions at maximum cut of carriage scopes, as well as the inter-regional maneuver;

opportunities of timely removal of troops (forces) and material-technical reserves from probable missile-aviation strikes;

conditions for distribution and support of the army life activities, solution of social and domestic problems;

availability and condition of mobilization deployment base;

public-political situation in specific regions.

20. For the purposes of forming and maintaining the stability, assurance of adequate reacting to occurrence of external threats at the early stages the limited contingents of the Armed Forces of the Russian Federation and other troops may be located in the strategically important regions outside the territory of the Russian Federation in the composition of the united or national groups and individual bases (facilities).

The conditions of such location shall be defined by the corresponding international legal documents.

21. At creation of mixed military units of the Commonwealth of Independent States they are staffed with military employees of the Member States in compliance with their national legislation and adopted inter-state agreements. The military personnel, citizens of the Russian Federation, shall pass service in such units under a contract, as a rule.

The units of the Russian troops, located in the territories of foreign states, regardless of the location conditions, shall be included in the composition of the Armed Forces of the Russian Federation and other troops and shall act in compliance with the procedure fixed in them subject to the requirements of the UN Charter, resolution of the UN Security Council, bilateral and multi-lateral treaties of the Russian Federation.

22. To create and develop the military infrastructure of the state, providing strategic deployment of the Armed Forces of the Russian Federation and other troops, their prosecution of military operations there shall be implemented the real-time equipping of the territory of the Russian Federation for the purposes of defense under the guidance of the Government of the Russian Federation and on the basis of the Federal State Program.

23. Accumulation and maintenance of material means shall be organized by the Government of the Russian Federation in compliance with the plans of creation of the state and mobilization reserves, approved by the President of the Russian Federation.

The Armed Forces of the Russian Federation and other troops, as well as the executive authorities in compliance with the Federal Legislation during the time of peace shall implement accumulation, echelonment, distribution and maintenance of the material reserves, providing

mobilization deployment of the troops (forces) and their prosecution of military operations within the initial period of the war (by individual types of material means - for a longer term, proceeding from the dates of transfer of the economy of the country, its individual branches and enterprises to the operation under a fixed plan), forming, training, re-grouping and use of the strategic reserves.

Planning of accumulation, echelonnement, distribution of the real-time inventory reserves and their maintenance for other troops, being transferred within a special period under the real-time subordination of the Ministry of Defense of the Russian Federation shall be realized by this Ministry.

24. Planning of citizens preparation for the military service, military registration, as well as registration of the transport vehicles, given to the Armed Forces of the Russian Federation and other troops, shall be implemented under the general guidance of the General Headquarters of the Armed Forces of the Russian Federation.

25. Preparation of the country for the territorial and civil defense, undertaking a complex of measures on ensuring the functioning stability of the economic, transport and communications facilities, and provision of availability to carrying-out of emergency-rescue and other activities in the centers of destruction and the areas of emergencies, catastrophes and natural disasters shall be implemented both within the period of peace and war.

## G. MILITARY AND ECONOMIC PRINCIPLES

### A. MILITARY AND ECONOMIC SUPPORT OF THE MILITARY SECURITY

1. The main target of the military and economic support shall conclude in satisfaction of the needs of the National military establishment in the monetary funds and material resources.

2. The main tasks of the military and economic support:

Timely and full financial support of the tasks accomplished by the national military establishment;

Optimization of the consumption of monetary funds and material resources, targeted at assurance of the military security, enhancing the efficiency of their use on the basis of the interconnected, coordinated reforming of all components of the national military establishment;

development of the scientific-technical, technological and production base of the country, Armed Forces of the Russian Federation and other troops, and military infrastructure in the interests of ensuring the military security;

ensuring the legal protection of the objects of intellectual property, contained in the products of military purpose, as well as in the technologies of their development and production;

integration of the civil and military sectors of the economy of the country and coordination of the military and economic activity of the state for the sake of ensuring military security;

creation of the state infrastructure with an account of accomplishing the tasks on ensuring military security;

increase of the level of social security of military persons and civil personnel of the Armed Forces of the Russian Federation and other troops, as well as of the citizens working in the defensive industrial complex;

provision of the functioning and perfection of the systems of mobilization availability and mobilization preparation of the economy and population of the country;

accumulation and maintenance of the inventory reserves;

implementation of the mutually beneficial international military (military-political) and military-technical cooperation;

performance of the international treaties of the Russian Federation in the military and economic sphere.

3. Priority tasks of the military and economic support:

timely and full (within the limits of the available financial resources of the State) financial support of the plans of construction and development, combat and mobilization training of the Armed Forces of the Russian Federation and other troops, and needs of all components of the National military establishment;

economic and financial support of perfection of the strategic and conventional armaments, and military and special equipment;

creation of the economic and financial conditions for development and production of unified highly-effective administration and control systems of the troops and arms, systems of communications, reconnaissance, strategic prevention, and radio-electronic struggle, precision and mobile non-nuclear means of destruction, as well as the systems of their information support;

improvement of the living level, realization of the social guarantees of the military persons and members of their families, fixed by the Federal Legislation;

4. Main Principles of the Military and Economic Support:

conformance of the level of the financial and material support of the national military establishment to the needs of military security and resource opportunities of the state;

concentration of the financial, material-technical and intellectual resources on accomplishment of the key tasks on ensuring the military security;

the state support of the enterprises (industries) and institutions (organizations), determining the military-technical and technological stability of the defensive industrial complex, as well as of its town-planning enterprises, closed administrative-territorial formations;

Scientific-technical, technological, information and resource independence in development and production of the major types of military products.

5. Major Lines of the Mobilization Preparation of the Economy:

preparation of the administration system of the economy to the stable functioning within the period of their transfer to the operation under conditions of the martial law and during the period of war;

creation, perfection and effective functioning of the system of the mobilization training of the executive authorities, as well as of the organizations and enterprises, assigned with mobilization tasks;

optimization and development of the required mobilization capacities and facilities;

creation, accumulation, reservation and renovation of the stocks of material resources in the mobilization and state reserves;

creation and reservation of the insurance stock of the engineering and technical documentation for the period of war;

reservation and development of the economic facilities required for its stable functioning and survival of population during the period of war;

preparation of the financial-credit, tax systems and the system of monetary circulation to the special regime of functioning within the period of war;

development and perfection of the legal basis of the mobilization training and transfer of the economy of the Russian Federation, constituents of the Russian Federation and municipal formations to the activities under the fixed plans.

## B. INTERNATIONAL MILITARY AND MILITARY-TECHNICAL COOPERATION

6. The Russian Federation shall implement the international military (military-political) and military-technical cooperation proceeding from its national interests, and necessity of balanced accomplishment of the tasks on ensuring the military security.

The international military (military-political) and military-technical cooperation shall be the prerogative of the state.

7. The Russian Federation shall implement the international military (military-political) and military-technical cooperation, proceeding from the foreign-policy and economic feasibility, tasks on ensuring the military security of the Russian Federation and its allies in compliance with the Federal Legislation and international treaties of the Russian Federation on the basis of the principles of equality, mutual benefit and good-neighborliness, including compliance with the interests of the international stability, national, regional and global security.

8. The Russian Federation shall attach the priority value to development of the military (military-political) and military-technical cooperation with the states that are the Parties to the Treaty on Collective Security of the Commonwealth of Independent States, proceeding from the necessity to consolidate the efforts on creation of the unified defense space and ensuring the collective military security.

The Russian Federation, confirming its principle adherence to the targets of containment of aggression, prevention of wars and armed conflicts, maintenance of the international security and universal peace shall guarantee the successive and firm compliance with the Military Doctrine.

## **5. FOREIGN POLICY CONCEPT OF THE RUSSIAN FEDERATION OF 27 JULY 2001**

### Summary:

*The foreign policy concept is a thoroughgoing description of the bases and objectives of Russian foreign policy. The document details the legal basis for policy and proceeds to describe the current status of the international system and the objectives for the Russian state within it. Current Russian foreign policy is detailed before a description of Russian priorities in the settlement of global problems, formation of a stable system of international relations, strengthening international security, international economic relations, human rights and international relations, and information support for foreign policy activity. Regional priorities are outlined, as are the means of building and implementing Russian foreign policy.*

### **I. GENERAL PROVISIONS**

Conception of the foreign policy of the Russian Federation represents a system of opinions on the contents and major guidelines of the foreign-policy activity of the Russian Federation.

The legal base of the present Conception is formed with the Constitution of the Russian Federation, Federal Laws, other legal acts of the Russian Federation, governing the activity of the Federal authorities in the sphere of foreign policy, generally recognized principles and norms of the international law and the international treaties of the Russian Federation, as well as the National Security Conception of the Russian Federation, approved by Decree No. 24 of the President of the Russian Federation dated January 10, 2000.

The international situation occurred by the start of the XXIst century required re-analysis of the general situation around the Russian Federation, priorities of the Russian foreign policy and opportunities of its resource support. Along with definite strengthening of the international positions of the Russian Federation negative tendencies were also displayed. Some expectations, associated with formation of new equal, mutually beneficial, and partnership relations of Russia with the surrounding world, as it was presumed in the basic provisions of the Foreign Policy Conception of the Russian Federation, approved by Decree № 284-пп of the President of the Russian Federation dated April 23, 1993 and in other documents, have not come true.

Protection of the interests of an individual, the society and the State shall be the supreme priority of the foreign-policy course of Russia. Within the framework of this process the main efforts shall be targeted at achievement of the following major targets:

- guarantee of the reliable security of the country, maintenance and strengthening of its sovereignty and territorial integrity, lasting and weighty positions in the world community, which to the utmost respond to the interests of the Russian Federation as a great power, as one of the influential centers of the modern world and which are necessary for growth of its political, economic, intellectual and spiritual potential;
  - impact on the all-world processes for the purposes of forming a stable, fair and democratic order of the world, based on the widely recognized norms of the international law, first of all including the goals and principles of the UN Charter on the equal and partnership relations between the States;
- creation of favorable environment for progressive development of Russia, growth of its economy, improvement of the living standard of population, successful realization of democratic transformations, strengthening of the Constitutional system fundamentals, and observance of the human rights and freedoms;
- formation of the good-neighborliness band along the perimeter of the Russian borders, promotion to elimination of the existing and prevention of occurrence of the potential tension center and conflicts in the regions adjacent to the Russian Federation;
  - seeking for concordance and matching interests with foreign countries and inter-state associations within the process of solving the tasks, defined with the National priorities of Russia, construction of the partnership and allied relations on this basis, improving the conditions and parameters of the international interaction;
  - all-round protection of the rights and interests of the Russian citizens and compatriots abroad;
  - assistance to the positive comprehension of the Russian Federation in the world, popularization of the Russian language and culture of the peoples' of Russia in the foreign States.

## II. CONTEMPORARY WORLD AND FOREIGN POLICY OF THE RUSSIAN FEDERATION

The contemporary world has been experiencing fundamental and dynamic changes, deeply touching the interests of the Russian Federation and its citizens. Russia is the active participant of this process. Being a standing member of the UN Security Council, possessing considerable resources in all domains of the life activities and maintaining intensive relations with the leading States of the world, it exerts substantial impact on formation of the new system of the world.

Transformation of the international relations, termination of confrontation and progressive overcoming of the cold war consequences, advance of the Russian reforms have essentially expanded the opportunities of co-operation in the world arena. The economic, political, scientific and technical, environmental and information factors have been playing bigger and bigger role at

retaining the value of the military force in the relations between the States. The intellectual, information and communication opportunities, well-being and the educational level of the population, extent of conjugation of the scientific and industrial resources, concentration of the financial capital and diversification of the economic contacts of the Russian Federation have been advancing to the foreground as the main components of its National power.

There has been formed a stable orientation at the market methods of management and democratic values in the overwhelming majority of the States. Implementation of the major break-through in a number of the key lines of the scientific-technical progress, leading to creation of the uniform all-world information spaces, deepening and diversification of the international economic contacts attach the global character to the interdependency of the States. There have been created preconditions for building a more stable and crisis-resistant system of the world.

At the same time new challenges and threats to the National interests of Russia are being born in the international domain. There has been increasing the tendency towards creation of one-polar structure of the world at the economic and powerful domination of the USA. At solution of the fundamental matters of the international security the stake is made on the Western institutes and forums of restricted composition, at weakening of the UN Security Council.

The strategy of one-sided actions may destabilize the international situation; provoke the tension and the arms race, aggravate the inter-state contradictions, the national and religious disagreement. Use of force methods in detour of the existing international legal mechanisms is not capable of removing the depth social-economic, inter-ethnic and other contradictions, lying in the basis of the conflicts and only undermines the fundamentals of the law and order.

Russia will strive for formation of the multiple-polar system of the international relations, actually reflecting the many-sidedness of the contemporary world with diversity of its interests.

The mutual account of the interests is the guarantee of the efficiency and reliability of such system of the world. The world system of the XXI-st century shall be based on the mechanisms of the collective settlement of the key problems, on the priority of the rights and wide democratization of the international relations.

The interests of Russia are also immediately associated with other tendencies, including:

- globalization of the world economy. Along with the additional opportunities of the social-economic progress and expansion of human contacts such tendency also gives way to the new dangers, especially for the economically weakened States; the probability of the large-scale financial and economic crises keeps increasing. The risk of dependence of the economic system and information space of the Russian Federation from the outside impact keeps growing;
- Strengthening of the role of the international institutes and mechanisms in the world economy and policy (“Group of the Eight”, International Monetary Fund, International Bank for

Reconstruction and Development), caused with the objective growth of the States interdependence and with the need of improving the controllability of the international system. The full-scale and equal participation in development of the major functioning principles of the world financial and economic system under the contemporary conditions is in the interests of Russia;

- development of the regional and sub-regional integration in Europe, Asian Pacific region, Africa and Latin America. Integration associations acquire higher and higher significance in the world economy, becoming an essential factor of the regional and sub-regional integration security and peace-making;
- military-political competition of the regional powers, growth of separatism, ethnic-national and religious extremism. The integration processes, in particular in the European Atlantic region, frequently are of the selective restrictive character. The attempts to depreciate the role of a sovereign State, as a fundamental element of the international relations, create a threat of arbitrary interference in a State's internal affairs. The problems of proliferation of weapons of mass destruction and their delivery vehicles have reached critical scales. Unsettled or potential regional and local armed conflicts represent a threat to the international peace and security. The growth of international terrorism, transnational organized criminality, as well as the illegal turnover of drugs and weapons start producing considerable effect on the global and regional stability.

Threats associated with the mentioned tendencies aggravate with limitation of the resource support of the foreign policy of the Russian Federation, which complicates successful assertion of its foreign-policy interests and restricts the frames of its informational and cultural influence abroad.

Along with this the Russian Federation has got a real potential for ensuring a worthy place in the world. Further strengthening of the Russian State system, consolidation of the civil society and the fastest transition to the stable economic growth are of determining value in this aspect.

Within the last decades Russia was able to use additional opportunities of the international co-operation, opening in the result of the radical changes in the country, substantially progressed on the way of integration into the system of the world business links and entered a number of the influential international organizations and institutes. By way of intensive efforts it has become possible to strengthen the positions of Russia in the world area by a number of the principle lines.

The Russian Federation pursues an independent and constructive foreign policy. It is based on consistency and predictability, mutually beneficial pragmatism. This policy is maximally transparent; it accounts the legitimate interests of other States and is targeted at search of mutual decisions.

Russia is a reliable partner in the international relations. Its constructive role in the settlement of acute international problems is widely recognized.

Balance is a peculiar feature of the Russian foreign policy. It is conditioned with the geopolitical position of Russia, as one of the biggest Euro-Asian power, requiring optimal combination of efforts by all lines. Such approach predetermines the responsibility of Russia for maintenance of peace in the world both at the global and the regional levels, presumes development and mutual addition of the foreign-policy activity on the bilateral and multilateral basis.

### III. PRIORITIES OF THE RUSSIAN FEDERATION IN SETTLEMENT OF GLOBAL PROBLEMS

The successful foreign policy of the Russian Federation must be based on observance of reasonable balance between its goals and opportunities for their attainment. Concentration of political and diplomatic, military, economic, financial, and other means on settlement of the foreign-policy tasks is to be proportionate to their actual value for the national interests of Russia, and the scale of participation in the international affairs is to be adequate to the actual contribution in strengthening of the State positions. Variety and complexity of the international problems and presence of crisis situations presume a timely assessment of the priority of each of them in the foreign-policy activity of the Russian Federation.

It is necessary to enhance the effectiveness of political, legal, foreign economic and other protection instruments of the State sovereignty of the Russian Federation and its National economy in the conditions of globalization.

#### 1. Formation of the New World System

Russia is interested in the stable system of international relations, based on the principles of equality, mutual respect and mutually beneficial co-operation. This system is meant for providing reliable security of each member of the world community in the political diplomatic, military, economic, financial, and other spheres.

The United Nations Organization shall remain the main governing center of the international relations in the XXI-st century. The Russian Federation will be resolutely opposing to the attempts of degrading the role of the UN and its Security Council in the world affairs.

Strengthening of the UN's consolidating role in the world presumes:

- steady observance of the fundamental principles of the UN Charter, including maintenance of the status of the standing members of the UN Security Council;
- rational reformation of the UN for the purposes of developing its mechanism of rapid response to the events going-on in the world, including increase of its opportunities on prevention and settlement of crises and conflicts;
- further enhancement of the efficiency of the UN Security Council, bearing the main responsibility for maintenance of the international peace and security, attachment of bigger representativeness to this body by inclusion of new standing members in its structure out of the authoritative developing countries in the first turn. The UN reforming shall proceed from the firmness of the veto right of the UN Security Council standing members;
- Russia attaches high importance to its participation in the group of the eight mostly developed industrial countries (G8). Considering the mechanism of consultations and co-ordination of positions on the most important problems of the modern world as one of the essential means of assertion and promotion of its foreign political interests, the Russian Federation intends to increase its interaction with the partners by this forum.

## 2. Strengthening of the International Security

Russia stands for further decrease of the force factor in the international relations at simultaneous strengthening of the strategic and regional stability. To this end the Russian Federation:

- will undeviatingly comply with its undertaken obligations on the effective treaties and agreements in the sphere of limitation and reduction of arms and participate in the drafting and conclusion of new agreements, meeting both its national interests and the security interests of other States;
- is ready to go for further reduction of its nuclear potential on the basis of the bilateral agreements with the USA and - in the multisided format – with involvement of other nuclear powers, provided that the strategic stability in the nuclear sphere will not be disturbed. Russia will strive for the reservation and observance of the Treaty of 1972 on reduction of the anti-missile defense systems, being the corner stone of the strategic stability. Implementation of the USA's plans on the creation of the anti-missile defense of the territory of the country will inevitably force the Russian Federation to take adequate measures on maintenance of its National security at the relevant level;
- confirms invariability of its course at participation together with other States in prevention of proliferation of nuclear weapons, other types of the weapon of mass destruction, vehicles of its

delivery, as well as of the corresponding materials and technologies. The RF is a firm supporter of strengthening and development of the relevant international regimes, including the Global Control System over non-proliferation of missiles and missile technologies. The Russian Federation intends to stand upon its obligations under the Comprehensive Nuclear Test Ban Treaty and calls all States of the world to join it;

- gives particular consideration to such aspect of strengthening the strategic stability as guarantee of the information security;

- intends to further on promote strengthening of the regional stability by involvement in the processes of reduction and limitation of the conventional armed forces, as well as application of confidence measures in the military domain;

- considers the international peace-making as an efficient instrument of settling armed conflicts and stands for strengthening of its legal fundamentals in strict compliance with the principles of the UN Charter. Maintaining measures on the build-up and modernization of the UN potential on the rapid anti-crisis response, the Russian Federation intends to go on with active participation in the operations on maintenance of peace, held both under the aegis of the United Nations and in specific cases by regional and sub-regional organizations. The necessity and the level of such participation will be proportioned to the national interests and international obligations of the country. Russia proceeds from the condition that it is only the UN Security Council which has the warrant of sanctioning use of force for the purposes of coercion to peace;

- proceeds from the condition that use of force in violation of the UN Charter is illegitimate and threatens stabilization of all system of the international relations. Attempts at introducing concepts of “humanitarian intervention” and “restricted sovereignty” into the international turnover to justify the one-sided power actions in contravention of the UN Security Council are not acceptable. Being prepared for a dialogue on perfecting the legal aspects of force application in the international relations under conditions of globalization, the Russian Federation’s policy proceeds from the premise that the search for the specific forms of the international community’s response to various acute situations, including humanitarian crises, is to be carried out collectively, on the basis of the clear observance of the norms of the international law and the UN Charter:

- will participate in the activities on liquidation of natural and technogenic catastrophes, other emergency situations, as well as in rendering of humanitarian help to the suffering countries, carried out both under the UN aegis and other international organizations;

- considers the fight against the international terrorism, capable of destabilizing the situation not only in individual states, but also whole regions, as the most important foreign-policy task. The Russian Federation stands for further working out of measures on strengthening the

interaction of the States in this domain. The direct responsibility of each State is to protect its citizens against terrorist encroachments, non-admission into its territory of activities aimed at organizing similar actions against the citizens and interests of other countries, and non-granting of refuge to terrorists;

- will be purposively opposed to the illegal turnover of drugs and growth of organised criminality, co-operating with other States in the multilateral format and first of all within the framework of the specialized international bodies and at the bilateral level.

### 3. International Economic Relations

Assistance to the development of the national economy, which is inconceivable without the broad inclusion of Russia in the system of the world economic ties in the conditions of globalization, is the main priority of the foreign policy of the Russian Federation in the sphere of the international economic relations. To this end it is necessary:

- to provide a favorable environment for formation of the market economy in the country and the renewed foreign economic specialization of the Russian Federation, which guarantees maximum economic effect from its participation in the international division of labor;
- to strive for minimization of risks at further integration of the Russian Federation in the world economy subject to the necessity of ensuring the economic security of the country;
- to assist in the formation of the fair international trade system with the full participation of the Russian Federation in the international economic organizations, providing protection of the national interests of the country in them;
- to promote expansion of domestic exports and rationalization of imports in the country, as well as Russian undertakings abroad; to support its interests at the foreign market and oppose to the discrimination of domestic producers and exporters, assure strict compliance of the foreign economic activity to Russian legislation and implementation of such operations with domestic constituents;
- to promote the attraction of foreign investment in the first turn in the real sector and priority spheres of the Russian economy;
- to provide for the safety and optimal use of the Russian property abroad;
- to carry out servicing of the Russian foreign debt in compliance with the real capabilities of the country, to strive for the maximum return of the funds on account of credits to the foreign States;
- to form a complex system of the Russian Legislation and the international legal contract base in the economic domain.

Russia is to be ready to use all economic levers at its disposal and resources for protection of its National interests;

Considering the increase of the danger of natural and technogenic catastrophes, the Russian Federation advocates for expansion of the international co-operation for the purposes of providing the environmental safety, including the ones with attraction of the high technologies for the sake of all international community.

#### 4. Human Rights and International Relations

Russia, devoted to the values of the democratic society, including respect of the human rights and freedoms, regards its tasks in order:

- to strive for respect of the human rights and freedoms all over the world on the basis of the observance of the international law norms;
- to protect the rights and interests of the Russian citizens and the compatriots abroad on the basis of the international law and the effective bilateral agreements. The Russian Federation will strive for the adequate guarantee of the rights and freedoms of compatriots in the States of their permanent residence, maintain and develop the all-round ties with them and their organizations;
- to develop the international co-operation in the domain of the humanitarian exchange;
- to expand participation in the international conventions and agreements in the domain of human rights;
- to proceed with adjustment of the Legislation of the Russian Federation in compliance with the international obligations of Russia.

#### 5. Information Support of the Foreign-Policy Activity

Informing the wide circles of the world public on the objective and accurate data on the viewpoints of Russia by the major international problems, foreign-policy initiatives and actions of the Russian Federation, as well as on the achievements of the Russian culture, science and intellectual art is one of the critical trends of the foreign-policy activity of the Russian Federation. The task of forming a positive comprehension of Russia and a friendly attitude towards it abroad is being brought to the forefront. The purposeful efforts on broad clarification abroad of the essence of the internal policy of Russia and the processes, going on in the country, are to become an integral element of the corresponding activity. The accelerated development of their own effective means of the information's influence on the public opinion abroad becomes actual in the Russian Federation.

#### IV. REGIONAL PRIORITIES

Ensuring the correspondence of the multilateral and bilateral co-operation with the States – members of the Commonwealth of Independent States (CIS) with the tasks of the national security of the country is the priority line of the foreign policy of Russia.

The emphasis will be laid on development of the good neighboring relations and strategic partnership with all countries – the CIS members. The practical relations with each of them are necessary to be built with account of the counter openness for co-operation, preparedness to proper accounting of the interests of the Russian Federation, including guarantee of the rights of the Russian compatriots.

Proceeding from the conception that the integration within the CIS is characterized with various rates and levels, Russia will be determining the parameters and the character of its interaction with the Member States of the CIS both in the CIS on the whole and in the narrower associations, in the Customs Union and the Treaty of Collective Security in the first turn. Strengthening of the Union of Byelorussia and Russia, as a supreme form of integration of two sovereign States, is the prime task at this stage.

The joint efforts on regulation of conflicts in the CIS Member States, development of co-operation in the military-political domain and the sphere of security, especially in the fight against the international terrorism and extremism, will be of the priority value.

Critical emphasis will be laid on the development of the economic co-operation, including creation of the duty-free trade zone and realization of the programs on the joint rational use of natural resources. In particular, Russia will strive for development of such status of the Caspian Sea, which would allow the by-coastal States to expand a mutually beneficial co-operation on exploitation of the regional resources on the fair basis with account of the lawful interests of each other.

The Russian Federation will be making efforts for ensuring compliance with the mutual obligations on maintaining and augmenting of the common cultural inheritance of the CIS Member States.

Relations with European states is a traditionally priority line of the foreign policy of Russia. The main target of the Russian foreign policy in the European direction is the creation of the stable and democratic system of the all-European security and co-operation. Russia is interested in the further balanced development of the multifunctional character of the Organisation on Security and Co-operation in Europe (OSCE) and will be making efforts in this direction.

It is important to use to the maximum extent the law-making potential, accumulated by this organisation after adoption of the Helsinki Final Act in 1975, which has been totally retaining its actuality. Russia will be decisively opposed to restriction of the OSCE functions, in particular re-profiling of its activity to the post-Soviet area and the Balkans.

Russia will be striving for conversion of the adapted Treaty on the Conventional Armed Forces in Europe into an effective means of ensuring European security, as well as attaching a comprehensive character to the measures of confidence, including, in particular, the coalition activity and activity of the naval forces.

Proceeding from the own needs in building of a civil society Russia intends to keep participating in the activity of the Council of Europe.

The relations with the European Union (EU) are of key value. The processes going on in the EU to the increasing extent influence the dynamics of the situation in Europe. This is expansion of the EU, transition to the unified currency, institutional reform, making of the general foreign policy and the policy in the sphere of security, and the defense identity. Regarding these processes as the objective component of the European development, Russia will be striving for the proper account of its interests, including the ones in application to the sphere of the bilateral relations with individual countries – the members of the EU.

The Russian Federation views the EU as one of its most important political and economic partners, and will be striving for development of the intensive, stable and long-term co-operation, deprived of market fluctuations, with the EU.

The character of the relations with the EU is defined with the framework of the Agreement on Partnership and Co-operation, instituting the partnership between the Russian Federation on the one part and the European communities and their Member States on the other part, dated June 24 1994, which has not become fully operational yet. The specific problems and first of all the problem of the adequate account of the interests of the Russian party in the process of the EU expansion and reformation will be solved on the basis of the Strategy of Developing the Relations of the Russian Federation with the EU, approved in 1999. The developing military-political measurement of the EU is to become the subject of special consideration.

Substantively estimating the role of the Northern Atlantic Treaty Organization (NATO) Russia proceeds from the importance of co-operation with it in the interests of maintaining the security and stability in the continent and is open for constructive interaction. The required foundation for it has been laid in the Fundamental Act on the Mutual Relations, Co-operation and Security between the Russian Federation and the Northern Atlantic Treaty Organization dated May 27 1997. The rate of co-operation with NATO will depend on its compliance with the key provisions of this document, which in the first turn refer to non-use of force and threat of force,

non-placement of groups of the conventional armed forces, nuclear weapon and vehicles of its delivery in the territories of the new members.

Along with this, the current political and military aims of NATO do not match the security interests of the Russian Federation in a number of parameters and sometimes they are in direct contradiction with them. In the first turn it concerns the provisions of the new strategic conception of NATO, not excluding prosecution of force operations outside the effect zone of the Washington Treaty without sanction of the UN Security Council. Russia maintains a negative attitude towards the expansion of NATO.

The rich and constructive co-operation between Russia and NATO is possible only if it is built on the basis of the proper account of the Parties' interests and absolute compliance with the mutual obligations undertaken.

Interaction with the States of the Western Europe and in the first turn with such powerful ones as Great Britain, Germany, Italy and France represents an important resource for assertion by Russia of its national interests in the European and world affairs, for stabilization and growth of the Russian economy.

In relations with the States of the Central and Eastern Europe the task of maintaining the worked human, business and cultural links, overcoming the available emergency phenomena and adding an additional impulse to the co-operation in compliance with the new conditions and Russian interests.

Development of relations of the Russian Federation with Lithuania, Latvia and Estonia has a good outlook. Russia stands for steering these relations into a channel of good-neighborliness and mutually beneficial co-operation. Respect of Russian interests by these states, including the core matter on observance of the rights of the Russian-speaking population, is the indispensable condition thereof.

Russia will provide all possible support for achievement of the lasting and fair settlement of the situation in the Balkans, based on the coordinated decisions of the international community. Retaining the territorial integrity of the Union Republic of Yugoslavia and opposing to partitioning of this State, which is fraught with occurrence of the all-Balkan conflict with unpredictable consequences, is fundamentally important.

The Russian Federation is ready for overcoming considerable difficulties of the recent period in the relations with the USA, retaining the Russian-American co-operation infrastructure, which had been created for almost 10 years. Regardless of availability of the serious and in a number of cases principled disagreements, the Russian-American interaction is a required condition for improvement of the international situation and global strategic stability.

In the first turn it concerns the problems of disarmament, control over the armaments and non-proliferation of the weapons of mass destruction, as well as prevention and settlement of the most dangerous regional conflicts. Settlement of the matter on limitation and reduction of the strategic nuclear weapons is possible only at an active dialogue with the USA. Maintenance of the regular bi-lateral contacts at all levels, non-admission of pauses in the relations and failures in the negotiation processes by the major political, military and economic matters are in mutual interest. Asia has an important and all increasing importance in the foreign policy of the Russian Federation, which is conditioned by the direct membership of Russia in this dynamically developing region, necessitating the economic rise of Siberia and the Far East. The accent will be placed on activating Russia's participation in the major integration structures of the Asian-Pacific region – forum of the Asian-Pacific Economic Co-operation, regional forum of the Association of South-East Asia Nations (ASEAN) on security, and in the “Shanghai Set of Five” (Russia, China, Kazakhstan, Kirghizia and Tajikistan), created upon the initiative role of Russia.

Development of friendly relations with the leading Asian states, China and India in the first instance, is one of the most important lines of the Russian foreign policy in Asia. Coincidence of the fundamental approaches of Russia and the Chinese People's Republic to the key problems of the world policy is one of the base supports of the global and regional stability. Russia has been striving for development of the mutually beneficial co-operation with China on all lines. Adjustment of the economic interaction scales in conformity with the level of political relations remains the main task.

Russia intends to deepen the traditional partnership with India including the one in the international affairs, promote overcoming of the problems lasting out in the Southern Asia and strengthening of stability in the region.

Signing of the Comprehensive Test Ban Treaty with India and Pakistan and their accession to the Non-Proliferation Treaty is regarded by Russia as an important factor of ensuring stability in the Asian-Pacific region. Russia will be supporting the line to creation of the zones free from nuclear weapons in Asia.

The Russian Federation stands for stable development of relations with Japan, for achievement of the genuine good-neighborliness, meeting the national interests of both countries. Within the framework of the existing negotiation mechanisms Russia will proceed seeking for a mutually acceptable decision on formalization of the internationally recognized border between the two States.

Russian foreign policy is directed at increase of the positive dynamics of relations with the States of the Southern-Eastern Asia.

It is important to develop the relations with Iran further.

The general recovery of the situation in Asia, characterized with strengthening of the geopolitical ambitions of a number of States, increasing of the arms race, lasting out of the sources of stress and conflicts, is of fundamental value for Russia. The situation in the Korean peninsula causes the biggest concern. Efforts will be concentrated on ensuring the equal participation of Russia in settlement of the Korean problem, on maintenance of the balanced relations with both Korean States.

The lengthy conflict in Afghanistan creates a real threat to the security of the southern borders of the CIS and directly touches the Russian interests. In interaction with other States concerned Russia will be making consistent efforts for the purposes of achieving a lasting and fair political settlement of the Afgan problem, non-admission of exporting terrorism and extremism out of this country.

Russia will be striving for stabilization of the situation in the Middle East, including the zone of the Persian Gulf and Northern Africa, considering at the same time the impact of the regional situation on the one all over the world. Using its status as a co-sponsor of the peaceful process Russia intends to pursue the line targeted at active participation in after-the-crisis normalization of the situation in the region. In this context, reconstruction and strengthening of the positions of Russia, especially economic ones, in this area of the world, which is rich and important for our interests, will be the priority task of Russia.

Regarding the Mediterranean as a connecting link of such regions as the Middle East, the region of the Black Sea, the Caucasus, the basin of the Caspian Sea, Russia intends to pursue the purposive course at its conversion in the zone of peace, stability and good-neighborliness, which will promote the progress of the Russian economic interests, including the ones in selection of the routes for transmitting the important energy carriers.

Russia will expand the interaction with the African States; promote the fastest settlement of the regional war conflicts in Africa. It is also necessary to develop a political dialogue with the Organization of African Unity (OAU) and sub-regional organizations, use of their opportunities for switching of Russia to the multilateral economic projects in the continent.

Russia has been striving for upgrading the level of the political dialogue and economic co-operation with the countries of the Central and Southern America, being based on the serious progress, achieved in the relations of Russia with this region in the 1990s. It will be, in particular, striving for expansion of the interaction with the States of the Central and Southern America in the international organizations, encouragement of exporting the Russian high-end industrial products to the Latin-American States, development of the military-technical co-operation.

At determination of the regional priorities of its foreign policy the Russian Federation will account the rate and orientation of formation of the main world centers, extent of their members' availability to expansion of the bilateral interaction with Russia.

## V. BUILDING AND IMPLEMENTATION OF THE FOREIGN POLICY OF THE RUSSIAN FEDERATION

The President of the Russian Federation in compliance with his Constitutional powers shall implement the guidance of the foreign policy of the State and represent the Russian Federation in the international relations as the Head of the State.

The Soviet of the Federation and the State Duma of the Federal Assembly of the Russian Federation within the framework of their Constitutional powers shall carry out the legislative activity on ensuring the foreign-policy course of the Russian Federation and compliance with its international obligations.

The Security Council of the Russian Federation shall effect preparation of the decisions of the President of the Russian Federation in the sphere of international security and control over their fulfillment.

The Ministry of the Foreign Affairs of the Russian Federation shall carry out the activity on immediate realization of the foreign-policy course of the Ministry of Internal Affairs of Russia, approved by the President of the Russian Federation, implements co-ordination of the foreign-policy activity of the Federal executive authorities and control over it in compliance with Decree № 375 of the President of the Russian Federation dated March 12 1996 "On the Coordinating Role of the Ministry of the Foreign Affairs of the Russian Federation in Pursuing the Unified Foreign-Policy Line of the Russian Federation".

The constituents of the Russian Federation shall develop their international contacts in compliance with the Constitution of the Russian Federation, Federal Law "On Co-ordination of the International and Foreign-Policy Contacts of the Constituents of the Russian Federation" and other legislative acts. The Ministry of the Foreign Affairs of Russia and the Federal executive authorities render assistance to the constituents of the Russian Federation in their implementation of the international co-operation at strict observance of sovereignty and territorial integrity of the Russian Federation.

At preparation of decisions on pursuance of the State foreign-policy course the Federal executive authorities shall interact with non-governmental organizations of Russia as required. Wider involvement of the non-governmental organizations in the sphere of the foreign-policy activity of the country meet the task of providing maximum support of the State foreign policy by the civil society and is capable to contribute in its effective realization.

Consistent realization of the foreign policy will create favorable conditions for realization of the historic choice of the peoples of the Russian Federation in favor of the legal State, democratic society and socially oriented market economy.

## **6. INFORMATION SECURITY DOCTRINE OF THE RUSSIAN FEDERATION OF 21 APRIL 2001**

### Summary:

*The Information Security Doctrine elaborates the concept of said security, methods of ensuring security, provisions of policy for implementing such security, and the organisational basis of security provision.*

*The doctrine defines the types and sources of threat, and also the tasks and methods for ensuring security. The main provisions for the government to achieve the objectives in the area are detailed, as well as the organisational framework for achieving those aims.*

- I. Information Security of the Russian Federation (Clauses 1-4).
- II. Methods of Ensuring Information Security of the Russian Federation (Clauses 5-7).
- III. Main Provisions of the Government Policy of Ensuring Information Security of the Russian Federation and Priority Measures for Its Implementation (Clauses 8-9).
- IV. Organizational Basis of the System of Ensuring Information Security of the Russian Federation (Clauses 10-11).

Doctrine of Information Security of the Russian Federation presents a totality of official views on aims, purposes, principles and main directions of ensuring information security of the Russian Federation.

The present Doctrine makes the basis for:

forming the government policy in the field of ensuring information security of the Russian Federation;

preparation of proposals regarding improvement of legal, methodological, scientific, technological and organizational ensuring information security of the Russian Federation;

developing special purpose programs of ensuring information security of the Russian Federation.

The present Doctrine develops the Concept of National Security of the Russian Federation in conformity with information sphere.

## I. INFORMATION SECURITY OF THE RUSSIAN FEDERATION

### 1. National Interests of the Russian Federation in information sphere and their ensuring

The modern stage of development of the society is characterized by increasing part of information sphere, presenting totality of information, information infrastructure, subjects, carrying out collection, forming, dissemination and usage of information, as well as systems of regulating social relations, emerging in this connection. Being a system-building factor of the life of the society, information sphere actively influences the condition of political, economic, defense and other components of security of the Russian Federation. National security of the Russian Federation to a significant extent depends on ensuring information security and in the course of technical progress this dependence will be increasing.

Information security of the Russian Federation implies condition of security of its national interests in information sphere, determined by totality of balanced interests of a person, society and the State.

Interests of a person in information sphere consist of realization of constitutional rights of a human being and a citizen to access to information, to usage of information in interests of carrying out not forbidden by the law activities, physical, spiritual and intellectual development, as well as in protection of information, ensuring personal security.

Interests of a society in information sphere consist of ensuring interests of a person in this sphere, consolidation of democracy, creation of a legal social State, achievement and maintenance of social consent, as well as in spiritual renovation of Russia.

Interests of the State in information sphere consist of creation of conditions for harmonious development of Russian information infrastructure, realization of constitutional rights and freedoms of a human being and a citizen in the field of acquisition of information and its usage for the purposes of ensuring firmness of the constitutional system, sovereignty and territorial integrity of Russia, political, economic and social stability, in unconditional ensuring law and order, development of equal and mutually beneficial international cooperation.

Strategic and current tasks of home and foreign policy of the State regarding ensuring information security are formed on the basis of national interests of the Russian Federation in information sphere.

Four main components of national interests of the Russian Federation in information sphere can be distinguished.

The first component of national interests of the Russian Federation in information sphere includes observation of constitutional rights and freedoms of a human being and a citizen in the field of obtaining information and its use, ensuring spiritual renovation of Russia, preservation and strengthening moral values of the society, traditions of patriotism and humanity, cultural and scientific potential of the country.

In order to achieve this it is necessary to:

increase efficiency of usage of informational infrastructure in the interests of social development, consolidation of the Russian society, spiritual revival of multinational population of the Russian Federation;

improve the system of formation, preservation and rational usage of information resources, which form the basis of scientific, technical and spiritual potential of the Russian Federation;

ensure constitutional rights and freedoms of a human being and a citizen to freely search, acquire, transmit, produce and disseminate information by any legal means, acquire trustworthy information on environmental situation;

ensure constitutional rights and freedoms of a human being and a citizen to personal and family secrecy, secrecy of correspondence, telephone conversations, mail, telegraph and other communications, to protection of his honor and good name;

strengthen mechanisms of legal regulation of relations in the field of intellectual property protection, create conditions for observing limitations to access to confidential information, established by the federal legislation;

guarantee freedom of mass information and abolition of censorship;

prohibit propagation and agitation, which promote stirring up social, racial, national and religious hatred and hostility;

ensure prohibition of collection, keeping, usage and dissemination of information about private life of a person without his consent and any other information, access to which is limited by the federal legislation.

The second component of the national interests of the Russian Federation in information sphere includes information assistance of the government policy of the Russian Federation, connected with providing Russian and international public with trustworthy information on the government policy of the Russian Federation, its official position on socially significant events of Russian and international life, with ensuring access of citizens to open government information resources.

In order to achieve this it is necessary to:

strengthen governmental mass media, broaden its possibilities regarding timely providing Russian and foreign citizens with trustworthy information;

intensify formation of open government information resources, increase efficiency of their economic usage.

The third component of national interests of the Russian Federation in information sphere includes development of modern information technologies, domestic information industry, including industry of information means, telecommunications and communications, satisfaction of requirements of domestic market with its produce and appearance of this produce on the world market, as well as ensuring accumulation, security and effective usage of domestic information resources. Under modern conditions problems, related to creation of high technologies, technological rearming of industry, multiplying achievements of domestic science and technology can be solved only on this basis. Russia should occupy adequate place among the world leaders of microelectronics and computer industry.

In order to achieve this it is necessary to:

develop and improve infrastructure of a unified information space of the Russian Federation;

develop domestic industry of information services and increase efficiency of usage of government information resources;

develop production of compatible information means and systems, telecommunications and communications in the Russian Federation, expand participation of Russia in international cooperation of manufacturers of these means and systems;

ensure government support of home fundamental and applied research works, developments in the spheres of information, telecommunications and communications.

The fourth component of national interests of the Russian Federation in information sphere includes protection of information resources from illegal access, ensuring security of information and telecommunications systems, both already deployed and being created on the territory of Russia.

For these purposes, it is required to:

improve security of information systems, including communications system, first of all security of primary communications systems and information systems of federal executive authorities, government authorities of the subjects of the Russian Federation, financial, credit and banking spheres, sphere of economic activity, as well as systems for and means of the informatization of weapons and military equipment, systems of troops and weapons control, control of ecologically dangerous and economically important industries;

intensify development of domestic production of hardware and software for protection of information and methods of control of their efficiency;  
ensure protection of data constituting State secrets;  
expand international cooperation of the Russian Federation in the field of development and safe usage of information resources, opposition to threat of unleashing antagonism in information sphere.

## 2. Types of Threats to Information Security of the Russian Federation

According to their general trend, threats to information security of the Russian Federation can be divided into following types:

threats to constitutional rights and freedoms of a human being and a citizen in the field of spiritual life and information activity, individual, group and public conscience, spiritual revival of Russia;

threats to information support of the government policy of the Russian Federation;

threats to the development of home information industry, including the industry of information means, telecommunications and communications, satisfaction of requirements of the domestic market with its produce and appearance of this produce on the world market, as well as ensuring the accumulation, security and effective usage of domestic information resources;

threats to information and telecommunications means both already deployed and being created on the territory of the Russian Federation.

Threats to constitutional rights and freedoms of a human being and a citizen in the field of spiritual life and information activity, individual, group and public conscience, spiritual revival of Russia may be the following:

adoption by federal executive authorities, government authorities of the subjects of the Russian Federation of legal acts, infringing upon constitutional rights and freedoms of a human being and a citizen in the field of spiritual life and information activity;

creation of monopolies for formation, acquisition and dissemination of information in the Russian Federation, including that with the use of telecommunications systems;

opposition, including that on behalf of criminal structures, to realization by citizens of their constitutional rights to personal and family secrecy, secrecy of correspondence, telephone conversations and other communications;

irrational, extreme limitation of access to publicly necessary information;

illegal usage of special means of influencing individual, group and public conscience;

failure to fulfill by federal executive authorities, government authorities of the subjects of the Russian Federation, institutions of local governments, organizations and citizens requirements of the federal legislation, governing relations in information sphere;

illegal limitation of access of citizens to open information resources of federal executive authorities, government authorities of the subjects of the Russian Federation, institutions of local governments, to open archival materials and another open socially significant information;

disorganization and destruction of the system of accumulation and preservation of cultural values, including archives;

violation of constitutional rights and freedoms of a human being and citizen in the field of mass information;

ousting of Russian information agencies, mass media from the domestic information market and aggravation of dependence of spiritual, economic and political spheres of public life of Russia on foreign information structures;

devaluation of spiritual values, propagation of examples of mass culture, based on the cult of violence, spiritual and moral values, contradicting values accepted in the Russian society;

deterioration of spiritual, moral and creative potential of the people of Russia, what will make training of labor resources for introduction and usage of the newest technologies, including informational, significantly more difficult;

manipulation of information (misinformation, concealment and misinterpretation of information).

Threats to information assistance of the government policy of the Russian Federation may be:

monopolization of the information market of the Russian Federation, its separate sectors by local and foreign information structures;

blockade of activities of government mass media, related to informing Russian and foreign audience;

low efficiency of information support of the government policy of the Russian Federation due to deficiency of qualified personnel, lack of system of formation and realization of the government information policy.

Threats to home information industry, including industry of means of informatization, telecommunications and communications, meeting the requirements of the domestic market in its produce and appearance of this produce on the world market, as well as ensuring accumulation, security and effective usage of domestic information resources, may be:

opposition to access of the Russian Federation to the newest technologies, mutually beneficial and equal participation of Russian manufacturers in the world division of labor in the

industry of information services, means of informatization, telecommunications and communications, information products, as well as creation of conditions for aggravation of economic dependence of Russia in the field of information technologies;

purchase by government authorities of imported means of informatization, telecommunications and communications in the presence of domestic analogues, equal in their characteristics to foreign samples;

ousting from the domestic market of Russian manufacturers of means of informatization, telecommunications and communications;

increase of outflow of specialists and intellectual property owners.

Threats to informatization and telecommunications means of security, both already deployed and being created on the territory of Russia, may include the:

illegal collection and usage of information;

violation of information processing technology;

introduction into hardware and software of components, implementing functions, not specified by documentation for these products;

development and dissemination of programs, violating normal functioning of information and telecommunications systems, including information protection systems,

destruction, damaging, radio-electronic suppression or demolition of information processing, telecommunications and communications means and systems;

influence on parole-key protection systems of automated information processing and transmission systems;

compromising keys and cryptographic means of information protection;

leakage of information along technical channels;

introduction of electronic devices for interception of information into information technical means of processing, storage and transmission along communications channels, as well as into offices of government authorities, enterprises, institutions and organizations regardless of their form of property;

destruction, damaging, demolition or plunder of hardware and other information carriers;

interception of information in information transmission networks and on communications lines, deciphering this information and imposing untrustworthy information;

usage of uncertified domestic and foreign information technologies, information protection means, means of informatization, telecommunications and communications while creating and developing Russian information infrastructure;

illegal access to information, contained in banks and data bases,

violation of legal limitations of dissemination of information.

### 3. Sources of Threats to Information Security of the Russian Federation

Sources of threats to information security of the Russian Federation are divided into domestic and foreign. Foreign sources include the following:

activities of foreign political, economical, military, intelligence and information structures, aimed against interests of the Russian Federation in information sphere;

striving of some countries for domination and prejudice to interests of Russia in the global information space, ousting Russia from foreign and domestic information markets;

aggravation of international competition for possessing information technologies and resources;

activities of international terrorist organizations;

growth of technological alienation of the leading states of the world and increase of their capabilities, related to opposing creation of compatible Russian information technologies;

activity of space, air, sea and surface technical and other means (types) of intelligence of foreign countries;

development by some states of information wars conceptions, envisaging creation of means, dangerously influencing information spheres of other countries of the world, breach of normal functioning of information and telecommunications systems, safety of information resources, acquisition of illegal access to them.

Domestic sources include the following:

critical condition of home industries;

unfavorable criminal situation, accompanied by trends of interlocking of governmental and criminal structures in information sphere, acquisition by criminal structures of access to confidential information, strengthening influence of organized criminality on the life of the society, deterioration of degree of protection of legal interests of citizens, society and the State in information sphere;

insufficient coordination of activities of federal executive authorities, government authorities of the subjects of the Russian Federation related to forming and realization of the unified policy on ensuring information security of the Russian Federation;

insufficient development of legal basis, governing relations in information sphere, as well as insufficient practice of application of law;

underdevelopment of institutes of the civil society and insufficient government control of development of the information market of the Russian Federation;

insufficient financing of measures, related to ensuring information security of the Russian Federation;

insufficient economic power of the State;

deterioration of effectiveness of the educational system, insufficient number of qualified specialists in the field of ensuring information security;

insufficient activity of federal executive authorities, government authorities of the subjects of the Russian Federation regarding informing the society about their activities, explaining adopted decisions, in forming open government resources and development of the system of access of citizens to them;

lagging of Russia behind the leading countries of the world in respect of the informatization level of federal executive authorities, government authorities of the subjects of the Russian Federation and institutions of local governments, credit and finance sphere, industry, agriculture, education, health care, services and mode of life of citizens.

#### 4. Condition of Information Security of the Russian Federation and Main Tasks Related to Its Ensuring

During the past years, a complex of measures, related to improvement of information security, has been implemented in the Russian Federation.

Formation of the legal base of information security has begun. Law of the Russian Federation "On the State Secret", Principles of Legislation of the Russian Federation on Archival Fund of the Russian Federation and Archives, Federal Laws "On Information, Informatization and Protection of Information", "On Participation in International Information Exchange" and some other laws have been adopted, work aimed at creation of mechanisms of their implementation, preparation of draft laws, governing social relations in information sphere, has begun.

Measures, related to ensuring information security in Federal executive authorities, government authorities of the subjects of the Russian Federation and institutions of local governments, at enterprises, institutions and organizations regardless of the form of property, were carried out. Works on creation of a special purpose protected information-telecommunications system were deployed in the interests of government authorities.

State system of information protection, system of the State secret protection, systems of licensing activities in the field of the State secret protection and systems of certifying information protection means contribute to successful solution of matters, related to ensuring information security of the Russian Federation.

Together with this analysis of condition of information security of the Russian Federation shows, that its level does not completely meet the requirements of the society and the State.

Modern conditions of political, social and economic development of the country cause aggravation of contradictions between the requirements of the society regarding expanding free exchange of information and necessity to keep some regulated limitations of its dissemination.

The contradictory character and underdevelopment of legal regulation of public relations in information sphere lead to serious negative consequences. Thus, insufficient legal regulation of relations in the field of realization of capabilities of constitutional limitations of freedom of mass information in the interests of protecting the principles of constitutional system, morality, health, rights and legal interests of citizens, ensuring defense potential of the country and security of the State make it more difficult to observe necessity of keeping balance of interests of individuals, society and State in information sphere significantly. Imperfect legal regulation of relations in the field of mass information hinders formation on the territory of the Russian Federation of compatible Russian information agencies and mass media.

Precariousness of rights of citizens to access to information, manipulation of information cause negative reaction of the population, that in some cases lead to destabilization of social and political situation in the country.

Rights of citizens to immunity of private life, personal and family secrecy, secrecy of correspondence, sealed by the Constitution of the Russian Federation, practically do not have sufficient legal, organizational and technical support. Protection of data on physical persons (personal data), collected by federal executive authorities, government authorities of the subjects of the Russian Federation and institutions of local governments, is organized in an unsatisfactory way.

There is no accuracy in carrying out government policy in the field of forming Russian information space, development of mass information system, organization of international information exchange and integration of information space of Russia in international information space, which creates conditions for ousting Russian information agencies and mass media from the domestic information market and deforming the structure of international information exchange.

The government support of activities of Russian information agencies, related to promotion of their produce on the foreign information market is insufficient.

The situation for providing safety of data for State secrets deteriorates.

Serious damage was done to the personnel potential of research and production collectives acting in the field of creation of informatization means, telecommunications and

communications in as a result of the mass retirement from these collectives of the most qualified specialists.

The lagging behind of domestic information technologies forces Federal executive authorities, government authorities of the Russian Federation and institutions of local governments when creating information systems to purchase imported equipment and invite in foreign firms, as a result of which the possibility of illegal access to processed information and the dependence of Russia on foreign manufacturers of computer and telecommunications equipment, as well as software, increases.

In connection with the intensive introduction of foreign information technologies into spheres of activities of individuals, society and the State, the wide usage of open information-telecommunications systems, as well as the integration of domestic information systems and international information systems, create the threat of usage of "information weapons" against the information infrastructure of Russia has increased. Work on adequate complex opposition to these threats is conducted with insufficient coordination and weak budget financing. Insufficient attention is paid to development of space intelligence means and radio-electronic struggle.

The situation in the field of ensuring information security of the Russian Federation requires immediate solution of such matters as:

working out main directions of the government policy in the field of ensuring information security of the Russian Federation, as well as measures and mechanisms, connected with realization of this policy;

development and improvement of the system of ensuring information security of the Russian Federation, realizing the unified government policy in this field, including improvement of forms, methods and means of exposure, evaluation and forecast of threats to information security of the Russian Federation, as well as system of opposing such threats;

working out special purpose federal programs of ensuring information security of the Russian Federation;

working out criteria and methods of evaluation of efficiency of systems and means of ensuring information security of the Russian Federation, as well as certification of these systems and means;

improvement of the legal basis of ensuring information security of the Russian Federation, including mechanisms of realization of rights of citizens to acquisition of information and access to it, forms and ways of realization of legal norms, related to interaction of the State and mass media;

introduction of liability of officials of federal executive authorities, government authorities of the subjects of the Russian Federation and institutions of local governments, legal entities and citizens for observing requirements of information security;

coordination of activities of Federal executive authorities, government authorities of the subjects of the Russian Federation, enterprises, institutions and organizations regardless of the form of property in the field of ensuring information security of the Russian Federation;

development of scientific and practical bases of ensuring information security of the Russian Federation with regard for modern geopolitical situation, conditions of political, social and economic development of Russia and reality of fulfilling threats to use "information weapons";

working out and creation of mechanisms of forming and realization of the government information policy of Russia;

working out methods of increasing efficiency of participation of the State in forming information policy of government television and radio broadcasting organizations, any other government mass media;

ensuring technological independence of the Russian Federation in the most important fields of informatization, telecommunications and communications, determining its security, and, primarily, in the field of creating specialized computer equipment for the samples of weapons and military equipment;

working out modern methods and information protection means, ensuring information security of the Russian Federation and, primarily, those, used in systems of control of troops, weapons, ecologically dangerous and economically important industries;

development and improvement of the government information protection system and the State secret protection system;

creation and development of modern protected technological basis of peacetime, under state of emergency conditions and wartime governing;

expanding interaction with international and foreign authorities and organizations while solving scientific, technological and legal matters of ensuring security of information, transferred with the help of international telecommunications systems and communications systems;

ensuring conditions for the active development of Russian information infrastructure, participation of Russia in the processes of creation and usage of global information networks and systems;

creation of a united system of personnel training in the field of information security and information technologies.

## II. METHODS OF ENSURING INFORMATION SECURITY OF THE RUSSIAN FEDERATION

### 1. General Methods of Ensuring Information Security of the Russian Federation

General methods of ensuring information security of the Russian Federation are divided into legal, organizational, technological and economic.

Legal methods of ensuring information security of the Russian Federation include working out legal acts, governing relations in information sphere, and normative and methodological documents on matters, related to ensuring information security of the Russian Federation. The most important directions of this work are the following:

introduction of amendments and additions to the legislation of the Russian Federation, governing relations in the field of ensuring information security, aimed at the creation and improvement of the system of ensuring information security of the Russian Federation, the elimination of internal contradictions in the Federal legislation, and contradictions connected with international agreements which the Russian Federation signed, and contradictions between Federal legislative acts and legislative acts of the subjects of the Russian Federation, as well as those aimed at concretizing legal acts and specifying liability for violation of the law in the field of ensuring information security of the Russian Federation;

the division of legislative powers in the field of ensuring information security of the Russian Federation between Federal executive authorities and government authorities of the subjects of the Russian Federation, determination of goals, tasks and mechanisms of participation in this activity of public unions, organizations and citizens;

the working out and adoption of legal acts of the Russian Federation, introducing liability of legal entities and physical persons for unsanctioned access to information, its illegal copying, misinterpretation and illegal usage, intentional dissemination of unfaithful information, illegal disclosure of confidential information, use for criminal and mercenary motives of official information or information, containing a commercial secret;

specification of status of foreign information agencies, mass media and journalists, as well as investors while attracting foreign investments for development of information infrastructure of Russia;

legislative sealing of the priority development of national communications networks and domestic production of space communications satellites;

determination of the status of organizations, providing services of global information and telecommunications networks on the territory of the Russian Federation and legal regulation of activities of these organizations;

creation of a legislative basis for forming in the Russian Federation regional structures of ensuring information security.

Organizational and technological methods of ensuring information security of the Russian Federation include the following:

creation and improvement of the system of ensuring information security of the Russian Federation;

strengthening activities of Federal executive authorities, executive authorities of the subjects of the Russian Federation on implementation of law, including prevention and suppression of violations of law in the information sphere, as well as disclosing, convicting and making answerable persons, who committed crimes and other violations of law in this sphere;

working out, usage and improvement of information protection means and methods of control of efficiency of these means, development of protected telecommunications systems, increase of reliability of special software;

creation of systems and means of preventing not sanctioned access to processed information, misinterpretation of information, as well as change of regular regimes of functioning of systems and means of informatization and communication;

disclosure of technical devices and programs, dangerous for normal functioning of information and telecommunications systems, prevention of interception of information along technical channels, usage of cryptographic information protection means during its storing, processing and transmitting along communications channels, control of meeting special requirements, regarding information protection;

certification of information protection means, licensing activities in the field of protection of State secrets, standardization of information protection ways and means;

improvement of system of certification of telecommunications equipment and software of automated systems according to information security requirements;

control of actions of personnel in protected information systems, personnel training in the field of ensuring information security of the Russian Federation;

forming of a system of monitoring the broadcasting and characteristics of information security of the Russian Federation in the most important spheres of life and activity of the society and the State.

Economic methods of ensuring information security of the Russian Federation include the following:

working out programs of ensuring information security of the Russian Federation and determination of the order of their financing;

improvement of the system of financing works, connected with realization of legal, organizational and technical methods of information protection, creation of an insurance system of information risks of physical persons and legal entities.

## 2. Specific Features of Ensuring Information Security of the Russian Federation in Different Spheres of Public Life

The information security of the Russian Federation is one of the components of the national security of the Russian Federation and influences the protection of the national interests of the Russian Federation in the different spheres of life of the society and the State. Threats to information security of the Russian Federation and the means of ensuring it are common across these spheres.

Each of them has its specific features of ensuring information security, connected with specificity of the objects of ensuring information security, the degree of its vulnerability regarding threats to information security of the Russian Federation. Special methods and forms, stipulated by specificity of factors, influencing the condition of information security of the Russian Federation, may be used in each sphere of life of the society and the State alongside with general methods of ensuring information security of the Russian Federation.

In the sphere of economy: Ensuring information security of the Russian Federation in the sphere of economy plays the key role in ensuring information security of the Russian Federation.

The most vulnerable to threats to information security of the Russian Federation in the sphere of economy are:

government statistics system;

credit and finance system;

information and register automated systems of federal executive authorities divisions, providing for activities of the society and the State in the sphere of economy;

accounting systems of enterprises, institutions and organizations regardless of the form of property;

systems of collecting, processing, storing and transmitting financial, stock, tax, customs information and information on external economic activities of the State, as well as enterprises, institutions and organizations regardless of the form of property.

Transition to market relations in the economy caused emergence of goods and services of many domestic and foreign commercial structures - manufacturers and consumers of information, means of informatization and information protection on the internal Russian market. Uncontrolled

activities of these structures, related to creation and protection of the systems of collecting, processing, storing and transmitting statistical, financial, stock, tax, customs information, create real threat to security of Russia in the sphere of economy. Analogous threats emerge in case of uncontrolled attraction of foreign firms to creating the like systems, as together with this favorable conditions are set up for not sanctioned access to confidential economic information and control of processes of its transmitting and processing by foreign special services.

Critical condition of enterprises of national industries, which work out and manufacture means of informatization, telecommunications and communications and information protection, leads to wide usage of corresponding imported means, thus creating a threat of emergence of technological dependence of Russia on foreign states.

Computer crimes connected with penetration of criminal elements in computer networks and networks of banks and other credit institutions, present a serious threat for normal functioning of economy in general.

The insufficiency of the legislative base, determining liability of economic subjects for untrustworthiness or concealment of data about their commercial activities, consumer properties of goods and services, produced by them, results of their economic activity, investments, etc., hinder normal functioning of economic subjects. At the same time material economic damage can be delivered to economic subjects by disclosure of information containing commercial secrets. In the systems of collecting, processing, storing and transmitting financial, stock, tax and customs information illegal copying of information and its misinterpretation due to intentional or accidental violations of technology of work with information, unsanctioned access to such data is the most dangerous. It concerns Federal executive authorities dealing with the formation and dissemination of information on the external economic activities of the Russian Federation as well.

Main measures for ensuring information security of the Russian Federation in the sphere of economy are the following:

organization and carrying out government control of creation, development and protection of systems and means of collecting, processing, storing and transmitting statistical, financial, stock, tax and customs information;

basic reconstruction of the system of the government statistical reporting with the purpose of ensuring trustworthiness, completeness and protection of information, carried out by means of introduction of strict judicial liability of officials in connection with preparation of primary information, organization of control of activities of these persons and services for processing and analyzing statistical information, as well as by means of limitation of commercialization of such information;

working out and introduction of national protected electronic payments systems based on intellectual charts, electronic money and electronic trade systems, standardization of these systems, as well as working out a legislative basis regulating their usage;

improvement of the legislative basis governing information relations in the sphere of economy;

improvement of methods of selecting and training personnel for work in systems of collecting, processing, storing and transmitting economic information.

In the sphere of home policy: The most important objects of ensuring information security of the Russian Federation in the sphere of home policy are the following:

constitutional rights and freedoms of a human being and a citizen;

constitutional system, national consent, stability of the State power, sovereignty and territorial integrity of the Russian Federation;

open information resources of federal executive authorities and mass media.

The most dangerous in the sphere of home policy are the following threats to information security of the Russian Federation:

violation of constitutional rights and freedoms of citizens, realized in information sphere;

insufficient legislative regulation of relations in the sphere of rights of different political forces to usage of mass media for the purposes of propagation of their ideas;

dissemination of misinformation about policy of the Russian Federation, activities of federal executive authorities, events, happening in the country and abroad;

activities of public unions, aimed at forceful change of the constitutional system and violation of the integrity of the Russian Federation, stirring up social, racial, national and religious hostilities, as well as dissemination of these ideas in mass media.

Main measures of ensuring information security of the Russian Federation in the sphere of home policy are the following:

creation of a system for opposing monopolization by domestic and foreign structures of information infrastructure components, including information services market and mass media;

activation of counter-propagation activities, aimed at prevention of negative consequences of dissemination of misinformation about home policy of Russia.

In the sphere of foreign policy: The most important objects of ensuring information security of the Russian Federation in the sphere of foreign policy are the following:

information resources of federal executive authorities, implementing foreign policy of the Russian Federation, Russian representations and organizations abroad, representations of the Russian Federation in international organizations;

information resources of representations of federal executive authorities, implementing foreign policy of the Russian Federation, on the territories of the subjects of the Russian Federation;

information resources of Russian enterprises, institutions and organizations under federal executive authorities, implementing foreign policy of the Russian Federation;

blocking of activities of the Russian mass media, related to explanation to foreign audience of goals and main directions of the government policy of the Russian Federation, its opinion regarding socially significant events of Russian and international life.

The most dangerous in the sphere of foreign policy are the following external threats to information security of the Russian Federation:

information influence of foreign political, economic, military and information structures on development and realization of strategy of the foreign policy of the Russian Federation;

dissemination abroad of misinformation about foreign policy of the Russian Federation;

violation of rights of Russian citizens and legal entities in the information sphere abroad;

attempts of unsanctioned access to information and influence on information resources and the information infrastructure of federal executive authorities affecting the foreign policy of the Russian Federation, Russian representations and organizations abroad, and representations of the Russian Federation in international organizations.

The most dangerous threat in the sphere of foreign policy are the following internal threats to information security of the Russian Federation:

violation of established order of collecting, processing, storing and transmitting information in Federal executive authorities, implementing foreign policy of the Russian Federation, and at enterprises, institutions and organizations within their jurisdiction;

information and propagation activities of political forces, public unions, mass media and separate individuals, misinterpreting strategy and tactics of external political activities of the Russian Federation;

insufficient information of the population about external political activities of the Russian Federation.

Main measures of ensuring information security of the Russian Federation in the sphere of foreign policy are the following:

working out the main directions of the government policy in the field of improving information support of external political course of the Russian Federation;

working out and realizing a complex series of measures aimed at strengthening information security of information infrastructure of Federal executive authorities, implementing

foreign policy of the Russian Federation, Russian representations and organizations abroad, representations of the Russian Federation in international organizations;

creation of proper conditions for Russian representations and organizations abroad for conducting work on neutralizing misinformation disseminated abroad about the foreign policy of the Russian Federation;

improvement of information support of work, aimed at opposing violations of rights and freedoms of Russian citizens and legal entities abroad;

improvement of information support for the subjects of the Russian Federation regarding matters of external political activities within their competence.

In the field of science and technology: The most important objects of ensuring information security of the Russian Federation in the sphere of science and technology are the following:

results of fundamental, search and applied scientific researches, potentially important for scientific, technological, social and economic development of the country, including data, loss of which may damage national interests and prestige of the Russian Federation;

discoveries, not patented technologies, industrial samples, useful models and experimental equipment;

scientific and technological personnel and the system of its training;

control systems of complicated research complexes (nuclear reactors, elementary particles accelerators, plasma generators, etc.).

The most dangerous in the sphere of science and technology are the following external threats to information security of the Russian Federation:

striving of foreign states for acquisition of illegal access to scientific and technological resources of Russia in order to use acquired by Russian scientists data in their own interests;

creation of favorable conditions on the Russian market for foreign scientific and technological production and the striving of developed countries for simultaneous limitation of development of scientific and technological potential of Russia (purchase of advanced enterprises with subsequent change of their profile, preserving export and import limitations, etc.);

policy of western countries, aimed at further destruction of inherited from the USSR unified scientific and technological space of the member-countries of the Community of Independent States, by orienting of their scientific and technological ties, as well as separate most perspective collectives to western countries;

activation of activities of foreign governmental and commercial enterprises, institutions and organizations in the field of industrial espionage with attraction of intelligence and special services to it.

The most dangerous in the sphere of science and technology are the following internal threats to information security of the Russian Federation:

remaining complicated economic situation in Russia, leading to sharp cut in the financing scientific and technological activities, temporary fall of prestige of scientific and technological sphere, and the flow abroad of ideas and advanced developments;

incapability of enterprises of national branches of electronics industry to produce of the basis of last achievements in the field of micro-electronics and advanced information technologies compatible high technological production, permitting to obtain sufficient level of technological independence of Russia from foreign countries, what leads to inevitable wide usage of imported soft and hardware while creating and developing information infrastructure in Russia;

serious problems in the field of patent protection of results of scientific and technological activities of Russian scientists;

difficulties in realization of measures, related to protection of information, especially at joint-stock enterprises, scientific and technological institutions and organizations.

A realistic way of opposing threats to the information security of the Russian Federation in the field of science and technology is an improvement of the relevant legislation of the Russian Federation governing relations in this sphere, and mechanisms of its realization. To this end, the government should assist creation of the system for evaluating possible damage, delivered by realization of threats to the most important objects of ensuring information security of the Russian Federation in the field of science and technology, including public scientific councils and organizations of independent expertise, working out recommendations for Federal executive authorities and government authorities of the subjects of the Russian Federation regarding prevention of illegal or ineffective usage of intellectual potential of Russia.

In the sphere of spiritual life: Ensuring information security of the Russian Federation in the sphere of spiritual life is aimed at protection of constitutional rights and freedoms of a human being and a citizen, connected with development, formation and behavior of a person, freedom of mass informing, usage of cultural and spiritual heritage, historical traditions and norms of public life, preservation of cultural heritage of all the peoples of Russia, realization of constitutional limitations of rights and freedoms of a human being and a citizen in the interests of preserving and strengthening moral values of the society, traditions of patriotism and humanity, health of citizens, cultural and scientific potential of the Russian Federation, ensuring defense capability and security of the State.

The most important objects of ensuring information security of the Russian Federation in the sphere of spiritual life are the following:

dignity of a person, freedom of conscience, including the right to freely choose, have and disseminate religious and other convictions and act in conformity with them, freedom of thought and speech (excluding propagation or agitation, stirring up social, racial, national or religious hatred and enmity), as well as freedom of literary, art, scientific, technological and other types of creative activities, teaching;

freedom of mass information;

inviolability of private life, personal and family secret;

Russian language as a factor of spiritual unification of the peoples of multinational Russia, language of inter-state communication of the peoples of the member-countries of the Community of Independent States;

languages, moral values and cultural heritage of the peoples and nationalities of the Russian Federation;

objects of intellectual property.

The most dangerous in the sphere of spiritual life are the following internal threats to information security of the Russian Federation:

deformation of the system of mass information both as a result of monopolization of mass media, and as a result of uncontrolled expansion of foreign mass media sector in domestic information space;

deterioration of condition and gradual decline of Russian cultural heritage objects, including archives, funds of museums, libraries, architectural monuments due to insufficient financing of corresponding programs and measures;

possibility of violation of social stability, damage to health and life of citizens as a consequence of activities of religious unions, propagating religious fundamentalism, as well as totalitarian religious sects;

use of mass media, working on the territory of the Russian Federation, by foreign special services with the aim of delivering damage to defense capability and security of the State, dissemination of misinformation;

incapability of modern civil society of Russia to ensure formation in a new generation and preservation in the society of necessary moral values, patriotism and civil responsibility for the destiny of the country.

Main measures of ensuring information security of the Russian Federation in the sphere of spiritual life are the following:

working out civilized forms and methods of public control of formation in the society of spiritual values, corresponding the national interests of the country, cultivation of patriotism and civil responsibility for its destiny;

improvement of the legislation of the Russian Federation, governing relations in the field of constitutional limitations of rights and freedoms of a human being and a citizen;

government support of measures, aimed at preservation and revival of cultural heritage of the peoples and nationalities of the Russian Federation;

formation of legislative and organizational mechanisms of ensuring constitutional rights and freedoms of citizens, upgrading their judicial culture in the interests of opposing deliberate or unintentional violation of these constitutional rights and freedoms in the sphere of spiritual life;

working out effective organizational and legal mechanisms of access of mass media and citizens to open information about activities of federal executive authorities and public unions, ensuring trustworthiness of data on socially significant events in public life, disseminated through mass media;

working out special legislative and organizational mechanisms of preventing illegal information and psychological influence on mass conscience of the society of uncontrolled commercialization of culture and science, as well as those ensuring preservation of cultural and historical values of the peoples and nationalities of the Russian Federation, rational usage of information resources, accumulated by the society and comprising national property;

prohibition of usage of broadcasting time in electronic mass media for broadcasting programs, propagating violence and cruelty, anti-social behavior;

opposition to negative influence of foreign religious organizations and missionaries.

In governmental information and telecommunication systems: The most important objects of ensuring information security of the Russian Federation in governmental information and telecommunications systems are the following:

information resources, containing data, rated as a State secret, and confidential information;

informatization means and systems (computer means, computer complexes, networks and systems), software (operational systems, data-bases control systems, other types of system-wide and applied software), automated control systems, systems of communication and data transmission, carrying out reception, processing, storage and transmission of information with limited access, their informative physical fields;

technical means and systems, processing open information, but located in premises, where limited access information is also processed, as well as the premises themselves, intended for processing such information;

premises, intended for conduct of closed negotiations, as well as negotiations, in the course of which limited access information is announced.

Main threats to information security of the Russian Federation in State information and telecommunications systems are the following:

activities of special services of foreign states, criminal associations, organizations and groups, illegal activities of separate individuals, aimed at receiving not sanctioned access to information and control of functioning of information and telecommunications systems;

due to objective lagging behind of domestic industry forced use of imported soft and hardware while creating and developing information and telecommunications systems;

violation of established order of collecting, processing and transmitting information, deliberate actions and mistakes of personnel of information and telecommunications systems, breakage of hard and software in information and telecommunications systems;

usage of means and systems of informatization and communication, not certified in accordance with requirements of security, as well as the means of information protection and control of their efficiency;

attraction to works, connected with creation, development and protection of information and telecommunications systems, of organizations and firms, which do not have state licenses to carry out this sort of activities.

Main directions of ensuring information security of the Russian Federation in governmental information and telecommunications systems are the following:

prevention of interception of information from premises and objects, as well as information, transmitted along communications channels with the help of technical means;

exclusion of not sanctioned access to processed or stored in hardware information;

prevention of leakage of information through technical channels, emerging during operation of hardware intended for its processing, storing and transmitting;

prevention of special program and technical influences, which may cause destruction, liquidation, misinterpretation of information or breakage of informatization means;

ensuring information security while connecting governmental information and telecommunications systems to external information systems, including international;

ensuring security of confidential information during interaction of information and telecommunications systems with different classes of security;

exposing inculcated upon objects and technical means electronic devices for interception of information.

Main organizational and technical measures for protection of information in governmental information and telecommunications systems are the following:

licensing activities of organizations in the field of information protection;

attestation of informatization objects in relation to meeting requirements of ensuring information protection while carrying out works, related to usage of data, comprising the State secret;

certification of means of information protection and control of efficiency of their usage, as well as the protection of information from leakage along technical channels of systems and informatization and communications means;

introduction of territorial, frequency, energy, space and time limitations in regimes of use of technical means to be protected;

creation and usage of protected information and automated control systems.

In the sphere of defense: The objects of ensuring information security of the Russian Federation in State in the sphere of defense are the following:

information infrastructure of central military direction authorities and military direction authorities of services of Armed Forces of the Russian Federation and arms of the services, formations, military units and organizations, included in the Armed Forces of the Russian Federation, scientific-research institutions of the Ministry of Defense of the Russian Federation;

information resources of enterprises of defense complex and scientific and research institutions, working on government defense orders or developing defense problems;

soft and hardware of automated and automatic systems of control of troops and weapons, weapons and equipment, equipped with informatization means;

information resources, communications systems and information infrastructure of other troops, military formations and authorities.

The most dangerous external threats for objects of ensuring information security of the Russian Federation in the sphere of defense are the following:

all kinds of intelligence activities of foreign states;

information and technical influence (including radio-electronic struggle, penetration into computer networks) on behalf of possible enemies;

sabotage and subversive activities of special services of foreign states, conducted by methods of information and psychological influence;

activities of foreign political, economic and military structures, targeted against the interests of the Russian Federation in the sphere of defense.

The most dangerous internal threats for objects of ensuring information security of the Russian Federation in the sphere of defense are the following:

violation of established order of collecting, processing, storing and transmitting information, kept in headquarters and institutions of the Ministry of Defense of the Russian Federation, at enterprises of defense industry;

deliberate actions, as well as mistakes of personnel of special purpose information and telecommunications systems;

unreliable functioning of special purpose information and telecommunications systems;

possible information and propaganda activities, undermining prestige of the Armed Forces of the Russian Federation and their combat readiness;

unsettlement of matters, related to protection of intellectual property of enterprises of defense industry, leading to leakage abroad of the most valuable state information resources;

unsettlement of matters, related to social protection of military persons and their family members.

Named internal threats will present special danger under conditions of aggravated military and political situation.

The main specific directions for improving the system of ensuring information security of the Russian Federation in the sphere of defense are the following:

systematic expose of threats and their sources, structural organization of goals of ensuring information security in the sphere of defense and determination of corresponding practical tasks;

certification of general purpose and special software, packages of applied programs and information protection means in existing and created automated military control systems and communications systems, which have elements of computer technologies;

constant improvement of information protection means from not sanctioned access, development of protected systems of communications and troops and weapons control, enhancing reliability of special-purpose software;

improvement of structure of functional authorities of the system of ensuring information security in the sphere of defense and coordination of their interaction;

improvement of methods and ways of strategic and operative masking, intelligence and radio-electronic struggle, methods and ways of active opposing information, propagation and psychological operations of possible enemy; training of specialists in the field of ensuring information security in the sphere of defense.

In legal defense and judicial spheres: The most important objects of ensuring information security of the Russian Federation in the legal defense and judicial spheres are the following:

information resources of Federal executive authorities, carrying out legal functions, judicial bodies, their information and computer centers, scientific and research institutions and educational establishments, which contain special information and operative data of service nature;

information and computer centers, their information and legal support, soft and hardware;

information infrastructure (information and computer networks, control posts, communications hubs and lines).

The most dangerous external threats for objects of ensuring information security of the Russian Federation in the legal defense and judicial spheres are the following:

investigation activities of special services of foreign states, international criminal associations, organizations and groups, connected with collection of information, disclosing tasks, plans of actions, technical equipment, methods of work and locations of special home affairs units and authorities of the Russian Federation;

activities of foreign governmental and private commercial structures, striving for receiving unsanctioned access to information resources of legal defense and judicial authorities.

The most dangerous internal threats for the mentioned objects are the following:

violation of existing order of collecting, processing, storing and transmitting information, kept in card indexes and automated data banks and used for investigating crimes;

insufficiency of legislative and normative regulation of informational exchange in the legal defense and judicial spheres;

absence of unified methodology of collecting, processing and storing information of operative, investigation, reference, criminal and statistical character;

breach of hard and software in information and telecommunications systems;

deliberate actions, as well as mistakes of personnel, directly involved in forming and keeping card indexes and automated data banks.

Specific methods and means of ensuring information security in the legal defense and judicial spheres are also widely used alongside with general methods and means of ensuring information.

The main of them are the following:

creation of protected multilevel system of integrated data banks of operative, investigation, reference, criminal and statistical character on the basis of specialized information and telecommunications systems;

upgrading professional and special training of users of information systems.

In the state of emergency: The most vulnerable elements of information security of the Russian Federation in a state of emergency is the system of adopting decisions on operative activities (reactions) connected to the development of such situations and the order of liquidating their consequences, and also the system of collecting and processing information at the possible beginning of a state of emergency.

Special significance for the normal functioning of the mentioned objects is attached to ensuring the security of the information infrastructure of the country during accidents,

catastrophes and natural calamities. Concealment, delay in providing, misinterpretation or destruction of operative information, unsanctioned access to it by certain persons or groups may result both in human victims and the emergence of various difficulties during the liquidation of the consequences of the state of emergency, connected with specific features of information influence under extreme circumstances: causing movement of great human masses experiencing psychological stress; the rapid emergence and spreading of panic and disorder based on rumors, false or unfaithful information.

The following are specific directions of ensuring information security for the given circumstances:

working out an efficient system of monitoring objects of heightened danger, the disruption of function of which may cause states of emergency, and forecasting states of emergency;

improvement of the system of informing the population about the threat of states of emergency, the conditions in which they began and their development;

enhancing the reliability of information processing and transmitting systems supporting the activities of Federal executive authorities;

forecasting the behavior of the population under the influence of false or unfaithful information about possible states of emergency and working out measures on rendering help to great human masses under conditions of such situations;

Working out special measures for protecting information systems, ensuring control of ecologically dangerous and economically important industries.

### 3. International Cooperation of the Russian Federation in the Sphere of Ensuring Information Security

International cooperation of the Russian Federation in the sphere of ensuring information security is an inalienable component of political, military, economic, cultural and other types of interaction of the member countries of the global community. Such cooperation should assist the improvement of information security of all the members of the global community including the Russian Federation.

A specific feature of international cooperation of the Russian Federation in the sphere of ensuring information security is that it is carried out: in conditions of aggravated international competition for the possession of technological and information resources which dominate markets; in conditions of continuing attempts to create a structure of international relations based on unilateral solutions of the key problems of the world policy; against opposition to the strengthening of Russia as one of influential centers forming a multi-polar world; amid the

growing technological alienation of the leading global countries and the growth of their capabilities of creating an "information weapon". All this may result in a new stage of an arms race in information sphere, an increase of danger of intelligence, operative and technical penetration of Russia by foreign intelligence services, including that with the use of the global information infrastructure.

The main directions of international cooperation of the Russian Federation in the sphere of ensuring information security are the following:

prohibition of development, dissemination and use of "information weapons",

ensuring security of international information exchange, including safety of information during its transmitting along national telecommunications channels and communications channels;

coordination of activities of legal defense authorities of the member-countries of the global community, aimed at prevention of computer crimes;

prevention of unsanctioned access to confidential information in international banking telecommunications systems and world trade support information systems, to information of international legal defense organizations, struggle against trans-national organized crime, international terrorism, spreading of drugs and psychotropic substances, illegal trade in weapons and fissionable materials, as well as trade in people.

While carrying out international cooperation of the Russian Federation in the sphere of ensuring information security the main attention should be paid to problems of interaction with the member-countries of the Community of Independent States.

### **III. MAIN PROVISIONS OF THE GOVERNMENT POLICY REGARDING ENSURING INFORMATION SECURITY OF THE RUSSIAN FEDERATION AND PRIORITY MEASURES OF ITS REALIZATION**

#### **1. Main Provisions of the Government Policy Regarding Ensuring Information Security of the Russian Federation**

Government policy regarding ensuring information security of the Russian Federation determines main directions of activities of Federal executive authorities and government authorities of the subjects of the Russian Federation in this field, order of sealing their responsibilities, related to defending interests of the Russian Federation in information sphere within the framework of their activities, and is based on keeping balance of interests of a person, society and the State in information sphere.

Government policy regarding ensuring information security of the Russian Federation is based on the following main principles:

Observing the Constitution of the Russian Federation, legislation of the Russian Federation, generally accepted principles and norms of international law during carrying out activities on ensuring information security of the Russian Federation;

openness in implementing functions of federal executive authorities, government authorities of the subjects of the Russian Federation and public unions, providing for informing the society about their activities with regard for limitations, specified by the legislation of the Russian Federation;

legal equality of all participants of the process of information interaction regardless of their political, social and economic status, based on constitutional right of citizens to free search, acquisition, transmission, production and dissemination of information by any legal means;

priority development of domestic modern information and telecommunications technologies, manufacture of hard and software, capable to ensue improvement of national telecommunications networks, their switching to global information networks with the purpose of preserving vitally important interests of the Russian Federation.

In the process of realization of its functions, related to ensuring information security of the Russian Federation, the Government:

carries out objective comprehensive analysis and forecast of dangers to information security of the Russian Federation, works out measures of ensuring its security;

organizes the work of legislative (representative) and executive authorities of the Russian Federation for the realization of a complex set of measures aimed at preventing, opposing and neutralizing threats to information security of the Russian Federation;

supports activities of public unions, aimed at objectively informing the population about socially significant events in public life, protection of the society from misinterpreted and unfaithful information;

carries out control of working out, creation, development, usage, export and import of information protection means through their certification and licensing of activities in the field of information protection;

implements necessary protectionism policy in respect of manufacturers of means of informatization and information protection on the territory of the Russian Federation and undertakes measures for protection of the domestic market from penetration on it of low-quality informatization means and information products;

assists provision to physical persons and legal entities of access to world information resources and global information networks;

formulates and realizes government information policy of Russia;

organizes working out federal program of ensuring information security of the Russian Federation, which should unite efforts of governmental and non- governmental organizations in this field;

assists internationalization of global information networks and systems, as well as entry of Russia in a world information community as an equal partner.

Improvement of legislative mechanisms of governing public relations, emerging in information sphere, is a priority direction of the government policy in the field of ensuring information security of the Russian Federation.

It presumes:

evaluation of efficiency of application of current legislative and other legal acts in information sphere and working out a program of their improvement;

creation of organizational and legal mechanisms of ensuring information security;

determining legal status of all the subjects of relations in information sphere, including users of information and telecommunications systems, and specifying their liability for observing the legislation of the Russian Federation in this sphere;

creation of the system of collecting and analyzing data on sources of threats to information security of the Russian Federation, as well as on consequences of their realization;

working out legal acts, determining organization of investigation and legal process regarding facts of illegal actions in information sphere, as well the order of liquidating consequences of these illegal actions;

determining *corpus delicti* with regard for criminal, civil, administrative and disciplinary liabilities and inclusion of corresponding legal norms in Criminal, Civil, Administrative and Labor Codes, in the legislation of the Russian Federation on civil service;

improvement of the system of training personnel, employed in the sphere of ensuring information security of the Russian Federation.

Legal support of information security of the Russian Federation should be based, first of all, on observing principles of legality, balance of interests of citizens, society and the State in the information sphere.

Observation of the principle of legality requires Federal executive authorities and government authorities of the subjects of the Russian Federation while settling conflicts, arising in information sphere, to strictly follow legislative and other legal acts, governing relations in this sphere.

Observation of the principle of balance of interests of citizens, society and the State in information sphere presumes legal sealing of these interests in different fields of life of the society, as well as usage of forms of public control of activities of federal executive authorities

and government authorities of the subjects of the Russian Federation. Realization of guarantees of constitutional rights and freedoms of a human being and a citizen, related to activities in information sphere, is the most significant task of the State in the field of information security.

Development of mechanisms of legal support of information security of the Russian Federation includes measures on informatization of the legal sphere in general.

The State supports formation of public councils, committees and commissions with wide representation of public unions and assists organization of their effective work with the purposes of discovering and agreeing interests of federal executive authorities, government authorities of the subjects of the Russian Federation and other subjects of relations in information sphere, working out necessary solutions.

## 2. Priority Measures for Realization of the Government Policy of Ensuring Information Security of the Russian Federation

Priority measures for realization of the government policy of ensuring information security of the Russian Federation are the following:

working out and introduction of mechanisms for increasing efficiency of government direction of activities of governmental mass media, carrying out government information policy;

adoption and realization of Federal programs, providing for formation of generally accessible archives of information resources of federal authorities and government authorities of the subjects of the Russian Federation, upgrading legal culture and computer literacy of citizens, development of infrastructure of the unified information space of Russia, complex opposition to threats of information war, creation of safe information technologies for systems, used in the process of implementation of vitally important functions of society and the State, prevention of computer crimes, creation of a special purpose information and telecommunications system for the benefit of federal authorities and government authorities of the subjects of the Russian Federation, ensuring technological independence of the country in the field of creating and operating defense information and telecommunications systems;

development of the system of training personnel to be employed in the sphere of ensuring information security of the Russian Federation;

harmonization of domestic standards in the sphere of informatization and ensuring information security of automated control systems, general and special purpose information and telecommunications systems.

## IV. ORGANIZATIONAL BASIS OF THE SYSTEM OF ENSURING INFORMATION SECURITY OF THE RUSSIAN FEDERATION

## 1. Main Functions of the System of Ensuring Information Security of the Russian Federation

The system of ensuring information security of the Russian Federation is destined for realization of the government policy in this field.

Main functions of the system of ensuring information security of the Russian Federation are the following:

working out the legislative basis in the field of ensuring information security of the Russian Federation;

creation of conditions for realization of rights of citizens and public unions to conduct legally allowed activities in information sphere;

determining and keeping balance between requirements of citizens, society and the State in free exchange of information and necessary limitations of dissemination of information;

evaluation of condition of information security of the Russian Federation, discovery of sources of internal and external threats to information security, determination of priority directions of preventing, opposing and neutralizing these threats;

coordination of activities of federal executive authorities and other government authorities, which consider matters regarding ensuring information security of the Russian Federation;

control of activities of Federal executive authorities and government authorities of the subjects of the Russian Federation, as well as government and inter-departmental commissions, participating in consideration of matters regarding ensuring information security of the Russian Federation;

prevention, discovery and suppression of breaches of law, connected with encroachments on legal interests of citizens, society and the State in information sphere, to carrying out legal proceedings in connection with crimes in this field;

development of domestic information infrastructure, as well as industry of telecommunications and information means, enhancing their compatibility on the internal and external markets;

organization of working out federal and regional programs of ensuring information security of the Russian Federation and coordination of activities, related to their implementation;

conduct of unified technical policy in the sphere of ensuring information security of the Russian Federation;

organization of fundamental and applied scientific researches in the sphere of ensuring information security of the Russian Federation;

protection of government information resources, primarily in federal executive authorities and government authorities of the subjects of the Russian Federation, at defense complex enterprises;

control of creation and usage of information protection means through mandatory licensing of activities in the present sphere and certification of information protection means;

improvement and development of a unified system of training personnel, employed in the sphere of information security of the Russian Federation;

carrying out international cooperation in the sphere of ensuring information security, representation of interests of the Russian Federation in corresponding international organizations.

Competence of Federal executive authorities and government authorities of the subjects of the Russian Federation and other government bodies, included in the system of ensuring information security of the Russian Federation and its sub-systems, is determined by Federal laws, legal acts of the President of the Russian Federation and the Government of the Russian Federation.

Functions of authorities, coordinating activities of Federal executive authorities and government authorities of the subjects of the Russian Federation and other government bodies, included in the system of ensuring information security of the Russian Federation and its sub-systems, are determined by separate legal acts of the Russian Federation.

## 2. Main Elements of Organizational Basis of the System of Ensuring Information Security of the Russian Federation

System of ensuring information security of the Russian Federation is a part of the system of ensuring national security of the country.

System of ensuring information security of the Russian Federation is formed on the basis of division of authorities of legislative, executive and judicial authorities in this sphere, as well as subjects of jurisdiction of Federal executive authorities and government authorities of the subjects of the Russian Federation.

Main elements of organizational basis of the system of ensuring information security of the Russian Federation are the following: President of the Russian Federation, Council of the Federation of the Federal Meeting of the Russian Federation, State Duma of the Federal Meeting of the Russian Federation, Government of the Russian Federation, Security Council of the Russian Federation, Federal executive authorities, inter-departmental and governmental commissions, created by the President of the Russian Federation and the Government of the Russian Federation, executive authorities of the subjects of the Russian Federation, institutions of local governments, judicial authorities, public unions, citizens, participating in accordance with

the legislation of the Russian Federation in consideration of matters of ensuring information security of the Russian Federation.

The President of the Russian Federation within his constitutional powers controls authorities and forces of ensuring information security of the Russian Federation; approves actions, related to ensuring information security of the Russian Federation; in accordance with the legislation of the Russian Federation forms, reorganizes and dismisses subordinate to him authorities and forces of ensuring information security of the Russian Federation; in his annual messages to the Federal Meeting determines priority directions of the government policy in the sphere of ensuring information security of the Russian Federation, as well as measures for realization of the present Doctrine.

On the basis of the Constitution of the Russian Federation upon presentation by the President of the Russian Federation and the Government of the Russian Federation chambers of the Federal Meeting of the Russian Federation form the legislative basis in the sphere of ensuring information security of the Russian Federation.

The Government of the Russian Federation within its powers and with regard for priority directions in the sphere of ensuring information security of the Russian Federation, formulated in annual messages of the President of the Russian Federation to the Federal Meeting, coordinates activities of federal executive authorities and executive authorities of the subjects of the Russian Federation, as well as while formulating in an established order draft federal budgets for corresponding years provides for allocation of means, necessary for realization of federal programs in this part.

The Security Council of the Russian Federation conducts work on exposing and evaluation of threats to information security of the Russian Federation, in an operative order prepares draft resolutions of the President of the Russian Federation on prevention of such threats, works out proposals in the sphere of ensuring information security of the Russian Federation, as well as proposals regarding definition of separate provisions of the present Doctrine, coordinates activities of authorities and forces, related to ensuring information security of the Russian Federation, controls realization by federal executive authorities and executive authorities of the subjects of the Russian Federation of the resolutions of the President of the Russian Federation.

Federal executive authorities provide for implementation of the legislation of the Russian Federation, resolutions of the President of the Russian Federation and the Government of the Russian Federation in the sphere of ensuring information security of the Russian Federation; within their competence work out legal acts in this field and in the established order submit them to the President of the Russian Federation and the Government of the Russian Federation.

Inter-departmental and government commissions, created by the President of the Russian Federation and the Government of the Russian Federation, within the powers, granted to them, consider tasks, related to ensuring information security of the Russian Federation.

Executive authorities of the subjects of the Russian Federation interact with federal executive authorities in the matters of implementing the legislation of the Russian Federation, resolutions of the President of the Russian Federation and the Government of the Russian Federation in the sphere of ensuring information security of the Russian Federation, as well as in matters, related to realization of federal programs in this field; together with institutions of local governments carry out measures, related to attracting citizens, organizations and public unions to rendering assistance in considering matters, connected with ensuring information security of the Russian Federation; submit to Federal executive authorities proposals on improvement of the system of ensuring information security of the Russian Federation.

Institutions of local governments provide for observing the legislation of the Russian Federation in the sphere of ensuring information security of the Russian Federation.

Judicial authorities carry out legal proceedings on crimes, related to encroachments upon legal interests of a person, society and the State in information sphere, provide for legal defense of citizens and public unions, whose rights were violated in connection with activities, related to ensuring information security of the Russian Federation.

The system of ensuring information security of the Russian Federation may include sub-systems (systems), oriented at considering local tasks in this sphere.

Realization of priority measures, related to ensuring information security of the Russian Federation, listed in the present Doctrine, presumes their working out through a corresponding Federal program. Some provisions of the present Doctrine, regarding separate spheres of activities of the society and the State, may be concretized in corresponding documents, approved by the President of the Russian Federation.

## **7. SEA DOCTRINE OF THE RUSSIAN FEDERATION for the period until 2020**

(Approved by the President of the Russian Federation on July 27 2001;  
Order No. 1387)

### Summary:

*This doctrine details the aim of Russian naval policy throughout the world's oceans. The objectives of policy are defined, as are Russian national interests in this field. The principles, tasks, and content of policy are discussed. The doctrine also deals with development and conservation issues. Regional variations of policy are detailed. The administration of policy, economic support for it, and the protection of security, personnel and information support in this realm are also outlined.*

### **GENERAL PROVISIONS**

Development of the spaces and resources of the World Ocean is one of the main development lines of the world civilization in the third millennium. Independent activity and cooperation in the development of the World Ocean, as well as inevitable competition in this way shall constitute the essence of the National policy of the leading sea powers and the majority of the States of the world community in the foreseeable future.

Historically Russia is the leading sea power, judging from its spatial and geophysical peculiarities, place and role in the global and regional international relations. It has deserved this status due to the geographical location with outlet to three oceans and length of the sea borders, as well as due to the tremendous contribution to the studies of the World Ocean, development of the sea navigation, and due to many great discoveries of famous Russian sea navigators and travelers.

The Sea Doctrine of the Russian Federation (hereinafter referred to as the Sea Doctrine) shall be the fundamental document, defining the National policy of the Russian Federation in the domain of the sea activity – the National Sea Policy of the Russian Federation (hereinafter referred to as the National Sea Policy).

The sea activity is the activity of the Russian Federation in the domain of the studies, development and use of the World Ocean for the sake of security, stable economic and social development of the State (hereinafter referred to as the sea activity).

The Constitution of the Russian Federation, Federal laws and other legal acts of the Russian Federation, the UN Convention on the Law of the Sea as of 1982, international treaties in

the domain of the sea activity and use of the resources and spaces of the World Ocean shall constitute the legal basis of the Sea Doctrine.

Applicable to the sea activity the Sea Doctrine shall develop the provisions of the Conception of the National Security of the Russian Federation, Conception of the Foreign Policy of the Russian Federation, Military Doctrine of the Russian Federation, Conception of the Navigation Policy of the Russian Federation, Principles of the Policy of the Russian Federation in the Domain of the Naval Activity for the period till 2010 and other legal acts of the Russian Federation.

The totality of the forces and means of the State and opportunities of their use for realization of the National Sea Policy shall constitute the sea potential of the Russian Federation. The basis of the sea potential of the Russian Federation shall include: the Navy, the bodies of the sea frontier guard, civil sea fleet (hereinafter named as the Russian Fleet), as well as the infrastructure, providing their functioning and development, sea business and naval activity of the State.

Realization of the Sea Doctrine shall promote further strengthening of the position of Russia as a leading sea power and creation of favorable conditions for reaching the objectives and accomplishment of the tasks of the National Sea Policy.

## ESSENCE OF THE NATIONAL SEA POLICY

The National Sea Policy reflects the determination of the State and society of to pursue the goals, tasks, lines and means of reaching the National interests of the Russian Federation on the sea coast, in the internal sea waters, in the territorial sea, in the exclusive economic zone, on the continental shelf of the Russian Federation and on the high sea.

The State and society shall act as constituents of the National Sea Policy. The State shall exercise the National Sea Policy via the State authorities of the Russian Federation and State authorities of the constituents of the Russian Federation. The Society shall participate in forming and realization of the National Sea Policy via the representative bodies of the Russian Federation, self-governmental bodies and public associations, acting on the basis of the Constitution of the Russian Federation and the Legislation of the Russian Federation.

The main forms of activity of the constituents of the National Sea Policy shall be:

determination of the priorities of the National Sea Policy for short and long term perspectives;

definition of the content of the National Sea Policy;

administration of the constituents of the sea potential of the State, branches of economy and science, associated with the sea activity;

creation of favorable legal regime, economic, informational, scientific, manpower and other support of the National Sea Policy;

assessment of the effectiveness of the National Sea Policy and its timely correction.

## NATIONAL INTERESTS OF THE RUSSIAN FEDERATION IN THE WORLD OCEAN, GOALS AND PRINCIPLES OF THE NATIONAL SEA POLICY

The National interests of the Russian Federation in the World Ocean shall represent an aggregate of the balanced interests of the personality, society and the State in the sphere of the sea domain, realized on the basis of the sea potential of the State.

The National interests of the Russian Federation in the World Ocean shall include:

stability of the sovereignty of the Russian Federation covering the internal sea waters, the territorial sea, as well as the air space above them, the sea-bed and the subsoil;

safeguard of the sovereign rights and jurisdiction of the Russian Federation exercised in the exclusive economic zone and in the continental shelf of the Russian Federation for the purposes of exploration, development and preservation of natural resources, whether living or non-living, located in the sea-bed, in its subsoil and in the covering waters, management of these resources, power generation by use of water, currents and wind, creation and use of artificial islands, installations and structures, sea scientific research, protection and preservation of the marine environment;

freedom of high sea, including the freedom of navigation, flights, fishing, scientific research, freedom to lay submarine cables and pipelines;

protection of human life at sea, prevention of pollution of the marine environment, assurance of control over functioning of the vitally important sea communications, creation of the conditions promoting deriving of profit from the sea business activity by the population of the Russian Federation, especially of its sea regions, as well as of the State on the total.

## GOALS OF THE NATIONAL SEA POLICY

The goals of the National Sea Policy shall conclude in realization and protection of the interests of the Russian Federation in the World Ocean and strengthening the positions of the Russian Federation among the leading sea powers.

The main goals of the National Sea Policy shall conclude in the following:

maintenance of sovereignty in the internal sea waters, the territorial sea, as well as in the air space above them, in the sea-bed and the subsoil;

realization of jurisdiction and protection of the sovereign rights in the exclusive economic zone for the purposes of exploration, development and preservation of natural resources, whether living or non-living, located in the sea-bed, in its subsoil and in the covering waters, management of these resources, power generation by use of water, currents and wind, creation and use of artificial islands, installations and structures, sea scientific research, and preservation of the marine environment;

realization and protection of the sovereign rights in the continental shelf of the Russian Federation on exploration and development of its resources;

realization and protection of freedom of the high sea, including the freedom of navigation, flights, fishing, scientific research, and freedom to lay submarine cables and pipelines;

protection of the territory of the Russian Federation from the direction of the sea, protection and safeguard of the State Frontier of the Russian Federation at sea and the air space above it.

## PRINCIPLES OF THE NATIONAL SEA POLICY

The principles of the National Sea Policy shall include the basic general provisions, being the guidelines for the constituents of the National Sea Policy in the course of forming and implementing the National Sea Policy.

The principles of the National Sea Policy shall be:

observance of the generally accepted norms of the international law and international treaties of the Russian Federation at implementation of the sea activity;

priority of the political-diplomatic, economic, informational and other non-military means at settlement of contradictions in the World Ocean and elimination of threats to the National security of the Russian Federation from the ocean and sea directions;

possession of the required navy potential and its effective use for the force support of the State sea activity when necessary;

integral approach to the sea activity on the whole and its differentiation in the individual directions with account of changes of their priority level depending on the geopolitical situation;

maintenance of the components of the sea potential of the Russian Federation at the levels corresponding to the National interests of Russia, including assurance of presence of the Russian

Fleet in the remote areas of the World Ocean and the Russian researchers in the Antarctic continent;

interaction and coordination of efforts in the matters of forming and realizing of the National Sea Policy of the State authorities of the Russian Federation, State authorities of the constituents of the Russian Federation, local governmental bodies and the concerned public associations, acting on the basis of the Constitution of the Russian Federation and the Legislation of the Russian Federation;

integration of efforts and coordination of scientific research on the problems of forming and realizing the National Sea Policy;

State control over the ships sailing under the National Flag of the Russian Federation, State harbor check, control over the condition and use of the natural resources of the internal sea waters, territorial sea, exclusive economic zone and the continental shelf of the Russian Federation;

concentration of the efforts on construction and development of the infrastructure of the Russian Fleet in the territories of the constituents of the Russian Federation that are traditionally connected with navigation, unification of this infrastructure for military and business needs;

maintenance of the Russian Fleet in availability to solving the tasks facing it, as well as the mobilization availability of the trade, fishing, scientific-research and other specialized fleets;

concentration of means and resources of the center and the ones of the regions for development of communications between the central and the coastal parts of Russia, especially of its Far Eastern and Northern remote areas for the sake of their further development;

conduct of complex sea scientific research in the interests of the Russian Federation, development of the systems of monitoring over condition of the natural marine environment and coastal territories;

maintenance and perfection of the system of manpower training, teaching and education of youth;

effective popularization of the goals of the National Sea Policy.

## TASKS OF THE NATIONAL SEA POLICY

The tasks of the National Sea Policy shall be formed in compliance with the content and on the basis of the principles of the National Sea Policy and directed at achievement of its goals.

Forming and setting the tasks of the National Sea Policy shall be realized by the President of the Russian Federation, the Federal Assembly of the Russian Federation and the Government of the Russian Federation within their terms of reference.

The tasks of the National Sea Policy shall have a short-term and a long-term character.

The short-term tasks shall be determined pending on the formed geo-political conditions and the military-political situation in the world;

social-economic situation in the Russian Federation and in its individual regions;

economic conjuncture in the world markets of the sea transport services, sea products, hydrocarbon and other resources produced from the sea-beds and in their subsoil;

achievements of the scientific-technical process;

effectiveness of the sea activity.

At the same time there shall be accounted the results of fulfillment of the Federal target program “the World Ocean”, continuously performed analysis of the condition and development tendencies of the sea activity of the Russian Federation and in the world on the whole, as well as the system research on the matters relating to protection of the National security of the Russian Federation in the domain of research, development and use of the World Ocean.

The long-term tasks shall constitute the content of the National Sea Policy in the functional and regional directions and be defined with the present Sea Doctrine.

Accomplishment of the tasks of the National Sea Policy shall be realized by the Federal executive authorities, executive authorities of the constituents of the Russian Federation, local governmental bodies via organizations being under their jurisdiction and in the sphere of their activity, as well as with the concerned public associations acting on the basis of the Constitution of the Russian Federation and the Legislation of the Russian Federation.

## CONTENT OF THE NATIONAL SEA POLICY

The Russian Federation shall realize the consistent and continuous National Sea Policy by means of accomplishment of short-term and long-term tasks coordinated by the functional and regional directions.

### 1. FUNCTIONAL DIRECTIONS OF THE NATIONAL SEA POLICY

These shall be the spheres of the sea activity in compliance with their functional purpose, such as: activity of the State and the society in the domain of the sea shipping, development and preservation of the resources and spaces of the World Ocean, sea science, naval and other domains of the sea activity.

## 1. Sea Shipping

For the Russian Federation the sea shipping shall be of the most important value both in provision of the internal State shipping, especially in the regions where the sea transport is a non-alternative type of transport and in the foreign-economic activity. The role of the sea shipping for the life support of the areas of the Extreme North and the Far East.

The National Sea Policy in the domain of sea shipping shall conclude in realization of the provisions of the Conception of the Navigation Policy of the Russian Federation with its main goals being maintenance of the fleet and the coastal-harbor infrastructure at the level, which guarantees economic independence and National security of the State, cuts in transport costs, increases in the volumes of the foreign trade and transit shipping via the territory of the country.

To this end the following long-term tasks shall be accomplished:

forming of the legal base of the Sea activity, corresponding to the norms of the Russian Federation law and interests of the Russian Federation;

provision of the competitiveness of the sea transport, creation of conditions for attraction of investments and reproduction of fixed assets;

creation of pre-conditions for stable reinforcement of the fleet, controlled by the Russian navigation companies and registered in the Ship Lists of the Russian Federation;

increase of the share of the fleet of the Russian navigation companies in the total volume of shipping of the National foreign-policy and transport freights;

modernization of the fleet, reduction of the ships average age controlled with the Russian navigation companies and construction of new ships meeting the international standards;

rating of the fleet construction tasks to the priority ones of the State, creation of the conditions stimulating construction of the fleet in the domestic enterprises;

reinforcement of the transport fleet with the ships of the basic categories, including the ones for shipping container and specialized cargoes, till the level at which it would be capable to fully provide the needs of the country with account of potential transfer of a part of the ships in the structure of the Navy within the period of mobilization;

optimal use of the transport fleet for the Northern Delivery on the basis of forecasting and account of the navigation-hydrographic, hydro-meteorological and other conditions;

retention of the world leadership in construction and operation of nuclear-powered vessels;

development of the coastal-harbor infrastructures with account of the existing and long-term scopes of shipping, condition of the cargo base and transit cargo flows;

increase of the participation share of the Russian ports in processing of such cargoes;

increase of service export by domestic navigation companies and harbors;  
development of the mixed shipping of cargoes with involvement of the sea and other types of transport on the basis of the modern transport-logistic technologies;  
increase of security of sea shipping, protection of labor, protection of the environment against possible negative consequences of the sea activity, including by fixing special licensing conditions and requirements;  
regulation of the procedure of involvement of the Russian navigation companies' ships to ensure mobilization needs of the State by perfection of the legal base.

## 2. Development and preservation of the world ocean resources

Development of the resources of the World Ocean shall be a mandatory and necessary condition of preservation and enhancement of the raw base of the Russian Federation, assurance of its economic and foodstuff independence.

### a) Commercial Sea Fishing

The Russian Federation is one of the leading commercial fishing States of the world. The fish industry plays a significant role in the food complex of the country and is one of the employment sources for the population in the majority of the coastal regions. In the nearest prospect the biological resources of the exclusive economic zone of the Russian Federation shall constitute the major part of the fish raw material.

For the purposes of effective development of the sea biological resources by the Russian Federation and retention of its position as a leading sea power in the domain of commercial fishing there shall be accomplished the following long-term tasks:

performance of specialized research and monitoring of the biological resources of the World ocean;

optimization of fishery in the exclusive economic zone of the Russian Federation, increase of the State control over the fish catch and rational use of the fishing fleet, including through the system of monitoring, based on the modern means of communication, monitoring and processing of information;

optimization of the fishing fleet administration on the basis of effective forecast of the spatial and time distribution of the biological resources in the water bodies of the seas and oceans accessible for fishing;

development of marine culture;

retention and increase of the scopes of the traditional fishery business of biological resources in the exclusive economic zone of foreign States;

expansion of research and return to the fishery business in the high seas area of the World Ocean including resource saving complex processing of the raw foodstuffs in the place of surplus catches, and the creation of new technological processes and equipment for the non-waste industry;

revision of the order to the side of limitation of use of the Russian water bioresources on the free basis;

creation of conditions for preferential placement of orders on construction of fishing ships in the Russian shipyards and in the shipyards of the countries, in whose economic zone the Russian fishing fleet operates, introduction of the practice of redeeming the indebtedness in face of the Russian Federation by purchase of goods and services from the indebted countries, providing fishing licenses in their economic zones to Russian fishermen;

retention and development of the State licensing of construction of new ships and sales of the operated ones for the purposes of maintaining the optimal ratio between the quantity of ships and size of the admissible catches, as well as systematic rational renewal of the fishing fleet;

activation of participation of the Russian Federation in the activity of the international fishing economic organizations in connection with further development of the processes of the international coordination, international-legal governing of the fishery and increase of the requirements on protection and preservation of the marine environment;

protection of the interests of the Russian Federation during development of the fishing resources and their preservation in the remote areas of the World Ocean, as well as acceptance and assurance of strict observance of the measures coordinated with the coastal States, measures targeted at conservation of the population of precious fish species and other resources in the Caspian and Azov Seas.

#### b) Development of Mineral and Energy Resources

The prospect of depletion of hydrocarbon reserves and other mineral resources in the continental part shall predetermine re-orientation of mineral exploration and production to the continental shelf and in the future to the ocean slopes and floors.

For the sake of preservation and further enhancement of the raw material base, creation of strategic reserves, assurance of the prospect of developing the mineral and energy resources in the World Ocean there shall be solved the following long-term tasks:

studies of the geologic structure and determination of the resource potential of the continental shelf of the Russian Federation by implementation of the State monitoring over the geologic media, as well as measurements of the physical fields above the ocean floor, mapping, drilling and cargo handling operations from the ocean floor;

development of mineral and energy resources of the World Ocean;

State control and governing of the exploration and monitoring of mineral wealth and mineral resources in the World Ocean with account of the defense interests of the State;

development of famous fields and intensive exploration of oil and natural gas in the continental shelf of the Russian Federation;

preservation of the continental shelf of the Russian Federation of the explored reserves of mineral resources as a strategic reserve;

creation of conditions and opportunities for exploration and production of the resources of the deep-water areas of the World Ocean (in the floor and subsoil), assignment within the powers of the International Sea-Bed Authority of the rights of the Russian Federation to exploration and development of the sea-bed resources outside the jurisdiction of the coastal States;

development of electric power generation technologies with use of the ebb and flow phenomena, coastal driving winds and wind waves, thermal gradient of the water, thermal energy and currents, as well as the heat calorie content of the biological mass;

development of the new technical means and advance technologies for the research and development of the mineral resources of the World Ocean and continuation of the activities in the domain of the special shipbuilding

### 3. Perfection of scientific activity

Realization and protection of the National interests of the Russian Federation in the domain of the sea activity shall be supported with achievements of the domestic, fundamental and applied research and developments connected with the sea activity in the World Ocean.

Preservation and development of the scientific complex providing construction of the Russian Fleet, research of the marine environment, resources and spaces of the World Ocean, development of the scientific-research and pilot fleets, support of creation of the sea navigational, geophysics, fishing and other special maps and manuals for navigation in any areas of the World Ocean, creation of the Federal stock of the sea mapping science and the bank of sea maps in the electronic-digital form, restoration of the production base of the domestic mapping and hydrometeorological devices shall be the long-term tasks of this direction.

Accomplishment of the mentioned tasks shall be assured with continuation of the scientific research of:

the continental shelf, exclusive economic zone, territorial sea and internal sea waters of the Russian Federation;

the sea biological resources and dynamics of the ecological systems of the World Ocean and internal sea waters of the Russian Federation;

problems of the hydrometeorological, navigation hydrogeographical, emergency-rescue and informational support of the activity of the Russian Fleet;

hydrometeorological phenomena in the coastal seas of the Russian Federation and remote areas of the World Ocean;

impact of the World Ocean on the ecological system of the planet;

natural environment and global processes going on in the World Ocean and contingent spheres;

structure of matrix shelves, slopes, submarine canyon, mountains, reef valleys and ocean floors;

problems of shipbuilding, sea instrument-making and development of the Russian Fleet infrastructure;

economic, political and legal problems of using the spaces and resources of the World Ocean;

problems of construction, development and use of the Navy and other domains of the naval science;

principles and methods targeted at reduction of the ecological load on the water bodies of the World Ocean and the internal sea waters of the Russian Federation.

#### 4. Implementation of the naval activity

The naval activity of the Russian Federation is the activity of the State on examination, development and use of the World Ocean in the interests of the defense and security of the country with participation of the military constituent of its sea potential (Navy and the Sea Frontier Safeguard bodies of the Russian Federation).

The main goals, principles and priority directions of the naval activity of the Russian Federation are stated in the Principles of the Policy of the Russian Federation in the Domain of the Naval Activity for the period till 2010, approved by the President of the Russian Federation.

The naval activity connected with protection and assurance of the interests of the Russian Federation in the World Ocean shall be attributed to the category of the supreme State priorities.

Accomplishment of the tasks of parrying the threats and guaranteed protection of the National interests and security of the Russian Federation and its allies in the World Ocean shall be based on the maintenance of a sufficient naval potential of the Russian Federation.

The Navy shall be the main constituent and the basis of the sea potential of the Russian Federation, one of the tools of the State foreign policy and it shall be designed to guarantee protection of the interests of the Russian Federation and its allies in the World Ocean with

military methods, maintenance of the military-political stability in the seas contingent to it, and military security from the sea and ocean directions.

The Navy shall implement containment from application of military force or threat of its application in relation to the Russian Federation, protection of the sovereignty of the Russian Federation with military means, spreading outside the limits of its land territory on the internal sea waters and the territorial sea, sovereign rights in the exclusive economic zone and in the continental shelf, as well as on the freedoms of the high sea. Additionally, the Navy shall create and maintain conditions for protecting security of the sea economic activity of the Russian Federation in the World Ocean, provide the naval presence of the Russian Federation in the World Ocean, demonstrations of the flag and the military power, visits of naval ships, participation in the military, peace-making and humanitarian actions implemented by the world community and meeting the interests of the Russian Federation.

The regionally dislocated real-time and strategic associations of the Navy:

The Northern, Pacific, Baltic and the Black Sea Fleets, as well as the Caspian Small Fleet shall be the force basis for accomplishing the tasks of the National Sea Policy in the corresponding regional directions.

The quantitative and qualitative composition of the fleets and the small fleet shall be maintained at the level corresponding to the security threats of the Russian Federation in the specific regional direction and shall be guaranteed by independent infrastructures of deployment, shipbuilding and ship repair.

At accomplishing the tasks of protection and guard of the State Sea Frontier of the Russian Federation there shall be envisaged:

administration of compliance with the regime of the State Frontier and boundary regime by physical persons and legal entities;

protection of the internal sea waters, territorial sea, exclusive economic zone, continental shelf of the Russian Federation and their natural resources;

Accomplishment of the tasks of the Frontier Service of the Russian Federation on coordination of the activity of the Federal executive authorities, implementing protection of the internal sea waters territorial sea, exclusive economic zone, and continental shelf of the Russian Federation and their natural resources;

Control over activity of the ships of foreign States in the internal seawaters, territorial sea, exclusive economic zone, and in the continental shelf of the Russian Federation;

Realization of the achieved bilateral and multilateral agreements between the States on expansion of confidence measures in the boundary region, exchange with the information on illegal migration and suppression of smuggling the arms, explosives and drugs.

## 2. REGIONAL DIRECTIONS OF THE NATIONAL SEA POLICY

These shall include the spheres of the sea activity, connected with peculiarities of individual regions of the Russian Federation and the world, implying the aggregate of the most valuable for the Russian Federation territories and water bodies, united with common physical-geographical, economic-geographic, political-geographic or military-geographic characteristics.

The Russian Federation shall single out as the major regional directions of the National Sea Policy the following directions: Atlantic, Arctic, Pacific, Caspian and Indian Oceans directions. The National Sea Policy shall be built proceeding from their specific peculiarities.

### 1. Atlantic regional direction

The National Sea Policy of the Atlantic regional direction shall be defined with increasing economic, political and military pressure of the countries of the North Atlantic Treaty Organization, its advance to the east, sharp reduction of the opportunities of the Russian Federation on implementation of its sea activity.

Accomplishment of long-term tasks in the Baltic, Black Sea and Azov Seas, as well as in the Atlantic Ocean and the Mediterranean Sea shall constitute the basis of the National Sea Policy of this direction.

In the Baltic Sea:

development of the coastal-harbor infrastructure, renewal of the trade sea and commingled (river-sea) navigation ships;

creation of conditions for stable economic cooperation with the countries of the Baltic region, rational joint use of the natural sea resources, attachment of the comprehensive character to the measures of confidence in all domains of the sea activity;

accomplishment of the tasks, associated with separation of the sea spaces and the continental shelf between the Russian Federation, contingent and opposite States;

protection of the economic and military security of the Kaliningrad region of the Russian Federation and development of the sea communications;

Creation of the conditions including the ones with involvement of the regional opportunities for deployment and use of the constituents of the sea potential, providing protection of the sovereignty, sovereign and international rights of the Russian Federation in the Baltic region.

At the Black and the Azov Seas:

renewal of the trade sea and commingled (river-sea) navigation ships, modernization and development of the coastal-harbor infrastructure;

perfection of the legal base of functioning of the Black Sea fleet of the Russian Federation in the territory of Ukraine, and reservation of the city of Sevastopol as its main base;

creation of the conditions, including the ones with attraction of the regional potentials for deployment and use of the constituents of the sea potential, providing protection of the sovereignty, sovereign and international rights of the Russian Federation on the Black Sea and the Azov Sea.

development of passenger traffic from the harbors of the Krasnodar region to the countries of the Mediterranean Sea, as well as within the ferry traffic of the Black Sea.

On the Mediterranean Sea:

pursue of the purposeful course for its transformation in the zone of the military-political stability and good-neighborliness;

provision of the sufficient naval presence of the Russian Federation in the region.

on the Atlantic Ocean – development and increase of the scopes of fishing, sea traffic, scientific research and monitoring of the marine environment.

The National Sea Policy of the Atlantic regional direction shall be substantially expanded with the National Sea Policy of the Arctic regional direction.

## 2. Arctic regional direction

The National Sea Policy in the Arctic regional direction shall be defined with the special importance of providing free outlet of the Russian Fleet to the Atlantic Ocean, riches of the exclusive economic zone and the continental shelf of the Russian Federation, decisive role of the Northern Fleet for defense of the State from the sea and ocean directions, as well as with increasing value of the Northern Sea Way for stable development of the Russian Federation.

Creation of conditions for the activity of the Russian Fleet in the Barents Sea, White Sea and other Arctic Seas, on the route of the northern sea way, as well as in the northern part of the Atlantic Ocean shall constitute the basis of National Sea Policy in this direction.

The long-term tasks accomplished at the same time shall be as follows:

research and development of the Arctic with orientation to the development of the export economic branches and primary settlement of social problems;

protection of the interests of the Russian Federation in the Arctic;

creation of ice ships for sea shipping, specialized ships for the fishing, scientific-research and other specialized fleets;

account of the defense interests of the State in the course of exploration and development of the reserves of biological resources and mineral raw stuff in the exclusive economic zone and in the continental shelf of the Russian Federation;

creation of conditions including the ones with attraction of the regional opportunities for deployment and use of the constituents of the sea potential, providing protection of the sovereignty, sovereign and international rights of the Russian Federation in the Arctic regional direction;

restriction of the foreign naval activity in the agreed areas and zones on the basis of the bilateral and multilateral agreements with the leading sea powers;

protection of the National interests of the Russian Federation in relation to the Northern Sea Way, centralized State administration of this transport system, ice-breaker servicing and provision of the equal access to the concerned carriers, including the foreign ones;

renewal and safe operation of the nuclear-powered ice-breaker fleet;

observance of the interests of the Russian Federation at separation of the sea spaces and sea-floors of the Arctic Ocean with the Arctic States;

consolidation of the efforts and resources of the Federal center and constituents of the Russian Federation for development of the Arctic navigation, sea and river mouth ports and realization of the Northern Delivery, as well as the information systems, supporting the mentioned activity.

### 3. Pacific regional direction

The value of the Pacific coastal direction for the Russian Federation shall be tremendous and keeps increasing in potential. The Russian Far East possesses stupendous resources, especially in the exclusive economic zone and in the continental shelf and at the same time is scarcely populated and relatively isolated from the industrially developed regions of the Russian Federation. These contradictions will be aggravated by intensive economic and military development of the neighboring States of the Asian-Pacific region, exerting a rather substantial impact on the economic, demographic and other processes in the region.

Accomplishment of the long-term tasks in the Pacific regional direction in the Japanese, Okhotsk, Bering Seas, in the northern-western part of the Pacific Ocean, and in the eastern part of

the Arctic on the route of Northern Sea Way shall constitute the basis of the National Sea Policy in the Pacific regional direction:

acceleration of the social-economic development of the Russian Far East on the basis of intensification of the sea activity of the Russian Federation;

activation of sea shipping in connection with increasing participation of the Russian Far East in the labor division of the Asian-Pacific region;

intensification of the exploration and development of the sea biological resources and mineral raw stuff in the exclusive economic zone and in the continental shelf of the Russian Federation, as well as in the exclusive economic zones and in the continental shelves of the Southeast Asian States on the basis of the concluded agreements;

creation of conditions including the ones with attraction of the regional opportunities for deployment and use of the sea potential constituents, providing protection of sovereignty, sovereign and international rights of the Russian Federation in the Pacific regional direction;

development of the coastal-harbor infrastructure and the Russian Fleet in the Far East, especially in the Sakhalin and Kuril Islands;

conclusion of the interstate agreements on restriction of the naval activity in the agreed areas and zones;

activation of the cooperation with the countries of the Asian-Pacific region on protection of the sea navigation security, struggle against the piracy, drug business, smuggling, rendering of assistance to the ships in distress and life rescue at sea;

enhancement of the efficiency of using the existing transport infrastructure of the region for attraction to the Trans-Siberian main road of transit cargoes from the Southeast Asia and the USA to Europe and other countries, realization of the measures directed at the maximum development of the National cargo base in this region.

#### 4. Caspian regional direction

The Caspian region possesses mineral and biological resources, which are unique in terms of their size and quality.

The tasks accomplished in this regional direction are the following ones:

determination of the international legal regime of the Caspian Sea in a form advantageous for the Russian Federation, procedure of using the fish reserves, oil and gas fields;

joint with the coastal States activity on conservation of the marine environment;

creation of the conditions for the attraction of opportunities for deployment and use of all components of the sea potential of the Russian Federation;

renewal of the trade sea and commingled (river-sea) navigation ships and the fishing fleet;

non-exclusion of the Russian Fleet from the sea transport service market;  
organization of the ferry communication as a part of the inter-module traffic with an outlet to the basins of the Mediterranean and the Baltic Seas;  
development, refurbishment and specialization of the existing harbors.

#### 5. Indian Ocean regional direction

The National Sea Policy in the Indian Ocean direction envisages accomplishment of the following long-term tasks:

expansion of the Russian transport and fishing navigation and the joint with other States actions on its protection against the piracy;

performance of scientific research in the Antarctic as the main element of implementation of the State policy targeted at maintenance and strengthening the positions of Russia in this region;

pursue the purposeful course at transformation of the Indian Ocean in the zone of stability and good-neighborliness, provision on the recurrent basis of the naval presence of the Russian Federation in the Indian Ocean.

### REALIZATION OF THE NATIONAL SEA POLICY

#### 1. Administration of the sea activity

Administration in the domain of forming and realizing the National Sea Policy concluded in the definition by the State authorities of the Russian Federation and the State authorities of the constituents of the Russian Federation of the priority tasks and content of the National Sea Policy from short and long term perspectives, in management of the constituents of the State sea potential, the branches of economy and science, connected with the sea activity, in the long-term planning of the sea activity and construction of the Russian Fleet.

The President of the Russian Federation shall define the priority tasks and content of the National Sea Policy for the nearest and the long-term outlook and in compliance with the Constitutional powers the President of the Russian Federation shall take measures on protection of the sovereignty of the Russian Federation in the World Ocean, protection and realization of the interests of personality, society and the State in the sphere of the sea activity, and implement the National Sea Policy guidance.

The Federal Assembly of the Russian Federation within its Constitutional powers shall implement law-making activity on ensuring realization of the National Sea Policy.

The Government of the Russian Federation via the Federal executive authorities and the Sea Collegium shall provide guidance for the implementation of the National Sea Policy tasks.

The Security Council of the Russian Federation as the Constitutional body within the President's office of the Russian Federation shall identify threats, define the vitally important interests of the society and the State, and develop the main directions of the strategy to safeguard security of the Russian Federation in the World Ocean.

The Federal executive authorities interacting between themselves shall provide within their terms of reference the guidance of the sea activity of the Russian Federation.

## 2. Economic support

For successful realization of the National Sea Policy the economic support of the sea activity of the Russian Federation shall be critically important, including:

complex use of the potentials of economic management, regulation of the credit-monetary relations, conclusion of the State contracts, optimization of the tax, anti-monopoly and customs regimes, and implementation of differential State assistance;

forming of favorable conditions for attraction of the off-budgetary sources of financing, including foreign investors, on the basis of perfection of the legal base and address State support of investment projects;

creation of the conditions for re-orientation of fish products supplies to the domestic market;

rational development and distribution of the sea potential constituents of the Russian Federation in the regional directions;

use of the funds of the Federal Budget and the budgets of the constituents of the Russian Federation in the territory of which the Russian Fleet is located on the basis of the priorities providing their effective consumption;

creation of the conditions for attraction of manpower to the seaside regions of the Russian Federation which have unfavorable natural and climatic conditions;

reorganization of the strategically important, but ineffectively operating, navigation companies and organizations of the Fleet;

restriction of foreign capital access to the individual types of the sea activity, impacting on the National security of the Russian Federation;

support of the science-consuming, power-saving and resource-saving technologies in the research, development and use of the spaces and resources of the World Ocean;

guaranteed allocation of the required volumes of assignments for fulfillment of the State programs in the domain of construction and development of the sea potential military constituent of the Russian Federation;

creation of the conditions increasing the level of competitiveness of the Russian Fleet, harbors and industrial branches connected with assurance of their functioning;

State support of the sea educational establishments and organizations, whose activity is connected with fulfillment of the international obligations of the Russian Federation in the domain of personnel training and safeguarding the sea navigation security;

State support of individual transport systems, State financing of the costs on maintenance, construction and operation of ice-breakers and transport ships of the ice category, in the first turn the ones with nuclear power installations, creation of the specialized system of their deployment;

State support of the scientific research in the open parts of the World Ocean and the seas of Russia, creation of the unified system of information on the World Ocean situation, new technological processes and equipment for wasteless production;

support and development of the domestic orbital group of space vehicles for remote sounding of the Earth, navigation, communications and monitoring, system of the Russian sea pollution monitoring, as well as the surface centers for receiving satellite information;

ensuring the development of the traditional sea branches of the economy of small peoples, populating seaside regions, creation of the stable system of their supply with food and household goods.

### 3. Protection of the sea activity security

The sea activity shall be implemented together with the carrying out of the required complex of specific measures on safeguarding of its security connected with peculiarities of the water element.

The security of the sea activity shall include safety of sea navigation, search and rescue at sea, protection and maintenance of the marine environment.

The sea navigation safety shall be ensured with:

mandatory observance of the corresponding norms of international law and Russian Legislation:

maintenance, perfection and development of the means of the navigation-hydrographic and hydrometeorological support, creation of the unified State hydrographic service in the Russian Federation:

State control over compliance with the classification requirements to the technical condition and availability of the ships, their comprehensive equipping and supply, training and certification of the ship crews;

day-to-day bringing of the required information to the navigators' notice.

To provide the search and rescue at sea it is necessary to:

perfect the existing system of human search and rescue at sea, based on interaction of the Federal executive authorities, possessing rescue forces and means under their jurisdiction and in the sphere of activity, and to provide the State support for development and functioning of this system;

develop the international cooperation on search and rescue of human beings at sea;

provide creation and functioning of the unified State global automated system of monitoring of the Russian ships and observance of the situation in the World Ocean.

Protection and preservation of the marine environment shall be attained with:

monitoring of the marine environment condition and complex measures on prevention and elimination of the consequences of its pollution, implementation of the measures on prevention of oil spillage during exploration, production and transportation, construction and reconstruction of the harbor reception facilities for gathering and processing of wastes;

stimulation of creation and procurement of domestic equipment for prevention of pollution and elimination of the consequences of the marine environment pollution, reinforcement of the Russian Fleet with specialized ships for implementation of the nature protection activity;

development of the domestic nuclear-powered fleet infrastructure, its safe operation and perfection of the technology of the nuclear-powered vessels' utilization;

compliance of the Russian Federation with its international obligations in this domain also including the ones with account of the opportunities of the international cooperation;

settlement of contradictions between the increase in volumes and production intensity of hydrocarbons and other resources from the sea-bed, and the necessity of maintaining and ensuring the reproduction of the biological resources of the World Ocean.

#### 4. Personnel support

The personnel support of all types of the sea activity shall be given a top-priority value and provide:

creation of the conditions for maintenance and attraction of qualified staff in the navigation personnel and in the domain of the sea activity management;

maintenance and development of the structure of education with specialization in all types of the sea activity;

creation of the managerial staff training of the State authorities of the Russian Federation, authorities of the constituents of the Russian Federation in the sphere of the sea activity:

strengthening of the Russian sea traditions, expansion of the network of the children's sea schools, clubs of young seamen and river transport workers, considering the studies in them as the initial stage of training for the services and work in the Russian Fleet;

provision of the State support in maintenance and operation of training ships, material-technical base of the educational establishments of the sea profile.

## 5. Informational support

The informational support of the sea activity in the first turn shall envisage maintenance and development of the global informational systems, supporting the sea activity of Russia, including the systems of navigation-hydrographic, hydrometeorological and other types of support, unified system of information on the situation in the World Ocean, unified State system of lighting the surface and submarine situation, created on the basis of the forces and means of the Ministry of Defense of the Russian Federation, Federal Service of Russia on hydrometeorology and monitoring of the environment and other concerned Federal executive authorities of the Russian Federation for the purposes of integration and rational use of the systems, complexes and means of various departmental subordination. The informational support shall serve as the basis for taking decisions in the domain of the sea activity at all levels.

## CONCLUSION

Realization of the provisions of the Sea Doctrine of the Russian Federation shall promote achieving high efficiency of the sea activity, assurance of stable development of the State, protection and safeguard of the National interests of the Russian Federation in the World Ocean, strengthening of the international authority of Russia.

The generalized criteria of the effectiveness of the National Sea Policy are:

degree of realization of the short-term and long-term tasks of the National Sea Policy;

degree of exercising with the trade, fish, scientific-research and other specialized fleets of the Russian Federation of the sovereign rights in its exclusive economic zone of the Russian Federation, in the continental shelf of the Russian Federation, as well as the freedom of the high sea;

capacity of the military component of the sea potential of Russia in interaction with the categories of the Armed Forces of the Russian Federation, other troops and army units to provide protection of the interests and security of the Russian Federation.

In declaring its National Sea Policy the Russian Federation intends to decisively and firmly strengthen its position among the leading sea powers.

## **8. PRINCIPLES OF THE FRONTIER POLICY OF THE RUSSIAN FEDERATION**

(Approved by the President of the Russian Federation on October 05, 1996)

### Summary:

*This document outlines the principles of Frontier Policy as connected to the National Security Concept. The theoretical issues rationalised here have their more concrete legal form in the Law on the State Border.*

*The state authorities concerned are defined and potential threats identified. The main lines of policy, including: no territorial claims on adjacent states, inviolability of borders; delineation of borders with other former Soviet states; are elaborated upon.*

*The main thematic concerns are: the protection of the frontier; the development of interstate boundary cooperation the protection of national and collective security on the outer frontiers of CIS members; socio economic basis of development at boundaries; knowledge and information exchange across frontiers; means of realizing an effective frontier policy.*

The principles of the Frontier Policy of the Russian Federation shall be a component part of the National Security Concept of the Russian Federation and represent a system of the officially accepted views related to the target, tasks, principles, basic lines and mechanism of realization of the Frontier Policy of the Russian Federation.

### **1. GENERAL PROVISIONS**

The Frontier Policy of the Russian Federation shall be targeted at protection of the sovereignty, inviolability and integrity of the territory, realization and protection of the National interests and security of the Russian Federation in its boundary space.

The Frontier Policy shall be formed on the basis of the Constitution, laws and other legal acts of the Russian Federation, generally accepted norms and principles of the international law and it shall be realized by purposeful and coordinated activity of the State authorities, local governmental bodies, public associations and citizens in compliance with their rights and powers in this domain.

The component part of the Frontier Policy of the Russian Federation shall conclude in preparation and realization in cooperation with the concerned States – Members of the Commonwealth of

Independent States measures on provision of National and collective security at the outer boundaries of the Commonwealth.

Fair interstate delimitation, development of the international cooperation, strengthening of the social-economic and spiritual basis of the life activity of the boundary regions of the Russian Federation shall stand as the most important preconditions of the effectiveness of the Frontier Policy.

The Frontier Policy of the Russian Federation shall be effected within the boundary space of the Russian Federation covering the State Frontier of the Russian Federation, stations of admission across the State Frontier and their associated facilities inside the country, boundary territory, air space, trans-boundary (boundary) water objects, water bodies of the territorial sea and internal waters, submarine environment, continental shelf and the exclusive economic zone of the Russian Federation.

The main constituents of the Frontier Policy of the Russian Federation shall include the Federal State authorities, State authorities of the constituents of the Russian Federation, local governmental bodies, public associations, organizations and citizens.

The main objects of the Frontier Policy of the Russian Federation shall be the State Frontier of the Russian Federation, National interests of Russia in its boundary space, as well as on the outer boundaries of the CIS Member-States.

The target of the Frontier Policy of the Russian Federation shall conclude in realization and protection of the National interests of Russia, protection of the security of a personality, society and the State in the boundary space of the Russian Federation.

The main tasks of the Frontier Policy of the Russian Federation:

creation of conditions for protection of the sovereignty and territorial integrity of the Russian Federation, its boundary security;

perfection of the international-legal formalization of the State Frontier;

interstate cooperation on prevention of war threats, crises and conflicts in the boundary space of the Russian Federation;

resistance to the economic and demographic expansion to the territory of Russia from the part of other States;

prevention of the attempts of international isolation of Russia from the part of individual foreign States and military-political blocks judging from the National interests of the State in the boundary space.

protection of the interests and security of Russia on the outer boundaries of the CIS Member States on the basis of international treaties.

Principles of the Frontier Policy of the Russian Federation:

mutual respect of the sovereignty, territorial integrity of the States and inviolability of the boundaries;

priority of the National interests of the Russian Federation in the boundary space, complex approach to their realization and protection;

peaceful settlement of boundary issues;

respect of the rights and freedoms of a human being and citizen.

## **2. MAIN THREATS TO THE NATIONAL INTERESTS AND SECURITY OF THE RUSSIAN FEDERATION WITHIN THE BOUNDARY SPACE**

The main threats to the National interests and security of the Russian Federation within the boundary space shall be as follows:

territorial claims;

incompleteness of the international-legal formalization of the State Frontier of Russia;

display of nationalism, ethnic and regional separatism, contradictions of religious character;

broadening of the economic and demographic expansion;

despoilment of the National riches of the Russian Federation, activation of smuggling activity;

mass export of capital and strategically important raw stuff resources and goods;

instability of the situation due to decline of the living standards of the population, ethnic conflicts and forced migration processes;

trans-boundary organized criminality and terrorism;

regional armed conflicts nearby the State Frontier;

spread and accumulation of weapons and other means of armed struggle in the regions located nearby the borders with Russia;

accidents, catastrophes and natural disasters with trans-boundary transfer.

## **3. MAIN LINES OF THE FRONTIER POLICY OF THE RUSSIAN FEDERATION**

### **3.1. Perfection of the international-legal formalization of the state frontier of the Russian Federation**

The international legal formalization of the State Frontier of the Russian Federation shall be effected on the basis of the universal principles of the international law, fixed in the UN Charter and other international-legal documents.

The Russian Federation shall have no territorial claims to other States and lead to consistent and non-conflict completion of the process of the international-legal formalization of its State Frontier.

The State Frontier of Russia, coinciding with the boundary of the former USSR shall be inviolable. Any territorial claims to the Russian Federation on the part of the neighboring States and attempts of changing the cross of the State Frontier in the unilateral order shall be rejected.

The State Frontier of the Russian Federation with new independent States formed in the territory of the former Union Republics of the USSR shall coincide with the former boundaries of the administrative-territorial division of the USSR. Russia has been striving to establishing and fixing of the unified visa space in the territory of the Member-States of the Commonwealth of Independent States. The contract legal formalization of the State Frontier of Russia with the Member States of the Commonwealth of Independent States shall be effected on the bilateral basis. Russia shall retain the right of taking necessary measures for protection of its National interests on the boundary with these States.

### 3.2 Protection of the Frontier Security

The frontier security shall represent condition of protectability of the vitally important interests of a personality, society and the State in the boundary space of the Russian Federation.

Protection of the boundary security of the Russian Federation shall presume:

creation and perfection of the legal base, defining the powers and regulating the activity of the State, society and a personality in the boundary space, as well as stating the responsibility for damaging the National interests of Russia;

priority development of the system of protecting the boundary security of Russia on the basis of development and realization of the State target complex programs;

forecast of the situation development, elaboration and realization of measures on optimization of the mechanism of coordinating the activity of the Federal executive authorities in the boundary space.

*Development of the Interstate Boundary Cooperation*

The interstate boundary cooperation shall be based on coincidence of the interests of Russia and its neighboring States and targeted at consistent deepening of coordination and interaction on settlement of the boundary problems. Further development of the boundary cooperation shall provide:

forming of the legal base of the interstate boundary cooperation;

strengthening of the economic, social, cultural, administrative and other ties of the Federation constituents with the neighboring States;

forming of the collective security protection system on the outer boundaries of the Member-States of the Commonwealth of Independent States on the basis of uniting the interstate efforts of the concerned Parties;

cooperation in the struggle with the cross border organized criminal networks, terrorism, piracy, smuggling, illegal turnover of arms and drugs, as well as in settlement of environmental and humanitarian problems, problems of prevention of natural and man-caused emergencies, observance of the norms and principles of the international law.

3.4. Protection of the national and collective protection of the outer frontiers of the members-states of the Commonwealth of independent states

Russia shall stand for inviolability of the outer boundaries of the Member-States of the Commonwealth of Independent States, promote their international legal formalization and development on the contractual basis of the cooperation between the boundary structures of these States for the interests of protecting the National and collective security.

Protection of the National and collective security of the concerned Member-States of the Commonwealth of Independent States on their outer boundaries shall be one of the priority lines of the Frontier Policy of Russia. This is conditioned with the following circumstances:

commonness and interdependency of the social-economic interests of the Member States of the Commonwealth of Independent States;

necessity of neutralizing the processes infringing the National interests and undermining the National security of the States of the Commonwealth;

limited nature of resources in a number of the Commonwealth States related to creation of the National systems on protection of the boundary security;

necessity of opposing attempts at the geopolitical isolation of Russia and restriction of its social-economic and military-political ties with the States of the Commonwealth.

On the contractual basis, Russia may participate in protection of the National interests and collective security of the Member-States of the Commonwealth of Independent States by joint safeguard of their boundaries, or rendering assistance to the National services in exercise of the boundary, customs, immigration, automobile-truck, sanitary-quarantine, veterinary, phytosanitary and other types of control.

Forming the Customs Union out of the number of the CIS Member-States, connected with Russia by integrated economic and political partnerships, shall presume the joint establishment on these States' boundaries with third countries of all types of checks corresponding to the norms of the international law (passport-visa, customs, immigration, automobile-truck, sanitary-quarantine, veterinary, phyto-sanitary) and a coordinated mechanism of controlling movement of cargoes within the limits of the territories of the States being part of this union.

#### 4. DEVELOPMENT OF THE SOCIAL-ECONOMIC AND SPIRITUAL BASIS OF THE LIFE ACTIVITIES OF THE BOUNDARY REGIONS OF THE RUSSIAN FEDERATION

The creation of favorable conditions of the social-economic rise of the boundary regions, growth of the welfare and spiritual development of the population shall be the most important factor for maintaining social-political stability and protection of the Russian Federation's National security within its boundary space. The Frontier Policy in this domain shall include:

- creation of conditions for production activity in the boundary regions with account of the character of new international and interregional links;
- creation of conditions for effective development of free economic zones;
- retention of the State control over the strategic resources of the boundary regions;
- provision of the regulation of the outer migration flows;
- counteraction to any forms of discrimination of the population in the boundary regions;
- maintenance and development of the historically formed traditions and customs of the population living in the boundary territory, relative and friendly ties;
- preservation and augmenting of the spiritual values, development of creative work and initiative, teaching and education of the growing generations;
- creation of conditions for realization of human rights in the domain of the freedom of consciousness in compliance with the confessional membership;
- creation of conditions for prevention of emergencies and carrying out of measures on protection of the population at their occurrence.

#### 4.1 Forming and development of the system of scientific knowledge in the domain of the frontier policy

Problems of further development and realization of the Frontier Policy of the Russian Federation and the activity related to its constituents parts shall require fundamental theoretical processing, a complex system of scientific support of all the processes connected with protection of the National interests and security of Russia in the boundary space.

The priority lines of research in the domain of the Frontier Policy of the Russian Federation shall be: methodological problems; matters of the geopolitical situation impact on the character of realization and protection of the National interests in the boundary space; mechanisms of peaceful settlement of boundary problems; social-economic, military and the boundary aspects themselves; impact of the migration factor on the processes and phenomena in the boundary space; National issue in the Frontier Policy of Russia; problems of boundary security; history of the Russian Frontier and other aspects of the Frontier Science.

### 5. REALIZATION OF THE FRONTIER POLICY OF THE RUSSIAN FEDERATION

The Frontier Policy of the Russian Federation shall be effected within the common system of protecting the National security by means of the coordinated activity of the Federal executive authorities, State authorities of the constituents of the Russian Federation, local governmental bodies, public associations, organizations and citizens on the basis of the Legislation of the Russian Federation.

The Government of the Russian Federation shall carry out measures on following the Frontier Policy of the State, manage the activity of the lower Federal executive authorities on its realization, establish the norms and procedure of their financial and material-technical support, hold international negotiations on boundary issues and conclude intergovernmental agreements in accordance with the powers in the domain of the Frontier Policy imposed on it by the Constitution of the Russian Federation, Federal laws and Decrees of the President of the Russian Federation.

The Federal executive authorities of the Russian Federation, State authorities of the constituents of the Russian Federation, local governmental bodies, public associations and citizens at realization of the Frontier Policy shall exercise powers in compliance with the Constitution of the Russian Federation, Legislation of the Russian Federation and other legal acts, regulating accomplishment of the tasks of protection of the National security of the Russian Federation in the boundary space. Coordination of the activity of the Federal executive authorities on the matters of the Frontier Policy in the domain of safeguarding the State Frontier, territorial

sea, continental shelf and the exclusive economic zone shall be effected by the Federal Frontier Service of the Russian Federation.

The main lines of the Frontier Policy of the Russian Federation shall be realized during elaboration of the Federal target programs, implementation of the foreign-policy, economic, military, social, financial and environmental activity of the State.

The legal and social security of the military persons, civil personnel and other persons, participating in realization of the Frontier Policy, shall be guaranteed by the State and effected under the procedure established by the Legislation of the Russian Federation.

Financial support of the activity on realization of the Frontier Policy shall be effected out of the funds of the Federal Budget, Budgets of the constituents of the Russian Federation and funds of the local governmental bodies, as well as out of the off-budgetary sources, the use of which shall be defined in accordance with the procedure fixed by the Legislation of the Russian Federation.

The material-technical support of the forces and funds, participating in pursue of the Frontier Policy shall be effected by the target appointment in the scopes annually fixed by the Federal Budget of the Russian Federation, out of the resources of the constituents of the Russian Federation and local governmental bodies, as well as due to the procurement of the required material-technical means from organizations and citizens.

The principles of the Frontier Policy of the Russian Federation may be added, updated and perfected along with the successive social-political and economic progress of the society and in accordance with modifications of related world developments.

## **9. STATUTE ON THE ORDER OF PERFORMING MILITARY SERVICE OF 16 SEPTEMBER 1999**

(with Amendments dated October 15, 1999; April 10; June 26, 2000)

See 'Guide to Organization of Military Service in FPS of the Russian Federation', adopted by the Order of FPS of the RF dated December 18, 1999 #693

### Summary:

*This statute specifies the regulations associated with the beginning, performance, and ending of military service by both contract and conscript personnel in both peace- and wartime. The selection of contract personnel, age limits, and cancellation of contracts are detailed as are the rules governing promotion and appointments, appointments to 'acting' positions, the right to release from a military position, the transfer and attachment of personnel to units or their suspension, military ranks, and the granting of leave. The process of being discharged from military service and the technicalities of different types of leave are detailed. The management practicalities of these examples are also extrapolated upon. The annexes include a sample contract for military service and the order for calculating leave rights.*

<u>Chapter I.</u>	General Provisions
<u>Chapter II.</u>	The Order of Conclusion and Cancellation of the Contract
<u>Chapter III.</u>	The Order of Appointing to Military Positions, Entrusting with Acting Military Positions, Enrolling at Commander's disposal, Realizing from Military Positions
<u>Chapter IV.</u>	The Order of Transfer, Attachment of Military persons and Suspension of Their Military Service
<u>Chapter V.</u>	The Order of Awarding Military Ranks and Restoring in Military Rank
<u>Chapter VI.</u>	The Order of Attestation of Military persons, Attestation Commissions
<u>Chapter VII.</u>	The Order of Granting a Holiday to Military Persons
<u>Chapter VIII.</u>	The Order of Discharge from Military Service
<u>Attachment #1.</u>	A Contract on Military Service
<u>Attachment #2.</u>	The Order of Calculating Service Time and Granting Additional Holiday Allowance

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *General Provisions on Performing Military Service*

1. Provisions on performing Military Service determines the order of Military Service performed by the citizens of the Russian Federation on call up and through contract of their own freewill in the Armed Forces of the Russian Federation, other troops, military units and bodies envisaged in Federal Law On Military Service (hereinafter called—Federal Law) in peacetime; the order of concluding a Contract on Performing Military Service (hereinafter called—the Contract) and canceling the Contract and other matters that are within the sphere of its regulation according to Federal Laws.

In the time of mobilization in the state of emergency, in the state of war and in wartime, the peculiarities of performing Military Service are defined according to Federal Constitutional Laws, Federal Laws and other Legal Regulation Acts of the Russian Federation.

2. Performance of Military Service includes appointment to a military position, conferment of a military rank, attestation, discharge from military service; and other circumstances (events) that define the legal and official status of Military persons in accordance with the Federal Law, other Federal Laws and this Statute.

3. In the Russian Federation Military Service is performed according to the Constitution of the Russian Federation, the Federal Law, other Federal Laws, this Statute, other Legal Regulations Acts of the Russian Federation in the sphere of military service and status of Military persons, and according to International Treaties of the Russian Federation in the above mentioned sphere.

4. Military persons, who are Judges of Courts Martial, servicemen of the Administration of Courts Martial and servicemen of Military Prosecutor's Office, perform military service in accordance with the Federal Law and this Statute, taking into account the peculiarities that are determined in Legislative Acts on Regulation of the Activity of Courts Martial and Military Prosecutor's Office.

5. The peculiarities of enrolment of certain categories of citizens of the Russian Federation and performance of Military Service by certain categories of Military persons are foreseen by Federal Laws and other Legal Regulations Acts of the Russian Federation.

**Article 2.** *Performance of Military Service*

1. Military Service is performed by:

- soldiers, sailors, sergeants, master sergeants - in accordance with the call to military service or to the contract;
- warrant officers and naval warrant officers - in accordance with the contract;
- officers - in accordance with the call to military service or to the contract.

2. The citizens of the Russian Federation (hereinafter called the citizens), who have not performed military service and who are studying in Military Educational Institutions of professional training (hereinafter called Military Educational Institutions), shall have a status of Military persons performing military service on call until they sign the contract.

According to the Order # 1366 of the President of the Russian Federation dated October 15, 1999, subparagraph 3 of article 2 of this Statute was reviewed.

Amendments enter into force on October 6, 1999.

See the text of the subparagraph in previous wording

3. Military persons, performing military service on call, may be sent (including as members of the staff of subdivision, military unit, formation) in order to carry out missions in armed conflicts (in order to participate military operations) after they have performed military service for not less than six months and after they have had training in military registered profession.

See Commentary to Article 2 of this Statute

**Article 3.** *The Beginning, Term and End of Military Service*

1. The beginning of Military service shall be considered:

a) for the citizens who are called to military service and who are not in reserve - to be the day of leaving the Military Commissariat of the Administrative Division of the Russian Federation for the place of performing military service;

b) for the citizens called to military service from those who graduated from state, municipal and non-state educational institutions, that have state accreditation on corresponding aspects of training (professions), of higher professional education and listed in reserve with a Military Rank of an Officer— to be the day of leaving for the place of military service, pointed in the order of the Military Commissariat;

c) the citizens called to military service immediately after graduation from state, municipal and non-state educational institutions, that have state accreditation on corresponding aspects of

training (professions), of higher professional education and given a Military Rank of an Officer - to be the day of leaving for the holiday that was granted by the Military Commissariat after graduation from the above mentioned institutions;

d) for citizens enrolled to military service in accordance with the Contract - to be the day when the Contract enters into force;

e) for citizens who entered Military Educational Institutions and who did not performed military service or who had performed military service before - to be the day of entry to the above mentioned Educational Institutions.

2. The term of Military Service shall be determined:

a) for soldiers, sailors, sergeants and sergeants major who are performing military service on call - to be 24 months;

b) for soldiers, sailors, sergeants and sergeants major who are performing military service on call and who have graduated from state, municipal and non-state educational institutions, that have state accreditation on corresponding aspects of training (professions), of higher professional education - to be 12 months;

c) for officers who are performing military service on call - to be 24 months;

d) for Military persons who are performing military service in accordance with the Contract - to be the term indicated in the Contract.

According to Resolution #621 of the Government of the Russian Federation dated August 23, 2000, the maximum term of uninterrupted performance of military service by Military persons in the territory of the Republic of Chechnya on the basis of the Contract shall be 2 years

The term of military service is calculated from the day of the beginning of military service.

3. The term of military service expires:

a) for Military persons who are performing military service on call—on corresponding date of the last month of the term of military service on call.

b) for Military persons who are performing military service according to the Contract—in corresponding month and on corresponding date of the last year of the term of the Contract or on corresponding date of the last month of the term of the Contract if the Contract was concluded for the term up to one year.

In case the expiration of the term of the Contract is in the month when there is no corresponding date, the said term shall expire on the last day of the month.

4. The day of the end of military service shall be considered the day of discharge of Military person from the list of the personnel of a military unit (hereinafter a military unit means Military personnel bodies, agencies, military units, ships, divisions, enterprises, institutions and organizations of the Armed Forces of the Russian Federation (of other troops, military formations

and bodies) and Military faculties (sub-faculties) attached to educational institutions of higher professional education) in connection with the discharge from military service, death, recognition of his/her being untraceable or announcement of his/her being dead.

A Military person shall be excluded from the lists of the personnel of a military unit on the day of term expiration of his/her military service (discharged before the appointed time—not later than the term of military service expired) if it is not otherwise determined in the Federal Law and this Statute.

The day of exclusion from the lists of the personnel of a military unit shall be the day of the end of military service (the last day of military service).

5. The following is not included into the term of military service:

- a) the time of Military person's being in a disciplinary military unit;
- b) the time of convicted Military person's being under arrest;
- c) the time of Military person's serving disciplinary punishment in the form of arrest;
- d) the time of Military person's being absent without leave from the military unit or the place of military service for the period of more than 10 twenty-four hours days irrespective of the reasons for absence without leave.

6. The convicted Military persons who has acquired military profession, who knows and complies exactly with the requirements of Military Service Regulations and performs military service faultlessly and who is being released from a disciplinary military unit after expiration of his/her term of military service, may be entitled to have the time of serving in a disciplinary military unit to be included in his/her term of military service in the order defined by the Minister of Defense of the Russian Federation.

The Military person who was released from a disciplinary military unit and who performed faultlessly his/her military service while in a disciplinary military unit may be entitled to have the time of serving in a disciplinary military unit to be included in his/her term of military service by Commander-in-Chief of the military district or by a Commander who is equal or higher in rank in the order determined by the Heads of Federal executive bodies where military service is envisaged.

See: Instruction on the Order of Including the time of being in a disciplinary military unit to the term of military service for Military persons of Federal Agency of Governmental Communications and Information who are released from a disciplinary military unit, adopted by Order #219 of Federal Agency of Governmental Communications and Information dated August 1, 2001

7. The total duration of military service of a Military person includes all time of his/her military service either on call or in accordance with a contract, including the cases of renewal of military service.

Determination of total duration of military service is made according to calendar calculation.

In cases envisaged by Federal Laws and other legal regulation acts of the Russian Federation, the total duration of military service shall be made on the basis of preferential calculation.

8. Military persons who are performing military service on call shall be entitled to have one day of participation in military operations and accomplishment of tasks in armed conflicts, and one day of going to hospital because of injuries, contusion, mutilations or decease acquired in the above mentioned operations and conflicts, calculated as two days of military service on call.

Since August 1,1999 and according to Order # 1054 of the President of the Russian Federation dated June 7, 2000 Military persons, servicemen of the Interior of the Russian Federation and officers of criminal executive system of the Ministry of Justice of the Russian Federation shall be entitled to have the time of actual participation in anti-terrorist operations on the territory of Northern Caucasus Region of the Russian Federation included in the term of military service (service) in military (special) ranks on preferential conditions - one month of military service (service) for three months.

See: Commentary to article 3 of this Statute.

## CHAPTER II - THE ORDER OF CONCLUSION AND CANCELLATION OF THE CONTRACT

### **Article 4.** *Conclusion and Cancellation of the Contract*

1. The Contract is concluded by a citizen (Military person) and the Ministry of Defense of the Russian Federation (a Federal body of executive power in which military service is envisaged) in writing in the standard form in accordance with Attachment 1. The Contract may be the first one or a new one.

2. Conclusion of the Contract, Cancellation of the Contract and other relationships in connection with the Contract are regulated by the Federal Law, legislative and other legal regulations acts of the Russian Federation governing the order of performing of military service and Military persons's status.

3. The Contract shall not be concluded with a citizen (Military person) in relation to whom a sentence was passed and punishment was inflicted or in relation to whom either inquiry or preliminary investigation is being conducted or criminal case has been submitted to court; or a citizen who has unremitted or pending convictions and a citizen who had served sentence in the form of imprisonment.

4. The Contract shall fix good will of joining military service, during which term the citizen (Military person) undertakes to perform military service and the conditions of the Contract.

The following shall be indicated in the Contract:

-military rank, surname, name and patronymic of the person (Military person) concluding the Contract; date, month and year of birth;

-title of the Federal body of executive power with which the Contract is concluded; position, military rank, surname and initials of the official who signed the Contract on its behalf;

-Armed Forces of the Russian Federation, other troops, military formations or bodies where the citizen (Military person) will perform military service;

-Date when the Contract was signed by the citizen (Military person) and by an official on behalf of the Federal body of executive power.

After the signatures of the citizen (Military person) and of the official the following shall be indicated:

-date and number of the Order issued by a responsible official and there it shall be announced that the Contract entered into force;

-date and basis for cancellation of the Contract.

5. The conditions of the Contract shall include:

a) obligation of the Military person to perform military service in the Armed Forces of the Russian Federation, other troops, military formations and bodies during the term fixed in the Contract, honestly carry out all common, official and special duties of Military persons, envisaged by legislative and other legal regulations acts of the Russian Federation;

b) Military person's right to observance of his/her rights and rights of the members of his/her family, that are stipulated by legislative and other legal regulations acts of the Russian Federation defining the status of Military persons and the order of performing military service, including privileges, guarantees and compensations.

6. The Minister of Defense of the Russian Federation, the Head of the Federal body of executive power in which the Military service is foreseen (hereinafter referred to as the Head of the Federal Body of executive power where the military service is envisaged) shall have the right to indicate in the standard form of the Contract specific rights and duties of Military persons, as

envisaged by the legislation of the Russian Federation and as stipulated by peculiarities of their military service.

7. The Contract is drawn in two copies, each copy shall be signed by individuals—parties to the Contract. The signature of the official who signed the Contract shall bear the official seal of a military unit.

The first copy of the Contract after it entered into force shall be attached to personal records of the Military person who concluded the Contract, and the second copy of the Contract shall be given to a Military person.

8. The Contract enters into force from the day it is signed by the official indicated in this Statute and a relevant order on it shall be issued. The term of the Contract is calculated from the date (calendar date) it enters into force.

9. The Contract shall be cancelled:

-from the day of expulsion of the Military person from the lists of personnel of the military unit when he/she is discharged from military service because of death, recognition of his/her being unknowingly absent or announced to be dead;

- from the day when a new Contract is concluded with the Military person.

-from the day of appointment of Military person to position of the Head of the Federal body of executive power where military service is envisaged;

-from the day when military service of the Military person was suspended;

-in other cases foreseen by Federal laws.

10. A record about cancellation of the Contract is made with indication of the date and bases for cancellation of the Contract. The record is made on the first copy of the Contract that has been attached to personal records of the Military person, the record shall be signed by the Commanding officer and sealed by the official seal of a military unit. If the Military person wants the same record can be made on the second copy of the Contract that is owned by the Military person.

11. The Military person appointed to the position of the Head of the Federal body of executive power where military service is envisaged shall perform military service in this position without concluding the Contract.

The Contract that had been signed by the Military person before he was appointed to this position shall cease. The Military person shall retain the status of Military person performing military service in accordance with the Contract.

After the said Military person is released from this position he/she shall conclude a new Contract or shall resign.

See: Commentary to article 4 of the given Statute.

**Article 5.** *The Order of Selection of Candidates from the Citizens for Military Service in accordance with the Contract*

1. The citizen who desires to join military service on the Contract shall submit his application to the Military Commissariat where he/she is registered (military registration) (the person who has no military registration shall submit the application form to the Military Commissariat located in the place of his\her residence) or to the military unit.

2. The following shall be indicated in the application form:

-surname, name and patronymic of the citizen, the date, month and year of birth;

-place of residence;

-title of the Federal body of executive power with which the citizen wants to conclude the Contract;

-the term for which it is envisaged to conclude the Contract.

3. Together with the application form the citizen displays a document that identifies his personality and citizenship and submits the following:

-filled in a fixed form and signed questionnaire of a person joining military service in accordance with the Contract;

-autobiography written in handwriting in a free form;

- a certified in an official way copy of a work-book (service record);

-certified in an official way copies of documents that confirm his/her professional or any other education;

-certified in an official way copies of marriage certificate and certificates of birth of his/her children;

-additional documents.

The list and contents of additional documents that are to be presented by the citizen to the Military Commissariat while enrolling into military service in accordance with the Contract may be determined by the Minister of Defense of the Russian Federation (in military units by the Heads of Federal bodies of executive power according to subordination of these military units).

4. Military Commissariats register and accept for examination application forms that were submitted by citizens who declared their desire to enrol into military service.

The citizen whose application form was accepted for examination shall become a candidate who is enrolling into military service in accordance with the Contract (hereinafter referred to as a Candidate).

5. The application form of the person who expressed his desire to enrol into military service in accordance with the Contract may be returned to him/her by a Military Commissioner (the Commanding Officer of a military unit) on the basis of the following:

- if the person is not a citizen of the Russian Federation;
- if on the day the Contract is to be concluded his/her age does not meet the requirements of the Federal Law, and if the person has no right to conclude the Contract according to the Federal Law;
- if a sentence was passed in relation to him/her and punishment was inflicted; if an inquiry or a preliminary investigation are being conducted in relation to him/her or the criminal case was submitted to court;
- if this person has unremitted or pending convictions for committing a crime;
- if this person served sentence in the form of imprisonment.

6. Military Commissariats register personal records of the Candidate and other necessary documents.

The list of documents and the order of their registration is determined for Military Commissariats by the Minister of Defense of the Russian Federation.

7. Military Commissioner shall examine the application form during a month and give the following orders:

- to conduct medical examination of the Candidate;
- to make arrangements for his/her professional psychological selection;
- to examine compliance of his/her level of education, professional and physical training with the standards fixed for those who enrol into military service in accordance with the Contract;
- to consider the candidacy by the Military Commissariat's Commission on Selection of citizens enrolling into military service in accordance with the Contract (hereinafter referred to as Military Commissariat's Commission on Selection of Candidates).

8. Medical examination of the Candidate shall be conducted in compliance with the Regulations on Military Medical Expertise adopted by the Government of the Russian Federation.

According to results of the medical examination the following conclusions are drawn about candidate's fitness for military service within the following categories:

- fit for military service;
- fit for military service with insignificant limitations;
- partially fit for military service;
- temporarily unfit for military service;
- unfit for military service.

The citizen who is considered fit for military service or fit for military service with insignificant limitations can be enrolled into military service in accordance with the Contract.

9. Arrangements for professional psychological selection are made by specialists in professional psychological selection.

During professional psychological selection the following qualities are assessed: intellectual level, psychological readiness for military service, quickness of understanding (thinking), communication skills and citizens' other professional qualities that are of great importance for military service.

Psychological fitness of a citizen is determined in relation to a specific military position that is planned to be held by this very citizen.

10. The organization, order and practice of making arrangements for professional psychological selection in a Military Commissariat are defined by the Minister of Defense of the Russian Federation (in military units by the Heads of Federal bodies of executive power according to subordination of these military units).

The results of professional psychological selection shall be indicated in the records of professional psychological selection in a fixed form.

11. On the basis of professional psychological selection one of the following conclusions is made concerning professional psychological fitness of a candidate for military service in accordance with the Contract on specific positions:

- recommended in the first instance the first category;
- recommended - the second category;
- recommended relatively - the third category;
- not recommended - the fourth category.

12. The Candidate shall comply with all the requirements that are prescribed to those who enrol into military service according to the Contract, as far as his/her educational level, professional and physical training are concerned.

The above mentioned requirements are determined for Military Commissariats by the Minister of Defense of the Russian Federation (for military units by the Heads of Federal bodies of executive power according to subordination of these military units).

The requirements that must be complied with by the citizens who are enrolling into military service in accordance with the Contract in the bodies of Federal Security Service are prescribed by Order #714 of Federal Security Service of the Russian Federation dated December 31, 1999.

The requirements that must be complied with by the citizens who are enrolling into military service in accordance with the Contract in Federal Guarding Service are prescribed by Order #378 of Federal Guarding Service of the Russian Federation dated November 30, 2001.

13. When necessary the Candidate shall undergo the procedure of official registration his/her access to information that constitutes State secret.

14. Determination of compliance of Candidates who are selected by Military Commissariats with requirements set for those who are enrolling into military service in accordance with the Contract shall be entrusted to the Military Commissariats' Commissions on Selection of Candidates.

Representatives of military units for which the selection is conducted may participate in work of Military Commissariats' Commissions on Selection of Candidates.

15. A Candidate is considered by the Military Commissariats' Commission on Selection of Candidates not to meet the requirements that are defined for those enrolling into military service in accordance with the Contract in cases indicated in subparagraph 5 of this Article and also in the following cases:

-if according to medical examination the person was declared partially fit for military service, temporarily unfit for military service or unfit for military service;

-if according to the results of professional physiological selection the person was referred to the fourth category;

-if the person was considered not to satisfy the requirements for those enrolling into military service in accordance with the Contract because of his/her level of education, professional and physical training.

The copy of resolution of the Military Commissariats' Commission on Selection of Candidates shall be given to the citizen upon request within three days after the decision was taken.

16. The candidate who was declared by the Military Commissariats' Commission on Selection of Candidates to satisfy the requirements that are defined for those enrolling into military service in accordance with the Contract shall receive corresponding instructions from the Military Commissioner and shall be sent to the military unit to conclude the Contract.

Sending of candidates to military units shall be made by the Military Commissioner according to resolution on available vacancies that correspond to candidates' military ranks, education, training, health and selection results.

17. The candidate who was sent to the military unit to conclude the Contract, shall be provided with military transport documents to destination and if the Contract is not concluded then the candidate shall be provided with return transport documents.

Military transport documents for going to the military unit in order to conclude the Contract shall be given once to the candidate by the Military Commissariat where the candidate is

registered. If the Contract is not concluded military transport documents for going to the place of residence shall be given to the candidate by the military unit.

18. The citizen who applied about enrolling into military service in accordance with the Contract directly to the military unit and after the consideration of his/her candidature the citizen shall be sent for selection and registration of the documents to Military Commissariat where the citizen is registered (if the citizen has no military registration - to the Military Commissariat which is located in the citizen's place of residence).

An inquiry on such a citizen is registered in the name of the Military Commissioner and is signed by the Commanding Officer of the military unit with indication of all the necessary data.

Upon agreement with the Military Commissariat military units can conduct independently selection of citizens for military service in accordance with the Contract as defined in this Article. The forms of relevant documents and the order of their registration are determined by the Heads of Federal bodies of executive power, according to subordination of these military units.

The selection of citizens for enrolling into military service in accordance with the Contract from those who are in reserve of the Service of Foreign Intelligence of the Russian Federation and Federal Security Service of the Russian Federation is conducted by the said Federal bodies of executive power.

19. The candidature of the citizen who arrived at the military unit in order to conclude the Contract shall be considered by the Commanding Officer of the military unit.

If necessary, upon the decision of the Commanding Officer of the military unit the Candidate may be sent to Attestation Commission of the military unit in order to take medical examination, make arrangements for professional psychological selection, examination of his/her level of education, professional and physical training and consideration of his candidature for making decision whether to conclude the Contract with the candidate or not.

The decision that the candidate does not meet the requirements defined for those enrolling into military service in accordance with the Contract, shall be made by the Attestation Commission of the military unit when there are the circumstances indicated in subparagraphs 5 and 15 of this Article.

The copy of the resolution of the said Commission shall be given to the citizen upon his/her request within three days after the decision was made.

See: Commentary to Article 5 of this Statute

**Article 6. *The Order of Selection of Candidates from Military Persons***

1. A Military person who is performing military service on call and who has expressed his/her desire to enrol into military service in accordance with the Contract shall submit a report at the command.

2. Together with the command the Military person shall submit:

-filled in in a fixed form and signed questionnaire of a person joining military service in accordance with the Contract;

-autobiography written in handwriting in a free form;

- a certified in an official way copy of a work-book (service record);

-certified in an official way copies of documents that confirm his/her professional or any other education;

- certified in an official way copies of marriage certificate and certificates of birth of his/her children;

-additional documents.

The list and contents of additional documents that are to be presented by the Military person while enrolling into military service in accordance with the Contract may be determined by the Heads of Federal bodies of executive power where military service is envisaged.

3. The report of the Military person who is performing military service on call and who has expressed his/her desire to enrol into military service in accordance with the Contract shall be registered and accepted for examination by the Commanding Officer of the military unit. The Commanding Officer of the military unit shall examine the report of the Military person who is performing military service on call and shall make a decision within the time defined by the Disciplinary Regulations of the Armed Forces of the Russian Federation for consideration of Military persons's initiatives.

The Military person whose report was accepted for examination shall be considered to be a Candidate.

4. Upon examination of the report the Commanding Officer of the military unit gives the following orders:

-to conduct medical examination of the Candidate;

-to make arrangements for professional psychological selection;

-to examine the compliance of his/her level of education, professional and physical training with requirements set for those enrolling into military service in accordance with the Contract;

-to consider his/her candidature in the Attestation Commission of the military unit.

The above mentioned arrangements shall be made in the order envisaged by the Federal Law, other legal regulations acts of the Russian Federation and this Statute.

However, the report may be returned to the Military person on the bases defined in points b-e subparagraph 5 Article 5 of the Statute.

5. If necessary, according to the fixed order the candidate shall undergo the procedure of registering his/her access to information that constitutes State secret.

6. The candidate's compliance with the requirements defined for those enrolling into military service in accordance with the Contract shall be determined by the Attestation Commission of the military unit.

The decision of the candidate's non-compliance with the requirements defined for those enrolling into military service in accordance with the Contract shall be made by the Attestation Commission of the military unit if there are circumstances indicated in in points b-e subparagraph 5 and subparagraph 15 Article 5 of the Statute.

The copy of the resolution of the said Commission shall be given to the citizen upon his/her request within three days after the decision was made.

See: Commentary to Article 6 of this Statute

**Article 7.** *Duties of the officials in connection with enrolment of the citizens (Military persons) into military service in accordance with the Contract*

1. In connection with enrolment of the citizens (Military persons) into military service in accordance with the Contract the following duties shall be entrusted:

a) on the Military Commissioner:

-to examine citizens' application forms about enrolment into military service in accordance with the Contract;

-to organize the registration of all the necessary documents and to send the citizens who expressed their desire to enrol into military service in accordance with the Contract for medical examination and other necessary tests;

-to coordinate the work of the Commission of Military Commissariat on Selection of candidates and adoption of resolutions;

-to organize and send the citizens to military units in order to conclude the Contract;

b) on the Commanding Officer of a military unit:

-to present at a command application form for filling vacant military positions that are available in the military unit;

- to organize the selection of candidates;
- to coordinate the work of the Attestation Commission of the military unit in order to determine the compliance of the candidates with the requirements defined for those enrolling into military service in accordance with the Contract;
- to conclude the Contracts;
- to make decisions on refusal to a citizen (Military person) in enrolment into military service in accordance with the Contract and on return of the relevant documents to the bodies of Military Administration from which the documents was forwarded and on departure of the citizens to their places of residence.

2. Resolutions on Availability of Existing Vacant Military Positions are submitted by recruitment and enrolment agencies of the Armed Forces of the Russian Federation, other troops, military formations and bodies within the competence of these bodies.

3. General Headquarters of the Armed Forces of the Russian Federation coordinate cooperation with Federal bodies of executive power in which military service is envisaged concerning matters of selection and enrolment of citizens for military service in accordance with the Contract.

See: Commentary to Article 7 of this Statute

#### **Article 8.** *The Order of Conclusion the First Contract*

1. The First Contract is concluded by the following citizens who have not performed military service in accordance with the Contract before:

- citizens between the ages of 18 to 40 years old:
  - who are in reserve;
  - males who are not in reserve and who graduated from state, municipal and non-state educational institutions, that have state accreditation on corresponding aspects of training (professions), of higher professional education;
  - females who are not in reserve;
  - other citizens according to legal regulations acts of the President of the Russian Federation;
- Military persons who are performing military service on call and who have served not less than for 12 months;
- citizens who are not performing military service on call (who have performed military service on call) and those who are serving on call if they enter military educational institutions;

-citizens who are studying in military educational institutions who have a status of Military persons performing military service on call;

-citizens who are not enrolled into military service if they enter Military Medical institute under Medical Educational institution of higher professional education (hereinafter referred to as Military Medical Institute)

2. Military persons who are studying in Military Educational Institutions and who have a status of Military persons who are performing military service on call conclude the First Contract when they are 18 years old but not earlier than they have finished the first course and before they have finished the second course.

The above mentioned Military persons who refuse to conclude the Contract in the order prescribed by the Federal Law and this Statute shall be expelled from Military Educational Institutions.

3. Citizens who are performing or who have already performed military service on call if they enter Military educational institutions shall conclude the Contract at the same time of their entrance to the said Military educational institutions.

4. Female citizens may be enrolled into military service in accordance with the Contract if there are vacant military positions available that are to be filled by military females.

Military positions that may be filled by military females (except military positions that are to be filled by high-rank officers) shall be determined by the Heads of Federal bodies of executive power in which military service is envisaged.

5. The First Contract shall be concluded:

-with the person who is enrolling into military service to fill a military position for which the following military ranks are envisaged according to the staff list: soldier, sailor, sergeant or sergeant major - for the term of three years;

-with the person who is enrolling into military service to fill a military position for which the following military ranks are envisaged according to the staff list: warrant officer, naval warrant officer or officer —for the term of five years;

-with the person who is entering a Military educational institution or who is studying in one—for the time of studying in Military educational institution and for five years of military service after graduation from it.

6. A Military person who is performing military service on call may conclude the First Contract for a shorter term on condition that total duration of his military service on call and on the First Contract is to constitute three years or five years according to points a and b subparagraph 5 of this Article.

7. With a citizen who is in reserve and who expresses his desire to enrol into military service on the Contract at the time of emergency in order to perform his/her duties under conditions of liquidation of consequences of natural disasters, to make arrangements at the time of emergency, to restore the constitutional order and in other urgent situations the Contract may be concluded for the term of from six months to one year.

8. The First Contract on behalf of the Ministry of Defense of the Russian Federation (a Federal body of executive power in which military service is envisaged) shall be signed by:

-the Head of a Federal body of executive power, in which military service is envisaged, according to a decision of the President of the Russian Federation if the Contract is concluded with the person to be appointed to a military position of a high rank officer as foreseen by staff list;

-by a relevant official ranging from the Commanding Officer of a military unit to higher Officers according to a decision of the Head of corresponding Federal body of executive power if the Contract is concluded with the person to be appointed to a military position when such appointment is made by the Head of a Federal body of executive power in which military service is envisaged;

-by a corresponding official on behalf of the Commanding Officer of a military unit or higher according to a decision of the official who has the right to appoint to the following military ranks if the Contract is concluded with the person to be appointed to a military position ranging from warrant officer (naval warrant officer) to colonel, including first rank captain, except those that are indicated in point 4 of the paragraph as foreseen by staff list;

-the Commanding Officer of a military unit if the Contract is concluded with the person to be appointed to a military position of soldier, sailor, sergeant or sergeant major as foreseen by staff list;

-the Head of a Military educational Institution if the Contract is concluded with a person who enters Military educational Institution or who is studying there;

-the Head of a Military medical Institute if the Contract is concluded with a person who enters the above mentioned Institute.

A Military person who has no military rank of an Officer and who is studying in Military educational institution of the Ministry of Defense of the Russian Federation (of a Federal body of executive power in which military service is envisaged) and who is meant for enrolment after graduation into military service in other Federal body of executive power in which military service is envisaged, shall conclude the Contract in the place where he/she is studying. In this respect the Military person's duty to perform military service in the Federal body of executive

power in which he is meant for enrolment into military service after his/her graduation from a military educational institution.

9. The First Contract shall be concluded by Officials who are indicated in paragraph 8 of the Article:

-with a citizen who enrolls into military service in accordance with the Contract—on the day of enrolment into military service;

-with a Military person who is studying in Military educational institution—upon the day when he/she is 18 years old but not earlier than he/she has finished the first year of studies but not later than he/she has finished the second year of studies;

-with a citizen who is not in military service (who has performed military service on call) and with a Military person who is performing military service on call and who is entering Military educational institution—on the day of entrance to the above mentioned educational institution;

-with a citizen who is not in military service upon his/her entrance to a military medical institute—on the day of entrance to the above mentioned institute.

10. The grounds for refusing the candidate to conclude the First Contract shall be:

-absence of vacant military positions corresponding to candidate's profile of training or military profession in the Armed Forces of the Russian Federation, other troops, military formations and bodies;

- a decision of the Attestation Commission of a military unit, adopted by the Commanding Officer (Head) of a military unit, to conclude the Contract with another candidate upon the results of the concours;

- a decision of the Military Commissariat's Commission on Selection of candidates or of the Attestation Commission of a military unit that the candidate does not comply with the requirements defined for those who enrol into military service in accordance with the Contract.

The First Contract cannot be concluded with a citizen (a Military person) if there are grounds pointed out in paragraphs 5 and 15 Article 5 of the Statute.

11. The decision about the refusal to conclude the First Contract shall be registered in writing, shall be signed by the Commanding Officer (Head) of a military unit, shall be sealed by an Official seal of a military unit and may be given to a citizen (a Military person) upon receipt as requested if the citizen (Military person) was refused to conclude the Contract.

The grounds for refusal to conclude the Contact, the date and number of the relevant resolution of the Military Commissariat's Commission on Selection of candidates (the Attestation Commission of a military unit) shall be indicated in the resolution.

See: Commentary to Article 8 of the Statute

**Article 9.** *The Order of Conclusion of a New Contract*

1. A Military person who is performing military service in accordance with the Contract and who expresses his/her desire to continue military service shall conclude a new Contract in the following cases:

- upon the expiration of the previous Contract;
- upon entrance to military educational institution, postgraduate military studies, military studies for a Doctor's degree;
- upon expulsion from military educational institution, postgraduate military studies, military studies for a Doctor's degree;
- upon transfer from the Armed Forces of the Russian Federation to the Federal body of executive power in which military service is envisaged and the other way round, and upon transfer from one military body of executive power in which military service is envisaged to another one.

2. A new contract shall be concluded by the following Military person who expresses his/her desire to continue military service and:

- who is released from the post of the Head of a Federal body of executive power in which military service is envisaged;
- who has performed military service in accordance with the Contract before upon the elimination of the grounds for suspending military service.

3. With a Military person who has reached the age limit for being in military service and who expresses his/her desire to continue military service, a new Contract may be concluded according to decision made by a relevant Official in the order foreseen by the Federal Law and this Statute.

4. A new contract may be concluded with a citizen who is in reserve, who has performed military service in accordance with the Contract earlier and who has not reached the age limit for being in military service on condition that he complies with the requirements determined for those who enrol into military service in accordance with the Contract and if there are no grounds foreseen in paragraph 10 Article 8 of this Statute or if the citizen enters a military educational institution.

5. A new Contract shall be concluded:

- with a Military person who is performing military service in accordance with the Contract (with a citizen who has performed military service in accordance with the Contract) - for

three, five, ten years or for a shorter term till the time of reaching age limit for being in military service;

-with a Military person who is performing military service in accordance with the Contract if he enters military educational institution, postgraduate military studies, military studies for a Doctor's degree (with a citizen who has performed military service in accordance with the Contract if a citizen enters a military educational institution) - for the period of his/her studies in the above mentioned educational institution, postgraduate military studies, military studies for a Doctor's degree and for five years of military service after graduation from them;

-with a citizen who has performed military service in accordance with the Contract, who is in reserve and who expresses his desire to enrol into military service in accordance with the Contract at the time of emergency in order to perform his/her duties under conditions of liquidation of consequences of natural disasters, to make arrangements at the time of emergency, to restore the constitutional order and in other urgent situations - for the term of from six months to one year.

6. A new Contract on behalf of the Ministry of Defense of the Russian Federation (the Federal body of executive power in which military service is envisaged) shall be signed:

a) upon the conclusion of a new Contract with a Military person whom there is no need to appoint to a new military position:

with a Military person who is directly subordinate to the Head of a Federal body of executive power in which military service is envisaged—by the Head of a Federal body of executive power in which military service is envisaged;

with a Military person who is performing military service in another military position—by relevant Official on behalf of the Commanding Officer of a military unit or higher in rank who is the next direct Head for the Military person;

b) upon the conclusion of a new Contract with a Military person who is to be appointed to a new military position:

with a Military person who is being appointed to a military position for which a rank of higher Officer is envisaged according to a staff list - by the Head of a Federal body of executive power in which military service is envisaged on the basis of a decision adopted by the President of the Russian Federation;

with a Military person who is being appointed to a military position and the appointment is to be made by the Head of a Federal body of executive power in which military service is envisaged - by a relevant Official from the Commanding Officer of a military unit and higher in rank on the basis of the decision taken by the Head of the relevant Federal body of executive power;

with a Military person who is being appointed to a military position for which a military rank ranging from warrant officer (naval warrant officer) to colonel, including first rank captain, except those indicated in abstract 3 of the paragraph, is envisaged according to a staff list—by a relevant Official from the Commanding Officer of a military unit and higher in rank who has the right to appoint to the above mentioned military positions;

with a Military person who is being appointed to a military position for which a military rank of soldier, sailor, sergeant or sergeant major is envisaged according to a staff list—by the Commanding Officer of a military unit;

c) upon the conclusion of a new Contract with a Military person who enters a military educational institution, postgraduate military studies, military studies for a Doctor's degree (with a citizen who is entering a military educational institution)—by the Head of a military educational institution.

7. The Officials indicated in Paragraph 6 of the Article shall sign a new Contract:

-with a Military person whose previous Contract is expiring—on the day next to the expiration date of the previous Contract;

-with a Military person who is performing military service in accordance with the Contract and who has entered a military educational institution, postgraduate military studies, military studies for a Doctor's degree (with a citizen who is entering a military educational institution)—on the day of entrance to the said military educational institution, postgraduate military studies, military studies for a Doctor's degree;

- with a Military person who is performing military service in accordance with the Contract and who has been expelled from a military educational institution, postgraduate military studies, military studies for a Doctor's degree—on the day next to the day of enrolment into personnel lists in the new place of military service;

-with a Military person upon his/her transfer from the Armed Forces of the Russian Federation to the Federal body of executive power in which military service is envisaged and the other way round, and upon transfer from one military body of executive power in which military service is envisaged to another one—on the day of enrolment into the Federal body of executive power in which military service is envisaged (to the Armed Forces of the Russian Federation);

-with a Military person who has performed military service in accordance with the Contract before upon the elimination of the grounds for suspending military service –on the day of elimination of the grounds for suspending military service.

8. The Commanding Officer (the Head) who has the right to conclude the Contract with a Military person who expresses desire to conclude a new Contract shall make a decision to

conclude a new Contract with a Military person or to refuse conclusion of the Contract not later than three months before the Contract in force expires.

9. To conclude a new Contract a Military person whose contract term is expiring shall submit a report at a command to an Official who has the right to conclude a new Contract with the Military person before the previous Contract term expires.

The Military person's report shall be registered in the prescribed form. The relevant personnel department or enrolment department of a military unit shall supervise the timely submission of reports.

10. A Military person who has not reached age limit for being in military service shall not be refused conclusion of a new Contract except the cases when he is to be discharged from military service before term on the grounds indicated in the Federal Law and in paragraph 3 Article 4 of this Statute.

11. A Military person who is performing military service in accordance with the Contract and who has not expressed his/her desire to conclude a new Contract before the term of the Contract in force expires shall be recommended for discharge from military service.

12. A Military person who is performing military service in accordance with the Contract under circumstances that there is no real possibility to conclude a new Contract (e.g. participation in ship cruise; being on maternity leave; being in captivity, taken hostage or internee and under other circumstances) and who expresses his/her desire to continue military service in accordance with the Contract after the Contract term expires shall continue military service in accordance with the Contract.

When the above mentioned circumstances cease to exist the Military person shall conclude a new Contract within one month after arrival at a military unit or shall apply for discharge from military service.

13. A Military person who is performing military service in accordance with the Contract and who is entering a military educational institution, postgraduate military studies, military studies for a Doctor's degree shall conclude a new Contract upon his/her entrance to the said military educational institution, postgraduate military studies, military studies for a Doctor's degree.

A Military person who is a permanent member of subdivision staff (faculty, sub-faculty and other subdivisions) subordinated to one Federal body of executive power in which military service is envisaged but being under educational institution of another Federal body of executive power or included in it shall conclude the Contract with the Federal body of executive power to which the above mentioned subdivision is subordinate.

A Military person who is performing military service in accordance with the Contract in one Federal body of executive power in which military service is envisaged and who is studying in a military educational institution of other Federal body of executive power shall not be expelled from the staff lists of the Federal body of executive power and shall not conclude a new Contract.

14. A male military person who is performing military service in accordance with the Contract (except for Military persons directed to perform military service on call) and a female military who has a military rank of officer, warrant officer or naval warrant officer, who were expelled from a military educational institution, postgraduate military studies, military studies for a Doctor's degree and who expresses his/her desire to perform military service shall submit a report on Conclusion of a new Contract on the day they arrive at a new place of military service.

15. A Military person who is released from the post of the Head of a Federal body of executive power in which military service is envisaged and who expresses his/her desire to perform military service shall conclude a new Contract within one month from the day the Military person was released from this post.

16. Upon elimination of the grounds for suspending his/her military service a Military person who expresses his/her desire to perform military service shall conclude a new Contract from the day when the grounds for suspending his/her military service were eliminated.

See: Commentary to Article 9 of this Statute

**Article 10.** *The Order of Conclusion of a New Contract with Military persons Who Have Reached Age Limit for Being in Military Service*

1. With Military persons who have reached age limit for being in military service and who express their desire to continue military service the Contract may be concluded for the period of 10 years including but not exceeding the age when they are 65 years old.

2. The age limit for being in military service shall be:

-for Marshal of the Russian Federation, General of the Army, Admiral of the Fleet, Colonel-General, Admiral—60 years;

-for Lieutenant-General, Vice-Admiral, Major-General, Rear Admiral—55 years;

-for Colonel, first rank Captain—50 years;

-for a Military person of any other rank—45 years;

-for a female military person —45 years.

3. To conclude a new Contract a Military person who has reached the age limit for being in military service shall submit a report at the command to an Official who has the right to make

decision on conclusion of a new Contract with the above mentioned Military person not later than in six months before the Contract in force expires.

4. Decisions on conclusion of Contracts with Military persons who have reached the age limit for being in military service, on the term of a new Contract or on refusal to conclude a Contract shall be made:

a) in respect to high-rank officers and officers who were appointed to military positions in which military ranks of higher officers are foreseen according to the staff list - by the President of the Russian Federation;

b) in respect to colonels, first rank captains, officers who were appointed to military positions in which military ranks of colonels, first rank captains are foreseen according to the staff list - by the Head of a Federal body of executive power in which military service is envisaged;

c) in respect to Military persons who have military ranks up to lieutenant-colonel, 2<sup>nd</sup> rank captain including - by Officials who have the right to appoint the above mentioned Military persons to military positions they hold.

5. In case a decision was made by an Official on conclusion of a contract with a Military person who has reached age limit for being in military service and on the term of service the above mentioned Contract shall be signed by the Commanding Officer (Head) who is authorized to sign new Contracts.

6. A decision to conclude a Contract with a Military person who has reached age limit for being in military service shall be made taking into account his/her work qualities and state of health.

If necessary, the above mentioned Military person may be sent to the military medical commission.

The resolution of the military medical commission shall be submitted to the Official who has the right to make decisions on conclusion of the Contract not later than in four months before the term of the Military person's military service expires.

7. The Head of a Federal body of executive power in which military service is envisaged shall have the right to determine the categories of specialists with whom Contracts may be concluded even if they have reached age limit for being in military service.

8. For a Military person who is performing military service in the position of the Head of a Federal body of executive power in which military service is envisaged, who has reached age limit for being in military service and who expresses his/her desire to continue military service the term of military service may be prolonged by the President of the Russian Federation but not exceeding the time when he is 65 years old. See: Commentary to Article 10 of this Statute

### CHAPTER III - THE ORDER OF APPOINTING TO MILITARY POSITIONS, ENTRUSTING WITH ACTING MILITARY POSITIONS, ENROLING AT COMMANDER'S (HEAD'S) DISPOSAL, REALISING FROM MILITARY POSITIONS

#### **Article 11.** *The Order of Appointing to Military Positions*

1. Appointment of officers to military positions for which military ranks of higher officers are foreseen by staff list shall be made according to the Orders of the President of the Russian Federation.

2. The Head of a Federal body of executive power in which military service is envisaged shall appoint Military persons to the following military positions for which military ranks of colonel, first rank captain are foreseen by staff list:

-Regiment Commander, Commander of other equal military unit (arsenal, experimental center, store and supply base), brigade;

-Deputy Commander of brigade, division, corps and equal to them military formations, Deputy Army Commander and Deputy Commander of equal to it formations;

-Deputy (Assistant) Commander (Commanding Officer), Deputy (Assistant) Head of a type of forces or services, Head of administration, direction and his/her Deputy, Head of rear headquarters staff, Head of a department of a military district (grouping of troops, district, Air Forces and Air Defense), Fleet (grouping of troops and forces), Airborne landing forces, General Headquarters of the Armed Forces of the Russian Federation, General, Central Administration, Head, Deputy Head of Independent direction (department, service) of the Defense Ministry of the Russian Federation (of a Federal body of executive power in which military service is envisaged);

-Deputy Head of Headquarters, Head of a type of forces and services, Head of personnel department of corps, army and equal to them formations;

-Military Commissioner;

-Head, Deputy and Assistant Head, Head of department and service, Head of Administration of Scientific Research organization;

-Deputy Head and Assistant Head, Head of a department and services, Head and Assistant Heads of a faculty, Head and Deputy Head of sub-faculty of a Military Academy or a Military University;

-Head, Deputy Head and Assistant, Head of a department and services, Head of a faculty of a Military Institute, branch of a Military Academy and University, a Military College;

-Head, Deputy Head and Assistant, Head of a department, services, branch and laboratory of a medical institution of the Defense Ministry of the Russian Federation (a Federal body of executive power in which military service is envisaged);

-Head of a military sub-faculty (faculty) attached to an educational institution of higher professional education;

A Military person of General, Central and other Administration of the Defense Ministry of the Russian Federation or the Armed Forces of the Russian Federation (a Federal body of executive power in which military service is envisaged), which is directly subordinate to the Head of a Federal body of executive power in which military service is envisaged and a Military person who is directly subordinate to the Head of a Federal body of executive power in which military service is envisaged;

3. The powers of officials to appoint Military persons to military positions that are not foreseen by points 1 and 2 of this Article shall be determined by the Head of a Federal body of executive power in which military service is envisaged.

The powers of Officials of the Federal Security Service of the Russian Federation, Foreign Intelligence Service of the Russian Federation, Federal Guard Services of the Russian Federation and Federal Agency of Governmental Communications and Information under the President of the Russian Federation to appoint Military persons to military positions (except for the military positions that are to be filled by high rank officers) shall be determined by the Head of a corresponding Federal body of executive power.

The list of officials who have the right to issue orders on personnel matters shall be defined by the Head of a Federal body of executive power in which military service is envisaged.

4. Officials shall exercise the right to appoint to military positions (to release from military positions) the Military persons under their direct subordination.

Superior officials exercise the same right to appoint to military positions that is given to junior officials.

5. Appointment of a Military person to a military position shall be made if the Military person meets the requirements that are set for this military position. At the same time the level of the Military person's professional training, his/her psychological qualities, the state of health and other circumstances as envisaged by this Statute shall be taken into account.

6. Appointment of a Military person to a military position shall provide for his/her application according to the main or one profile military registered profession taking into account Military person's experience of service.

If it is necessary to appoint Military persons to positions requiring military registered profession that is new for them, then, before appointment to such positions there must be, as a rule, relevant retraining.

7. A Military person who has a military rank of officer or warrant officer (naval warrant officer), who entered a military educational institution, postgraduate military studies, military studies for a Doctor's degree shall be released from military position that he/she held before and shall be appointed to a military position of a listener or any other military position that is envisaged for the Military persons studying in the above mentioned educational institution, postgraduate military studies, military studies for a Doctor's degree and that is to be filled by officers or warrant officers (naval warrant officers) respectively.

A Military person who has no military rank of officer or warrant officer (naval warrant officer), who entered a military educational institution shall be released from military position that he/she held before and shall be appointed to a military position of a student or any other military position that is envisaged for Military persons studying in the above mentioned military institution and that is to be filled by soldiers, sailors, sergeants and sergeants major.

The citizen who entered a military educational institution shall be appointed to a military position of a student, listener or any other military position that is envisaged for Military persons studying in the above mentioned educational institution in accordance with the military rank he/she was awarded.

8. Military persons who were not admitted to military educational institutions, postgraduate military studies, military studies for a Doctor's degree shall return to military units from which they had been sent to enter the above mentioned educational institution, postgraduate military studies, military studies for a Doctor's degree to their former military positions.

Military persons who are performing military service on call may be sent to another military unit for further military service or discharged from military service if there are grounds for discharge in the order that is determined by the Head of a Federal body of executive power where military service is envisaged.

9. Military persons who graduated from military educational institutions, postgraduate military studies, military studies for a Doctor's degree shall be appointed to military positions that are to be filled by persons with necessary level of education in accordance with the relevant list of military positions.

If it is impossible to appoint to the above mentioned military positions such Military persons may be appointed to other military positions but not lower than those they have held before.

Officers who graduated from high military educational institutions shall be appointed to military positions (in exceptional cases they shall be registered in the disposal of the Commander (Head) for further appointment to a military position) in accordance with the orders of the Head of a Federal body of executive power in which military service is envisaged and to military positions that are to be filled by high rank officers in accordance with the orders of the President of the Russian Federation.

10. While making an appointment to a military position the following conditions shall be observed: -Military persons of the relevant personnel shall be appointed to military positions that are to be filled by soldiers, sailors, sergeants, sergeants major, warrant officers, naval warrant officers and officers. If it is impossible to appoint Military persons of relevant personnel to the above mentioned military positions then Military persons of lower personnel may be appointed to these positions in the order defined by the Head of a Federal body of executive power in which military service is envisaged;

-female military shall be appointed to military positions that are foreseen by relevant lists of military positions;

-vacant positions of professors and teachers and researchers in high military educational institutions, scientific research organizations and experimental bases to which officers shall be appointed shall be filled in accordance with a concours. The order and conditions of concours to fill the above mentioned vacant positions shall be determined by the Heads of a Federal body of executive power in which military service is envisaged;

See: Regulations on the Order and Conditions of a Concours to fill positions of professors and teachers and researchers which officers shall be appointed in higher military educational institutions of Federal Frontier Guard Service of the Russian Federation, adopted by Order #159 of Federal Frontier Guard Service of the Russian Federation, dated April 7, 2000.

See: Instruction on the Order and Conditions of a Concours to fill vacant positions of professors and teachers and researchers which officers shall be appointed in military educational institutions of higher and additional professional education, in scientific research organizations and proving grounds, adopted by Order #246 of Federal Agency of Governmental Communications and Information, dated August 17, 2001.

See: Instruction on the Order and Conditions of a Concours to fill vacant positions of professors and teachers and researchers which officers shall be appointed in military educational institutions of higher and additional professional education, in scientific research organizations and proving grounds (centers) of the Defense Ministry of the Russian Federation, adopted by Order #230 of the Defense Minister of the Russian Federation dated May 6, 2000.

-Appointment to military positions of Military persons who were registered at the disposal of relevant Commanders (Heads) shall be made in as short-time period as possible, but not later the date defined by the Federal Law and this Statute;

- A Military person who was considered by Military Medical Commission fit for military service or fit for military service with insignificant limitations but who is unfit for military service in chosen military registered profession shall be appointed with his/her consent (except for Military persons who are performing military service on call) to another military position, where the Military person can perform duties according to the state of their health or the Military person shall be discharged from military service;

-in case a Military person is denied access to the data that constitute State Secret or the Military person is deprived of the above mentioned access the Military person shall be appointed in accordance with the fixed order to a military position that is not connected with access to information that constitute State Secret or the Military person shall resign from military service;

-Military persons who are in close relationship (parents, spouses, children, brothers, sisters and brothers, sisters, parents and children of spouses) shall not perform military service in one military unit if one is directly subordinate to or directly controlled by another;

-Appointment to military positions of Military persons (except for high rank officers) shall be made in accordance with the order on personnel (combatant unit) issued by the official within his/her right to appoint to military positions;

-Military persons who have no military ranks of officers and warrant officers (naval warrant officers), who concluded the Contract and who was sent to training (retraining) before it shall be appointed to vacant military positions for which military ranks of soldiers, sailors, sergeants and sergeants major are envisaged;

-peculiarities of appointment to military positions and discharge from military positions of soldiers, sailors, sergeants, sergeants major who are performing military service on call shall be determined by the Head of the corresponding Federal body of executive power in which military service is envisaged.

11. Military persons may be appointed to the first military position, higher military position, equal military position or lower military position.

12. Military position of a Military person shall be considered higher if higher military rank than a military rank of the former military position is considered by the staff list and if the military ranks are equal as envisaged by the staff list—higher salary in accordance with the military position that is held by Military person.

13. Appointment of a Military person to a higher military position shall be made:

a) in the order of promotion in service (for a Military person who is performing military service in accordance with the Contract—upon his/her consent);

b) according to the results of the concours (for a Military person who is performing military service in accordance with the Contract).

Preference right to be appointed to higher military position shall be given to a Military person who is recommended to this position by the Attestation Commission of the military unit where the Military person is performing military service and who revealed high professional and organizational skills while performing duties of military service or who was appointed to lower military position because of organizational and staff measures.

14. Military position of a Military person shall be considered equal if a military rank equal to military rank in previous military position and equal month salary according to military position held is envisaged by the staff list.

15. Appointment of a Military person to equal military position shall be made:

-if there is official necessity;

-in connection with organizational and staff measures;

-for more reasonable application of a Military person in military service;

-for domestic reasons at personal request (for a Military person who is performing military service in accordance with the Contract);

-because of state of health in accordance with Military Medical Commission's Resolution (for a Military person who is performing military service in accordance with the Contract—with his/her consent);

-according to results of concours (for a Military person who is performing military service in accordance with the Contract).

16. Military position of a Military person is considered to be lower if lower military rank than military rank of previous military position is envisaged for such military position according to the staff list, and if military ranks are equal as foreseen by the staff list—lower month salary according to military position held is envisaged by the staff list.

17. Appointment of a Military person to lower military position shall be made:

-in connection with organizational and staff measures—if there is no possibility to appoint a Military person to higher or equal military position (for a Military person who is performing military service in accordance with the Contract—with his/her consent);

-for domestic reasons at personal request (for a Military person who is performing military service in accordance with the Contract);

-because of state of health in accordance with Military Medical Commission's Resolution (for a Military person who is performing military service in accordance with the Contract—with his/her consent);

-at personal request (for a Military person who is performing military service in accordance with the Contract);

-in the order of realization of a disciplinary penalty "demotion in military position" or "reduction in rank in one level with transfer to a lower position" and if within one year after the disciplinary penalty "warning of incomplete service compliance" a warrant officer (naval warrant officer) or an officer did not improve behavior performing his/her military duty perfectly and the penalty imposed did not achieve its educational aim.

18. A Military person who was appointed to a lower military position in the order of realization of a disciplinary penalty may be appointed to higher military position only after the penalty was remised.

19. In accordance with medical resolution pregnant female military may be appointed with their consent to military positions with easier service conditions and with reservation of a month salary according to the military position held, of month and other additional payments according to the military position that they have held before the appointment.

20. In case female military who have children at the age up to one year and a half cannot perform service duties female military shall be appointed to other military position till the child reaches the age of a year and a half with reservation of a month salary according to the military position held, of month and other additional payments according to the military position that they have held before the appointment.

21. The form and contents of the documents concerning the appointment of a Military person to military position, discharge from military position and enlisting at the disposal of the Commanding Officer (Head) and the order of their registration and submission shall be determined by the Head of a Federal body of executive power in which military service is envisaged.

22. Military persons who are serving punishment in the form of limitations in military service or custody shall not be appointed to higher military position.

23. If taking into account the characteristics of the committed crime and other circumstances a Military person on whom punishment was inflicted in the form of limitations in military service cannot hold the military position connected with personnel management. According to the resolution of a relevant official the Military person shall be appointed to another military position either within the military unit or with transfer to another military unit or a place of service that shall be reported to the Court where the sentence was adopted.

See: Commentary to Article 11 of this Statute

**Article 12.** *The Order of Entrusting with Temporary Execution of Duties in Military Position*

1. In connection with service necessity a Military person may be entrusted with temporary execution of duties of the following equal or higher military position that the Military person does not hold:

-vacant (not filled) military position—upon his/her consent (temporary execution of position)

-non-vacant (filled) military position—in case the Military person who holds it is temporarily absent or suspended from the military position (temporary execution of duties)

In this case the Military person is released from performing the duties of the military position the Military person holds but the Military person shall not be discharged from the military position.

2. Uninterrupted period of performing temporarily the duties of a military position that the Military person does not hold shall not exceed:

-six month—in case of performing duties of a vacant military position;

-four months—in case of performing duties of a non-vacant military position.

A Military person may be entrusted upon his/her consent with performing duties of non-vacant military position for the period when the Military person who holds it is on maternity leave.

3. Entrusting a Military person with temporary execution of duties of a vacant military position and discharge of a Military person from execution of duties of the military position that he/she holds shall be made by an official who has the right to appoint to this military position.

In this case entrusting Military persons with temporary execution of duties of vacant military positions that are to be filled by higher officers shall be made by the Heads of Federal bodies of executive power in which military service is envisaged according to permission of the President of the Russian Federation.

4. In case of temporary absence the Commanding Officer of a military unit, equal to him/her in military position or higher Commander (Head) shall entrust one of his/her deputies with temporary execution of duties of his/her military position.

In other cases temporary execution of duties of non-vacant military position shall be entrusted to a Military person by the Commanding Officer of a military unit, equal to him/her in military position or higher Commander (Head), who is direct commander or next direct commander of a temporarily absent Military person.

5. For temporary execution of duties of vacant and non-vacant military positions the following Military persons may be appointed:

-soldiers, sailors, sergeants and sergeants major — to military positions for which military ranks of warrant officers (naval warrant officers) are envisaged by the staff list;

-warrant officers (naval warrant officers — to military positions for which military ranks of warrant officers (naval warrant officers) or junior officers are envisaged by the staff list;

-junior officers — to military positions for which military ranks of junior officers and senior officers are envisaged by the staff list;

-senior officers — to military positions for which military ranks of senior officers and high officers are envisaged by the staff list;

-high officers — to military positions for which military ranks of high officers are envisaged by the staff list.

See: Commentary to Article 12 of this Statute

**Article 13.** *The Order of Enlisting at Disposal of the Commanding Officer (Head)*

1. To solve questions of further performance of military service Military persons who are performing military service in accordance with the Contract may be enlisted, as a rule, at disposal of the next direct Commanding Officer (Head) who has the right to issue orders or of an official who has the right to appoint to a military position which is filled by the above mentioned Military person.

2. To enlist a Military person who is performing military service in accordance with the Contract at disposal of the Commanding Officer (Head) shall be authorized in the following cases and for the following term:

According to Order #431 of Defense Minister of the Russian Federation dated August 17, 2000 regulating the order of payment of month salary to Military persons who are enlisted at disposal of the Commanding Officer (Head), if the fixed term for being at the Commanding Officer's (Head's) disposal expired the salary may be paid to Military persons who were enlisted at the Commanding Officer's (Head's) disposal on the grounds defined in points a and b, in accordance with a Resolution adopted by the Defense Minister of the Russian Federation (in regard to high officers), by General Commanders of different types of the Armed Forces, by Commanders of the military district troops and by Heads of General and Central Administrations of the Defense Ministry of the Russian Federation.

See: Instruction on Coordinating Payments of Salary to Military persons of Federal Frontier Guard Service of the Russian Federation who are performing military service in

accordance with the Contract and who were enlisted at the Commander's (Head's) disposal. The Instruction was adopted by Order #218 of Federal Frontier Guard Service of the Russian Federation, dated April 16, 2001

-in case the Military person is released from military position (position)—for the term not more than three months;

-in case the Military person is removed from military position (position) because of taking organizational and staff measures—for the term not more than six months;

-if a criminal case was initiated against a Military person—for the period until the decision on the criminal case is made;

-in case a Military person who undergoes a course of medical treatment at hospital is considered to be unfit for military service—for the period till the course of medical treatment at hospital is over (for the term of release from execution of duties of military position that is necessary for registration of the discharge) but not longer than the term indicated in Regulations on Military Medical Expertise;

-in case a Military person is transferred from the Armed Forces of the Russian Federation to a Federal body of executive power in which military service is envisaged and the other way round, and in case a Military person is transferred from one Federal body of executive power in which military service is envisaged to another—for the term not more than three months;

-in case a Military person is unknowingly absent for more than one month—for the period until the Military person returns to the military unit (unless another decision on his/her further performance of military service was made) or for the term until the day (including) the Resolution of the Court announcing him/her unknowingly absent or dead enters into force;

-in case a Military person is in captivity, as a hostage or an internee—till the day he is liberated;

-in case the military unit was disbanded and in connection with this military position which a female military on maternity leave held was cut down—for the term till the maternity leave is over;

-if there is no possibility to timely exclude the Military person, who was discharged from military service, from the personnel lists of the military unit in cases foreseen by the Federal Law and this Statute—for the term until the Military person is excluded from the personnel lists.

3. The Military person in regard to whom a measure of taking in custody was used as preventive punishment shall be enlisted at the Commanding Officer's (Head's) disposal from the day of taking into custody.

See: Commentary to Article 13 of this Statute

**Article 14.** *The Order of Releasing from Military Position*

1. A Military person shall be released from military position in case of appointment to a new military position, transfer, attachment, discharge from military service and under other circumstances as foreseen by the legislation of the Russian Federation.

2. The right to release a Military person from a military position shall be exercised by the Official who has the right to appoint to this military position.

See: Commentary to Article 14 of this Statute

**CHAPTER IV - THE ORDER OF TRANSFER, ATTACHMENT OF MILITARY PERSONS AND SUSPENSION OF THEIR MILITARY SERVICE**

**Article 15.** *The Order of Transfer to a New Place of Military service*

1. A Military person may be transferred to a new place of military service from one military unit to another (including this one located in another place) within the Armed Forces of the Russian Federation (other troops, military formations and bodies) in the following cases:

- if there is official necessity;
- in the order of promotion in military service;
- because of state of health in accordance with Military Medical Commission's Resolution
- for domestic reasons at personal request (for Military persons who perform military service in accordance with the Contract);
- at personal request (for Military persons who perform military service in accordance with the Contract);
- in connection with taking organizational and staff measures;
- in connection with planned replacement (for Military persons who perform military service in accordance with the Contract);
- in connection with entrance to a military educational institution, postgraduate studies, studies for Doctor's degree;
- in connection with expulsion from a military educational institution, postgraduate studies, studies for Doctor's degree;
- if taking into account the character of the committed crime a Military person on whom a punishment in the form of limitations of military service was imposed cannot hold the same military position connected with staff management.

2. A Military person who is performing military service in accordance with the Contract may be transferred to a new place of military service if necessary with appointment to an equal military position.

The transfer of this Military person to a new place of military service with appointment to an equal military position shall be made without his/her consent except for the following cases:

-if it is impossible to perform military service in the place where he/she is transferred according to a Resolution of the Military Medical Commission;

-If it is impossible for the members of Military person's family (wife, husband, children at the age of up to 18 years old, children-students at the age of up to 23 years old, disabled children and other people who are Military person's dependants and live with him/her) to live in the place the Military person is transferred according to a Resolution of the Military Medical Commission;

-if it is necessary to take care permanently of a father, mother, brother, sister, grandfather, grandmother or a parent by whom a Military person was adopted who are not on full state provision and who are in need of permanent outside care (help, supervision) according to a Resolution adopted by the body of State Services for medical and social expertise in the place of their residence.

3. A Military person who is performing military service in accordance with the Contract may be transferred to a new place of military service in the order of promotion in military service with appointment to a higher military position by his/her consent.

4. A Military person who is performing military service on call shall be transferred to a new place of military service without his consent.

5. The transfer of the Military person who is performing military service in accordance with the Contract to a new place of military service for domestic reasons shall be made in the following cases:

-If it is impossible for the members of Military person's family (wife, husband, children at the age of up to 18 years old, children-students at the age of up to 23 years old, disabled children and other people who are Military person's dependants and live with him/her) to live in the place the Military person is transferred according to a Resolution of the Military Medical Commission;

-if it is necessary to take care permanently of father, mother, brother, sister, grandfather, grandmother or a parent by whom a Military person was adopted who are not on full state provision and who are in need of permanent outside care (help, supervision) according to a Resolution adopted by the body of State Services for medical and social expertise in the place of their residence.

6. If upon the transfer of the Military person, who is performing military service in accordance with the Contract, to a new place of military service the place of residence of his/her family is changed and the Military person's wife (husband) is also performing military service in accordance with the Contract then the decision on the transfer of the Military person to a new place of military service shall be made at the same time with the decision of the transfer of Military person's wife (husband) to this new place of military service.

If it is impossible to transfer at the same time the military couple to military positions within one place (garrison) and if one of them refuses discharge from military service the transfer of one of them to a new place of military service shall not be made.

7. In case of transfer to a new place of military service the Military person shall be sent there after he/she turns over his/her duties and he/she is released from military position but not later than within one month since the Transfer Order or Notice in writing was received by the military unit except cases when the Military person is on leave, business trip or under medical treatment.

8. Male Military persons who have been expelled from military educational institutions for lack of discipline, poor progress or reluctance to study and for their refusal to conclude the Contract if by the time of expulsion from the above mentioned educational institutions they have reached the age of 18 years old they have not served the fixed term for military service on call and they do not have the right to be discharged from military service, to be released or suspended from the call to military service, shall be sent for performing military service on call.

9. To determine the term of military service on call the Military persons indicated in subparagraph 8 of the Article shall have the right to include the following in the term of their military service:

-the term of military service on call before they entered a military educational institution;

-the term of military service in accordance with the Contract before they entered a military educational institution calculated as follows: two months of service in accordance with the Contract are equal to one month of military service on call;

-the term of military service during studies in a military educational institution calculated as follows: two months of service in the above mentioned educational institution are equal to one month of military service on call.

Calculation of total term of military service of the said Military persons shall be made taking into account actual duration of military service.

10. Male military who are performing military service in accordance with the Contract, and female military who have military ranks of officers and warrant officers (naval warrant officers), who were expelled from military educational institutions, postgraduate studies, studies

for Doctor's degree and who express their desire to continue military service and conclude a new Contract shall be sent to a new place of military service where they conclude a new Contract on military service.

Male military who are performing military service in accordance with the Contract, and female military who have military ranks of officers and warrant officers (naval warrant officers), who do not want to conclude a new Contract, shall be discharged from military service (except Military persons indicated in subparagraph 8 of this Article).

11. Being in custody a convicted Military person shall not be transferred to a new place of military service.

See: Commentary to Article 15 of this Statute

### **Article 16.** *The Transfer in the Order of Planned Replacement*

1. Military persons who are performing military service in accordance with the Contract in the regions of Far North and equaled to it places, places with unfavorable climatic and ecological conditions and in military units located outside the Russian Federation (hereinafter referred to as –places where the term of military service is fixed) shall be replaced as planned.

See: Instruction on organizing and making planned replacement of Military persons who perform military service in the Interior Forces of the Ministry of the Interior of Russia in accordance with the Contract in districts and places with unfavorable climatic conditions and on the territory of the Republic of Chechnya, adopted by Order #1028 of the Ministry of the Interior of the Russian Federation, dated November 23, 2001

See: Manual on organizing and making planned replacement of officers, warrant officers (naval warrant officers) of Frontier Guard Services of the Russian Federation who are performing military service in accordance with the Contract in the regions of Far North and equaled to it places, places with unfavorable climatic and ecological conditions and in military units located outside the Russian Federation, adopted by Order #670 of Federal Frontier Guard Services of the Russian Federation, dated December 18, 2000.

See: Manual on organizing and making planned replacement of officers, warrant officers (naval warrant officers) who are performing military service in accordance with the Contract in the regions of Far North and equaled to it places, places with unfavorable climatic and ecological conditions, adopted by Order #552 of the Ministry of Emergency Situations, dated November 8, 2000.

See: Manual on organizing and making planned replacement of officers, warrant officers (naval warrant officers) who are performing military service in accordance with the Contract

in the regions of Far North and equaled to it places, places with unfavorable climatic and ecological conditions and in military units located outside the Russian Federation, adopted by Order #380 of the Defense Minister of the Russian Federation, dated July 21, 2000.

The term of military service in the above mentioned places and the list of these places shall be determined by the Government of the Russian Federation.

2. The order of organizing and making planned replacement of Military persons shall be determined by the Heads of Federal bodies of executive power where military service is envisaged.

3. The replacement of Military persons who are performing military service in places where the term of military service is fixed shall be made not later than the term fixed for military service in the said places expires.

The above mentioned Military persons shall not have the right to choose a place of further military service. According to relevant official's decision the Military person may be appointed to an equal or higher military position.

4. A Military person who is performing military service in a place where the term of military service is fixed may refuse the planned replacement and continue military service in the above mentioned place. In this case additional term of military service shall be determined in accordance to a Military person and shall constitute not less than one year.

5. A Military person can be transferred by his/her consent from the place where shorter term of military service is fixed to the place where longer term of military service is fixed.

6. The transfer of Military persons in the order of planned replacement to places where the term of military service is fixed shall be made: to higher military positions—with their consent, to equal military positions—without their consent except for cases defined in subparagraph 2 Article 15 of this Statute.

The above mentioned transfer of Military persons shall be made not less than before one year until their term of military service (term of the Contract) expires and (without their consent) not less than before three years until they reach age limit for being in military service.

7. The repeated transfer to places where the term of military service is fixed shall not be made without their consent earlier than after three years.

See: Resolution #434 of the Government of the Russian Federation on the Term of performing military service in accordance with the Contract in places with unfavorable climatic and ecological conditions and in military units located outside the Russian Federation, dated June 5, 2000.

See: Commentary to Article 16 of this Statute

**Article 17.** *The Order of Transfer of Military persons from the Armed Forces of the Russian Federation (from a Federal Body of Executive Power in which Military Service is Envisaged) to a Federal Body of Executive Power in which Military Service is Envisaged (from the Armed Forces of the Russian Federation)*

1. Military persons may be transferred for further military service:
  - a) from the Armed Forces of the Russian Federation to a Federal body of executive power in which military service is envisaged;
  - b) from a Federal body of executive power in which military service is envisaged to the Armed Forces of the Russian Federation;
  - c) from one Federal body of executive power in which military service is envisaged to another Federal body of executive power in which military service is envisaged.
2. The transfer of Military persons from the Armed Forces of the Russian Federation (from a Federal body of executive power in which military service is envisaged) to a Federal body of executive power in which military service is envisaged (to the Armed Forces of the Russian Federation) shall be made in accordance with the requirements defined in legal regulations acts of the President of the Russian Federation and in accordance with Heads of relevant Federal bodies of executive power.

The above mentioned transfer of Military persons who are performing military service in accordance with the Contract shall be made in the personal order—by their consent or at their request.

3. The transfer of Military persons from the Armed Forces of the Russian Federation (from a Federal body of executive power in which military service is envisaged) to a Federal body of executive power in which military service is envisaged (to the Armed Forces of the Russian Federation) shall be registered:- in regard to officers and warrant officers (naval warrant officers)—by the Order of the Head of a Federal body of executive power in which a Military person is performing military service;

-in regard to sergeants, sergeants major, soldiers and sailors—by the Orders (Resolutions) of the officials who were entrusted with such right by the Heads of relevant Federal bodies of executive power.

4. Upon the transfer from the Armed Forces of the Russian Federation (from a Federal body of executive power in which military service is envisaged) to a Federal body of executive power in which military service is envisaged (to the Armed Forces of the Russian Federation)

Military persons shall be discharged from them and enrolled to a Federal body of executive power he/she is transferred to (to the Armed Forces of the Russian Federation).

In this case until the day they are enrolled into a Federal body of executive power (into the Armed Forces of the Russian Federation) he/she is transferred to the above mentioned Military persons shall be considered to perform military service in the Armed Forces of the Russian Federation (a Federal body of executive power from which they are being transferred).

5. The Contract that was concluded with the Military person who is being transferred from the Armed Forces of the Russian Federation (from a Federal body of executive power in which military service is envisaged) to a Federal body of executive power in which military service is envisaged (to the Armed Forces of the Russian Federation) shall be cancelled from the day a new Contract is concluded.

A new Contract shall be concluded with the above mentioned Military person on the day he/she is enrolled into a Federal body of executive power to which the Military person was transferred (to the Armed Forces of the Russian Federation).

See: Commentary to Article 17 of this Statute

**Article 18.** *The Order of Attachment of Military persons and Peculiarities of Their Military Service*

1. Officers who are performing military service in accordance with the Contract may be attached to bodies, institutions and organizations foreseen by the Federal Law (hereinafter referred to as bodies, institutions and organizations).

2. Attachment of officers to bodies, institutions and organizations shall be made with their consent on the basis of requests made by the Heads of relevant bodies, institutions and organizations, the Heads of Federal bodies of executive power in which officers are performing military service and they shall be released from military positions they are holding.

3. New Contracts with officers attached to bodies, institutions and organizations are concluded according to the Federal Law and this Statute. The right to conclude the Contracts with officers who were attached to bodies, institutions and organizations shall be entrusted to the officials who were determined by the Heads of Federal bodies of executive power in which military service is envisaged.

In this case Contracts with attached officers who reached age limit for military service shall be concluded taking into account opinions of the Heads of bodies, institutions and organizations to which these officers are attached.

4. Conferring military ranks to officers who are attached to bodies, institutions and organizations, their discharge from military service, conferring the rank of "Military Service

Veteran" to them and giving awards of the Defense Ministry of the Russian Federation (a Federal body of executive power in which military service is envisaged) shall be made on common grounds upon the request the to bodies, institutions and organizations that they are attached to and, if necessary,--upon collective request of the said bodies, institutions and organizations and heads of Federal bodies of executive power from which they are attached.

5. Holiday leaves to the officers who are attached to bodies, institutions and organizations shall be granted according to the Federal Law on "Military persons' Status" and this Statute.

6. Officers who are attached to bodies, institutions and organizations and who are released from military positions they held according to legislation of the Russian Federation by the Heads of the bodies, institutions and organizations shall be sent to Federal bodies of executive power from which they were attached in order to make a decision on their further military service.

In this case the officers who did not express desire to continue military service shall be discharged from military service without appointment to a military position.

The discharge of officers who are attached to bodies, institutions and organizations from military service may be made directly by bodies, institutions and organizations if they reach age limit for being in military service and in other cases foreseen by the Federal Law and this Statute.

The day of discharge of the above mentioned Military person from military service shall be the day when they are excluded from the Armed Forces of the Russian Federation (from Federal bodies of executive power from which they were attached).

7. The peculiarities of attaching Military persons from the bodies of Federal Security Service, Foreign Intelligence Service of the Russian Federation and Federal bodies of Federal Guard Services and of their performing military service shall be governed by Federal Laws and other legal regulations acts of the Russian Federation.

See: Commentary to Article 18 of this Statute

### **Article 19.** *The Order of Suspension of Military Service*

1. Military service of Military persons who were elected as members to the State Duma of Federal Assembly of the Russian Federation, members of legislative (executive) bodies of subjects of the Russian Federation, heads of executive state power bodies of subjects of the Russian Federation, members of representative bodies of local self government and heads of municipal formations and performing such duties permanently and Military persons who are performing duties of members of Federal Council of Federal Assembly of the Russian Federation, shall be suspended in the position they hold for the whole period when they perform their duties in the said bodies and the Contract on Military Contract shall discontinue.

The above mentioned Military persons who are performing military service in accordance with the Contract shall have the right to resign from military service on the grounds foreseen by the Federal Law.

2. Military persons whose military service is suspended according to paragraph 1 of the Article shall be discharged from the military positions they held.

3. The term of suspension of military service shall be included in Military persons' long service and the term of military service in the military rank they were given.

During the time of suspension of military service, next military rank shall not be given to Military persons.

Military persons who are performing duties of elected position in the place where preference calculation of long service term is used for Military persons shall have the right to preferential calculation of the term of suspension of military service.

4. At the time when the grounds for suspending military service are eliminated Military persons who were performing military service in accordance with the Contract shall conclude new Contracts or shall resign from military service according to the Federal Law from the day when the grounds for suspending military service were eliminated.

Military persons who concluded new Contracts shall be appointed to their former military positions or by their consent to other military positions.

5. At the time when the grounds for suspending military service are eliminated Military persons who were performing military service on call shall be discharged from military service if the term of their service expired or shall continue military service on call for the remained service term on call if the term of their service have not expired.

See: Commentary to Article 19 of this Statute

## **CHAPTER V- THE ORDER OF AWARDING MILITARY RANKS AND RESTORING IN MILITARY RANK**

### **Article 20. *Military Ranks***

1. According to Article 46 of the Federal Law the following Military persons staff and military ranks are determined:

Staff of Military persons	Military ranks	
	for troops	for fleet
Soldiers, sailors	Private soldier	Sailor (able seaman)
Sergeants, petty officers	Private first class soldier Junior sergeant Sergeant Senior sergeant	Senior able seaman 2 <sup>nd</sup> article petty officer First article petty officer Chief petty officer
Ensigns and Warrant officers	Ensign Senior ensign	Warrant officer Senior warrant officer
Officers: Junior officers	Junior lieutenant Lieutenant Senior lieutenant	Junior lieutenant Lieutenant Junior lieutenant commander
High-ranking officers	Major  Lieutenant-colonel Colonel	Lieutenant commander (3 <sup>rd</sup> rank) Commander (2 <sup>nd</sup> rank) Captain (first rank)
Highest-ranking officers	Major-general Lieutenant-general General-colonel Army General Marshal of the Russian Federation	Rear-admiral Vice-admiral Admiral Fleet Admiral

2. Before the military rank of a Military person who is performing military service in a Guards military unit, aboard a ship the word "Guards" shall be added.

To military rank of a Military person who has military registered profession of Justice or medical profile the words "of Justice" and " of Medical Service" shall be added respectively.

To military rank of a Military person who is in reserve or on the retired list the words of "reserve" and "retired" shall be added respectively.

3. The seniority of military ranks and of Military persons staff shall be determined according to the order of their enumeration in article 46 of the Federal Law: from the military rank "private soldier" ("sailor (able seaman)") to the higher one and from the staff of "soldiers, sailors (able seamen), sergeants, sergeants major" to the higher one.

Army and Fleet military ranks that correspond to each other shall be considered equal.

4. Military ranks are given to Military persons personally.

A military rank may be the first one or the next one.

5. The form and contents of representations, the forms of other documents and orders on giving military ranks and the form of their registration and representation (except for high

officers) shall be determined by the Head of a Federal body of executive power in which military service is envisaged.

See: Commentary to Article 20 of this Statute

**Article 21.** *The Order of Giving the First Military Rank*

1. The first military ranks shall be considered:

- for the staff of "officers" - junior lieutenant, lieutenant;
- for the staff of "ensigns and warrant officers" — ensign, warrant officer;
- for the staff of "soldiers, sailors (able seaman), sergeants, sergeants major" - private soldier, sailor.

2. The military rank of lieutenant shall be given:

a) to a Military person who has no military rank of officer and who has graduated from higher or specialized secondary military educational institution —upon graduation from the above mentioned educational institution;

b) to a citizen who has successfully finished the programme of reserve officers' training at a military faculty attached to state, municipal or non-state educational institutions, that have state accreditation on corresponding aspects of training (professions), of higher professional education—upon graduation from the above mentioned educational institution;

c) to a citizen (a Military person) who has no military rank of officer, who has higher professional education, corresponding to a relevant military registered profession and who has enrolled into military service in accordance with the Contract to a military position for which a military rank of officer is envisaged by the staff list—upon his/her appointment to the relevant military position;

d) to a Military person who has no military rank of officer, who is performing military service in accordance with the Contract, who has higher professional education, corresponding to a relevant military registered profession and who is appointed to a military position for which a military rank of officer is envisaged by the staff list—upon his/her appointment to the relevant military position;

e) to a citizen who is in reserve, who has no military rank of officer and who has higher professional education—after military training assembly is over and all the necessary credits are passed;

According to Order # 653 of the President of the Russian Federation dated April 10, 2000 paragraph 2 Article 21 of this Statute shall be amended with subparagraph f) as follows:

f) to a Military person who has no military rank of officer, who is performing military service in accordance with the Contract in the Foreign Intelligence Service of the Russian

Federation, the Federal Security Service of the Russian Federation, Federal Guard Services of the Russian Federation, Federal Agency of Governmental Communications and Information attached to the President of the Russian Federation and the Services of Special Objects attached to the President of the Russian Federation—in the order determined by the Heads of the above mentioned bodies after graduation from a programme of special training in the training group or at the same time when he/she enrolls into military service on condition that he/she has training within the first year of service.

3. The military rank of junior lieutenant shall be given:

a) to a Military person who has graduated from courses of junior officers' training and who has secondary (complete) education—upon graduation from the above mentioned educational institution;

b) to a citizen (a Military person) who has no military rank of officer, who has specialized secondary professional education, corresponding to a relevant military registered profession and who has enrolled into military service in accordance with the Contract to a military position for which a military rank of officer is envisaged by the staff list—upon his/her appointment to a relevant military position;

c) to a Military person who has no military rank of officer, who is performing military service in accordance with the Contract, who has specialized secondary professional education, corresponding to a relevant military registered profession and who is appointed to a military position for which a military rank of officer is envisaged by the staff list—upon his/her appointment to the relevant military position;

d) to a citizen who is in reserve, who has no military rank of officer and who has specialized secondary professional education —after military training assembly is over and all the necessary credits are passed;

According to Order # 653 of the President of the Russian Federation dated April 10, 2000 paragraph 3 Article 21 of this Statute shall be amended with subparagraph e) as follows:

e) to a Military person who has no military rank of officer, who is performing military service in accordance with the Contract in the Foreign Intelligence Service of the Russian Federation, the Federal Security Service of the Russian Federation, Federal Guard Services of the Russian Federation, Federal Agency of Governmental Communications and Information attached to the President of the Russian Federation and the Services of Special Objects attached to the President of the Russian Federation—in the order determined by the Heads of the above mentioned bodies after graduation from a programme of special training in the training group or at the same time when he/she enrolls into military service on condition that he/she has training within the first year of service.

4. The military rank of warrant officer (naval warrant officer) shall be given:

a) to a Military person who has graduated from a military educational institution that conduct training of Military persons for military registered professions of warrant officers (naval warrant officers) and who has secondary (complete) education –upon graduation from the above mentioned educational institution;

b) to a citizen (a Military person) who has no military rank of warrant officer (naval warrant officer), who has higher or specialized secondary professional education, corresponding to a relevant military registered profession and who has enrolled into military service in accordance with the Contract to a military position for which a military rank of warrant officer (warrant officer) is envisaged by the staff list—upon his/her appointment to a relevant military position;

c) to a Military person who has no military rank of warrant officer (naval warrant officer), who is performing military service in accordance with the Contract, who has higher or specialized secondary professional education, corresponding to a relevant military registered profession and who is appointed to a military position for which a military rank of warrant officer (naval warrant officer) is envisaged by the staff list - upon his/her appointment to a relevant military position;

According to Order # 653 of the President of the Russian Federation dated April 10, 2000 paragraph 4 Article 21 of this Statute shall be amended with subparagraph d) as follows:

d) to a Military person who has no military rank of warrant officer (naval warrant officer), who is performing military service in accordance with the Contract in the Foreign Intelligence Service of the Russian Federation, the Federal Security Service of the Russian Federation, Federal Guard Services of the Russian Federation, Federal Agency of Governmental Communications and Information attached to the President of the Russian Federation and the Services of Special Objects attached to the President of the Russian Federation — in the order determined by the Heads of the above mentioned bodies after graduation from a programme of special training in the training group or at the same time when he/she enrolls into military service on condition that he/she has training within the first year of service.

5. The military rank of private soldier is given:

-to a citizen who has no military rank and who is called to military service—upon departure from the Military Commissariat of the Russian Federation to the place of military service;

-to a citizen who has no military rank and who is enlisted in reserve—upon he/she is enlisted in reserve;

- to a citizen who has no military rank and who has been enrolled to military service in accordance with the Contract—upon his/her registration in personnel lists of a military unit;

-to a citizen who has no military rank and who has been admitted to a military educational institution—upon his/her entrance to the above mentioned educational institution.

6. The military rank of sailor shall be given:

-to a Military person who has been called to military service—upon his/her registration in personnel lists of a military unit where the military rank of sailor is envisaged by the staff list;

-to a citizen who has enrolled into military service in accordance with the Contract and who has no military rank service—upon his/her registration in personnel lists of a military unit where the military rank of sailor is envisaged by the staff list;

-to a citizen who has no military rank and who has been admitted to a military educational institution—upon admittance to the above mentioned educational institution where the military rank of sailor is envisaged by the staff list;

7. If a citizen who is performing or has performed military service in the bodies of the Interior of the Russian Federation or other law enforcement agencies and who has special rank enrolls into military service the citizen may be given a military rank equal to his/her special rank in the order of re-attestation that is determined by the Head of the Federal body of executive power in which military service is envisaged.

See: Commentary to Article 21 of this Statute

**Article 22.** *The Order of Giving the Next Military Rank*

1. A Military person is given the next military rank on the day when the term of military service in former military rank expires if the Military person holds military position (position) for which a military rank equal to or higher than the military rank that is being given to a Military person is envisaged by the staff list.

2. To perform military service in the following military ranks the following terms are determined:

Private soldier, sailor (able seaman)	- five months
Junior sergeant, 2 <sup>nd</sup> article petty officer	- three months
Sergeant, first article petty officer	- three months
Senior sergeant, chief petty officer	- three months
Ensign, warrant officer	- one year
Junior lieutenant	- two years
Lieutenant	- two years
Senior lieutenant	- two years
Captain, junior lieutenant commander, major, lieutenant commander (3 <sup>rd</sup> rank)	- three years
Lieutenant-colonel, commander (2 <sup>nd</sup> rank)	- four years

3. The military rank of high officer can be given to a Military person after not less than two years of military service in a former military rank and not less than one year in the military position (position) that he/she holds and that is to be filled by high officers.

The terms of military service in the military rank of colonel-general (admiral) and general of the Army (admiral of the Fleet) shall not be determined.

4. The term of military service in the military rank of lieutenant for Military persons who are performing military service in accordance with the Contract and who have graduated from military educational institution, day department with five and more years of studies shall be one year.

5. The term of military service for Military persons in the awarded military rank shall be calculated from the day they were given this military rank.

6. The time of being in military service shall be included in the term of military service in the military rank that was given.

In the latter the following shall be included:

-the time of interruption of military service if criminal proceedings were instituted unreasonably against a Military person, if a Military person was discharged from military service illegally and if a Military person was restored in military service after it;

-the time of suspension of military service;

-time of being in reserve.

7. If a Military person is appointed to a higher military position (position) the Military person shall be given the next military rank immediately or if it is impossible to register it immediately—from the day of appointment to a higher military position (position), if the term of his/her service in former military position expired and on condition that if the Military person holds military position (position) for which a military rank equal to or higher than the military rank that is being given to a Military person is envisaged by the staff list.

In this regard the military rank of high officer is given taking into account the requirements of paragraph 3 of this Article.

8. A Military person, who has a military rank of officer and who is successfully studying in a day department in a military educational institution, doing postgraduate studies, military studies for Doctor's degree shall be given the next military rank ranging to lieutenant-colonel, captain of second rank including on the day the term of his/her military service in the military rank given expires, irrespective to the military position (position) that the Military person held before entrance to the above mentioned educational institution, postgraduate studies, military studies for Doctor's degree.

9. A Military person who has a military rank of officer, who held a military position (position) for which a military rank of colonel, captain of first rank or high officer is envisaged by the staff list before his/her entrance to military educational institution, postgraduate studies, military studies for Doctor's degree shall be given the next rank ranging to colonel, captain of first rank including in accordance with the military position (position) that he/she held before his/her entrance to a military educational institution, postgraduate studies, military studies for Doctor's degree till the long service term in this military rank expires.

10. The next military rank may be given to a Military person before time for outstanding personal service but not higher than the military rank that is envisaged for the military position, he/she is holding, according to the staff list.

11. A Military person whose term of military service in the given military rank expires may be given for outstanding personal service a military rank that is one level higher than the military rank envisaged for the military position (position) held by the staff list, but not higher than the military rank of major, captain of third rank.

12. The military rank of corporal (senior sailor) may be given as encouragement for outstanding personal service to a Military person who holds a military position for which the military rank of private soldier (sailor) is envisaged by the staff list.

13. The military rank of sergeant junior (sergeant major of second article) shall be given to private soldier (sailor) who is replacing the military position for which the military rank of sergeant junior (sergeant major of second article ) and higher is envisaged by the staff list if the term of service in the former military rank has expired and to a Military person who has successfully graduated from military training in an educational military unit for the programme of sergeants' (sergeants major's) training.

14. During the time of serving punishment in the form of limitations in military service or custody a Military person shall not be given the next military rank.

15. The time of serving punishment in the form of limitations in military service or custody shall not be included in the term of military service in the given military rank.

See: Commentary to Article 22 of this Statute

**Article 23.** *The rights of officials to give military ranks*

1. Military persons shall be given the military ranks:

-of high officers—by the President of the Russian Federation upon representation of the Head of a Federal body of executive power in which military service is envisaged;

-colonel, captain of first rank—by the Head of a Federal body of executive power in which military service is envisaged;

-other military ranks—by the officials who are defined by the Head of a Federal body of executive power in which military service is envisaged.

The Military Commissioner of the body of the Russian Federation shall give the military rank of private soldier to citizens who are called into military service.

The powers of officials of the Federal Security Service of the Russian Federation to give military ranks excluding military ranks of high officers shall be determined by the Head of the Federal Security Service of the Russian Federation.

2. The Officials shall have the right to give military ranks to Military persons who are their direct subordinate.

The higher official shall exercise all the rights to give military ranks that are entrusted to lower Commanders (Heads).

3. Conferment of the first military rank of officer, the military rank of officer before time, of the military rank one level higher which is envisaged for the military position that the Military person holds and of a military rank to Military persons who are successfully studying in day department in a military educational institution, or doing postgraduate studies, military studies for Doctor's degree, ranging to colonel (captain of first rank) shall be made by the Head of a Federal body of executive power in which military service is envisaged.

4. Conferment of military ranks to warrant officers (naval warrant officers), sergeants (sergeants major) before time, conferment of the next military ranks one level higher than the military rank envisaged for the military position that a Military person holds: to warrant officers (naval warrant officers)—not higher than the military rank of senior warrant officer (senior naval warrant officer), to sergeants (sergeants major)—not higher than the military rank of sergeant major (naval master sergeant),--shall be made by the officials who have the right to give these military ranks.

See: Commentary to Article 23 of this Statute

**Article 24.** *The Order of Giving Military Ranks to the Citizens who are in Reserve*

1. To the citizens who are in reserve of the Armed Forces of the Russian Federation the next military ranks may be given in accordance with representation of the official who directed military assemblies only after these citizens finished the military assemblies and passed all the credits defined by the Defense Minister of the Russian Federation but not more than two times at the time of these citizens' being in reserve:

a) To soldier, sailor, sergeant, sergeant major, warrant officer and naval warrant officer:  
the military ranks up to sergeant major, naval master sergeant including may be given by the Military Commissioner;

the military ranks up to warrant officer, senior naval warrant officer including may be given by the Military Commissioner of the body of the Russian Federation;

b) To officer:

the military ranks up to major, captain of 3 rank including may be given by the Commander of the troops of the military district;

the military ranks up to colonel, captain of 1 rank including may be given by the Defense Minister of the Russian Federation.

2. To the citizens who are in reserve of the Armed Forces of the Russian Federation, who do not have military ranks of officer and who successfully passed all the credits of the programme on reserve officers' training during the time of military assemblies the military rank of officer may be given by the Defense Minister of the Russian Federation.

3. To officials of the bodies of the Interior of the Russian Federation, Federal bodies of Tax Police, Customs Services of the Russian Federation who are in reserve in the Armed Forces of the Russian Federation and to the citizens who were discharged from service in the above mentioned bodies the military ranks may be given by the Defense Minister of the Russian Federation in the order of Attestation taking into account the special knowledge they possess.

The order of Attestation of the above mentioned citizens shall be determined by the Defense Minister of the Russian Federation.

4. To a citizen who was reduced to the ranks the military rank of private soldier shall be conferred by the Military Commissioner at the same time with registration in military books.

5. To citizens who are in reserve in the Services of Foreign Intelligence of the Russian Federation and in the Federal Security Service of the Russian Federation the next military ranks shall be given according to the order of Attestation taking into account their further use in particular military positions but not higher than the military rank of colonel, captain of first rank and not more than two times during the time these citizens are in reserve.

The order of conferring military ranks to the above mentioned citizens and the order of their Attestation shall be determined by the Head of the Foreign Intelligence Service of the Russian Federation and the Head of the Federal Security Service of the Russian Federation respectively.

See: Commentary to Article 24 of this Statute

**Article 25.** *The Order of Restoring in Military Rank*

1. After previous convictions were expunged or cancelled the citizen who was reduced to the ranks may be restored in the former military rank by an official who has the right to confer this military rank at the citizen's request if there are positive references of the Interior of the Russian Federation and a resolution of the Commission of the Military Commissariat.

2. The citizen's request on restoring in the military rank shall be examined by the Military Commissioner not later than within one month after it was submitted to and registered in the Military Commissariat.

If there are grounds for restoring the Military person in the former military rank the Military Commissioner shall register representation on restoring the citizen in the military rank.

In this case the Military person's restoration in the military rank may be made in accordance with the Order of an official who has the right to confer this military rank as used for the order of its conferment.

3. The citizen who was reduced in ranks in connection with unlawful convictions shall be restored in the former military rank after the decision about his/her rehabilitation since the day of his/her reduction in ranks was passed.

The citizen who was restored in the military rank shall enjoy all the rights and privileges that are defined by Federal Laws and other legal regulations acts of the Russian Federation in accordance with the restored military rank.

See: Commentary to Article 25 of this Statute

**CHAPTER VI - THE ORDER OF ATTESTATION OF MILITARY PERSONS,  
ATTESTATION COMMISSIONS**

**Article 26.** *The Order of Attestation of Military persons*

1. Attestation shall be conducted in order to assess thoroughly and impartially Military persons who are performing military service in accordance with the Contract and officers who are performing military service on call, to determine their compliance with the military position they hold and further service use and to define destination of citizens who are in reserve.

2. The main objectives of Attestation of Military persons shall be the following:

a) to determine Military persons' compliance with the military position they hold and further service use;

b) to select Military persons for appointment to military positions, to determine expediency of conclusion of new Contracts with Military persons who reached age limit for being in military service and to select candidates for training;

c) to form reserve of candidates that may be selected and sent for training;

d) to determine service destination of graduates of military educational institutions;

e) to nominate Military persons for state awards of the Russian Federation and for conferment of the next military ranks before time and one level higher than military ranks that are envisaged for the filled military positions by the staff list;

f) to examine reasons for discharge of a Military person from military service before time.

3. The order of organizing and conducting of Attestation shall be determined by the Head of a Federal body of executive power where military service is envisaged.

See: Instruction on organizing and conducting Attestation of Military persons of Frontier Guard Services of the Russian Federation, adopted by Order #785 of Federal Frontier Guard Services of the Russian Federation, dated December 25, 2001.

4. Military persons who are performing military service in accordance with the Contract shall be attested not less than four months before the term of their term of service expires, but not more seldom than in every five years of military service and upon graduation from military educational institution, postgraduate studies and studies for Doctor's degree.

Officers who are performing military service on call shall be attested at the transfer to reserve or at the conclusion of the Contract.

5. If necessary, the Head of a Federal body of executive power in which military service is envisaged shall have the right to appoint the time and the order of Attestation of all Military persons who are performing military service in accordance with the Contract or some particular categories of them.

6. Attestation paper shall be registered for an attested Military person by the Military person's direct head from officers.

Attestation paper shall not be registered if the Military person is appointed to a higher military position, sent to training, nominated for state award of the Russian Federation, conferred a military rank before time or one level higher than the military rank he/she is holding. In these cases the Attestation Commission examines the nomination (award paper) or the resolution of the Commander (Head) to send the Military person for training. The resolution of the Attestation Commission shall be included into representation (award paper).

A Military person shall be acknowledged with the contents of Attestation and to confirm acknowledgement the Military person shall sign the adopted Attestation Paper.

7. According to the order of Attestation, the Commander (Head) who is attesting a subordinate Military person shall:

a) thoroughly learn and assess personal and working qualities of the Military person who is being attested;

b) draw on the basis of comprehensive examination of a Military person conclusions on his/her Attestation;

c) submit at command all copies of Attestation papers in order to receive a resolution and adoption to a relevant body.

8. While thoroughly learning and assessing personal and working qualities of the Military person who is being attested the Commander (Head) shall:

a) analyze and assess actual progress of work of Military person who is being attested in his/her military position, the state of affairs in the military unit (subdivision) that the Military persons is managing or in the place of work that the Military person is responsible for;

b) have an individual conversation with the Military person who is being attested about the matters of the Military person's performance of military service, improvement of professional training, style and methods of his/her work;

c) give necessary advice and recommendations to eliminate drawbacks of the Military person who is being attested, improve personal training and perform military and service duties.

9. The Commander (Head) shall bear responsibility for unbiased attestation and validity of conclusions and recommendations of the Attestation.

Direct commanders (heads) shall require from their subordinates to eliminate the drawbacks and they shall render assistance in it, provide for the realization of Attestation conclusions, avoid ungrounded delay in appointing the worthy Military persons to higher positions and sending them to training.

10. The Military person may appeal against the conclusions and the order of the Attestation to the higher Commander (Head) within one month from the day the results of the Attestation were announced to him/her and the Military person may also appeal to court.

In case the claim of the Military person is considered lawful the amendments must be made into the Attestation paper or new Attestation paper shall be compiled.

See: Commentary to Article 26 of this Statute

#### **Article 25. Attestation Commissions**

1. Attestation Commissions are organized in military units from an each battalion and higher to conduct attestation and decide other matters of performance of military service.

Attestation Commission shall report to the Commanding Officer of a military unit where it was created.

2. The staff of the Attestation Commission shall be announced by the Order of the Commanding Officer of a military unit. The staff of the Attestation Commission shall include:

a) the Chairman of the Attestation Commission—First Deputy (Deputy) of the Commander or of the Head of the military unit headquarters;

b) the members of the Attestation Commission—the Deputy (deputies) of the Commander of a military unit, Commanders (leaders) of sub-units of a military unit, representatives of personnel and law departments, recruitment and educational departments of the military unit;

c) the Secretary of the Attestation Commission—one of the officers of the military unit.

3. At the meeting of the Attestation Commission the following shall be submitted for review:

-the results of the Military person's Attestation;

-candidates for enrolment into the military service in accordance with the Contract;

-candidates for appointment to military positions and expediency of concluding new Contracts, including the Contracts with Military persons who have reached age limit for being in military service;

-candidates who may be sent for training;

-nominations for receiving state awards of the Russian Federation by Military persons and civil personnel of military units;

-nominations for giving the next military rank before time or one level higher than the military rank that is envisaged for the military position by the staff list;

-nominations for discharge from military service before time of the Military persons who shall be dismissed according to the resolution of command or by their own request;

-other matters in which resolutions of the Attestation Commission are needed in accordance with the Federal Law, this Statute and other legal regulations acts;

-other matters connected with Military persons' performing military service, in accordance with the decision of the Commanding Officer of a military unit.

4. To accept the decision of the Commanding Officer of a military unit, the Attestation Commission shall adopt resolutions in writing on all the matters that are examined.

5. If necessary, the following individuals may be invited to the meeting of the Attestation Commission of a military unit: Military persons who are being attested, commanders (heads) of sub-units to whom attested Military persons are subordinate and other officials.

6. Central Attestation Commission shall be established in the Defense Ministry of the Russian Federation (Federal body of executive power in which military service is envisaged).

The work order, staff and objectives of the Central Attestation Commission shall be determined by the Head of a Federal body of executive power in which military service is envisaged.

See: Commentary to Article 27 of this Statute

## CHAPTER VII -THE ORDER OF GRANTING A LEAVE TO MILITARY PERSONS

### **Article 28.** *Types of leaves*

1. Military persons are granted the following leaves:

- main leave;
- vacations –to Military persons who are studying in military educational institutions;
- additional leaves—to Military persons who are performing military service in accordance with the Contract or on call;
- maternity leave—to female military;
- leave for looking after a child—to Military persons who are performing military service in accordance with the Contract.

2. Military persons can also be granted leaves of absence on other grounds that are foreseen by legislation of the Russian Federation.

See: Commentary to Article 28 of this Statute

### **Article 29.** *The Order of Granting a Main Leave*

1. According to the Order of the Commander of a military unit a main leave shall be granted annually to Military persons who are performing military service in accordance with the Contract.

At their request the main leave may be granted to them in parts. In this case the duration of one part shall not be less than 15 days.

2. The duration of the main leave for Military persons who are performing military service in accordance with the Contract shall be:

- for Military persons who have total long service term in preferential calculation of less than 10 years –30 days;
- for Military persons who have total long service term in preferential calculation of from 10 to 15 years –35 days;

-for Military persons who have total long service term in preferential calculation of from 15 to 20 years –40 days;

-for Military persons who have total long service term in preferential calculation of from 20 and more years –45 days.

3. In the year of enrolment into military service in accordance with the Contract and in the year of discharge from military service the duration of the main leave of a Military person who is performing military service in accordance with the Contract shall be determined as follows: the duration of the main leave fixed for a Military person divide by 12 and multiply this number by the number of full months of military service that passed from the beginning of the military service to the end of the calendar year in which the Military person was enrolled into military service or from the beginning of the calendar year to the day planned for his/her exclusion from the personnel list of a military unit.

Rounding off of incomplete days and months shall be made to increase the number of days. If the timely discharge of a Military person from the military service (his/her exclusion from the personnel list of a military unit) is impossible, on the day of his/her discharge the calculation of the unused time of the main leave shall be made and the main leave shall be granted to a Military person.

In the same order the duration of the main leave of a Military person who resigns before time ( before the term of the Contract expires) shall be calculated if the leave was not used earlier according to the plan of main leaves.

4. The duration of the main leave shall be increased (additional days of the leave are granted) to the following categories of Military persons who are performing military service in accordance with the Contract as envisaged by the standards:

-to veterans of military operations on the territories of other countries—by 15 days;

-to Military persons who are performing military service:

in the regions of Far North and in places with unfavorable ecological conditions—by 15 days;

in places that are equal to the regions of Far North—by 10 days;

in places with unfavorable climatic conditions, including remote—by 5 days;

c) to Military persons who are holding military positions (positions) in which performance of military service duties is connected with higher danger for life and health—by 15 days. The lists of the above mentioned military positions shall be determined by the Head of a Federal body of executive power in which military service is envisaged.

See: List of military positions of radio counter-intelligence sub-units of the bodies of the Federal Security Service in which performance of military service duties is connected with

higher danger for life and health, adopted by Order #487 of the Federal Security Service of the Russian Federation, dated September 8, 2001

5. In case there are several grounds for increasing the duration of the main leave the time of increase shall be added and fixed taking into account the total duration of the leave—60 days.

6. Instead of increase of duration of the main leave or of its part a Military person may be granted additional holiday time by the Military person's request before the main leave begins calculated as follows: one day of holiday for each day of the augmentation of the main leave fixed by this Statute.

The registration of additional days of holiday shall be made separately in the register in the order envisaged by Attachment 2.

7. Total duration of the main leave together with additional holiday time may not exceed 60 days not including the time necessary for the way to the place of holiday and back.

8. Military persons who are performing military service on call shall be granted one main leave of the duration as follows:

-for military positions for which military ranks of soldiers and sailors are envisaged by the staff list—20 days;

- for military positions for which military ranks of sergeants and sergeants major are envisaged by the staff list—30 days.

The duration of the main leave of Military persons who are performing military service on call may be increased as a form of encouragement or may be reduced as a form of punishment up to the term of five days in the order foreseen by Common military service regulations.

According to Order #1175 of the President of the Russian Federation, dated June 26, 2000 paragraph 8 of Article 29 of this Statute shall be replaced by the paragraph of the following contents:

For Military persons who are performing military service on call in the regions of Far North, in the places equal to it and other places with unfavorable climatic and ecological conditions, including remote and for Military persons who hold military positions in which performance of military service duties is connected with higher danger for life and health the duration of the main leave shall be increased according to the standards envisaged by subparagraphs "b" and "c" of paragraph 4 of this Article.

9. To Military persons who have graduated from a military educational institution the main leave shall be granted after graduation of the above-mentioned educational institution.

10. Duration of the Military persons' main leave shall be increased by the number of days that are necessary for the way to the place of holiday and back (not less than one day in one end) but

by not more than 15 days. If the main leave is granted to Military persons in parts the time that is necessary for the way to the place of holiday and back shall be granted only once.

11. Leaves are granted to Military persons in any time of the year taking into account the necessity to alternate the periods of their use and to provide for the ready for action state and in accordance with the plan of leaves.

To the Heads of Federal bodies of executive power in which military service is envisaged leaves are granted according to the plan adopted by the President of the Russian Federation.

12. The main leave is granted to the following categories of Military persons at their request and at the time convenient for them:

- to veterans of World War II;
- to veterans of military operations on the territories of other countries;
- to Military persons who have such right in accordance with the legislation of the Russian Federation on social protection of the citizens who were exposed to radiation as a consequence of a catastrophe on Chernobylskaya nuclear power plant and individuals who are considered to be equal to this category;

- to Military persons who have a disabled child of up to the age of 16 years old;
- to single Military persons who bring up a child of up to the age of 14 years old;
- to Military persons who are awarded the decoration "Honorable Donor of Russia";
- to Military persons who have three and more children of up to the age of 16 years old.

At the Military person's request and with consent of the Commanding Officer of a military unit the main and additional leaves may be granted in consecutive order without interruptions between them.

13. To Military persons who are performing military service in accordance with the Contract and whose wives are on maternity leave the main leave shall be granted taking into consideration Military persons' wishes.

14. In case the main and (or) additional leaves for the year passed were not granted to a Military person who is performing military service in accordance with the Contract because of his/her illness or other extraordinary circumstances the leave shall be granted to a Military person in the first quarter of the next year, including the time necessary for the way to the place of holiday and back.

To a Military person who is performing military service on call and who does not use the main and additional leaves for good reasons, the above mentioned leaves shall be granted upon his/her discharge from military service with exclusion of the Military person from the personnel lists of the military unit on the day when the last of the leaves is over which shall coincide with the day when the term of military service expires.

Military persons who are performing military service outside the territories of the Russian Federation and Member-States of the Commonwealth of Independent States shall be permitted to combine the main leaves but not more than for two years. Total duration of the leave shall not exceed 60 days per year excluding the time necessary for the way to the place of holiday and back.

15. The leaves that were not used by the Military person while he/she was serving abroad shall be granted to the Military person within the year after he returns to the Russian Federation.

16. The leaves are granted to a Military person in such an order that the last leave shall be completely used till the day the Military person's term of military service expires. If it is impossible to grant the main and additional leaves to a Military person till the day the Military person's term of military service expires they may be granted to a Military person upon his/her discharge from military service in consecutive order, without interruptions between them. In this case the expulsion of a Military person from personnel lists of the military unit shall be made after the last of the leaves is over and the Military person turns over his/her duties and quits from his/her position.

17. The members of a military married couple who are performing military service in accordance with the Contract may be granted the main leave at the same time at their request.

18. To Military persons who fell ill during the main or additional leave, not including the leave for personal reasons, the main and additional leaves may be prolonged for the relevant number of days when the Military person was ill.

In this case the leave shall be prolonged by the Commanding Officer of a military unit according to health certificate from a medical institution.

19. In case of serious state of health or death of a Military person's relative (a spouse, mother, father, son, daughter, brother, sister, spouse's father or mother or of a person who has brought up the Military person or whom a Military person is bringing up); in case of fire, other natural disaster that happened to a family or a relative of a Military person who is on leave (excluding leave for personal reasons) the Military Commandant of a garrison (Military Commissioner) on whose territory the Military person is on leave shall have the right to grant the Military person at his/her request a leave for personal reasons for a term of up to ten days with increase in time, necessary for the way to the place of leave and back. the Military Commandant of a garrison (Military Commissioner) shall immediately inform the Commanding Officer of a military unit in which the Military person is serving about the leave granted. In this case the leave shall be prolonged for a number of days of the granted leave for personal reasons.

See: Commentary to Article 29 of this Statute

**Article 30.** *The Order of Granting Vacation Leaves*

1. Vocational leaves shall be granted to Military persons who are studying in military educational institutions, day department (excluding schools of technicians) for the time of break in studies for the following terms:

- winter vacation leave—for 15 days;
- summer vacation leave—for 30 days.

Summer vacation leave shall be the main leave and winter vacation leave shall be an additional one.

2. The time necessary for a way to the place of vacation leaves and back shall not be granted. The right to free of charge travel to the place of the main vacation leave and back (in the year of graduation—to the place of military service) shall be granted annually.

See: Commentary to Article 30 of this Statute

**Article 31.** *The Order of Granting Additional Leaves*

1. To Military persons who are performing military service in accordance with the Contract educational leaves shall be granted to read for entrance exams (exams) and to take entrance exams (exams):

-in military educational institutions, postgraduate studies, studies for Doctor's degree and for the period of their studies there;

-in educational institutions of professional training without interruption of military service duties (for studies in the form of correspondence courses, day and correspondence courses and for the period of their studies there.

2. The duration of educational leaves in order to read for entrance exams (exams) and to take for entrance exams (exams) in military educational institutions and in educational institutions of professional training and for the period a Military person studies there shall be determined according to Federal laws and legal regulations acts of the Government of the Russian Federation.

3. In order to read for entrance exams (exams) and to take for entrance exams (exams) in postgraduate studies, studies for Doctor's degree the educational leave of the following duration shall be granted:

- to Military persons who are permitted to take entrance exams—for the period of 30 days;
- to Military persons who have already passed some exams for Candidate's degree—for the period of 10 days for each exam left;

Military persons who are admitted to in postgraduate studies, studies for Doctor's degree shall not be granted the educational leave.

The basis for granting an educational leave shall be a Notice signed by the Head of a military educational institution or by the Head of a scientific research institute on the Permission to a Military person to take entrance exams.

4. The duration of an educational leave shall be increased by the time that is necessary for the way to the place of location of a military educational institution (a scientific research institute) and back.

5. During the period of a Military person's being in postgraduate studies, studies for Doctor's degree by correspondence the Military person shall be granted:

--to prepare—one day-off per week, excluding holidays and weekend days and if the postgraduate or an applicant for Doctor's degree wishes in the fourth year of studies he/she may be granted two days-off per week. The days-off granted shall be indicated in the Order of the Commanding Officer of a military unit from which the order shall be sent to the place of studies;

-to take candidate exams and prepare the thesis—30 days per year without taking into account the time for the way from the place of military service to the place where a military educational institution (a scientific research institute) is located.

6. To a Military person who is performing military service in accordance with the Contract and who is an applicant for the Candidate's or Doctor's degree and on the condition that he is successfully combining military service with scientific research and by the recommendation of the Academic Council of the educational institution or of the Academic Council of the scientific research institute where the Military person is applying for Candidate's or Doctor's degree the leaves of the following duration may be granted by the Command of a military unit where the applicant for Candidate's or Doctor's degree is performing his/her military service, and in the order defined by the Head of a Federal body of executive power in which military service is envisaged:

-to an applicant for Candidate's degree—for the period of up to 6 months;

-to the applicant for Doctor's degree—for the period of up to 6 months;

7. A Sick leave shall be granted to a Military person on the basis of the resolution of a Military Medical Commission according to the Statute on Military Medical Expertise.

A Sick leave shall be granted to a Military person for a period of from 30 to 60 days.

To a Military person who is performing military service on call a sick leave may be prolonged for not more than 60 days.

To a Military person who is performing military service in accordance with the Contract a sick leave may be prolonged for not more than 30 days.

8. In average, the term of Military person's continuous treatment at hospital and the term of sick leave shall not exceed four months, except cases for which longer periods of treatment are envisaged by the legislation of the Russian Federation.

When the fixed term for continuous treatment at hospital and for sick leave expires a Military person shall be examined by the Military Medical Commission in order to decide whether the Military person is fit for military service or not.

The term of continuous treatment at hospital of a Military person who is performing military service in accordance with the Contract may be prolonged if after the treatment is over the Military person will return to his/her military service duties. The order of prolongation of the term for continuous military treatment shall be determined by the Head of a Federal body of executive power in which military service is envisaged.

9. Examination in order to decide whether Military persons who have got severe injuries (wound, injuries, contusion) while defending the Motherland, carrying out tasks in the time of emergency and in the armed conflicts or performing other duties of military service (service duties) and Military persons who have acquired a disease while performing military service abroad, on the territories of the states where military operations were conducted or during their service in Intelligence or Counter-Intelligence work abroad, shall be conducted after the hospital treatment is over, irrespective of its duration.

10. To particular categories of Military persons from the fleet crew, air staff and some other specialists after they have carried out missions (tasks, exercises) that can have a negative affect on their health, medical rehabilitation shall be introduced, prophylactic holiday shall be organized in health centers, holiday inns and recreational centers of the Defense Ministry of the Russian Federation ( of a Federal body of executive power in which military service is envisaged).

The necessity of such sanitary means shall be determined by the Defense Ministry of the Russian Federation (a Federal body of executive power in which military service is envisaged) on the grounds of recommendations of military medical services that give these recommendations according to the results of examinations.

The order of granting to Military persons additional days of prophylactic leave for medical rehabilitation shall be determined by the Head of a Federal body of executive power in which military service is envisaged and according to Attachment #2.

11. Leave for personal reasons shall be granted to a Military person for the period of up to 10 days in case of:

-serious conditions of health or death of a Military person's relative (a spouse, father, mother, son, daughter, brother, sister, spouse's father or mother and individuals by whom the Military person was brought up);

-fire, other natural disaster that happened to the Military person's family or relative;

-in other exceptional cases when it is necessary for the Military person to be together with the family—in accordance with the decision of the Commanding Officer of a military unit.

The circumstances on the grounds of which the leave was granted shall be confirmed in writing.

The duration of the leave for personal reasons that is to be granted to a Military person according to this paragraph shall be increased by the number of days, necessary for the travel by land (water, air) transport to the place of the leave and back.

12. In one year of three years until they reach age limit for being in military service or in the year of their discharge from military service because of health conditions or in connection with organizational and staff measures, Military persons who have total long service term of 20 years and more shall be granted not only the main leave but also the leave for personal reasons for the term of 30 days at their request.

The above mentioned leave shall also be granted to Military persons who are performing military service after they have reached the age limit for being in military service and if they have not used this leave before. The said leave shall be granted once during the whole period of military service and it shall be indicated in the Military person's personal records.

13. Military persons who were awarded ranks of The Hero of the Soviet Union, The Hero of the Russian Federation and who were awarded the Order of Glory of three degrees shall be granted an additional leave without money allowance according to the Law of the Russian Federation on the Status of The Heroes of the Soviet Union, The Heroes of the Russian Federation and full cavaliers of the Order of Glory.

14. Military persons who are performing military service in the zones of military conflicts (military operations) shall be granted additional leaves according to the legislation of the Russian Federation.

15. The following leaves shall be considered additional and shall not be calculated in the main leave:

-leaves that are envisaged by this Article (educational, creative, sick leaves, leaves for personal reasons);

-leaves that are fixed for Military persons who have participated in military operations on the territories of other countries as foreseen by the Federal Law on Veterans;

-leaves that are fixed for Military persons who performed service duties in the time of emergency and in armed conflicts;

-leaves that are fixed for Military persons by the Law of the Russian Federation on Social Protection of Citizens who were Exposed to Radiation as a consequence of the catastrophe at the Chernobyl nuclear power plant.

-leaves that are granted after a space flight.

16. In the year of discharge from military service (in the calendar year of enrolment into military service) additional leaves shall be granted to Military persons to full extent.

17. To a Military person who is registered in an official order as a candidate (nominee), a leave may be granted at his/her request without money allowance from the day of the Military person's registration as a candidate (nominee) till the day when the results of the elections are officially published. Before the Military person goes on the above-mentioned leave he/she shall turn over his duties and position.

See: Commentary to Article 31 of this Statute

**Article 32.** *The Order of Granting Maternity Leaves and Leaves for a Child Care*

1. To female military a maternity leave and a leaves for a child care shall be granted according to the order foreseen by Federal laws, this Statute and other legal regulations acts of the Russian Federation. Besides, they have additional privileges, guaranties and compensations that are envisaged by Federal laws and other legal regulations acts of the Russian Federation.

2. In cases where one of working parents (guardian, trustee) is a military or both parents (guardians, trustees) are military, performing military service in accordance with the Contract, four additional days-off per month shall be granted to such parents (guardians, trustees) for care of disabled children and children who are disabled since childhood until they are 18 years old. The above mentioned days off may be used by one parent (guardian, trustee) or divided between parents (guardians, trustees) at their disposal.

3. Female military personnel shall be granted maternity leaves for the term of 70 calendar days (in case of multiple pregnancy—for the term of 84 calendar days) before childbirth and 70 (in case of difficult childbirth—86, if two or more children are born—110) calendar days after childbirth.

Maternity Leave shall be calculated in total and shall be granted to a female military in full irrespective of the number of days that were actually used before the childbirth.

4. Before maternity leave and immediately after it the female military may be granted at their request the main leave for the current year for the fixed term and in the year when the leave for a child care the main leave shall be proportional to the time of the calendar year left.

In the year when the leave for child care is over the main leave shall be calculated proportionally to the time of performing service duties from the day the leave for the child care is over to the end of the calendar year.

The duration of the main leave shall be calculated for a particular military in this case as follows: total duration of the main leave shall be divided by 12 and the obtained number shall be multiplied by the number of full months during which the military performed his/her duties. In this regard incomplete month that lasted for more than ten days shall be calculated as if it were a full month.

5. To female military personnel leave for childcare shall be granted at her request till the child is three years old.

During the leave for childcare the place of military service and military position shall be reserved for female military personnel.

6. A Female military person who has adopted a child (children) shall be granted a maternity leave for the period from the day of adoption till the period of 70 days expires ( if two and more children are adopted—110 days) since the day the child (children) is (are) born, and a leave for child care till the child is three years old shall be granted as the female military's request.

7. The male military person who is performing military service in accordance with the Contract shall be granted at his request an additional leave for the term of up to three months in case his wife dies during the childbirth and if he is bringing up one or several children at the age of up to 14 years old (disabled children at the age of up to 16 years old) without their mother (in case she dies or she is denied her parents' rights, she undergoes treatment at hospital for a long time and in other cases when there is no mother care of children).

See: Commentary to Article 32 of this Statute

### **Article 33.** *The Order of a Military person's Recall from Leave*

1. If it is extremely necessary for the service, a Military person may be recalled from a leave in accordance with the resolution of the official on behalf of the Commander of formation, who is equal to him/her and higher, who is the Military person's head (official defined by the Head of a Federal body of executive power in which military service is envisaged).

2. The Military person's recall from a leave shall be registered in the form of the Order issued in a military unit. In case the unused part of the leave is 10 days and more the Military person shall be granted the right to travel free of charge and the time that is necessary for the way to the place of leave and back but not farther than the place he was recalled from.

The unused part of the leave may be joined by the Military person's request to the leave next year.

See: Commentary to Article 33 of this Statute

## CHAPTER VIII - THE ORDER OF DISCHARGE FROM MILITARY SERVICE

### **Article 33.** *The Order of Discharge of Military persons from Military Service and Military persons' Exclusion from the personnel lists of a military unit.*

1. According to the Federal Law the discharge of Military persons from military service shall be made:

-to reserve if at the time of discharge the Military person has not reached the age limit for being in reserve and as far as his/her state of health is concerned the Military person is fit or fit with limitations for military service;

-to the retired list if at the time of discharge a Military person has reached the age limit for being in reserve or if a Military person is considered to be unfit for military service because of health reasons by the military medical Commission;

-to dismissal from military service if a punishment in the form of deprivation and restrictions of liberty are imposed on a Military person.

2. Military persons' discharge from military service shall be made on one of the grounds indicated in Article 51 of the Federal Law and in accordance with this article as a rule from the military positions held by Military persons without their enlisting at the relevant Commanders' (Heads') disposal.

In this case the Military persons are discharged from military service when the term of military service expires or before it.

3. A Military person shall be discharged from military service:

-when a Military person reaches the age limit for being into military service (subparagraph a paragraph 1 Article 51 of the Federal Law)—when a Military person reaches the age limit for being into military service including the cases when the Military person's term of service, that was prolonged in the order foreseen by paragraph 3 Article 49 of the Federal Law, expires or during the above mentioned term if a Military person wants to discontinue military service;

-if the term of military service on call has expired (subparagraph b paragraph 1 Article 51 of the Federal Law)—if the term of military service on call has expired on condition that there are no other grounds for discharge;

- if the term of the Contract on Military Service has expired subparagraph b paragraph 1 Article 51 of the Federal Law)—if the term of the Contract on Military Service has expired on condition that there are no other grounds for discharge;

-because of health reasons (subparagraph c paragraph 1 Article 51 of the Federal Law)—because a Military person is considered to be unfit for military service by the military medical Commission;

- because of health reasons (subparagraph d paragraph 1 Article 51 of the Federal Law)—because the following Military person is considered to be partially fit for military service by the military medical Commission:

a Military person who is performing military service in accordance with the Contract on a military position for which the military ranks of up to senior warrant officer or senior naval warrant officer including are envisaged by the staff list;

a Military person who is performing military service on call;

-if a Military person is reduced to the ranks (subparagraph e paragraph 1 Article 51 of the Federal Law) –if a Military person is reduced to the ranks according to the sentence of the court for committing a grave or extremely grave crime;

-if a punishment in the form of deprivation of liberty is imposed on a Military person (subparagraph f paragraph 1 Article 51 of the Federal Law)—if court sentence on the punishment of a Military person in the form of deprivation of liberty enters into force;

-if a Military person is expelled from a military educational institution (subparagraph g paragraph 1 Article 51 of the Federal Law) if a Military person is expelled from a military educational institution (postgraduate studies, studies for Doctor's degree) and if there are no other grounds for discharge:

a male military who has not reached the age of 18;

a female military who has no military rank of officer or warrant officer (naval warrant officer);

a male military who is performing military service in accordance with the Contract (except Military persons who are to be sent for military service on call) and a female military who has a military rank of officer or warrant officer (naval warrant officer) and who does not want to conclude a new contract.

4. A Military person who is performing military service in accordance with the Contract may be discharged from military service before time:

-if organizational and staff measures are introduced (subparagraph a paragraph 2 Article 51 of the Federal Law) and if there are no other grounds for discharge:

-if a military position (positions) they hold is cut down including liquidation (disbandment, reorganization) of military units, bodies or organizations and if a Military person refuses appointment to another military position (position);

-if a Military person was at the Commander's (Head's disposal) for a period that exceeds the period foreseen by paragraph 4 Article 42 of the Federal Law and this Statute and if a Military person does not give consent to be appointed to another military position (position);

-if the military rank that corresponds to the military position (position) that the Military person holds is reduced or if military registered profession that corresponds to the military position (position) that the Military person holds is modified, if the military position (position) is renamed and if he refuses to continue military service in the military position (position) that the Military person holds or in any other military position (position);

-if a Military person is considered to be unfit for military service in the military registered profession available (if a Military person does not meet special requirements) but is considered to be fit for military service or to be fit for military service with insignificant limitations if a Military person does not give consent to be appointed to another military position (position);

-if military positions (positions) are cut down within the limits of their total number and if they are to be replaced by one staff of Military persons including the case when the Military person's military position (position) is not to be cut down, with Military person's consent (for Military persons who have long service term that gives right to pension);

-if a Military person is transferred to the service in the bodies of the Interior of the Russian Federation (Federal bodies of Tax Police, Customs Services of the Russian Federation and institutions and bodies of the system of criminal execution) (subparagraph b paragraph 2 Article 51 of the Federal Law)—if a Military person is transferred to the service in the bodies of the Interior of the Russian Federation, Federal bodies of Tax Police, Customs Services of the Russian Federation and institutions and bodies of the system of criminal execution;

-if a Military person breaks the conditions of the Contract (subparagraph c paragraph 2 Article 51 of the Federal Law)— If a Military person breaks the conditions of the Contract on Military Service;

-if a Military person is denied access to state secret (deprivation of access to state secret) (subparagraph d paragraph 2 Article 51 of the Federal Law)—if a Military person who holds a military position (position) connected with access to state secret is denied access to state secret or

if he is deprived of the said access to state secret if it is impossible to appoint the Military person to another military position (position) and if there are no other grounds for discharge;

-if a punishment in the form of deprivation of liberty suspended (subparagraph e paragraph 2 Article 51 of the Federal Law)— the court sentence on a punishment imposed on a Military person in the form of deprivation of liberty suspendedly enters into force;

-of Military person's own accord (paragraph 6 Article 51 of the Federal Law)—according to the resolution of the Attestation Commission of a military unit (organization) if the Military person has valid reasons.

5. A Military person who is performing military service in accordance with the Contract shall have the right to be discharged from military service before time:

-if the conditions of the Contract were broken in respect to a Military person (subparagraph a paragraph 3 Article 51 of the Federal Law)—if the conditions of the Contract on military service were broken substantially and/or systematically in respect to a Military person;

-because of health reasons (subparagraph b paragraph 3 Article 51 of the Federal Law)—because the Military person is considered to be partially fit for military service by the Military Medical Commission:

-for domestic reasons (subparagraph c paragraph 3 Article 51 of the Federal Law):

If a member of Military person's family cannot live in accordance with medical evidence in the place where the Military person is performing military service and if it is impossible to transfer the Military person to a new place of service that is favorable for the health of the member of Military person's family.

If the place of military service of husband -military (wife-military) was changed and it is necessary for the family to move to another place;

If it is necessary to care permanently for a father, mother, wife, husband, brother, sister, grandfather, grandmother and the person who adopted a Military person and if the above mentioned people need permanent outside help (care, supervision) in accordance with the resolution of the body of State services for medical and social expertise or are individuals who are disabled of the first or second groups and who have reached pension age or have not reached the age of 18 and if there are no other individuals who are to provide for the above mentioned citizens according to the law;

if it is necessary to care of a child who has not reached the age of 18 and whom a single Military person brings up without mother (father);

-if a Military person performs duties of a member of Federation Council of the Federal Assembly of the Russian Federation (subparagraph d paragraph 3 Article 51 of the Federal

Law)—if a Military person performs duties of a member of Federation Council of the Federal Assembly of the Russian Federation;

-if a Military person was elected to be a deputy (head of an executive body of state power of the body of the Russian Federation or head of a municipal formation) (subparagraph e paragraph 3 Article 51 of the Federal Law)— if a Military person was elected to be a deputy of the State Duma of the Federal Assembly of the Russian Federation, a deputy of a legislative (representative) body of state power of the body of the Russian Federation, the head of an executive body of state power of the body of the Russian Federation or a deputy of the body of local self government or the head of a municipal formation, and if the Military person performs these duties permanently.

6. A Military person who has no military rank of officer and who is performing military service on call shall have a right to be discharged from military service for domestic reasons before time (paragraph 4 Article 51 of the Federal Law):

- a) if Military person's father, mother, brother, sister died performing military duties;
- b) if it is necessary to care permanently for a father, mother, wife, husband, brother, sister, grandfather, grandmother and the person who adopted a Military person and if the above mentioned people are not on full state allowance and need permanent outside help (care, supervision) for health reasons in accordance with the resolution of the body of State services for medical and social expertise or are individuals who are disabled of the first or second groups and who have reached pension age or have not reached the age of 18 and if there are no other individuals who are to provide for the above mentioned citizens according to the law;
- c) if a Military person has a child whom he brings up without mother;
- d) if a Military person has two and more children;
- e) if a Military person has a child at the age of up to three years;
- f) if a Military person's mother (father) has besides him/her two and more children at the age of up to eight years old or a child who has been disabled since childhood and if Military person's mother (father) are bringing them up without father (mother).

7. A Military person who has a military rank of officer and who is performing military service on call shall have the right to be discharged from military service for domestic reasons before time (paragraph 5 Article 51 of the Federal Law):

-if Military person's father, mother, brother, sister died performing military duties;  
If it is necessary to care permanently of father, mother, wife, husband, brother, sister, grandfather, grandmother and the person who adopted a Military person and if the above mentioned people are not on full state allowance and need permanent outside help (care, supervision) for health reasons in accordance with the resolution of the body of State services for medical and social expertise or

are individuals who are disabled of the first or second groups and who have reached pension age or have not reached the age of 18 and if there are no other individuals who are to provide for the above mentioned citizens according to the law;

if a Military person has a child whom he brings up without a mother;  
-because of health conditions (paragraph 5 Article 51 of the Federal Law)—because the Military person is considered to be temporarily unfit for military service by the Military Medical Commission.

8. The discharge from military service shall be made:

-of high-rank officers—by the Orders of the President of the Russian Federation;

-of colonels, captains of first rank and of Military persons who are discharged from military service in connection with the transfer to the bodies of the Interior of the Russian Federation (Federal bodies of Tax Police, Customs Services of the Russian Federation and institutions and bodies of the system of criminal execution) (subparagraph b paragraph 2 Article 51 of the Federal Law)—by the Heads of Federal bodies of executive power in which military service is envisaged;

of other Military persons—by officials in accordance with the rights that were entrusted to them for appointment of Military persons to military positions.

The discharge of junior officers before time shall be made by the General Commander of the type of the Armed Forces of the Russian Federation, the Commanding officer of the military district, officials who are equal or higher to them.

9. The officials who have the right to discharge Military persons from military service may exercise this right only in respect to Military persons who are their direct subordinate.

10. The powers of the officials of the bodies of the Federal Security Service to discharge Military persons from military service (excluding high-rank officers) shall be determined by the Director of the Federal Security Service of the Russian Federation.

11. If a Military person has several grounds for discharge from military service the Military person shall be discharged on the grounds that he/she has chosen (except cases when the discharge is made on the grounds envisaged by subparagraphs e and f paragraph 1 Article 51 of the Federal Law).

12. The discharge of a Military person from military service on the grounds when the consent for discharge or appointment to a new military position is not foreseen, shall be made by the Command without a Military person's report.

The discharge of a Military person from military service on other grounds shall be made on the basis of a Military person's report and, if necessary, of other documents.

13. The discharge of a Military person from military service on the ground foreseen by paragraph 6 Article 51 of the Federal Law shall be made in accordance with the resolution of the Attestation Commission.

To discharge of a Military person from military service on the ground foreseen by subparagraph c paragraph 2 and subparagraph a paragraph 3 Article 51 of the Federal Law the resolution of the Attestation Commission may be adopted.

The order of nomination of a Military person for discharge from military service and registration of relevant documents shall be determined by the Head of a Federal body of executive power in which military service is envisaged.

14. Before a Military person who is performing military service in accordance with the Contract is nominated for discharge:

-data on Military person's service shall be defined accurately, periods of Military person's service that are to be included in his/her long service term in calendar calculation and preferentially shall be confirmed in writing, if necessary, and according to the legislation of the Russian Federation long service term shall be calculated. The calculated long service term shall be announced to a Military person. Military person's objections to calculation of long service term shall be examined by the Commanding officer (the Head) and decisions on them shall be made before the Military person is nominated for discharge from military service;

-The Commanding officer of a military unit has, as a rule, a personal conversation with a Military person. The contents of the conversation shall be indicated in a list of conversation. The list of conversation shall be signed by a Military person who is being discharged from military service and by the official who has conducted the conversation and it shall be attached to personal records of the Military person.

15. Exclusion from personnel lists of a military unit of a Military person who was considered to be unfit for military service and to be in need of discharge from service duties by the Military Medical Commission and who was discharged from military service shall be made not later than in a month from the day when the resolution of the Military Medical Commission was received in the military unit, excluding the time when the Military person was on leave (leaves).

16. On the day of exclusion from personnel lists of a military unit a Military person who was discharged from military service shall be completely provided with the fixed money, material and food allowance. Until all necessary payments are not made a Military person cannot be excluded from personnel lists of a military unit without his/her consent.

17. A Military person whose total long service term is ten and more years and who needs better living conditions in accordance with the standards foreseen by Federal laws and other legal

regulations acts of the Russian Federation shall not be discharged from military service without his/her consent even because of the age limit for being into military service, health reasons and organizational and staff measures if the Military person was not granted a dwelling according to the standards of housing legislation. At the request of the above mentioned Military persons to receive dwellings not in the place of dislocation of a military unit they shall be discharged from military service and provided with dwellings according to the legislation of the Russian Federation.

On the Order of granting dwellings in the Armed Forces of the Russian Federation, please, see: Order # 80 of the Defense Minister of the Russian Federation, dated February 15, 2000

18. A Military person who is performing military service in accordance with the Contract and who has not reached the age limit for being into military service shall not be discharged from military service without his/her consent until he/she has the right to pension for a long service term, except cases of discharge before time on the grounds defined by the Federal Law.

19. A Military person who is performing military service on call and who has concluded the Contract on military service during the time of military service on call (including those who are studying in a military educational institution) shall not be discharged from military service till the term of military service on call that was fixed for him/her expires, except on the grounds foreseen by subparagraphs c-g paragraph 1, paragraphs 4 and 5 Article 51 of the Federal Law.

When the term of the above mentioned Military person expires the term of military service on call and the term of military service in accordance with the Contract shall be calculated in total in the order envisaged by the Federal law and this Statute.

20. The discharge of a Military person expelled from a military educational institution on the grounds foreseen by subparagraph g paragraph 1 Article 51 of the Federal Law shall be made by the Head of a military educational institution from which a Military person was expelled or by another official who has the right to discharge this Military person.

21. Officers and warrant officers (naval warrant officers) who have faultlessly served military service for 20 years and more in calendar calculation and those, who have rendered outstanding services to the Russian Federation, irrespective to the total term of their military service shall be given a right upon discharge from military service by the Officials' Orders to wear military uniform and distinguishing bages, excluding the individuals who were discharged on the grounds foreseen by subparagraphs e and f paragraph 1 and subparagraphs c -e paragraph 2 Article 51 of the Russian Federation.

Officers who were discharged from military service by the President of the Russian Federation shall be given a right to wear military uniform and distinguishing bages by the Head of a Federal body of executive power in which military service is envisaged.

22. According to the court order restoration of a citizen in military service shall be made by cancellation of the Order on discharge of a Military person from military service. The cancellation of the Order on discharge of a Military person from military service shall be made by the official who has issued the Order or by his/her direct Commander (head).

23. The military service is over from the day of exclusion of a Military person from the personnel lists of a military unit in connection with his/her discharge from service, death, recognition of a Military person's being unknowingly absent or announced dead.

24. A Military person who has been discharged from military service shall be excluded from the personnel lists of a military unit on the day the term of his/her military service expires (the Military person who was discharged before time—not later than the day when the term of his/her military service expires) and not later than in a month from the day the extract of the Order on discharge of the Military person from military service was received by the military unit, except for cases that are envisaged by paragraph 11 Article 38 of the Federal Law and this Statute.

25. Discharge of pregnant female military person, female military person who have children of the age up to three years old and who have disabled children and children who have been disabled since childhood till they are 18 years old (single mothers who have children of the age of up to 14 years old) shall not be permitted except for cases when the military shall be discharged from military service on the grounds foreseen by subparagraphs a, c-g paragraph 1 Article 51 of the Federal Law or if the discharge is made by their consent.

The female military person who are on maternity leave or on the leave for child care shall not be excluded from personnel lists of a military unit.

26. A dead Military person shall be excluded from personnel lists of a military unit from the next day after his/her death and a Military person who was recognized to be unknowingly absent or who was announced dead shall be excluded from personnel lists of a military from the next day after the day when the relevant court resolution enters into force.

27. A Military person who was convicted for the committed crime to deprivation of liberty or limitation of liberty or reduction to ranks shall be discharged from military service on relevant grounds from the day of serving punishment indicated in the court sentence.

28. A Military person who was convicted to deprivation of liberty conventionally may be kept in military service according to the resolution of a relevant official who has the right to discharge him/her.

29. During the time of being into custody the convicted Military person shall not be discharged from military service except for cases when the Military person is considered to be unfit for military service because of health reasons.

See: Commentary to Article 34 of this Statute

**Attachment #1 to the Statute on the Order of Military service Performing Standard Form of the Contract on Military Service Performing Contract on Military Service Performing**

1. \_\_\_\_\_  
(military rank, family name, name and patronymic of the citizen (Military person), day, month and year of birth)  
concluded of my own free will with

\_\_\_\_\_ (the name of a Federal body of executive power)  
in the person of

\_\_\_\_\_ ( position, military rank, family name and initials of the official)  
the present Contract on performing military service in \_\_\_\_\_ (in the  
Armed Forces of the Russian Federation, other troops, military formations or bodies)  
for the term of

\_\_\_\_\_ (the term of the Contract)

About filling in units 1 and 3 of the present Contract by citizens upon their enrolment into military service in accordance with the Contract in the bodies of the Federal Security Service and by Military persons of the bodies of the Federal Security Service who are being granted (have been granted) access to state secret, please, see: Order #576 of the Federal Security Service, dated November 18, 1999.

2. \_\_\_\_\_ (Military person's family name and initials)  
shall undertake of his/her own good will the following obligations:  
-to perform military service in accordance with the Contract during the term fixed by this Contract;  
-to perform honestly all common, service and special duties of Military persons that are envisaged by legislative and other legal regulations acts of the Russian Federation during his/her term of military service.

3. \_\_\_\_\_ (the name of a Federal body of executive power of the Russian Federation)  
shall provide observation of the rights of a Military person who has concluded the present Contract, and of the rights of the members of Military person's family, including the right to receive privileges, guarantees and compensations that are defined by legislative and other legal

regulations acts of the Russian Federation on the status of Military persons and the order of performing military service.

4. The present Contract shall enter into force from the day it is signed by an official and shall be drawn in two copies.

5. The signatures of the parties to the Contract

(military rank, signature, family name and initials of the citizen (of the Military person) (Date)	(position, military rank, signature, family name and initials of an official)  (Seal and Date)
--	---

The following Order announced that the present Contract has entered into force

(date and number of the Order issued by the official)

The present Contract was cancelled

(The date of cancellation)  
in connection that

(the ground for cancellation of the Contract according to the legislation of the Russian  
Federation)

**Note:** The Head of a Federal body of executive power in which military service is envisaged shall have the right to indicate in points 2 and 3 of the standard form of the Contract the specific rights and obligations of Military persons as foreseen by the legislation of the Russian Federation and stipulated by the peculiarities of their military service.

#### ***Attachment #2 to the Statute on the Order of Military Service Performing***

##### **The Order of Calculating the Service Time and Granting additional days of holiday time**

See: Commentary to this Order

1. The calculation of the time when Military persons who are performing military service in accordance with the Contract were made to perform the duties of military service in week days over the time fixed for weekly service (hereinafter referred to as overtime) and separate registration of the above mentioned Military persons who are made to perform their military duties at weekends and holidays (in hours) and the registration (in days) of additional days-off in accordance with paragraph 1 Article 11 of the Federal Law on the Status of Military persons and of granted to them holiday time (in hours) shall be made by the Commanding officer of a submit in the register.

2. The form and order of compiling the register shall be determined by The Head of a Federal body of executive power in which military service is envisaged.

The accuracy of entries in the register shall be confirmed by the signature of a Military person.

3. When the total overtime (total time of performing service and specific duties at weekends and holidays with the calculation of time that is necessary for a Military person for the way to the place of military service from the place of residence and back) reaches the week time fixed by the service time limit for performing military services, the Military person who is performing military service in accordance with the Contract shall be granted by his/her request additional days-off on other days of the week or such days-off may be joined to the main leave.

Additional days off in the number of not more than 30 days that are to be joined to the main leave shall not be included in the duration of the main leave.

4. Data on the number of additional days-off that are joined to the main leave shall be submitted by the Commanding officer of a sub-unit to the headquarters (staff) of a military unit.

5. The time of making the Military person who is performing military service in accordance with the Contract participates in measures that are conducted without limitations of total period of week service time shall be calculated in days. For every three days of participation in the above mentioned measures the Military person shall be granted two days-off as fixed by paragraph 3 Article 11 of the Federal Law on the Status of Military persons ( in the way of distribution of service and holiday time in one day—8 hours and 12 hours. The holiday time that compensates for the participation of a Military person in the said measures shall be granted , as a rule, to a Military person who is performing military service in accordance with the Contract after these measures are over taking into account that it is necessary to maintain a sub-unit ready for action and observe the interests of service.

6. Military persons (including Military persons who are performing military service on call) who have participated in fleet cruises (of ships, submarines), long distance flights of aircraft, space flights or who have performed for more than a month special missions on restoring the Constitutional order, who have participated in conducting measures of emergency , liquidating the consequences of natural disasters and other emergency situations shall be granted a holiday for the period of 30 days (rehabilitation leave) instead of additional days-off for conducting medical and psychological rehabilitation and restoring health.

**Attachment to Order # 1237 of the President of the Russian Federation,  
dated September 16, 1999.**

**The List of the Orders of the Presidium of the Supreme Soviet  
of the USSR that are not used on the territory of the Russian Federation**

1. Order #2317-VIII of the Presidium of the Supreme Soviet of the USSR on Warrant Officers and Naval Warrant Officers of the Armed Forces of the USSR, dated November 18, 1971 (Gazette of the Supreme Soviet of the USSR, 1971, #47, article 453).

2. Order #2318-VIII of the Presidium of the Supreme Soviet of the USSR on Warrant Officers and Naval Warrant Officers of the Committee of State Security of the USSR attached to the Minister's Council of the USSR, dated November 18, 1971.

3. Order #4228-VIII of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to the Law on Common Military Duty and to the Order on Warrant Officers and Naval Warrant Officers of the Armed Forces of the USSR, dated November 18, 1971 (Gazette of the Supreme Soviet of the USSR, 1973, #20, article 267), dated May 10, 1973.

4. Order #4229-VIII of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to the Order on Warrant Officers and Naval Warrant Officers of the Committee of State Security of the USSR attached to the Minister's Council of the USSR, dated May 10, 1973.

5. Order #4511-VIII of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to Article 59 of the Law on Common Military Duty, dated July 11, 1973 (Gazette of the Supreme Soviet of the USSR, 1973, #28, article 369).

6. Order #5081-VIII of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to Some Legislative Acts of the USSR, dated November 26, 1973 (Gazette of the Supreme Soviet of the USSR, 1973, #48, article 679).

7. Order #5317-IX of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to the Law on Common Military Duty, dated February 25, 1977 (Gazette of the Supreme Soviet of the USSR, 1977, #9, article 158).

8. Order #3535-X of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to the Law on Common Military Duty, dated December 17, 1980 (Gazette of the Supreme Soviet of the USSR, 1980, #52, article 1121).

9. Order #3606-X of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to Legislative Acts of the USSR on Warrant Officers and Naval Warrant Officers of the Armed Forces of the USSR, dated December 24, 1980 (Gazette of the Supreme Soviet of the USSR, 1980, #52, article 1133).

10. Order #2053-XI of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to Some Legislative Acts of the USSR on Military Service of Officers of the Armed Forces of the USSR", dated March 18, 1985 (Gazette of the Supreme Soviet of the USSR, 1985, #12, article 199)

11. Order #3333-XI of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to the Article 2 of the Order of the Presidium of the Supreme Soviet of the USSR on Warrant Officers and Naval Warrant Officers of the Armed Forces of the USSR, dated October 2, 1985 (Gazette of the Supreme Soviet of the USSR, 1985, #41, article 779).

12. Order #10290-XI of the Presidium of the Supreme Soviet of the USSR on Making Some Amendments to the Law on Common Military Duty, dated April 10, 1989 (Gazette of the Supreme Soviet of the USSR, 1989, #15, article 108).

## **10.THE CRIMINAL CODE OF THE RUSSIAN FEDERATION**

June 13, 1996

Adopted by the State Duma on May 24, 1996

Adopted by the Federation Council on June 5, 1996

### Summary:

*The code exhaustively specifies the crimes against military service and that can be committed by both contract and conscript personnel. The punitive measures pursuant to each crime are also specified.*

*The salient points the law covers include: failure to execute an order; resisting a superior or compelling a superior or another to violate their duties; violence against a superior; violations of regulations for servicemen; insult of a serviceman; unauthorised abandonment of a unit or place of service; desertion; evasion of military duties; violation for rules of conduct on combat duty; violation of frontier service rules; violation of guard duty regulations; violation of orders for the protection of public safety; violation of patrolling regulations in a garrison; abandonment of a sinking warship; the wilful destruction or damage of military equipment; destruction or damage of equipment through negligence; loss of equipment; violation of rules governing hazardous materials; operating vehicles; flights, rules of navigation; crimes against peace and security; planning an aggressive war; the production or distribution of weapons of mass destruction; genocide; ecocide; mercenary activity; and assault on persons or institutions with international protection.*

### **SECTION XI. CRIMES AGAINST MILITARY SERVICE**

#### **CHAPTER 33. CRIMES AGAINST MILITARY SERVICE**

##### **Article 331. Concept of Crimes Against Military Service**

1. Crimes against the established order of military service, covered by the present chapter and committed by servicemen who have been drafted or enlisted under a contract in the Armed Forces of the Russian Federation in troops and military formations of the Russian Federation, and also by reservists during training assemblies, shall be deemed to be crimes against military service.

2. In keeping with the Articles of this Chapter, criminal responsibility shall be borne by military engineers who have been enrolled in military-construction squads (units) of the Ministry

of Defence of the Russian Federation, other ministries, and government departments of the Russian Federation.

3. Criminal responsibility for crimes against military service, committed in wartime or in a military situation, shall be determined by the wartime laws of the Russian Federation.

**Article 332. *Failure to Execute an Order***

1. Failure to execute a superior's lawful order by a subordinate, if it has caused substantial harm to the interests of military service, shall be punishable by restriction in military service for a term of up to two years or by arrest, for a term of six months, or by custody in a disciplinary military unit for a term of up to two years.

2. The same deed, committed by a group of persons, a group of persons in a preliminary conspiracy, or by an organized group, and also entailing severe consequences, shall be punishable by deprivation of liberty for a term of up to five years.

3. Failure to execute an order, due to a careless or dishonest attitude to military service, if it has involved serious consequences, shall be punishable by restriction in military service for a term of up to one year, or by arrest for a term of three to six months, or by custody in a disciplinary military unit for a term of up to two years.

**Article 333. *Resistance to a Superior or Compulsion of Another to Violate His Duties of Military Service***

1. Resistance to a superior, and also to another person who discharges the duties of military service, or compulsion of him to violate these duties, attended by violence or by threats to use it, shall be punishable by restraint in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to five years.

2. The same deeds committed:

- a) by a group of persons, a group in a preliminary conspiracy, or by an organized group;
- b) with the use of arms;
- c) with the infliction of grave injury or injury of average gravity to human health, or of other serious consequences, shall be punishable by deprivation of liberty for a term of three to eight years.

**Article 334.** *Violent Actions Against a Superior*

1. Beating of, or any other violence against a superior, committed during the discharge of the superior's duties of military service, or in connection with the execution of these duties, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to five years.

2. The same deeds committed:

a) by a group of persons, a group of persons in a preliminary conspiracy, or by an organized group;

b) with the use of weapons;

c) with the infliction of grave injury or injury of average gravity, or other serious consequences

shall be punishable by deprivation of liberty for a term of three to eight years.

**Article 335.** *Violation of Regulations for Mutual Relations Between Servicemen, in the Absence of Subordinating Relations Among Them*

1. Violation of regulations for mutual relations between servicemen, in the absence of subordinating relations among them, which is associated with debasement of human honour and dignity, or with mockery over the victim, or which is attended by violence, shall be punishable by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to three years.

2. The same deeds committed:

a) repeatedly;

b) in respect of two or more persons;

c) by a group of persons, a group of persons in a preliminary conspiracy, or by an organized group;

d) with the use of weapons;

e) with the infliction of an injury of average gravity to human health, shall be punishable by deprivation of liberty for a term of up to five years.

3. Deeds provided for in the first or second parts of this Article, and entailing serious consequences, shall be punishable by deprivation of liberty for a term of up to ten years.

**Article 336. *Insult of a Serviceman***

1. Insult by one serviceman of another serviceman during the discharge of their duties of military service, or in connection with the discharge of these duties, shall be punishable by restriction in military service for a term of up to six months, or by custody in a disciplinary military unit for the same term.

2. Insult by a subordinate of his superior, and also insult by a superior of his subordinate during the discharge of their duties of military service, and in connection with the discharge of these duties, shall be punishable by restriction in military service for a term of up to one year, or by custody in a disciplinary military unit for the same term.

**Article 337. *Unauthorized Abandonment of a Military Unit or a Place of Military Service***

1. Unauthorized abandonment of a military unit or a place of military service, and likewise failure to appear for service without valid reasons in case of discharge from a unit, appointment, or transfer, and also in case of absence for a business trip, annual leave, or from a medical establishment for a term of more than two days, and not more than ten days, if this deed has been committed by a serviceman undergoing military service after being drafted, shall be punishable by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to one year.

2. The same deeds committed by a serviceman who is serving punishment in a disciplinary military unit, shall be punishable by deprivation of liberty for a term of up to two years.

3. Unauthorized abandonment of a military unit or a place of military service, and likewise failure to appear for service on the due date without valid reasons for more than ten days, but not for more than one month, if this deed has been committed by a serviceman undergoing military service after being drafted, or under contract, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to three years.

4. Deeds stipulated in the third part of this Article, and having a duration of over one month, shall be punishable by deprivation of liberty for a term of up to five years.

Note: A servicemen who has committed deeds stipulated in this Article may relieved from criminal responsibility, if unauthorized abandonment of his military unit has been necessitated by exceptional circumstances.

**Article 338. *Desertion***

1. Desertion, that is, the unauthorized abandonment of a military unit or a place of military service for the purpose of evading military service, and likewise failure to appear for service for the same purposes, shall be punishable by deprivation of liberty for a term of up to seven years.

2. Desertion with arms entrusted in the military service, and likewise desertion committed by a group of persons in a preliminary conspiracy, or by an organized group, shall be punishable by deprivation of liberty for a term of three to ten years.

Note: A serviceman who has for the first time committed desertion, as stipulated by the first part of this Article, may be released from criminal responsibility, if desertion has been necessitated by exceptional circumstances.

**Article 339.** *Evasion of Military Service Duties by Pretending to Be Ill, or by Any Other Method*

1. Evasion by a serviceman of his military service duties, by pretending to be ill or by inflicting injury on himself (maiming himself), or by forging documents, or by some other fraud, shall be punishable by restriction in military service for a term of up to one year, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to one year.

2. The same act, committed for the purpose of obtaining a full release from the discharge of military service duties, shall be punishable by deprivation of liberty for a term of up to seven years.

**Article 340.** *Violation of the Rules for Conducting Oneself on Combat Duty in Military Service*

1. Violation of the rules for conducting oneself on combat duty in military service, for revealing in time and repelling a surprise attack against the Russian Federation, or for safeguarding its security, if this deed has involved or might have involved the infliction of harm to the interests of state security, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to five years.

2. The same deed, which has involved serious consequences, shall be punishable by deprivation of liberty for a term of up to ten years.

3. Violation of the rules for conducting oneself on combat duty in military service due to a careless or dishonest attitude to these rules, if this has involved serious consequences, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to three years.

**Article 341.** *Violation of the Rules for Bearing Frontier Service*

1. Violation of the rules for bearing frontier service, by a person who is a member a frontier detail or who discharges other duties of frontier service, if this deed has involved or might have involved the infliction of harm to the interest of state security, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to three years.

2. The same act, which has involved serious consequences, shall be punishable by deprivation of liberty for a term of up to five years.

3. Violation of the rules for bearing frontier service, due to a careless or dishonest attitude to these rules, which has involved serious consequences, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to two years.

**Article 342.** *Violation of Regulations for Guard Duty*

1. Violation of regulations for guard duty, by a person who is a member of a guard (watch), if this deed has involved the infliction of harm to the facilities protected by the guard, shall be punishable by restriction in military service for a term of up to two years, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to two years.

2. The same deed, which has involved serious consequences, shall be punishable by deprivation of liberty for a term of up to three years.

3. Violation of regulations for guard duty, due to a careless or dishonest attitude to these rules, if this has involved serious consequences, shall be punishable by deprivation of liberty for a term of up to one year.

**Article 343.** *Violation of the Rules for the Service of Protecting Public Order and Safeguarding Public Security*

1. Violation of the rules of service by a person who is a member of a military detail protecting public order and safeguarding public security, if this deed has inflicted harm to the rights and lawful interests of individuals, shall be punishable by restriction in military service for a term of up to two years, or by arrest for a term of up to six months, or by custody in a

disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to two years.

2. The same deed, which has involved serious consequences, shall be punishable by deprivation of a liberty for a term of two to five years.

**Article 344.** *Violation of the Internal Service and Patrolling Regulations in a Garrison*

Violation of the internal service regulations by a person who is a member of the day detail of a unit (except for a guard or watch), and likewise violation of the patrolling regulations in a garrison by a person who is a member of a patrol detail, if these deeds have involved serious consequences, shall be punishable by restriction in military service for a term of up to two years, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to two years.

**Article 345.** *Abandonment of a Sinking Warship*

Abandonment of a sinking warship by its captain, who has not fulfilled his official duties to the end, and also by a person from the crew of the warship without a proper order from the captain, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to five years.

**Article 346.** *Willful Destruction or Damage of Military Equipment*

1. Willful destruction or damage of weapons, ammunition, or military hardware, if this has involved serious consequences, shall be punishable by a fine in the amount of up to 500 minimum wages, or in amount of the wage or salary, or any other income of the convicted person for a period of up to five months, or by restriction in military service for a term of up to two years, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to two years.

2. The same acts, which have involved grave consequences, shall be punishable by deprivation of liberty for a term of up to five years.

**Article 347.** *Destruction or Damage of Military Equipment by Negligence*

Destruction or damage of weapons, ammunition, or objects of war material, by negligence, that has entailed grave consequences, shall be punishable by a fine of up to five hundred minimum wages or of the wages or any other income of the convicted person for a period of up to five months, or by restriction in military service for a period of up to two years, or by arrest for a period of up to six months, or by custody in a disciplinary military unit for a period of up to two years, or by deprivation of liberty for a period of up to two years.

**Article 348.** *Loss of Military Equipment*

Violation of the rules for preserving weapons, ammunition, and hardware entrusted for official use, if this has involved through negligence their loss, shall be punishable by a fine in the amount of 100 to 200 minimum wages, or in the amount of the wage or salary, or any other income of the convicted person for a period of one to two months, or by restriction in military service for a term of up to two years, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to two years.

**Article 349.** *Violation of the Rules for Handling Arms and Hazardous Materials*

1. Violation of the rules for handling arms, ammunition, radioactive materials, explosives, or other substances and objects of increased hazard, if this has involved by negligence the infliction of grave injury or injury of average gravity to human health, the destruction of military hardware, or any other serious consequences, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years.

2. The same act, which has involved by negligence the death of a person, shall be punishable by deprivation of liberty for a term of up to five years.

3. An act envisaged by the first part of this Article, and entailing by negligence the death of two or more persons, shall be punishable by deprivation of liberty for a term of up to ten years.

**Article 350.** *Violation of the Rules for Driving or Operating Cars or Lorries*

1. Violation of the rules for driving or operating a combat, special, or honor transport vehicle, which has involved by negligence the infliction of grave injury or injury of average gravity to human health, shall be punishable by arrest for a term of four to six months, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty

for a term of up to two years, with disqualification to hold specified offices or to engage in specified activities for a term of up to three years, or without such disqualification.

2. The same deed, which has involved by negligence the death of a person, shall be punishable by deprivation of liberty for a term of two to five years, with disqualification to hold specified offices or to engage in specified activities for a term of up to three years, or without such disqualification.

3. The deed provide for in the first part of this Article, and entailing by negligence the death of two or more persons, shall be punishable by deprivation of liberty for a term of four to ten years.

**Article 351.** *Violation of the Rules for Flights and Training for Them*

Violation of the rules for flights and training for them, or of any other rules of operating military aircraft, which has involved by negligence the death of a person, or any other serious consequences, shall be punishable by deprivation of liberty for a term of three to ten years.

**Article 352.** *Violation of the Rules of Navigation*

Violation of the rules for navigation or operation of warships, which has involved by negligence the death of a person, or any other serious consequences, shall be punishable by deprivation of liberty for a term of three to ten years.

**SECTION XII. CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND**

**CHAPTER 34 - CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND**

**Article 353.** *Planning, Preparing, Unleashing, or Waging on Aggressive War*

1. Planning, preparing, or unleashing an aggressive war shall be punishable by deprivation of liberty for a term of seven to fifteen years.
2. Waging an aggressive war shall be punishable by deprivation of liberty for a term of 10 to 20 years.

**Article 354.** *Public Appeals to Unleash an Aggressive War*

1. Public appeals to unleash an aggressive war

shall be punishable by a fine in the amount of 500 to 700 minimum wages, or in the amount of the wage or salary, or any other income of the convicted person for a period of a five to seven months, or by deprivation of liberty for a term of up to three years.

2. The same deeds, committed with the use of the mass media or by a person who holds a state post of the Russian Federation or a state post of a subject of the Russian Federation,

shall be punishable by a fine in the amount of 700 to 1,000 minimum wages, or in the amount of the wage or salary, or any other income of the convicted person for a period of seven to twelve months, or by deprivation of liberty for a term of two to five years, with disqualification to hold specified offices or to engage in specified activities for a term of up to three years.

**Article 355.** *Production or Distribution of Weapons of Mass Destruction*

Production, acquisition, or sale of chemical, biological, or other weapons of mass destruction, banned by an international treaty of the Russian Federation,

shall be punishable by deprivation of liberty for a term of five to ten years.

**Article 356.** *Use of Banned Means and Methods of Warfare*

1. Cruel treatment of prisoners of war or civilians, deportation of civilian populations, plunder of national property in occupied territories, and use in a military conflict of means and methods of warfare, banned by an international treaty of the Russian Federation,

shall be punishable by deprivation of liberty for a term of up to 20 years.

2. Use of weapons of mass destruction, banned by an international treaty of the Russian Federation,

shall be punishable by deprivation of liberty for a term of 10 to 20 years.

**Article 357.** *Genocide*

Actions aimed at the complete or partial extermination of a national, ethnic, racial or religious group by killing its members, inflicting grave injuries to their health, forcible prevention of childbirth, forcible transfer of children, forcible resettlement, or by any other method of creating living conditions meant for the physical destruction of the members of this group,

shall be punishable by deprivation of liberty for a term of 12 to 20 years, or by capital punishment, or by deprivation of liberty for life.

**Article 358.** *Ecocide*

Massive destruction of the animal or plant kingdoms, contamination of the atmosphere or water resources, and also commission of other actions capable of causing an ecological catastrophe,

shall be punishable by deprivation of liberty for a term of 12 to 20 years.

**Article 359.** *Mercenarism*

1. Recruitment, training, financing, or any other material provision of a mercenary, and also the use of him in an armed conflict or hostilities,

shall be punishable by deprivation of liberty for a term of four to eight years.

2. The same acts, committed by a person through his official position, or with relation to a minor,

shall be punishable by deprivation of liberty for a term of seven to fifteen years, with confiscation of property or without such confiscation.

3. Participation by a mercenary in an armed conflict or hostilities

shall be punishable by deprivation of liberty for a term of three to seven years.

Note: A mercenary shall be deemed to mean a person who acts for the purpose of getting a material reward, and who is not a citizen of the state in whose armed conflict or hostilities he participates, who does not reside on a permanent basis on its territory, and also who is not a person fulfilling official duties.

**Article 360.** *Assaults on Persons or Institutions Enjoying International Protection*

Assault on a representative of a foreign state, or on a staff member of an international organization that enjoys international protection, or also on an official or on the living quarters or transport vehicles of persons enjoying international protection, if this deed has been committed to provoke a war or to complicate international relations, shall be punishable by deprivation of liberty for a term of three to eight years.

## 11. ON COURTS MARTIAL OF THE RUSSIAN FEDERATION

Adopted by the State Duma on May 20, 1999 ,  
Approved by the Federation Council on June 9, 1999

### Summary:

*This federal law concerns the execution of judicial power in military ranks.*

*The law comprehensively addresses the abstract and practical issues of inserting judicial power at any point of the military apparatus. The legislation and rules governing the formation of military courts martial are outlined, as are the main tasks of the courts themselves.*

*The cases within the competence of courts martial, the system and powers of courts martial, and the powers of the Russian Supreme Court to examine cases within the jurisdiction of the courts martial are outlined.*

*The roles of the various participants, their status, allowances and provisions, social security, financing and provision, staffing, order of performing military service are detailed. The factors relating to the premises and other property of courts martial, and the guarding and escorting of prisoners in custody are also discussed.*

- Chapter I. General Provisions
- Chapter II. System and Powers of Courts Martial
- Chapter III. Status of Judges of Courts Martial
- Chapter IV. Financing and Providing for the activity of Courts Martial  
and the Military Board
- Chapter V. Closing and Transitional Provisions

Attachment. The List of Positions of Judges of Courts Martial and the Military Board of the Supreme Court of the Russian Federation and military ranks corresponding to these positions

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *Courts Martial of the Russian Federation*

1. Courts Martial of the Russian Federation (hereinafter referred to as courts martial) shall form a part of the Court System of the Russian Federation, be Federal Courts of common jurisdiction and execute judicial power in the Armed Forces of the Russian Federation, other troops, military formations and Federal bodies of executive power (hereinafter referred to as bodies) in which military service is envisaged according to the Federal Law.
2. Courts Martial shall be formed on the principle of territory in the place of stationing of military units and institutions of the Armed Forces of the Russian Federation, other troops, military formations and bodies. Courts Martial shall be situated in open for free access places.
3. Courts Martial shall be organized and cancelled in accordance to the Federal Law. No court martial may be cancelled if the matters that were submitted to it were not immediately transferred under the jurisdiction of another court. The number of Court Martial and the number of Judges of Courts Martial shall be determined by the Supreme Court of the Russian Federation.
4. During the time of mobilization and in wartime the peculiarities of organization and functioning of Courts Martial shall be defined by relevant Federal Constitutional Laws.

### **Article 2.** *Legislation of the Russian Federation on Courts Martial*

The powers, the order of organization and functioning of Courts Martial shall be determined by the Constitution of the Russian Federation, Federal Constitutional Law on Judicial System of the Russian Federation, this Federal Constitutional Law, other Federal Constitutional laws and Federal laws.

### **Article 3.** *Courts Martial Administer Justice*

Courts Martial administer justice on behalf of the Russian Federation, considering cases in the order of civil, administrative and criminal legal proceedings.

### **Article 4.** *Main tasks of Courts Martial*

While considering the cases, the main tasks of Courts Martial shall be provision and protection:

of infringed and/or questioned rights, freedoms and interests of an individual and citizen, entities and their formations that are protected by law;

of infringed and/or questioned rights and interests of local self government that are protected by law;

of infringed and/or questioned rights and legally protected interests of the Russian Federation, bodies of the Russian Federation, Federal agencies of State power and agencies of State power of the bodies of the Russian Federation.

**Article 5. *Independence of Courts Martial and Independence of Judges of Courts Martial***

1. Courts Martial shall administer justice independently, be subordinate only to the Constitution of the Russian Federation, Federal Constitutional Laws and Federal laws.
2. Judges of Courts Martial shall be independent and in their activities of administering justice they shall not report to anyone.
3. Any interference in the activities of the Judges of Courts Martial concerning the administration of justice shall be inadmissible and shall lead to consequences foreseen by the Federal Law.
4. The guarantees of Judges' independence is determined by the Constitution of the Russian Federation, Federal Constitutional Laws and Federal Laws, and shall not be cancelled or reduced in respect to the Judges of Courts Martial.

**Article 6. *The Language of Legal Proceedings and Records in Courts Martial***

The language of legal proceedings and records in Courts Martial shall be conducted in the state language of the Russian Federation - in the Russian language. The individuals who participate in the proceedings and who do not know the Russian language shall be given the right to speak and to give evidence in their native language or in any other language that they choose voluntarily, and to use an interpreter's services.

**Article 7. *Cases within the Competence of Courts Martial***

1. The following cases shall be within the competence of Courts Martial:
  - 1) civil and administrative cases about infringed and/or questioned rights, freedoms and protected by law interests of military persons of the Armed Forces of the Russian Federation,

other troops, military formations and bodies (hereinafter referred to as military persons), citizens who are attending periodical military training, from actions (or inactions) of authorities of Military Office, military officials and results of the decisions taken by them;

2) cases about crimes with which the following individuals are charged: the military persons, citizens who are attending military periodical training and citizens who are discharged from military service and citizens who have passed military periodical training - on the condition that these crimes were committed by them during the time of military service or military periodical training;

3) cases about administrative offenses that were committed by military persons, citizens who are attending military periodical training.

The citizens who were discharged from military service, citizens who have passed military periodical training, shall have the right to appeal to Court Martial against actions (or inactions) of authorities holding Military offices, military officials and decisions taken against them that infringe the rights, freedoms and protected by law interests of the above mentioned citizens during their military service and military periodical training.

2. The jurisdiction of cases about administrative offenses and cases about crimes with which the following individuals are charged: the military persons, citizens who are attending military periodical training and citizens who are discharged from military service and citizens who have passed military periodical training who have committed offenses during the time of military service or periodical military training shall be determined by corresponding Federal procedure laws.

3. Courts Martial which are located outside the territory of the Russian Federation shall have jurisdiction over all civil, administrative and criminal cases that are to be submitted to Federal courts of common jurisdiction if it is not determined otherwise under the International Treaty of the Russian Federation.

4. Courts Martial shall not have jurisdiction over the cases about crimes of which military persons or citizens who are attending military periodical training are accused on the condition that these crimes have been committed by them before enrollment into military service or periodical military training.

5. Courts Martial examine appeals against applications by officials who are making an inquiry, or by investigators or prosecutors seeking to take into custody or prolong the custodial period of military persons or citizens who are attending periodical military training. The Courts Martial examine appeals against claims against actions (or inactions) of military prosecutors and the decisions adopted by them in respect to military persons and citizens who are attending periodical military training.

6. Within their competence and in the order determined by the Federal Law, Courts Martial shall consider cases and materials connected with the limitations of Constitutional freedoms and rights to confidentiality of correspondence, telephone and any other conversations, post, telegraph and other messages, and the inviolability of the home.

7. The jurisdiction of Courts Martial and the administration of justice during the time of mobilization and in wartime shall be determined by corresponding Federal Constitutional Laws.

## CHAPTER II - SYSTEM AND POWERS OF COURTS MARTIAL

### **Article 8.** *System of Courts Martial*

1. The following courts constitute the systems of Courts Martial: district (fleet) courts martial and garrison courts martial.

2. In the case of a military unit, enterprise, institution or organization of the Armed Forces of the Russian Federation, other troops, military formations and bodies are located outside the territory of the Russian Federation, courts martial may be formed in the place of their dislocation if it is envisaged according to an International Treaty of the Russian Federation.

### **Article 9.** *Powers of the Supreme Court of the Russian Federation to Examine Cases within Jurisdiction of Courts Martial*

1. The Presidium of the Supreme Court of the Russian Federation shall consider cases concerning appeals against decisions, convictions, definitions and judgements of the Military Chamber of the Supreme Court of the Russian Federation (hereinafter referred to as the Military Chamber) and of Courts Martial upon these documents entering into force.

2. Cassation Chamber of the Supreme Court of the Russian Federation shall consider cases concerning complaints and appeals against decisions, convictions, definitions and judgements of the Military Chamber that were adopted in the first instance by it and have not entered into force yet.

3. The Military Chamber shall consider in the first instance:

1) cases concerning appeals against non-regulatory acts issued by the President of the Russian Federation, regulation acts issued by the Government of the Russian Federation, the Defense Ministry of the Russian Federation, other Federal bodies of executive power in which military service is envisaged under the Federal law, and related to rights, freedoms and protected by law interests of military persons, citizens who have periodical military training;

2) cases concerning crimes of which a judge of a military court is accused if the judge submitted a relevant request and cases concerning crimes of a very complicated character or of special public importance, over which the Military Chamber is entitled to have jurisdiction if the accused has submitted a request.

4. The Military Chamber shall consider cases concerning complaints and appeals against decisions, convictions, definitions and judgements of District (Fleet) Courts Martial which were adopted by them in first instance and have not entered into force.

5. The Military Chamber shall consider cases concerning complaints and appeals against decisions, convictions, definitions and judgements of Courts Martial which have entered into force.

6. The Military Chamber shall consider cases concerning newly appeared circumstances in relation to decisions and judgements of the Military Chamber, which have entered into force.

#### **Article 10. *The Military Chamber***

1. The Military Chamber shall act within the structure of the Supreme Court of the Russian Federation and shall be direct higher court instance than District (Fleet) Courts Martial.

2. The Military Chamber shall comprise Chairman, Deputy Chairman, Chairmen of court staffs and other judges of the Supreme Court of the Russian Federation (hereinafter referred to as judges of the Military Chamber).

3. Military staffs may be formed in the Military Chamber.

4. The Military Chamber shall consider cases over which military courts have jurisdiction, composed of the following staff:

1) in the first instance civil and administrative cases shall be considered by a single judge or by the Chamber consisting of three judges, and criminal cases shall be considered by the Chamber consisting of three judges, or by a judge and the jury, or by the Chamber consisting of a judge and people's assessors;

2) cases concerning complaints and appeals against decisions, convictions, definitions and judgements of District (Fleet) Courts Martial which were adopted by them in first instance and have not entered into force shall be considered by the Chamber consisting of three judges;

3) cases concerning complaints and appeals against decisions, convictions, definitions and judgements of Courts Martial which have entered into force shall be considered by the Chamber consisting of three judges.

5. The Military Chamber shall issue Information Report of Courts Martial where the following is printed: decisions of Courts Martial on civil and criminal cases, reviews on court practice, analytical materials and statistics on the work of Courts Martial and other materials.

**Article 11.** *The Chairman of the Military Chamber of the Supreme Court of the Russian Federation*

1. The Chairman of the Military Chamber of the Supreme Court of the Russian Federation (hereinafter referred to as the Chairman of the Military Chamber) is Deputy Chairman of the Supreme Court of the Russian Federation and is appointed to this position by the Federation Council of the Federal Assembly of the Russian Federation after nomination by the President of the Russian Federation based on the nomination made by the Chairman of the Supreme Court of the Russian Federation and conclusions drawn by the Qualification Chamber of Judges of the Supreme Court of the Russian Federation.

2. The Chairman of the Military Chamber shall:

- 1) submit protests to the Presidium of the Supreme Court of the Russian Federation against decisions, convictions, definitions and judgements of the Military Chamber that have entered into force;
- 2) submit protests to the Military Chamber and presidiums of District (Fleet) Courts Martial against decisions, convictions, definitions and judgements of Courts Martial that have entered into force;
- 3) be entitled to participate in review of cases by the Military Chamber and act as Chairman in court hearings;
- 4) organize activity of the Military Chamber;
- 5) decide, if necessary, whether to transfer the case from one court staff to another;
- 6) control the work of the staff of the Military Chamber that is a structural unit of the staff of the Supreme Court of the Russian Federation (hereinafter referred to as the staff of the Military Chamber), appoint to positions and relieve the personnel of the Military Chamber of their posts;
- 7) have other powers envisaged by the Federal Law and perform duties that were entrusted by the Chairman of the Supreme Court of the Russian Federation.

**Article 12.** *Deputy Chairman of the Military Chamber, Chairman of the court staff*

1. Deputy Chairman of the Military Chamber shall:

- 1) be entitled to participate in review of cases by the Military Chamber and act as a Chairman in court hearings;

- 2) have powers of the Chairman of the Military Chamber while the latter is absent, excluding powers to submit protests;
- 3) perform other duties entrusted by the Chairman of the Supreme Court of the Russian Federation and by the Chairman of the Military Chamber.

2. The Chairman of the court staff shall:

- 1) organize the work of the court staff;
- 2) participate in review of cases by the court staff and act as Chairman in court hearings of the court staff;
- 3) control the work of personnel of the court staff;
- 4) perform duties entrusted by the Chairman of the Military Chamber.

### **Article 13.** *District (Fleet) Court Martial*

1. District (Fleet) Court Martial shall act on the territory of one or several bodies of the Russian Federation, on which military units and institutions of the Armed Forces of the Russian Federation, of other troops, military formations and agencies are located.

2. District (Fleet) Court Martial shall comprise Chairman, Deputy Chairman and other judges. The position of First Deputy Chairman may be included in District (Fleet) Court Martial.

3. The presidium shall be formed in District (Fleet) Court Martial, as well as Military Chambers and/or court staffs may be formed there.

### **Article 14.** *Jurisdiction of District (Fleet) Court Martial*

1. Within the limits determined by this Federal Constitutional Law District (Fleet) Court Martial shall consider in first instance civil cases concerning state secrets and cases about crimes for which punishment may be imposed in the form of imprisonment for the period of more than 15 years, life imprisonment or capital punishment.

2. Within the limits determined by this Federal Constitutional Law District (Fleet) Court Martial shall consider cases concerning complaints and appeals against decisions, convictions, definitions and judgements of garrison courts martial that were adopted by them in the first instance and have not entered into force.

3. Within the limits determined by this Federal Constitutional Law District (Fleet) Courts Martial shall consider cases concerning complaints and appeals against decisions, convictions, definitions and judgements of garrison courts martial that have entered into force and judgements that were adopted by District (Fleet) Court Martial in the second instance.

4. District (Fleet) Court Martial shall consider cases concerning newly appeared circumstances in relation to decisions and judgements of the District (Fleet) Court Martial which entered into force.

**Article 15.** *The Personnel of District (Fleet) Court Martial while administering justice*

1. The District (Fleet) Court Martial in the first instance shall consider cases which fall within its jurisdiction according to this Federal Constitutional Law, composed of the following staff:

- 1) civil and administrative cases shall be considered by a single judge or by the Chamber composed of three judges;
- 2) criminal cases shall be considered by the Chamber composed of three Judges, or a Judge and the jury, or by the Chamber composed of a judge and people's assessors.

2. The District (Fleet) Court Martial shall consider cases concerning complaints and appeals against decisions, convictions, definitions and judgements of garrison courts martial that were adopted by them in the first instance and have not entered into force yet, and concerning complaints and appeals against decisions of garrison courts martial on detention, custody, limitations of rights to the confidentiality of correspondence, telephone and other communications, post, telegraph and other messages, on inviolability of the home, on action (inaction) of officials making an inquiry, of investigator, prosecutor and on decisions adopted by them, - by the Chamber composed of three judges.

3. The District (Fleet) Court Martial shall consider at the meetings of the Presidium cases concerning appeals against decisions, convictions, definitions and judgements of garrison courts martial that entered into force, as well as against decisions and judgements that were adopted by the District (Fleet) Court Martial in the second instance.

**Article 16.** *The Presidium of the District (Fleet) Court Martial*

1. The Presidium of the District (Fleet) Court Martial shall act as composed by Chairman, Deputy Chairman - Chairmen of Court Chambers and court staffs.

2. The Presidium of the District (Fleet) Court Martial shall:

- 1) consider civil, administrative and criminal cases concerning appeals against decisions, convictions, definitions and judgements of garrison courts martial that entered into force, as well as against decisions and judgements that were adopted by the District (Fleet) Court Martial in the second instance;

- 2) consider questions of organization of work and coordinate the work of Court Chambers and court staffs;
- 3) appoint Chairmen of Court Chambers and Court staffs upon nomination of the Chairman of the Court;
- 4) determine the number of Court Chambers and Court staffs upon nomination of the Chairman of the Court;
- 5) consider questions of organization of work of the Court staff, approve the structure and schedule of the court personnel, number of staff and regulations on the court staff upon nomination by the Chairman of the Court.

**Article 17.** *The Order of Work of the Presidium of the District (Fleet) Court Martial*

Meetings of the District (Fleet) Court Martial shall be held not less than once per month on the initiative of the Chairman of the Court.

The meeting of the Presidium of the District (Fleet) Court Martial shall have quorum if more than half members are present.

The judgements of the District (Fleet) Court Martial shall be adopted by the majority of votes of the members who are present at the meeting.

**Article 18.** *The Court Chambers and Court Staffs of the District (Fleet) Court Martial*

The Court Chambers and Court Staffs of the District (Fleet) Court Martial shall consider:

- 1) in first instance cases that fall under the jurisdiction of the District (Fleet) Court Martial according to this Federal Constitutional Law;
- 2) cases about complaints and appeals against decisions, convictions, definitions and judgements of garrison courts martial that were adopted by them in the first instance and that have not entered into force;
- 3) cases on newly appeared circumstances related to decisions, convictions, definitions and judgements that were adopted by the relevant Court Chamber, Court Staff and that entered into force.

**Article 19.** *The Chairman of the District (Fleet) Court Martial*

1. The Chairman of the District (Fleet) Court Martial shall be appointed to this position by the President of the Russian Federation upon the nomination of the Chairman of the Supreme

Court of the Russian Federation based on the conclusions of the Supreme Qualification Chamber of Judges of the Supreme Court of the Russian Federation.

2. The Chairman of the District (Fleet) Court Martial shall:

- 1) submit protests against decisions, convictions, definitions and judgements of the relevant garrison and District (Fleet) Courts Martial that have entered into force;
- 2) be entitled to participate in examination of cases by a District (Fleet) Court Martial and act as Chairman in court hearings;
- 3) organize court activities;
- 4) convene meetings of the Presidium of the Court and submit to it cases that shall be examined, preside at the meetings of the Presidium;
- 5) delegate duties to Deputy Chairmen of the Court;
- 6) decide, if necessary, whether to transfer cases from one court Chamber or Court staff to another Court Chamber or Court Staff, and also decide questions concerning the appointment of a Court Chamber or Court staff to examine cases in another Court Chamber or Court staff;
- 7) control the work of Administrator and court personnel, appoint to a post and relieve court personnel of their posts if they do not perform military service;
- 8) represent the Court in state agencies, public organizations and bodies of self government;
- 9) have other powers envisaged by the Federal Law.

**Article 20.** *Deputy Chairman of the District (Fleet) Court Martial, Deputy Chairman - Chairman of the Court Chamber or Court staff of the District (Fleet) Court Martial, Chairman of the Court staff of the District (Fleet) Court Martial*

1. Deputy Chairman of the District (Fleet) Court Martial shall be appointed to this post by the President of the Russian Federation upon the nomination of the Chairman of the Supreme Court of the Russian Federation based on the conclusions of the Supreme Qualification Chamber of Judges of the Russian Federation.

2. Deputy Chairman of the District (Fleet) Court Martial, Deputy Chairman—Chairman of the Court Chamber or Court staff of the District (Fleet) Court Martial, Chairman of the Court staff of the District (Fleet) Court Martial shall:

- 1) be entitled to participate in the review of cases by the relevant Court Chamber or Court Staff and preside at court hearings;
- 2) organize the work of the relevant Court Chamber or Court Staff;
- 3) control the work of personnel of the relevant Court Chamber or Court Staff;
- 4) have other powers envisaged by the Federal Law and perform duties that were entrusted by the Chairman of the Court.

3. Deputy Chairman of the District (Fleet) Court Martial shall have powers of the Chairman of the District (Fleet) Court Martial while the latter is absent, excluding the powers to submit protests, and shall perform other duties at the Chairman's request.

4. Deputy Chairman of the District (Fleet) Court Martial shall:

- 1) be entitled to participate in the review of cases by the Court Staff and preside at court hearings;
- 2) organize the work of the Court Staff;
- 3) control the work of personnel of the Court Staff;
- 4) have other powers envisaged by the Federal Law and perform duties that were entrusted by the Chairman of the Court and/or the Chairman of the relevant Court Chamber.

#### **Article 21.** *Garrison Court Martial*

1. Garrison Court Martial shall operate on the territory on which one or more military garrisons are located.

2. Garrison Court Martial shall be composed of the Chairman, Deputy Chairmen and other judges.

#### **Article 22.** *Jurisdiction of Garrison Court Martial*

1. Within the scope envisaged by this Federal Constitutional Law, Garrison Court Martial shall consider in the first instance civil, administrative and criminal cases that are not related by this Federal Constitutional Law to jurisdiction of the Military Chamber or the District (Fleet) Court Martial.

2. Garrison Court Martial shall consider cases on newly appeared circumstances related to decisions, convictions, definitions and judgements that were adopted by Garrison Court Martial and that entered into force.

3. Garrison Court Martial shall make decisions on detention, custody, limitations of rights to the confidentiality of correspondence, telephone and other communications, post, telegraph and other messages, on inviolability of the home.

4. Garrison Court Martial shall consider complaints and appeals against action (inaction) of officials making an inquiry, of investigator, prosecutor and on decisions adopted by them in the order and cases that are determined by the Federal Criminal Procedure Law.

#### **Article 23.** *The staff of Garrison Court Martial while administering justice*

1. Garrison Court Martial shall consider cases in the first instance in the following staff:

- 1) civil and administrative cases shall be considered by a single judge or by a Chamber composed of a judge and people's assessors if any of the parties submits a relevant request;
- 2) criminal cases shall be considered by a single judge or by a Chamber composed of a judge and people's assessors.

2. A judge of Garrison Court Martial shall solely make decisions on detention, custody, limitations of rights to the confidentiality of correspondence, telephone and other communications, post, telegraph and other messages, on inviolability of the home, and shall consider complaints and appeals against action (or inaction) of officials making an inquiry, of investigator, prosecutor and on decisions adopted by them in the order and cases that are determined by the Federal Criminal Procedure Law.

**Article 24.** *Chairman of Garrison Court Martial*

1. The Chairman of Garrison Court Martial shall be appointed to this post by the President of the Russian Federation upon the nomination of the Chairman of the Supreme Court of the Russian Federation based on the conclusions of the Supreme Qualification Chamber of Judges of the Russian Federation.

2. The Chairman of Garrison Court Martial shall:

- 1) be entitled to participate in the review of cases by Garrison Court Martial and preside at court hearings;
- 2) organize the work of the court;
- 3) delegate duties to judges;
- 4) control the work of the Administrator and personnel of the court, appoint to posts and relieve personnel of the Court Staff of their posts if they do not perform military service and adopt regulations on the Court Staff;
- 5) represent the Court in state agencies, public organizations and bodies of self government.

**Article 25.** *Deputy Chairman of Garrison Court Martial*

1. Deputy Chairman of Garrison Court Martial shall be appointed to this post by the President of the Russian Federation upon the nomination of the Chairman of the Supreme Court of the Russian Federation based on the conclusions of the Supreme Qualification Chamber of Judges of the Russian Federation.

2. Along with performing duties of the judge, Deputy Chairman of the Garrison Court Martial shall deputize for Chairman of Garrison Court Martial while the latter is absent and shall perform other duties at Chairman's request.

### CHAPTER III - THE STATUS OF JUDGES OF COURTS MARTIAL

#### **Article 26.** *Peculiarities of Status of Judges of Courts Martial and Military Chamber*

1. The status of Judges of Courts Martial and Military Chamber shall be determined according to the Constitution of the Russian Federation, the Federal Constitutional Law on Court System of the Russian Federation, the Law of the Russian Federation on the Status of Judges in the Russian Federation, this Federal Constitutional Law, Federal Constitutional laws and Federal Laws.

2. Appointment of the Judge of Court Martial to another post in the same court or transfer of the Judge to another Court Martial shall be made upon the consent of the Judge, excluding cases of transfer of the Judge to Court Martial that are situated outside the territory of the Russian Federation or that is operating in the areas where the state of emergency is declared.

3. Judges of Courts Martial who are fit for military service, taking into account their health conditions, cannot be discharged from military service without their consent till they reach the age limit for military service that is envisaged by the Federal Laws. The term of military service for Judges of Courts Martial who reached the age limit for being in the relevant military rank may be prolonged up to ten years by the Chairman of the Supreme Court of the Russian Federation upon the recommendations of the Qualification Chamber of Judges of Courts Martial, but no further than sixty five years of age.

#### **Article 27.** *Requirements that candidates to the position of Judge of Court Martial shall meet*

Judge of Court Martial shall be a citizen of the Russian Federation who reached the age of 25 years, who has higher law education, experience in law not less than five years, who has not committed any faulty deeds, and who has passed a qualification exam and obtained recommendation of the Qualification chamber of judges of Courts Martial and who has an officer rank and who has concluded the Contract on Military Service.

#### **Article 28.** *The Status of the Jury and People's Assessors of Courts Martial and the Military Chamber*

The Status of the Jury and People's Assessors of Courts Martial and the Military Chamber and the order of invitation of citizens of the Russian Federation to administer justice as the jury and People's assessors shall be determined by Federal Constitutional laws and Federal laws.

**Article 29. Peculiarities of material security of Judges of Courts Martial and the Military Chamber**

1. Money allowance shall be paid to Judges of Courts Martial and the Military Chamber on the grounds and in the amounts which are determined for Judges by the Federal law. Judges of Courts Martial and the Military Chamber shall be entitled to receive other payments that are envisaged for Judges by the Federal Laws.

2. Judges of Courts Martial and the Military Chamber shall also be paid salaries according to their military ranks on the grounds and in the amounts which are determined for military persons by the Federal law.

3. Judges of Courts Martial and the Military Chamber shall have a choice whether to receive either long service bonus on the grounds and in the amount defined for Judges by the Federal Law, or long service interest payment on the grounds and in the amount defined for military persons by relevant legal regulation acts.

4. Awarding a premium to Judges of Courts Martial and the Military Chamber and granting material aid to them shall be made on the grounds and in the amount that are envisaged for Judges by the Federal Law.

6. In case of honorable resignation (discharge) of Judges of Courts Martial and the Military Chamber and at the same time of discharge from military service the above mentioned judges shall be entitled to receive at their choice either a lump sum allowance upon their discharge from military service, that is envisaged for military persons by the Federal Law, or a gratuity that is envisaged by the Law of the Russian Federation on the Status of Judges in the Russian Federation. Judges of Courts Martial and the Military Chamber who have received a gratuity for the period of service as a Judge and who have remained in military service shall not be entitled to receive lump sum allowance for the above mentioned period upon their discharge from military service.

7. Judges of Courts Martial and the Military Chamber who have the right to receive monthly life allowance in full amount or long service military pensions and who continue to work as Judges shall be entitled to receive at their choice either monthly bonus to money allowance which is calculated in percentage from monthly life allowance that might be awarded to them at the time of retirement or percentage bonus to pension that might be awarded to them for long military service.

**Article 30.** *Life Allowance and Pension of Judges of Courts Martial and the Military Chamber*

1. In case of honorable resignation (discharge) of Judges of Courts Martial and the Military Chamber and at the same time of discharge from military service the above mentioned judges

2. shall be entitled to receive at their choice either tax free monthly life allowance, that is envisaged for Judges by the Federal Law, or pension, that is envisaged for military persons, or pension, that is envisaged for civilians. Judges of Courts Martial and the Military Chamber shall be entitled to pension that is envisaged for military persons and calculated on the grounds of their salary, taking into account their position. The rise in pension, if it is reviewed later in cases envisaged by the Federal Law, shall be calculated taking into account the above-mentioned salary.

3. The period of work (including the period before this Federal Constitutional Law entered into force) on the position of a Judge of Court Martial that is situated outside the territory of the Russian Federation and in the regions and areas of the Russian Federation where according to the legislation of the Russian Federation the military persons shall have a right to privilege calculation of long military service term, shall be taken into consideration for calculation of long service of Judges of Courts Martial in the position of Judges in the order determined for calculation of long military service in a relevant Military Court, region and area.

**Article 31.** *Peculiarities of Social Security of Judges of Courts Martial and the Military Chamber, and members of their family*

1. Judges of Courts Martial and the Military Chamber, members of their families and their property are under special protection of the State. The Interior services and the command of military units in the place of dislocation of a Court Martial shall take necessary measures to provide security to judges of Courts Martial and the Military Chamber, members of their family, safety of their property according to the Federal Law on "State Security of Judges, Officials of Law Enforcement Agencies and Inspections".

2. In case a Judge of a Court Martial or a Judge of the Military Chamber (including retired) of Judges dies not because of the Judge's service duties, disabled members of Judge's family, who were Judge's dependents, shall be entitled, at the choice of agencies responsible for pensions of Judges and military persons, to receive the pension which might be awarded to a Judge of Court Martial or to a Judge of the Military Chamber on the grounds determined by this Federal Constitutional Law, in this case the the Law of the Russian Federation on "Pensions to individuals who performed military service, service in the agencies of the Interior, institutions

and agencies of criminal executive system and to members of their families" or by the Law of the Russian Federation on " the Status of Judges of the Russian Federation".

3. Judges of Courts Martial and the Military Chamber shall be granted at their request main annual paid leaves and additional leaves in the order envisaged by the Federal Law either for Judges or for military persons.

4. Dwellings shall be granted to Judges of Courts Martial and the Military Chamber in out of turn order by the relevant bodies of the Armed Forces of the Russian Federation, other troops, military formations and agencies with the following compensation of their expenses from the funds of the Federal budget or shall be bought with the money of the Federal budget allocated for these aims according to the requirements defined in the Law of the Russian Federation "on the Status of Judges in the Russian Federation", not later than within six months since the Judge was entrusted with powers.

5. Living space, that is occupied by Judges of Courts Martial and the Military Chamber in houses of state or municipal dwelling funds and in case it is vacated, shall be granted to other Judges of Courts Martial and to personnel of the Court staff who need their living conditions to be improved in accordance with the requirements defined by the Federal Law.

6. Medical service of Judges of Courts Martial (including retired Judges) and members of their families, including provision of medicine and facilities in sanatorium and health resorts, shall be in accordance with standards and in the order that are determined for Judges by the Federal Law. The above mentioned service, provision and facilities of Judges of Courts Martial shall be supplied by relevant agencies of the Armed Forces of the Russian Federation, other troops, military formations and bodies and as far as Judges of the Military Chamber are concerned - in the order that is defined for Judges of the Supreme Court of the Russian Federation.

7. Judges of Courts Martial, the Military Chamber and members of their families shall have the right to use at their discretion privileges and compensations that are envisaged by the Federal Law either for Judges and members of their family or for military persons and members of their family.

#### CHAPTER IV - FINANCING AND PROVISION OF THE ACTIVITY OF COURTS MARTIAL AND THE MILITARY CHAMBER

##### **Article 32.** *Financing and Provision of Courts Martial and the Military Chamber*

1. Courts Martial and the Military Chamber shall be financed with the funds of the Federal budget by the Court Department attached to the Supreme Court of the Russian Federation (hereinafter referred to as the Court Department) and by the Supreme Court of the Russian Federation respectively in accordance with the Federal Constitutional Law "on Court System of the Russian Federation" and by this Federal Constitutional Law.

2. Provision of Courts Martial, the Military Chamber and the relevant unit of the Court Department with transport, communication means, armament, service premises, maintenance, operation and security of such premises, and archives keeping shall be supplied by relevant agencies of the Armed Forces of the Russian Federation, other troops, military formations and other agencies, the incurred expenses shall be paid by the Court Department and the Supreme Court of the Russian Federation respectively.

3. Organizational provision of the Military Chamber shall be supplied by the Staff of the Supreme Court of the Russian Federation, and as far as Courts Martial are concerned - by the Court Department.

4. The order of financing and provision of Courts Martial in war time and in a state of emergency shall be determined by relevant Federal Constitutional Laws.

**Article 33.** *The Staffs of the Court Martial and the Military Chamber*

1. The Staffs of the Court Martial and the Military Chamber shall provide for administration of justice by Courts Martial and the Military Chamber respectively, summary of court practice, analysis of court statistics, systematization of legislation and performance of other functions of the court.

2. The Staff of the Court Martial and the Staff of the Military Chamber shall be governed by Heads of the relevant Staffs. The operation of the Staff of the Court Martial and the Staff of the Military Chamber shall be controlled by the Chairman of the Court Martial and the Chairman of the Military Chamber respectively.

3. The structure and schedule of the staff of the Court Martial, the number of personnel shall be determined within the limits of the funds that were allocated by the Presidium of the relevant Court and if the Presidium is not established - by the Chairman of the relevant Court. The structure and schedule of the Staff of the Military Chamber, the number of personnel shall be determined within the limits of the funds that were allocated by the Chairman of the Supreme Court of the Russian Federation.

4. The following posts shall be envisaged in the Staffs of Courts Martial and the Military Chamber: Assistant Chairman of the Court, Assistant Judges, Heads of Departments, Deputy

Heads of Departments, Counsellors, Consultants, Chief Specialists, Leading Specialists, Specialists of 1<sup>st</sup> category, Specialists of 2<sup>nd</sup> category, Specialists.

5. Personnel of the Staffs of Courts Martial and the Military Chamber shall be considered to be officials of the State. Military persons may be attached to the Staffs of Courts Martial and the Military Chamber. The rights and duties of the above mentioned personnel and the order of their performing state service shall be determined by Federal Laws and other legal regulation acts on Federal State Service. The said personnel shall be given class ranks and special ranks and military persons shall be given also military ranks.

6. Personnel of the Staffs of Courts Martial and the Military Chamber shall have attestation once per three years. The order of attestation shall be defined by the Regulations on Attestation of Personnel of the Staffs of Federal Court of Common Jurisdiction, adopted by the Chairman of the Supreme Court of the Russian Federation. Attestation of military persons who are attached to the Staffs of Courts Martial and the Military Chamber, shall be carried out in the order adopted in the Armed Forces of the Russian Federation.

7. Personnel of the Staffs of Courts Martial and the Military Chamber (including military persons) and members of their family shall be entitled to regulations on material allowance, measures of social protection and other legal and social guarantees that are defined by the Federal Law for the personnel of Staffs of Federal Courts of Common Jurisdiction and for the members of their family.

8. Salaries of personnel of the Staffs of Courts Martial and the Military Chamber from military persons shall be determined in relation to salaries of corresponding personnel of the Staffs of Federal Courts of common jurisdiction. The above mentioned personnel shall also be paid salaries for their military ranks and percentage long service bonus on the grounds and in the amounts defined by the Federal Law for military persons.

9. Pensions of personnel of the Staffs of Courts Martial and the Military Chamber from military persons shall be paid in accordance with the Law of the Russian Federation on Pension allowance of individuals who performed military service, service in the Interior, institutions and agencies of criminal executive system and of their family members. Pensions shall be granted to the above mentioned personnel, taking into account salaries that they had in their positions. In cases of the further review of the amount of pension as envisaged by the Federal Law, the rise in pension shall be granted, taking into account the said salaries.

10. The Regulations on the Staff of the Military Chamber shall be adopted by the Chairman of the Military Chamber.

**Article 34. Administrator of Court Martial**

1. Administrator of Court Martial shall:
  - 1) take measures on organizational provision of the Court;
  - 2) cooperate with state agencies, public associations, bodies of local self government, their officials and other personnel on the question of provision of the Court;
  - 3) take measures on providing Judges of Courts Martial and personnel of the Staff of Court Martial with necessary material and life conditions, medical service and facilities of sanatoriums and health resorts;
  - 4) supply Judges of Courts Martial and personnel of the Staff of Court Martial with law literature, manuals and reference and information materials;
  - 5) supply information and legal provision to Court Martial, organize court statistics, record-keeping and work of archives;
  - 6) organize the guard of the building, premises and other property of the Court Martial in non-working time, provide for faultless work of transport of the Court Martial, communications means, work of household services;
  - 7) organize construction of premises, as well as reconstruction and technical equipment of buildings and premises of the Court Martial;
  - 8) make up draft estimate of expenses of the Court Martial that shall be adopted by the Chairman of the Court Martial, and submit it to a relevant unit of the Court Department;
  - 9) take other measures on provision of the Court Martial;
  - 10) fulfill orders and directions of the Chairman of the Court Martial that are connected with provision of the Court Martial.

2. Administrator of the Court Martial shall perform his/her duties under control of the Chairman of the relevant Court and under direction of the corresponding unit of the Court Department.

3. Administrator of the Court Martial shall be appointed to this position and relieved of it by the Head of the relevant unit of the Court Department upon nomination of the Chairman of the relevant Court Martial.

**Article 35.** *Peculiarities of Staffing of Courts Martial, the Military Chamber and the Court Department*

1. To posts of judges of Courts Martial, the Military Chamber and envisaged by schedule state positions of personnel of the Staffs of Courts Martial, the Military Chamber and the Court Department, military persons - who are attached to Courts Martial, the Supreme Court of the Russian Federation and the Court Department - shall be appointed in the order defined by the

Federal Law on Military Duty and Military Service, taking into account the provisions of this Federal Constitutional Law. Military persons shall be attached upon the nomination of the Chairman of the Supreme Court of the Russian Federation.

2.Limits on the attachment of military persons to Courts Martial, the Supreme Court of the Russian Federation and the Court Department shall be established from the number of the Armed Forces of the Russian Federation, other troops, military formations and agencies in proportion to the number of the Armed Forces of the Russian Federation, other troops, military formations and agencies respectively, and shall be adopted by the President of the Russian Federation upon the presentation of the Chairman of the Supreme Court of the Russian Federation.

3.Judges of Courts Martial and the Military Chamber, personnel of the Staffs of Courts Martial, the Military Chamber and the Court Department from the number of military persons shall be attached to Courts Martial, the Supreme Court of the Russian Federation and the Court Department for the period of holding the following position.

4.The Contract on Military Service that concluded by the Judge of the Court Martial and the Judges of the Military Chamber before nomination to a court position shall be suspended from the moment the decision on appointment of the Judge to a post was adopted by the Federation Council of the Federal Assembly of the Russian Federation or by the President of the Russian Federation. Judges of Courts Martial and the Military Chamber shall preserve the status of military persons who perform military service in accordance with the Contract. In case powers of Judges of Courts Martial and the Military Chamber cease according to the Law of the Russian Federation on the Status of Judges in the Russian Federation, the Contract on Military Service shall be valid again as defined by the Federal Law on Military Duties and Military Service.

5.The list of positions of Judges of Courts Martial and the Military Chamber and military ranks corresponding to these positions shall be determined by this Federal Constitutional Law.

6.Personnel of the Court Department from the number of military persons attached to the Court Department who are providing for the operation of Courts Martial, shall be appointed to state posts that are determined for the Court Department.

7.The list of positions of personnel of the Staffs of Courts Martial, the Military Chamber and the Court Department that are to be filled by military persons, and of military ranks corresponding to these positions shall be adopted by the Chairman of the Supreme Court of the Russian Federation. The positions of Judges of Courts Martial and the Military Chamber and the positions of personnel of the Staffs of Courts Martial, the Military Chamber and the Court Department that are to be filled by military persons, shall be included in the relevant list of positions.

**Article 36.** *The Order of Performing Military Service in Courts Martial and the Military Chamber*

1. Judges of Courts Martial and the Military Chamber, personnel of the Staffs of Courts Martial, the Military Chamber and the Court Department from the number of military persons shall perform military service in accordance with the Federal Law on Military Duties and Military Service, taking into account provisions of this Federal Constitutional Law.

2. Judges of Courts Martial and the Military Chamber shall be given higher military ranks in the order that is envisaged by the Federal Law on Military Duties and Military Service upon the nomination of the Chairman of the Supreme Court of the Russian Federation, other military ranks—upon the nomination of Chairmen of District (Fleet) Courts Martial.

3. Military ranks in the order envisaged by the Federal Law on Military Duties and Military Service shall be given to personnel of Courts Martial, the Military Chamber and the Court Department from the number of military persons upon the nomination of:

- 1) the Chairman of the Military Chamber - to personnel of the Staff of the Military Chamber;
- 2) the Chairman of District (Fleet) Court Martial - to personnel of the Staffs of a relevant District (Fleet) Court Martial and Garrison Court Martial;
- 3) Director General of the Court Department - to personnel of the Court Department.

4. Appointment to the position and dismissal from the position, as well as transfer or removal to another position of personnel of the Staffs of Courts Martial from the number of military persons shall be made by the Head of the relevant subdivision of the Court Department, and the personnel of the Staff of the Military Chamber—by the Chairman of the Military Chamber.

5. Personnel of the Staffs of Courts Martial, the Military Chamber and the Court Department from the number of military persons shall be paid lump sum allowance upon the discharge from military service and all additional money allowances that are defined for military persons by the Federal Law. In this case the amount of money allowances shall be calculated taking into account salaries of personnel of the Staffs of the Courts Martial, the Military Chamber and the Court Department from the number of military persons.

6. Clothing, food and other provision of Judges of Courts Martial and the Military Chamber, as well as of personnel of the Staffs of Courts Martial, the Military Chamber and the Court Department from the number of military persons shall be supplied on the grounds and in the amounts that are defined for military persons by the Federal Law.

7. Medical service, facilities of sanatoriums and health resorts, dwelling provision, clothing, food and other provision, compulsory state insurance of Judges of Courts Martial, as well as personnel of the Staffs of the Courts Martial, the Military Chamber and the Court

Department from the number of military persons, granting of other privileges and compensations, that are envisaged for military persons by the Federal Law, shall be provided by the relevant bodies of the Armed Forces of the Russian Federation, other troops, military formations and agencies at the expense of the Supreme Court of the Russian Federation and the Court Department respectively.

8. Personnel of the Staffs of the Courts Martial, the Military Chamber and the Court Department from the number of military persons and members of their family shall have the right at their discretion to use privileges and compensations, that are envisaged by the Federal Law either for personnel of the Staffs of Federal Courts of common jurisdiction and the members of their family, or for military persons and members of their family.

9. Military registration of Judges of Courts Martial and personnel of the Staffs of Courts Martial who were discharged from military service and safe-keeping of their personal records shall be carried out by the relevant Military Commissariats in the order, envisaged by the Federal Law.

**Article 37. Premises and Other Property of Courts Martial**

1. Courts Martial shall be located in premises which have exterior and interior corresponding to the constitutional status of the judicial power in the Russian Federation.

2. To administer justice, a Judge of Court Martial shall be granted promises that meet sanitary and hygienic standards and other standards that are defined.

3. Premises, buildings and movable property shall be used by Courts Martial solely for the purpose of administering justice or organizational provision of the court operation and shall be considered to be Federal property. The above mentioned property cannot be seized.

4. Courts Martial shall be free of rent and other payments for the use of land that is allocated for construction of buildings and premises which are in possession of Courts Martial; Courts Martial shall be free of communal and other payments for the maintenance of these buildings and premises.

**Article 38. Guarding and Escorting of Individuals Held in Custody**

1. In Courts Martial guarding of individuals held in disciplinary military units, held in custody in guard-room and their escorting shall be carried out by military units or military commandant's office of garrison respectively.

2. Escorting of individuals who are located in the place of detention, prisons and reformatory to a place where the Court Martial examines cases shall be carried out by the empowered Federal bodies of executive power.

## CHAPTER V - CLOSING AND TRANSITIONAL PROVISIONS

**Article 39.** *The Status of Courts Martial of Garrisons, Formations, Divisions, Fleet; Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose*

1. Courts of Martial of garrisons, formations, Divisions and fleet shall acquire the status of Garrison Courts Martial from the day when this Federal Constitutional Law enters into force.

2. Courts Martial of Districts, Fleets and Missile troops of strategic purpose shall acquire the status of District (Fleet) Courts Martial from the day when this Federal Constitutional Law enters into force.

**Article 40.** *The Status of Judges of Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose and the Military Chamber*

Judges of Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose and the Military Chamber shall acquire the status of Judges of Courts Martial and the Military chamber respectively from the day when this Federal Constitutional Law enters into force.

**Article 41.** *The Status of People's Assessors of Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose and the Military Chamber*

People's Assessors of Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose and the Military Chamber shall acquire the status of people's assessors of Courts Martial and the Military Chamber respectively from the day when this Federal Constitutional Law enters into force.

**Article 42.** *The Status of Personnel of the Staffs of Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose, the Military Chamber and Personnel of the Court Department*

1. Personnel of the Staffs of Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose, the Military Chamber and Personnel of the Court Department shall acquire the status of personnel of

the Staffs of Courts Martial, the Military Chamber and the Court Department respectively from the day when this Federal Constitutional Law enters into force.

2.Limits on the attachment of military persons to Courts Martial, the Supreme Court of the Russian Federation and the Court Department that are envisaged by Article 35 Chapter 2 of this Federal Constitutional Law shall be not less than the staff number that they have on the day when this Federal Constitutional Law enters into force.

3.On the sixtieth day after this Federal Constitutional Law enters into force, the staff number of the Department of Courts Martial of the Justice Ministry of the Russian Federation shall be transferred to the Court Department.

4.Until the staff number of the Department of Courts Martial of the Justice Ministry of the Russian Federation is transferred to the Court Department the former shall perform functions on organizational provision of the operation of Courts Martial according to this Federal Constitutional Law.

**Article 43.** *The Property Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile Troops of strategic purpose and the Military Chamber*

Courts Martial shall preserve property that is under operational control of Courts Martial of Garrisons, Formations, Divisions, Fleet, Courts Martial of Districts, Fleets and Courts Martial of Missile troops of strategic purpose and the Military Chamber.

**Article 44.** *Peculiarities of Financing and Material and Technical Provision of Courts Martial in the transitional period*

1.Till January 1, 2000 financing and material and technical provision of Courts Martial, the Military Chamber and the Main Department of provision for operation of Courts Martial of the Court Department shall be supplied by the Defense Ministry of the Russian Federation in the amount envisaged by this Federal Constitutional Law.

2.Financing of Courts Martial that are located outside the territory of the Russian Federation and in other necessary cases shall be provided by the relevant bodies of the Armed Forces of the Russian Federation, other troops, military formations and agencies from the funds transferred to them by the Court Department.

**Article 45.** *Entry into Force of this Federal Constitutional Law*

1. This Federal Constitutional Law enters into force since the day when it is officially published.

2. Standards of Article 15 Chapter 2, Article 22 Chapter 3 and Article 23 Chapter 2 of this Federal Constitutional Law that deal with decisions of Courts Martial on arrest, taking and keeping in custody shall enter into force from the day when the relevant Federal Criminal Procedure Law enters into force.

3. It shall be determined that from the day when this Federal Constitutional Law enters into force, the Law of the Soviet Republic of the Russian Federation on Court System in the RSFSR with amendments and changes, dated July 8, 1981 (Gazette of the Supreme Soviet of the RSFSR, 1981, #28, article 976; Gazette of Congress of People's delegates of the Russian Federation and the Supreme Soviet of the Russian Federation, 1992, #27, article 1560; #30, article 1794; 1993, #33, article 1313; Works on Legislation of the Russian Federation, 1994, #32, article 3300; 1999, #1, article 5), the Order of the Supreme Soviet of the Russian Federation on Some Questions of realization of provisions of the Law of the Russian Federation on the Status of Judges in the Russian Federation in relation to Judges of Courts Martial, their material provision and measures of social security, dated February 17, 1993 # 4502-I (Gazette of Congress of People's delegates of the Russian Federation and the Supreme Soviet of the Russian Federation, 1993, #9, article 331) and the Federal Law on Some Questions of Organization and Operation of Courts Martial and Bodies of Military Justice with further amendments and changes (Works on Legislation of the Russian Federation, 1994, #32, article 3305; 1998, #16, article 1796) shall be applicable in parts that do not contradict this Federal Constitutional Law.

4. From the day this Federal Constitutional Law enters into force the following shall be void in the territory of the Russian Federation and shall not be applied by Courts Martial that are situated outside the territory of the Russian Federation:

- 1) The Law of the USSR on Adoption of Regulations on Military Tribunals, dated December 25, 1958 and Regulations on Military Tribunals, adopted by the above mentioned law (Gazette of the Supreme Soviet of the USSR, 1959, #1, article 14);
- 2) The Order of the Presidium of the Supreme Soviet of the USSR on Amendments and Changes to the Regulations on Military Tribunals, dated February 21, 1968 (Gazette of the Supreme Soviet of the USSR, 1968, #9, article 64);

- 3) The Law of the USSR on the Adoption of The Order of the Presidium of the Supreme Soviet of the USSR on Amendments and Changes to the Regulations on Military Tribunals, dated June 26, 1968 (Gazette of the Supreme Soviet of the USSR, 1968, #27, article 235);
- 4) The Order of the Presidium of the Supreme Soviet of the USSR on Amendments to Article 9 of the Regulations on Military Tribunals, dated July 6, 1970 (Gazette of the Supreme Soviet of the USSR, 1970, #28, article 250);
- 5) The Law of the USSR on the Adoption of The Order of the Presidium of the Supreme Soviet of the USSR on Amendments to Article 9 of the Regulations on Military Tribunals, dated July 15, 1970 (Gazette of the Supreme Soviet of the USSR, 1970, #29, article 275);
- 6) Article 4 of the Order of the Presidium of the Supreme Soviet of the USSR On Amendments and Changes to Legislation of the USSR because of establishing Union and Republican Justice Ministry of the USSR dated August 12, 1971 (Gazette of the Supreme Soviet of the USSR, 1971, #33, article 332);
- 7) Article 4 of the Order of the Presidium of the Supreme Soviet of the USSR On Amendments and Changes to Some Legal Acts of the USSR, dated November 26, 1973 (Gazette of the Supreme Soviet of the USSR, 1973, #48, article 679);
- 8) The Law of the USSR on Amendments and Changes to the Regulations on Military Tribunals, dated June 25, 1980 and the Regulations on Military Tribunals in new edition, adopted by the above mentioned Law (Gazette of the Supreme Soviet of the USSR, 1980, #27, article 546);
- 9) The Law of the USSR on the Status of Judges in the Russian Federation, dated August 4, 1989 (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1989, #9, article 223);
- 10) The Resolution of the Supreme Soviet of the USSR on the Order of Enforcing the Law of the USSR on the Status of Judges in the USSR, dated August 4, 1989 (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1989, #9, article 224);
- 11) The Resolution of the Supreme Soviet of the USSR on the Oath of Judges and People's Assessors of Courts in the USSR, dated November 2, 1989 (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1989, #22, article 420);
- 12) The Resolution of the Supreme Soviet of the USSR on Adoption of the Regulations on Qualification Chambers of Judges in Courts of the USSR, dated November 2, 1989, and the Regulations on Qualification Chambers of Judges in Courts of the USSR, adopted by the above mentioned Resolution (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1989, #22, article 421);
- 13) The Order of the Supreme Soviet of the USSR on Adoption of the Regulations on Qualification Attestation of Judges, dated November 2, 1989, and the Regulations on

- Qualification Attestation of Judges, adopted by the above mentioned Order (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1989, #22, article 422);
- 14) The Resolution of the Supreme Soviet of the USSR on Adoption of the Regulations on Disciplinary Liability of Judges, recall and discharge before time of Judges and People's Assessors of courts in the USSR, dated November 2, 1989, and the Regulations on Disciplinary Liability of Judges, recall and discharge before time of Judges and People's Assessors of courts in the USSR, adopted by this Resolution (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1989, #22, article 423);
- 15) The Resolution of the Supreme Soviet of the USSR on Amendments to the Regulations on Qualification Attestation of Judges and the Regulations on Attestation Classes of Judges of courts in the USSR and Union Republics, dated November 2, 1989 (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1991, #24, article 691) in the part of making amendments to the Regulations on Qualification Attestation of Judges;
- 16) The decree of the President of the USSR on Identity Cards of Judges and People's Assessors of Military Tribunals of the Armed Forces of the USSR, dated July 31, 1991 (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1991, #32, article 917);
- 17) Article 3 of the Order of the Presidium of the Supreme Soviet of the USSR, dated July 30, 1975, on Extending of Military Charters on individuals who are performing military service in special motorized units of the Interior of the USSR and armed fire guard of General Office of the Interior of executive office for the city of Moscow and on Establishing Liability of these individuals on the grounds of the Law of the USSR on Criminal Liability for Military Crimes, dated December 1958 (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1991, #12, articles 421-422) in the part of setting jurisdiction of military tribunals;
- 18) Article 1 of the Order of the Presidium of the Supreme Soviet of the USSR, dated March 5, 1981, on Placing of all criminal and civil cases that appear in some special regime military units of the Defense Ministry of the USSR in jurisdiction of military tribunals and on prosecutor's supervision in these units (Gazette of Congress of People's delegates of the USSR and the Supreme Soviet of the USSR, 1991, #12, articles 422-423).

## Attachment

### List

of positions of Judges of Courts Martial and the Military Chamber of the Supreme Court of the Russian Federation and military ranks, corresponding to these positions

No.	Position	Military Rank
1.	Chairman of the Military Chamber of the Supreme Court of the Russian Federation	Colonel General of Justice
2.	Deputy Chairman of the Military Chamber of the Supreme Court of the Russian Federation, Chairman of the Staff of the Military Chamber of the Supreme Court of the Russian Federation; Chairman of Moscow District Court Martial	Lieutenant General of Justice
3.	Judge of the Military Chamber of the Supreme Court of the Russian Federation; Chairman of District (Fleet) Court Martial; Deputy Chairman of Moscow District Court Martial; Chairman of Moscow Garrison Court Martial	Major Colonel of Justice
4.	Deputy Chairman and Judge of District (Fleet) Court Martial; Chairman of Garrison Court Martial; Deputy Chairman of Moscow Garrison Court Martial	Colonel of Justice
5.	Deputy Chairman and Judge of Garrison Court Martial	Lieutenant Colonel of Justice

President

of the Russian Federation

B. Yeltsin

Moscow, Kremlin

June 23, 1999

## 12. ON THE STATE OF EMERGENCY

Adopted by the State Duma  
Approved by the Federation Council

on April 26, 2001  
on May 16, 2001

### Summary:

*This federal constitutional law defines the legal aspects of the special state of emergency regime to be used as a temporary measure by the Russian executive.*

*The law defines at the outset: conditions qualifying as a state of emergency; the objectives for introducing a state of emergency; and the circumstances and procedure for introducing a state of emergency.*

*The law specifies: the means of introducing the state of emergency; the content of the decree introducing the measure; publication of the decree; the Federation Council's approval of the measure; the limitations of the measures' duration; and the revocation of the measure.*

*The measures and temporary restrictions applied during a state of emergency are details including limitations on travel, meetings, freedom of the press, and the imposition of curfews.*

*The forces and means of ensuring the state of emergency are outlined by federal organisation: the Interior Ministry; the Armed Forces; and also the role of the commandant of the territory where the measure is introduced.*

*The document proceeds to outline the coordination of all forces and means for ensuring the implementation of emergency measures, details the means of subordinating troops and military formation, and proceeds to outline the additional guarantees and compensations available to persons involved in implementing emergency measures. The responsibility of persons on involved in implementing the measures are outlined.*

*The construction of temporary administrative bodies and the obligation to obey their directives is specified, as are the financing of such bodies, the implications for the rights of citizens, limits of application of means, and property and social rights. Other issues covered include the administration of justice, and the notification of international bodies, neighbouring states, and humanitarian organisations.*

Chapter I. General Provisions	(Articles 1-2)
Chapter II. Circumstances and Procedure for Introduction of the State of Emergency	(Articles 3-10)
Chapter III. Measures and Temporary Restrictions Applied in the Conditions of the State of Emergency	(Articles 11-15)

Chapter IV. Forces and Means to Ensure Regime of the State of Emergency	(Articles 16-21)
Chapter V. Special Administration of Territory Where the State of Emergency Is Imposed	(Articles 22-27)
Chapter VI. Guarantees of Rights of Citizens and the Responsibility of Citizens and Officials in the Conditions of the State of Emergency	(Articles 28-36)
Chapter VII. Final Provisions	(Articles 37-43)

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *State of Emergency*

1. The State of Emergency means a special legal regime of operation of the bodies of state authority, bodies of local self-administration, organizations regardless of their organizational form, legal status and forms of ownership, of their officials and societal associations, introduced in accordance with the Constitution of the Russian Federation and this Federal Constitutional Law throughout the territory of the Russian Federation or within its individual localities which allows for individual restrictions of the rights and freedoms of citizens of the Russian Federation, foreign citizens, persons without citizenship, the rights of organizations and societal associations and also the placing on them of additional obligations.

2. The introduction of the State of Emergency is a temporary measure applied exclusively to ensure the security of citizens and the protection of the constitutional system of the Russian Federation.

### **Article 2.** *Objectives of Introduction of the State of Emergency*

The introduction of the State of Emergency has the objectives of eliminating the circumstances which served as the grounds for its introduction, safeguarding the rights and freedoms of people and citizens, and protecting the constitutional system of the Russian Federation.

## CHAPTER II - CIRCUMSTANCES AND PROCEDURE FOR INTRODUCTION OF THE STATE OF EMERGENCY

### **Article 3.** *Circumstances of Introduction of the State of Emergency*

The State of Emergency is introduced only in the presence of circumstances which pose a direct threat to the life and security of citizens or the constitutional system of the Russian Federation, the elimination of which is not possible without the application of emergency measures. Such circumstances shall include:

a) attempts to alter by force the constitutional system of the Russian Federation, to seize or take over power, an armed uprising, mass riots, acts of terrorism, blockade or taking over of especially important installations or individual areas, training and operation of illegal armed formations, ethnic, inter-confessional and regional conflicts accompanied by acts of violence which create a direct threat to the life and security of citizens, the normal functioning of the state authorities and bodies of local self-administration;

b) nature or technology-induced states of emergency, emergency ecological situations, including epidemics and epizootics occurring as a result of accidents, hazardous natural phenomena, calamities, natural and other disasters which have entailed (which may entail) human casualties, the infliction of damage upon the health of people and the environment, considerable material losses and disturbance to vital activities of the population which require the carrying out of major emergency, rescue and other urgent operations.

### **Article 4.** *Introduction of the State of Emergency*

1. The State of Emergency throughout the territory of the Russian Federation or within its individual localities shall be introduced by a decree of the President of the Russian Federation by giving an immediate notification thereon to the Federation Council of the Federal Assembly of the Russian Federation and the State Duma of the Federal Assembly of the Russian Federation.

2. The decree of the President of the Russian Federation on the introduction of the State of Emergency shall be immediately submitted for approval to the Federation Council of the Federal Assembly of the Russian Federation.

### **Article 5.** *The Content of the Decree of the President of the Russian Federation On the Introduction of the State of Emergency*

The decree of the President of the Russian Federation on the introduction of the State of Emergency shall specify:

- a) the circumstances which served as the grounds for the introduction of the state of emergency;
- b) arguments to justify the introduction of the state of emergency;
- c) borders of the territory in which the state of emergency is imposed;
- d) forces and means to ensure a regime of the state of emergency;
- e) a list of emergency measures and limits of their operation, an exhaustive list of temporary restrictions of the rights and freedoms of citizens of the Russian Federation, foreign citizens and persons without citizenship, the rights of organizations and societal associations;
- f) state bodies (officials) responsible for the implementation of measures to be applied in the conditions of the state of emergency;
- g) effective date of the decree and also the effective period of the state of emergency.

**Article 6.** *Publication of the Decree of the President of the Russian Federation On the Introduction of a State of Emergency*

The Decree of the President of the Russian Federation On the Introduction of a State of Emergency shall be immediately released through radio and television channels and shall also be immediately published in the press.

**Article 7.** *Approval by the Federation Council of the Federal Assembly of the Russian Federation of the Decree of the President of the Russian Federation On the Introduction of a State of Emergency*

1. Upon publication of a Decree of the President of the Russian Federation on the introduction of a state of emergency, members of the Federation Council of the Federal Assembly of the Russian Federation are obligated to arrive at the place of meeting of the Federation Council of the Federal Assembly of the Russian Federation within the shortest possible time without a special summons.

2. The approval of a decree of the President of the Russian Federation on the introduction of a state of emergency shall be considered by the Federation Council of the Federal Assembly of the Russian Federation as a priority issue.

3. The Federation Council of the Federal Assembly of the Russian Federation shall within a time not exceeding 72 hours from the publication of a decree of the President of the Russian Federation on the introduction of a state of emergency consider the issue of approval of that decree and take a corresponding decision.

4. A Decree of the President of the Russian Federation on the introduction of state of emergency that is not approved by the Federation Council of the Federal Assembly of the Russian Federation shall become invalid upon the expiration of 72 hours from the time of its release, of which the population of the Russian Federation or of its respective individual localities shall be informed in the same manner as it was employed for the introduction of the state of emergency.

**Article 8.** *Peculiarities of Operation of the Federal Assembly of the Russian Federation During the Effective Period of a State of Emergency Throughout the Territory of the Russian Federation*

Upon the introduction of a state of emergency throughout the territory of the Russian Federation, the Federation Council of the Federal Assembly of the Russian Federation and the State Duma of the Federal Assembly of the Russian Federation shall continue their work throughout the effective period of the State of Emergency.

**Article 9.** *Effective Period of the State of Emergency*

1. The effective period of the state of emergency introduced throughout the territory of the Russian Federation may not exceed 30 days whilst that introduced within its individual localities may not exceed 60 days.

2. Upon the expiration of the period specified in Part One of this article, the state of emergency shall be regarded as terminated. In the event that within that period the objectives of the introduction of the state of emergency are not achieved, its effective period may be extended by a decree of the President of the Russian Federation subject to compliance with the requirements established by this Federal Constitutional Law with respect to the introduction of the state of emergency.

**Article 10.** *Revocation by the President of the Russian Federation of a State of Emergency*

Upon removal of the circumstances that served as the grounds for the introduction of the state of emergency ahead of the date fixed under Article 9 of this Federal Constitutional Law, the President of the Russian Federation shall revoke the state of emergency either wholly or in part; of which the population of the Russian Federation or of its respective individual localities shall be informed in the same way as of the introduction of the state of emergency.

**CHAPTER III - MEASURES AND TEMPORARY RESTRICTIONS APPLIED  
IN THE CONDITIONS OF A STATE OF EMERGENCY**

**Article 11. Measures and Temporary Restrictions Imposed Upon the Introduction of a State of Emergency**

The Decree of the President of the Russian Federation on the introduction of a state of emergency may for an effective period of the state of emergency provide for the imposition of the following measures and temporary restrictions, viz.:

a) total or partial suspension in the territory in which the state of emergency is introduced, of the powers of executive authorities of the subject (subjects) of the Russian Federation and also of local self-administration bodies;

b) imposition of restraints on the freedom of travel throughout the territory in which the state of emergency is introduced and also the introduction of a special regime of entry into and exit from that territory, including the establishment of restrictions on the entry into and stay within that territory of foreign citizens and persons without citizenship;

c) strengthening of law and order, enhancement of security of installations subject to state protection and also of facilities providing for the vital activities of the population and the operation of transport;

d) imposition of restraints on individual types of financial and economic activities, including the transfer of goods, services and financial means;

e) establishment of a special procedure for sale, acquisition and distribution of food products and objects of everyday necessity;

f) ban on or restriction of meetings, rallies, demonstrations, marches, picketing and other mass events;

g) ban on strikes or other methods of suspension or termination of activities of organizations;

h) restriction of traffic and performance of inspection of transport vehicles;

j) suspension of operation of hazardous production facilities and the activities of organizations using explosives, radioactive, chemically and biologically hazardous agents;

i) evacuation of material and cultural values to safer areas in case there exists a real danger of them being destroyed, misappropriated or damaged in connection with emergency circumstances.

**Article 12. Measures and Temporary Restrictions Imposed in the Conditions of a State of Emergency Introduced In the Presence of Circumstances Specified under Item 'a' of Article 3 of this Federal Constitutional Law**

In the event of the introduction of a state of emergency in the presence of circumstances

specified under Item 'a' of Article 3 of this Federal Constitutional Law, the Decree of the President of the Russian Federation on the introduction of a state of emergency may provide, over and above the measures and temporary restrictions specified in Article 11 hereof, with respect to the territory in which the state of emergency is introduced, also for the following measures and temporary restrictions, viz.:

a) introduction of a curfew, that is, a prohibition on being at a specified time of the day outdoors and in other public places without specially issued passes and identification papers;

b) restriction of freedom of the press and other media of mass information by introduction of prior censorship, indicating conditions and procedure for carrying out of same and also temporary confiscation or arrest of printed matter, radio-transmitting, sound-amplifying technical facilities, duplicating machines, establishment of a special procedure for the accreditation of journalists;

c) suspension of the activities of political parties and other societal associations that may hamper the elimination of circumstances which served as grounds for the introduction of the state of emergency;

d) checks of identification papers of citizens, personal inspection, inspection of their things, dwellings and cars;

e) restriction or ban on the sale of weapons, ammunition, explosives, special devices, poisonous substances, establishment of a special regime for the sale of medicines and drug-containing preparations, psychotropic agents, potent agents, ethyl alcohol, alcoholic drinks, alcohol-containing products. In exceptional cases it is allowed to carry out temporary confiscation from citizens of weapons, ammunition, poisonous substances and from organizations, regardless of their organizational form, legal status and forms of ownership, temporary confiscation along with weapons, ammunition and poisonous substances also of combat and military training hardware, explosive and radioactive substances;

f) deportation in the prescribed manner of persons violating the regime of the state of emergency who are not residents of the territory in which the state of emergency is introduced, beyond its boundaries, either at their own expense or if they have insufficient money—by using the funds of the federal budget to be subsequently compensated for through a court procedure;

g) extension of a term in custody of persons detained in compliance with the criminal procedural legislation of the Russian Federation on suspicion of having committed acts of terrorism or other especially grave crimes, for the duration of the effective period of the state of emergency, however for not more than three months.

**Article 13.** *Measures and Temporary Restrictions Imposed in the Conditions of a State of Emergency Introduced in the Presence of Circumstances Specified in Item 'b' of Article 3 of This Federal Constitutional Law*

In the event of the introduction of a state of emergency in the presence of circumstances specified in Item 'b' of Article 3 of this Federal Constitutional Law, a Decree of the President of the Russian Federation on the introduction of a state of emergency may provide, over and above the measures and temporary restrictions specified in Article 11 hereof, with respect to the territory where the state of emergency is introduced, also for the following measures and temporary restrictions, viz.:

a) temporary resettlement of residents to safer areas by providing those residents in an obligatory manner with stationary or makeshift living accommodation;

b) imposition of a quarantine, implementation of sanitation, anti-epidemics, veterinary and other activities;

c) utilization of the governmental material reserves, mobilization of the resources of organizations regardless of their organizational form, legal status and forms of ownership, alteration of their work regime, reorientation of the said organizations towards the manufacture of products essential in the conditions of the state of emergency and also other changes in the production and commercial activity as may be necessary in the conditions of the state of emergency;

d) suspension from work during the effective period of the state of emergency of directors of governmental organizations in connection with the improper performance by those directors of their obligations and appointment of other persons to act temporarily for those directors;

e) suspension from work during the effective period of the state of emergency of directors of non-governmental organizations in connection with the failure to perform or improper performance by them of measures envisaged under Item 'h' of Article 11 hereof and Item 'c' of this Article and appointment of other persons to act temporarily for those directors;

f) in exceptional cases associated with the necessity of carrying out and providing for emergency, rescue and other urgent operations, the mobilization of the able-bodied population and utilization of transport vehicles of citizens to execute said operations subject to obligatory compliance with labour safety requirements.

**Article 14.** *Restriction of the Right of Citizens of the Russian Federation to Participate in Elections and Referendums in the Conditions of a State of Emergency*

In the territory where the state of emergency is introduced, elections and referendums shall

not be held throughout the effective period of the state of emergency. In the event of expiration during the effective period of the state of emergency of a term in office of relevant elected bodies of state authority, local self-administration bodies and officials, the term in office of those bodies and persons shall be extended until the expiration of the effective period of the state of emergency, unless their powers are to be suspended in the manner prescribed under this Federal Constitutional Law.

**Article 15.** *Suspension of Legal Acts of State Authorities of the Subjects of the Russian Federation and Acts of Local Self-Administration Bodies*

The President of the Russian Federation shall have the right to suspend any legal acts of state authorities of the subjects of the Russian Federation, legal acts of local self-administration bodies that are valid in the territory where the state of emergency is introduced, in the event those acts contradict the decree of the President of the Russian Federation on the introduction of a state of emergency within the given territory.

**CHAPTER IV - FORCES AND MEANS ENSURING THE REGIME  
OF THE STATE OF EMERGENCY**

**Article 16.** *Forces and Means to Ensure the Regime of the State of Emergency*

In order to ensure the regime of the state of emergency use shall be made of forces and means of internal security organs, the criminal and law enforcement system, federal security bodies, internal security troops and also forces and means of agencies for civil defense, emergency situations and liquidation of consequences of natural calamities.

**Article 17.** *The Use of Additional Forces and Means to Ensure the Regime of the State of Emergency*

1. In exceptional cases, on the basis of a Decree of the President of the Russian Federation, over and above the forces and means specified in Article 16 of this Federal Constitutional Law, in order to ensure the regime of the state of emergency use may be made of the Armed Forces of the Russian Federation, other troops, military formations and bodies. The troops and bodies of the border service shall be used to ensure the regime of a state of emergency only for purposes of security of the state border of the Russian Federation.

2. The Armed Forces of the Russian Federation, other troops, military formations and bodies shall be used to fulfil the following tasks:

a) maintenance of a special regime of entry into the territory where the state of emergency is introduced and exit therefrom;

b) guarding of installations providing for the vital activity of the population, the functioning of transport and also of installations presenting an enhanced danger to the life and health of people and the environment;

c) disengagement of opposing parties involved in conflicts accompanied by acts of violence with the use of arms, combat and special-purpose equipment;

d) participation in curbing the activity of illegal armed formations;

e) participation in the liquidation of emergency situations and salvation of human lives as part of the forces of the combined state system for prevention and liquidation of emergency situations.

3. The tasks stated in Items 'a'–'d' of Part Two of this Article shall be implemented by the servicemen of the Armed Forces of the Russian Federation, other troops, military formations and bodies jointly with the officials of internal security bodies, the criminal and law enforcement system, federal security bodies and the servicemen of internal security troops. Moreover, the servicemen of the Armed Forces of the Russian Federation, other troops, military formations and bodies shall be subject to the provisions of the federal legislation on internal security troops in so far as it concerns the conditions, procedure and limits of use of physical force, special means, arms, combat and special-purpose equipment, guarantees of personal security of servicemen and members of their families, guarantees of their legal and social protection.

**Article 18.** *Commandant of the Territory Where the State of Emergency Is Introduced*

1. To exercise uniform command and control of forces and means ensuring the regime of the state of emergency, the President of the Russian Federation by his decree shall appoint a commandant of the territory where the state of emergency is introduced.

2. The commandant of the territory where the state of emergency is introduced shall:

a) give, within his respective powers, orders and directives related to ensuring a regime of the state of emergency, which are binding for execution in a respective territory upon all organizations regardless of organizational form, legal status and forms of ownership and officials of those organizations, citizens and also heads (commanders) of internal security bodies, agencies for affairs of civil defense, emergency situations and liquidation of consequences of natural calamities and military formations located (deployed) in the territory where the state of emergency is introduced whose services are additionally engaged to ensure a regime of the state of emergency;

- b) fix hours and duration of a curfew;
- c) determine a special regime of entry into the territory where the state of emergency is introduced and exit therefrom;
- d) institute a special regime for the sale of arms, ammunition, medicines and preparations containing narcotic drugs, psychotropic substances, potent substances, ethyl alcohol, alcoholic drinks and alcohol-containing products;
- e) determine the procedure for and designate places for storage of confiscated weapons, ammunition, substances and military hardware specified in Item 'e' of Article 12 of this Federal Constitutional Law;
- f) carry out the deportation in the established manner beyond the boundaries of the territory where the state of emergency is introduced of persons violating the regime of the state of emergency;
- g) make proposals to the President of the Russian Federation on the necessity to apply, in the territory where the state of emergency is introduced, measures and temporary restrictions envisaged by Articles 11-13 of this Federal Constitutional Law;
- h) notify the population through the mass media of a respective territory of the procedure for imposition of individual measures applicable in the conditions of the state of emergency;
- i) institute a special procedure for the accreditation of journalists in the territory where the state of emergency is introduced and the procedure for their work.

3. The commandant of the territory where the state of emergency is introduced shall have the right to take part in all the meetings of the state authorities and the meetings of the local self-administration bodies operating in the territory where the state of emergency is introduced and put forward proposals on issues assigned by this Federal Constitutional Law and other statutory acts of the Russian Federation to his/her competence.

4. The commandant of the territory where the state of emergency is introduced shall exercise control over of the commandant's office of the aforesaid territory. The activity of the commandant's office shall be subject to the regulations approved by the President of the Russian Federation.

5. The setting up of the commandant's office in the territory where the state of emergency is introduced shall not suspend the activity of the state authorities of the subjects of the Russian Federation and the local self-administration bodies operating within said territory.

**Article 19.** *Coordination of Forces and Means of Ensuring the Regime of the State of Emergency*

1. To coordinate the forces and means ensuring the regime of the state of emergency and incorporated as part of the commandant's office of the territory where the state of emergency is

introduced, a combined operational staff comprising representatives of the bodies ensuring the regime of the state of emergency may be created by a decree of the President of the Russian Federation.

2. The combined operational staff shall be controlled by the commandant of the territory where the state of emergency is introduced.

**Article 20.** *Peculiarities of Operational Subordination of Troops and Military Formations In the Case of Introduction of a State of Emergency Throughout the Territory of the Russian Federation*

In the case of the introduction of a state of emergency throughout the territory of the Russian Federation all the troops and military formations shall be placed under the operational subordination of a federal executive authority to be designated by the President of the Russian Federation.

**Article 21.** *Additional Guarantees and Compensations to Persons Involved in Ensuring the Regime of the State of Emergency*

1. The officials of internal security bodies, the criminal and the enforcement system, federal security bodies, servicemen of internal security troops, agencies for affairs of civil defense, emergency situations and liquidation of consequences of natural calamities, the Armed Forces of the Russian Federation, other troops, military formations, bodies and also other persons involved in ensuring the regime of the state of emergency shall have the right to additional guarantees and compensations envisaged under the legislation of the Russian Federation.

2. The registration of persons specified in Part One of this Article shall be effected in the manner established by the Government of the Russian Federation.

**CHAPTER V- SPECIAL ADMINISTRATION OF THE TERRITORY WHERE  
A STATE OF EMERGENCY IS INTRODUCED**

**Article 22.** *Bodies of special administration of the territory where a state of emergency is introduced*

The territory where a state of emergency is introduced may, by a decree of the President of the Russian Federation, be subject to a special administration of that territory through the setting up of:

- a) a temporary special administrative body of the territory where the state of emergency is introduced;
- b) a federal body of administration of the territory where the state of emergency is

introduced.

**Article 23.** *Address of the President of the Russian Federation Upon the Introduction of Special Administration of the Territory Where the State of Emergency Is Introduced*

If it is necessary to introduce a special administration of the territory where the state of emergency is introduced, the President of the Russian Federation shall address the population of the territory where the state of emergency is introduced and the officials of state authorities of the subject of the Russian Federation and local self administration bodies operating in that territory notifying them of a possibility of introduction of a special administration of the territory where the state of emergency is introduced by setting up a temporary special administrative body of the territory where the state of emergency is introduced or a federal administrative body of the territory where the state of emergency is introduced. The said address shall be brought to the notice of the population of the territory where the state of emergency is introduced through the mass media.

**Article 24.** *Temporary Special Administrative Body of the Territory Where the State of Emergency Is Introduced*

1. The temporary special administrative body of the territory where the state of emergency is introduced shall operate on the basis of regulations to be approved by the President of the Russian Federation.

2. The temporary special administrative body of the territory where the state of emergency is introduced may receive wholly or in part the powers of the executive authorities of the subject of the Russian Federation and local self-administration bodies operating in the territory where the state of emergency is introduced.

3. The head of the temporary special body of administration of the territory where the state of emergency is introduced shall be appointed by the President of the Russian Federation. The commandant of the territory where the state of emergency is introduced shall be subordinate to the head of the temporary special administrative body of the territory where the state of emergency is introduced and shall ex officio act as his first deputy.

**Article 25.** *Federal Administrative Body of the Territory Where the State of Emergency Is Introduced*

1. In the event that in the territory where the state of emergency is introduced the setting up of a temporary special administrative body of the aforesaid territory fails to achieve the objectives pursued by the introduction of the state of emergency, a federal administrative body of the

territory where the state of emergency is introduced may be created. In so doing, the temporary special administrative body of the territory where the state of emergency is introduced shall cease to exercise its powers.

2. The head of the federal administrative body of the territory where the state of emergency is introduced shall be appointed by the President of the Russian Federation. The regulations on the federal administrative body of the territory where the state of emergency is introduced shall be approved by the President of the Russian Federation.

3. In the event of the introduction of special administration of the territory where the state of emergency is introduced by setting up a federal administrative body of the territory where the state of emergency is introduced, the exercise of powers of state authorities of the subject of the Russian Federation and the local self-administration bodies operating in the aforesaid territory shall be suspended while their functions shall be entrusted to the federal administrative body of the territory where the state of emergency is introduced.

4. The commandant's office of the territory where the state of emergency is introduced, in the case of the institution of the given form of special administration of the said territory, shall be incorporated as part of the federal administrative body of the territory where the state of emergency is introduced. The commandant of the said territory shall *ex officio* act as the first deputy of the head of the federal administrative body of the territory where the state of emergency is introduced.

**Article 26.** *Legal Acts of the Special Administrative Bodies of the Territory Where the State of Emergency Is Introduced*

1. The administrative bodies of the territory where the state of emergency is introduced specified in Articles 24 and 25 hereof shall be entitled to publish within their respective powers orders and directives binding for execution in the respective territory regarding issues of ensuring the regime of the state of emergency.

2. Organizations, officials and citizens staying in the territory where the state of emergency is introduced shall be obligated to give every support to agencies for special administration of the territory where the state of emergency is introduced and fulfil all orders and directives concerning the maintenance of the regime of the state of emergency.

**Article 27.** *Financing Operations of Elimination of Causes and Consequences of Circumstances That Served as the Ground for the Introduction of a State of Emergency*

1. The scope of the mobilized state reserves, the amount of and procedure for the financing of and the material and technical support for operations of elimination of circumstances that

served as the grounds for the introduction of the state of emergency, including the procedure for the financing of social payments and compensations to citizens who suffered damage as a result of the circumstances that served as the ground for the introduction of the state of emergency, measures of temporary resettlement of residents to safer areas, in connection with the application of other measures envisaged by Chapter III hereof and also a procedure for payment of compensation to organizations which sustained damage in connection with the application of measures envisaged by Chapter III hereof shall be such as determined by the Government of the Russian Federation. In the event of insufficiency of budgetary allocations set aside to finance the said costs, the Government of the Russian Federation shall submit to the State Duma of the Federal Assembly of the Russian Federation a draft federal law providing for additional financing.

2. The financing of costs specified in Part One of this Article, shall be effected by using the funds of the federal budget. To carry out the said financing, use shall be made of field institutions of the Bank of Russia to be set up in accordance with the legislation on the Bank of Russia.

3. The bodies for special administration of the territory where the state of emergency is introduced may, during the effective period of the state of emergency, be vested with functions to dispose in the established manner of budgetary allocations used to restore the installations of vital activities, social sphere and the housing stock located in said territory.

## CHAPTER VI - GUARANTEES OF THE RIGHTS OF CITIZENS AND RESPONSIBILITY OF CITIZENS AND OFFICIALS IN THE CONDITIONS OF A STATE OF EMERGENCY

### **Article 28.** *Limits of Application of Measures and Temporary Restrictions in the Conditions of a State of Emergency*

1. Measures applied in the conditions of a state of emergency entailing the alteration (limitation) of powers of federal executive authorities, legislative (representative) and executive bodies of authority of the subjects of the Russian Federation, local self-administration bodies, the rights of organizations and societal associations, the rights and freedoms of people and citizens established by the Constitution of the Russian Federation, federal laws and other statutory acts of the Russian Federation shall be carried out within such limits as may be required by the seriousness of a given situation.

2. Measures specified in Part One of this Article shall correspond to the international obligations of the Russian Federation ensuing from international agreements of the Russian Federation in the field of human rights and shall not entail any discrimination against individual

persons or groups of the population exclusively on the basis of sex, race, nationality, language, origin, property and official position, place of residence, attitude towards religion, convictions, affiliation with societal associations and also by virtue of other circumstances.

**Article 29.** *Guarantees of Property and Social Rights of Citizens and Organizations During the Effective Period of the State of Emergency*

1. Persons mobilized to carry out and provide emergency, rescue and other urgent operations in accordance with Item 'f' of Article 13 hereof shall be guaranteed payment for their labour as is envisaged under the legislation on labour of the Russian Federation.

2. Persons who suffered as a result of the circumstances that served as the grounds for introduction of the state of emergency or in connection with the application of measures towards the elimination of such circumstances or the liquidation of their consequences shall be provided with dwelling premises, receive compensation for inflicted material damage, be assisted with employment, and be provided with necessary assistance under the conditions of and according to the procedure established by the Government of the Russian Federation.

3. Organizations whose property and resources were used in accordance with Item 'c' of Article 13 hereof shall have the right to receive compensation for the inflicted damage in the manner and the amounts as prescribed by the Government of the Russian Federation.

**Article 30.** *Procedure for and Conditions of Application of Physical Force and Special Means*

The procedure for and conditions of application of physical force, special means, weapons, combat and special-purpose equipment established by the federal laws and other statutory acts of the Russian Federation shall not be subject to alteration in the conditions of a state of emergency.

**Article 31.** *Procedure for Detention of Citizens Who Violate Curfew Rules*

1. Citizens who violate the curfew rules laid down in accordance with Item 'a' of Article 12 hereof shall be detained by the forces ensuring the regime of the state of emergency until the ending of the curfew, whilst citizens who do not have on them identification papers shall be detained pending the establishment of their identity, for not more, however, than three days by decision of the head of an internal security organ or his deputy. By court decision the aforesaid period may be extended for not more than ten days. Detained persons, things found on them, and their cars may be subject to inspection.

2. The decision of the head of an internal security organ or his deputy on detention may be

appealed against before a superior official or in court.

3. In the event of the introduction of a quarantine as a consequence of a threat of dissemination of infectious diseases dangerous to people, animals, and plants in the territory where the state of emergency is introduced, citizens to be deported beyond its boundaries in accordance with Item 'f' of Article 12 hereof, shall be detained on equal terms until the expiration of the pre-set term of observation over such citizens.

**Article 32.** *Responsibility for Violation of the Requirements of the Regime of a State of Emergency*

Citizens, officials and organizations in consideration of violation by them of the requirements of the regime of a state of emergency established in keeping with this Federal Constitutional Law shall be responsible under the legislation of the Russian Federation.

**Article 33.** *Legal Consequences of Termination of the Effective Period of a State of Emergency*

1. The decrees of the President of the Russian Federation and other statutory acts of the Russian Federation, statutory acts of the subjects of the Russian Federation adopted for the purposes of ensuring the regime of a state of emergency and associated with the temporary curtailment of rights and freedoms of citizens and also the rights of organizations shall become invalid simultaneously with the termination of the effective period of the state of emergency without any special notification thereof.

2. The termination of the effective period of the state of emergency shall entail the termination of administrative proceedings in cases on violation of the regime of the state of emergency and immediate liberation of persons subjected to administrative detention or arrest for the said grounds.

**Article 34.** *Responsibility of Persons Involved in Ensuring the Regime of a State of Emergency*

The unjustified use of physical force, special means, weapons, combat and special-purpose equipment by officials of internal security organs, the criminal-enforcement system, federal security bodies, servicemen of internal security troops, the Armed Forces of the Russian Federation, other troops, military formations and bodies and also the abuse by officials of the forces ensuring the regime of a state of emergency of official powers, including the violation of guarantees of the rights and freedoms of people and citizens as established by this Federal Constitutional Law shall entail responsibility in accordance with the legislation of the Russian Federation.

**Article 35.** *Administration of Justice in the Territory Where a State of Emergency Is Introduced*

1. Justice in the territory where a state of emergency is introduced shall be administered only by court of law. The aforesaid territory shall fall under the jurisdiction of all the courts set up in accordance with Chapter 7 of the Constitution of the Russian Federation.

2. The institution of any forms or types of emergency courts and the application of any forms and types of summary or emergency judicial proceedings shall not be allowed.

3. In the event that it is not possible to administer justice by courts operating in the territory where the state of emergency is introduced, then by decision of the Supreme Court of the Russian Federation or the Higher Arbitration Court of the Russian Federation according to their respective competence the territorial jurisdiction of cases being reviewed in courts may be subject to alteration.

**Article 36.** *Activity of the Prosecutor's Office in the Territory Where a State of Emergency Is introduced*

1. The activity of the prosecutor's office of the Russian Federation in the territory where the state of emergency is introduced shall be conducted in the manner established by federal law.

2. In case of the introduction of the state of emergency in territories of several subjects of the Russian Federation the General Prosecutor of the Russian Federation shall have the right to set up an interregional prosecutor's office for the territory where the state of emergency is introduced.

## CHAPTER VII - FINAL PROVISIONS

**Article 37.** *Notification of and Giving Information to the Organization of the United Nations and the Council of Europe of the Introduction of a State of Emergency and Termination of Its Effective Period*

1. In the case of introduction of a state of emergency in compliance with this Federal Constitutional Law, the federal executive authority in charge of foreign affairs shall, in accordance with the international obligations of the Russian Federation ensuing from the International Pact on Civil and Political Rights and the Convention on the Protection of Human Rights and Basic Freedoms, within a three day period notify the General Secretary of the Organization of the United Nations and inform the General Secretary of the Council of Europe of temporary restrictions of rights and freedoms of citizens constituting a deviation from the

obligations under the said international agreements, of the scope of those deviations and the causes of such a decision.

2. The federal executive authority in charge of foreign affairs shall inform of the termination, in accordance with this Federal Constitutional Law, of the effective period of the state of emergency and the full resumption of the validity of provisions of the International Pact on Civil and Political Rights and the Convention on the Protection of Human Rights and Basic Freedoms, the General Secretary of the Organization of the United Nations and the General Secretary of the Council of Europe respectively.

**Article 38.** *Notification of Neighboring States of the Introduction of a State of Emergency*

In the event of the introduction of a state of emergency in individual localities of the Russian Federation the federal executive authority in charge of foreign affairs shall within twenty four hours as of the adoption by the Federation Council of the Federal Assembly of the Russian Federation of a decision to approve the decree of the President of the Russian Federation on the introduction of a state of emergency notify neighboring states of the circumstances that served as the grounds for the introduction of the state of emergency.

**Article 39.** *International Humanitarian Aid*

International humanitarian aid in the territory where the state of emergency is introduced shall be provided in accordance with international agreements of the Russian Federation in the manner established by the Government of the Russian Federation.

**Article 40.** *Invalidation of Individual Legislative Acts In Connection with the Adoption of This Federal Constitutional Law*

In connection with the adoption of this Federal Constitutional Law the following are declared null and void:

- a) Law of RSFSR of May 17, 1991 No. 1253-1 on the State of Emergency (Vedomosti S'ezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR, 1991, No. 22, item 773);
- b) Decision of the Supreme Soviet of RSFSR of May 17, 1991 No. 1254-1 On the Procedure for Putting Into Effect of Law of RSFSR on the State of Emergency (Vedomosti S'ezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR, 1991, No. 22, item 774).

**Article 41.** *Statutory Acts To Be Brought into Accord with This Federal Constitutional Law*

It is proposed that the President of the Russian Federation, and required that the Government of the Russian Federation, bring their statutory acts into line with this Federal Constitutional Law.

**Article 42.** *Individual Legislative Acts of the Soviet Union to Be Declared Invalid and Inapplicable In the Territory of the Russian Federation*

In connection with the adoption of this Federal Constitutional Law the following are declared to be invalid and inapplicable in the territory of the Russian Federation:

a) Law of the USSR of April 3, 1990 No. 1407-1 On the Legal Regime of the State of Emergency (Vedomosti S' ezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR, 1990, No. 15, item 250);

b) Decision of the Supreme Soviet of the USSR of April 3, 1990 No. 1408-1 On the Putting Into Effect of the Law of the USSR On the Legal Regime of the State of Emergency (Vedomosti S' ezda Narodnykh Deputatov RSFSR i Verkhovnogo Soveta RSFSR, 1990, No. 15, item 251).

**Article 43.** *Entry Into Effect of This Federal Constitutional Law*

This Federal Constitutional Law shall take effect as of the day of its official publication.

President of the Russian Federation  
Moscow, The Kremlin

V. Putin

## 13. ON THE MARTIAL LAW OF 30 JANUARY 2002

Adopted by the State Duma December 27, 2001

Approved by the Federation Council January 16, 2002

### Summary:

*This federal constitutional law specifies the conditions in which martial law can be introduced and the conditions governing its operation. Martial law can be introduced against the threat of or actual aggression against the Russian Federation. The aim of its introduction is to repel or prevent external aggression.*

*The grounds for introducing martial law are detailed as are the means of doing so and the nature of the martial law regime itself. Cooperation with local government and forces are outlined as are the measures to be used in an area where martial law has been introduced which range from censorship to evacuation to suspension of political activity.*

*Powers of state bodies in the field are specified including: the role of the President; the Federal Assembly; the Russian government; other federal bodies; and finally the powers of courts in such circumstances.*

*The legal status of citizens and organisations during martial law are outlined as are responsibilities for breaking the martial law legislation. The procedures for cancelling martial law are also described.*

Chapter I. General Provision	(Art. 1–4)
Chapter II. The Regime of Martial Law and its provision	(Art. 5–10)
Chapter III. Powers of Bodies of State Authorities in the Field of Providing the Regime of Martial Law and Peculiarities of Their Functioning at the Time of Martial Law	(Art. 11 –17)
Chapter IV. Legal Status of Citizens and Organizations at the Time of Martial Law	(Art.18 –20)
Chapter V. Closing Provisions	(Art. 21–23)

## CHAPTER I –GENERAL PROVISIONS

### **Article 1. Martial Law**

1. Martial Law means a special legal regime which is introduced on the territory of the Russian Federation or in particular areas in accordance with the Constitution of the Russian

Federation by the President of the Russian Federation in case of aggression against the Russian Federation or a direct threat of aggression.

2.The aim of introducing Martial Law is to create conditions for repelling or preventing aggression against the Russian Federation.

3.The period of action of Martial Law shall start from the date and time of the beginning of Martial Law which shall be determined by the Order of the President of the Russian Federation on Introduction of Martial Law and shall end at the date and the time of Cancellation (Cessation of Action) of Martial Law.

4.According to this Federal Constitutional Law, at the time of Martial Law the rights and freedoms of the citizens of the Russian Federation, foreign citizens, individuals without citizenship (hereinafter referred to as citizens), activity of organizations irrespective of their organizational and legal forms and types of property, rights of their officials may be limited to the extent that is necessary in order to provide for the defense of the Country and the Security of the State. Additional responsibilities may be entrusted to citizens, organizations and their officials.

5.The Armed Forces of the Russian Federation, other troops, military formations and bodies that are fulfilling defense tasks (hereinafter referred to as the Armed Forces of the Russian Federation, other troops, military formations and bodies) shall be used for repelling or preventing aggression against the Russian Federation according to Federal Laws and other legal regulation acts of the Russian Federation and to commonly acknowledged standards and principles of the International Law and International Treaties of the Russian Federation.

6.Upon the introduction of Martial Law on the territory of the Russian Federation or in particular areas of the Country, full or partial mobilization shall be announced, if it has not been announced before, according to Federal Laws and other legal regulation acts of the Russian Federation.

## **Article 2.** *Legal Basis of Martial Law*

The Legal Basis of Martial Law shall be the Constitution of the Russian Federation, this Federal Constitutional Law, Federal laws and other legal regulation acts of the Russian Federation adopted on its grounds, as well as generally acknowledged principles and standards of International Law and International Treaties of the Russian Federation in this sphere.

## **Article 3.** *Grounds for Introduction of Martial Law*

1. According to part 2 article 87 of the Constitution of the Russian Federation the ground for the introduction of Martial Law by the President of the Russian Federation on the territory of the Russian Federation or in its particular areas shall be aggression against the Russian Federation or a direct threat of aggression.

2. For the aims of this Federal Constitutional Law and in accordance with generally acknowledged principles and standards of International Law, aggression against the Russian Federation shall be considered to be the use of armed force by a foreign state (group of states) against the sovereignty, political independence, and territorial integrity of the Russian Federation or in any other way incompatible with the UN Charter.

According to generally acknowledged principles and standards of International Law, acts of aggression against the Russian Federation shall be considered irrespective of declaration of war upon the Russian Federation by a foreign state (a group of states):

- 1) invasion or assault by the armed forces of a foreign state (a group of states) against the territory of the Russian Federation, any military occupation of the territory of the Russian Federation as a result of such invasion or assault, or any other annexation of the territory of the Russian Federation or of its part, using military force;
- 2) bombing the territory of the Russian Federation by the armed forces of a foreign state (a group of states) or using of any other weapons against the Russian Federation by a foreign state (a group of states);
- 3) blockade (siege) of ports and shores of the Russian Federation by the armed forces of a foreign state (a group of states);
- 4) attack by the armed forces of a foreign state (a group of states) against the Armed Forces of the Russian Federation and other troops irrespective of their dislocation;
- 5) actions of a foreign state (a group of states) that allows another foreign state (a group of states) to use its territory in order to perform an act of aggression against the Russian Federation;
- 6) sending by a foreign state (a group of states) or on behalf of a foreign state (a group of states) of armed gangs, groups, irregular forces or hirelings who use armed force against the Russian Federation equal to those acts of aggression mentioned in this subparagraph.

Acts of aggression against the Russian Federation may be also considered to be other acts of using armed force by a foreign state (a group of states), aimed against the sovereignty, political independence and territorial integrity of the Russian Federation or in any other way incompatible with the UN Charter, equal to the above mentioned acts of aggression.

3. For the purposes of this Federal Constitutional Law a direct threat of aggression against the Russian Federation may be considered actions of a foreign state (a group of states), that are

taken in contradiction to the UN Charter, generally acknowledged principles and standards of International Law and that give direct evidence that act of aggression against the Russian Federation, including announcement of war to the Russian Federation, was prepared.

**Article 4. Introduction of Martial Law**

1. Martial Law shall be introduced on the territory of the Russian Federation or in particular areas by the Order of the President of the Russian Federation.

The President of the Russian Federation shall immediately inform about the introduction of Martial Law the Federation Council of the Federal Assembly of the Russian Federation (hereinafter referred to as the Federation Council) and the State Duma of the Federal Assembly of the Russian Federation (hereinafter referred to as the State Duma).

2. The following shall be defined in the Order on Martial Law issued by the President of the Russian Federation:

circumstances that formed the grounds for the introduction of Martial Law;

date and time from which Martial Law starts to be valid;

boundaries of the territory where Martial Law is introduced.

3. The Order on Introduction of Martial Law, issued by the President of the Russian Federation, shall be immediately promulgated on the radio and television and shall be immediately officially published.

4. The Order on Introduction of Martial Law, issued by the President of the Russian Federation, shall be immediately submitted for approval by the Federation Council.

5. The question on adopting The Order on Introduction of Martial Law, issued by the President of the Russian Federation, shall be decided by the Federation Council within 48 hours since the Order was received.

In the case in which extraordinary or inevitable circumstances do not allow there to be held a meeting of the Federation Council at the appointed time, then such a question may be examined later than the time indicated in the first abstract of this subparagraph.

6. The decision on adopting The Order on Introduction of Martial Law, issued by the President of the Russian Federation, shall be supported by the majority of votes from the total number of members of the Federation Council and shall be formulated in a relevant resolution.

In the case in which The Order on Introduction of Martial Law, issued by the President of the Russian Federation, is not adopted by the Federation Council, this decision shall be formulated in the resolution of the Federation Council.

See: Regulations of the Federation Council of the Federal Assembly of the Russian Federation, adopted by Resolution No. 42-Φ3 of the Federation Council of the Federal Assembly of the Russian Federation, dated February 6, 1996.

7. An Order on Introduction of Martial Law, issued by the President of the Russian Federation, which was not adopted by the Federation Council shall cease to be valid from the next day after the decision was taken. The inhabitants of the Russian Federation or of relevant particular areas of the Russian Federation shall be informed about it in the same order as it was informed about the introduction of Martial Law.

## CHAPTER II - THE REGIME OF MARTIAL LAW AND ITS PROVISION

### **Article 5.** *The Regime of Martial Law*

1. The regime of Martial Law shall be defined by this Federal Constitutional Law and shall comprise a complex of economic, political, administrative, military and other measures that are aimed at creating conditions in order to repel or prevent aggression against the Russian Federation.

2. Measures that are envisaged by Article 7 of this Federal Constitutional Law shall be used only on the territory where Martial Law is introduced.

3. Measures that are envisaged by Article 8 of this Federal Constitutional Law may be used upon the introduction of Martial Law in the order determined by Federal laws and other legal regulation acts of the Russian Federation either on the territory where Martial Law is introduced or on the territories where Martial Law is not introduced.

### **Article 6.** *Provision of the Regime of Martial Law*

1. The regime of Martial Law shall be provided by the bodies of state authorities and the bodies of military command in accordance with the powers entrusted to them by this Federal Constitutional Law, other Federal laws and other legal regulation acts of the Russian Federation by the way of taking measures envisaged by this Federal Constitutional Law.

2. Measures that are envisaged by paragraph 2 Article 7 of this Federal Constitutional Law shall be used by Federal bodies of executive authority, executive authorities of the bodies of the Russian Federation and authorities of military command according to the Orders of the President of the Russian Federation.

3. Bodies of local self government shall cooperate with the bodies of state power and authorities of military command in providing for the regime of Martial Law.

**Article 7. Measures to Be Used in the Territory where Martial Law Has Been Introduced**

1. According to Federal laws and other legal regulation acts of the Russian Federation, the following measures shall be taken on the territory where Martial Law was introduced—measures in order to organize production (work, services) for state needs, to provide for the Armed Forces of the Russian Federation, other troops, military formations and bodies, special formations used for the time of war (hereinafter referred to as special formations) and for the needs of society.

2. On the basis of the Orders of the President of the Russian Federation the following measures are taken on the territory where Martial Law is introduced:

- 1) to strengthen maintenance of public order and provision of national security, guarding of military, important state and special institutions, institutions that provide for vital functions of society, transport operations, communications and signal service, institutions of power engineering, as well as establishments that are of higher danger for people's life and health and for the environment;
- 2) to introduce a special regime of work of institutions that provide for the operation of transport, communications and signal service, institutions of power engineering, as well as establishments that are of higher danger for people's life and health and for the environment;
- 3) to evacuate institutions of agricultural, social and cultural purpose as well as to temporarily settle out inhabitants to safe regions with obligatory supply of permanent or temporary dwellings;
- 4) to introduce and provide for a special regime of entrance into the territory where Martial Law is introduced and departure from it as well as limitation of movement on this territory;
- 5) to suspend the activity of political parties, other public organizations, religious missions that propagandize and/or agitate and carry out any other activity that jeopardize defense and security of the Russian Federation at the time of Martial Law;
- 6) to call citizens in the order envisaged by the Government of the Russian Federation to do work for the needs of defense, liquidate sequels after the enemy used weapons, restore damaged (destroyed) establishments of economics, life-support systems and military institutions as well as to take part in struggle with fire, epidemic and epizootic;
- 7) to seize property necessary for the needs of defense from organizations and individuals with further repayment for its cost by government according to Federal Laws;
- 8) to forbid or limit the choice of the place of residence or stay;

- 9) to ban or limit meetings, rallies, demonstrations, processions, picketing, as well as any other mass events;
- 10) to ban strikes and other ways of suspending or stopping the activity of organizations;
- 11) to limit the movement of transport means and to examine them;
- 12) to forbid the citizens to be in the streets and any other public places at a definite time of day and to grant Federal bodies of executive power, executive authorities of the bodies of the Russian Federation, and authorities of military command the right to verify identity documents, to carry out personal search, to search belongings, dwellings and transport means, if necessary, and on the grounds envisaged by the Federal Law—to detain citizens and transport means. But the term of detention of citizens shall not exceed 30 days;
- 13) to ban sales of arms, ammunition, explosive and poisonous substances, to set up a special regime of turnover of medicine and drugs containing narcotic and other drastic substances, alcohol drinks. In cases envisaged by federal laws and other legal regulation acts of the Russian Federation, arms, ammunition, explosive and poisonous substances shall be confiscated from citizens and along with arms, ammunition, explosive and poisonous substances; battle and educational military equipment and radioactive substances shall be confiscated from organizations;
- 14) to introduce control over work of establishments that provide for functioning of the transport, communications and signal service, publishing houses, calculation centers and automatic systems, mass media, to use their work for the needs of defense; to ban the work of transmitting and receiving personal radio stations;
- 15) to introduce military censorship over mail and messages transmitted via telecommunications means and to introduce control over telephone negotiations, to create bodies of censorship that are directly dealing with the above mentioned questions;
- 16) to intern (isolate) the rights of citizens of a foreign state that is in the state of war with the Russian Federation, according to commonly acknowledged principles and standards of International Law;
- 17) to forbid or limit the departure of citizens outside the territory of the Russian Federation;
- 18) to introduce additional measures that are aimed at strengthening the regime of secrecy in the bodies of state power, other state agencies, authorities of military command, bodies of local self government and organizations;
- 19) to cease the activity of foreign and international organizations in the Russian Federation if law enforcement agencies have reliable information that the abovementioned organizations carry out activity aimed at undermining the defense and security of the Russian Federation.

3. Measures that are envisaged by subparagraph 16 paragraph 2 of this Article may be taken at the time of Martial Law only in case of aggression against the Russian Federation.

4. Referenda and elections to bodies of state power and bodies of local self-government shall not be conducted on the territory where Martial Law is introduced.

5. Federal laws and other legal regulation acts of the Russian Federation that are governing the use of measures envisaged by paragraphs 1 and 2 of this Article may be adopted either in the time of Martial Law or before it is introduced.

**Article 8.** *Other Measures to be Taken at the Time of Martial Law*

1. At the time of Martial Law the following measures may be envisaged by Federal Laws and other legal regulation acts of the Russian Federation aimed at producing goods (carrying out work, services) for state needs, provision of the Armed Forces of the Russian Federation, other troops, military formations and bodies, special formations and for the needs of people: measures connected with the introduction of temporary limitations on economic and financial activity, turnover of property, free movement of goods, services and financial means; limitations on search, receipt, transfer, production and distribution of information; the following may be temporarily changed: forms of property, the order and conditions of bankruptcy procedures, regime of labor activity; peculiarities of financial, tax, customs and bank regulations may be set either on the territory where Martial Law is introduced or on the territories where Martial Law is not introduced.

2. Federal laws and other legal regulation acts of the Russian Federation that are envisaged by paragraphs 1 of this Article may be adopted either in the time of Martial Law or before it is introduced.

**Article 9.** *Enlisting of the Armed Forces of the Russian Federation, Other Troops, Military Formations and Bodies in order to provide for the Regime of Martial Law*

The Armed Forces of the Russian Federation, other troops, military formations and bodies may be enlisted to provide for the regime of Martial Law in the order envisaged by legal regulation acts of the President of the Russian Federation.

1. For the provision of the regime of Martial Law the Armed Forces of the Russian Federation, other troops, military formations and bodies shall perform the following tasks:

1) to support a special regime of entrance to the territory where Martial Law is introduced and a special regime of departure from it, and to limit the freedom of movement on it;

- 2) to take part in rescue and evacuation of the inhabitants, to carry out emergency and rescue and other urgency work, to struggle with fire, epidemic and epizootic;
- 3) to guard military, important state and special institutions, establishments that are providing for the vital activity of people, operation of transport, communications and signal service, power engineering institutions and establishments that are of higher danger for people's life and health and for the environment;
- 4) to stop activity of illegal armed formations, terrorist and subversive activity;
- 5) to maintain public order and provide for the National security;
- 6) to participate in taking other measures in order to provide for the regime of Martial Law.

**Article 10.** *Provision of Martial Law on the Territory where Military Operations are conducted*

1. Taking measures that are envisaged by paragraph 2 Article 7 of this Federal Constitutional Law may be entrusted to authorities of military command under the Order of the President of the Russian Federation on the territory where military operations are conducted and where Martial Law is introduced, according to this Federal Constitutional Law.

2. The boundaries of the territory defined in paragraph 1 of this Article and the powers of the authorities of military command from the list of powers envisaged by paragraph 2 Article 14 of this Federal Constitutional Law shall be determined by the Order of the President of the Russian Federation.

**CHAPTER III - POWERS OF BODIES OF STATE AUTHORITIES IN THE  
FIELD OF PROVIDING THE REGIME OF MARTIAL LAW AND  
PECULARITIES OF THEIR FUNCTIONING AT THE TIME OF MARTIAL  
LAW**

**Article 11.** *The Powers of the President of the Russian Federation in the sphere of provision of Martial Law*

The President of the Russian Federation shall:

- 1) manage the organization in order to provide for the regime of Martial Law;
- 2) provide coordinated operation and cooperation of the bodies of state power in order to provide for the regime of Martial Law;
- 3) control the taking of measures to provide for the regime of Martial Law;
- 4) determine according to this Federal Constitutional Law measures to provide for the regime of Martial Law that shall be taken by Federal bodies of executive power, executive authorities of the

- bodies of the Russian Federation and authorities of military command on the territory where Martial Law is introduced, as well as powers of the said bodies to take such measures;
- 5) define tasks and determine the order of enlisting The Armed Forces of the Russian Federation, other troops, military formations and bodies to provide for the regime of Martial Law;
  - 6) suspend the activity of political parties, other public associations, religious formations that conduct propaganda and/or agitation and any other activity that undermine defense and security of the Russian Federation at the time of Martial Law;
  - 7) put bans and limitations on meetings, rallies, demonstrations, processions, picketing, as well as any other mass events;
  - 8) ban strikes and other ways of suspending or stopping the activity of organizations;
  - 9) determine the order of military service at the time of Martial Law;
  - 10) take necessary measures to stop or suspend the action of International Treaties of the Russian Federation with a foreign state (a group of states) that committed an act of aggression against the Russian Federation and/or states that are allies to it;
  - 11) cease activity of foreign and international organizations in the Russian Federation if law enforcement agencies have reliable information that the above mentioned organizations carry out activity aimed at undermining defense and security of the Russian Federation;
  - 12) set a special regime of operation of institutions that provide for the operation of transport, communications and signal service, institutions of power engineering, as well as establishments that are of higher danger for people's life and health and for the environment;
  - 13) adopt regulations on Federal bodies of executive power that the President is managing.

**Article 12.** *The Powers of Chambers of Federal Assembly of the Russian Federation in the Field of Providing for Martial Law*

1. Federation Council shall:
  - 1) consider Federal Laws on the Matters of Providing for the Regime of Martial Law, adopted by the State Duma;
  - 2) consider Federal Laws, adopted by the State Duma, on the Matters of Stopping or Suspending International Treaties of the Russian Federation with a foreign state (a group of states) that committed an act of aggression against the Russian Federation and with the states that are allies to this foreign state (a group of states).
2. The State Duma shall:
  - 1) adopt Federal Laws on the matters of providing the Regime of Martial Law;
  - 2) adopt Federal Laws on the Matters of Stopping or Suspending International Treaties of the Russian Federation with a foreign state (a group of states) that committed an act of aggression

against the Russian Federation and with the states that are allies of this foreign state (a group of states).

**Article 13.** *The Powers of the Government of the Russian Federation in the Sphere of providing for the Regime of Martial Law*

1. The Government of the Russian Federation shall:

1) govern within the scope of its competence the activity of Federal bodies of executive power, executive authorities of the bodies of the Russian Federation and organizations in order to provide for the regime of Martial Law;

2) organize elaboration and provide for taking measures aimed at production of goods (carrying out work, rendering services) for state needs, provision of the Armed Forces of the Russian Federation, other troops, military formations and bodies, special formations and for people's needs;

3) determine the order of concluding agreements (contracts) on fulfilling tasks (orders) by organizations with the view to provide for defense and security of the Russian Federation, as well as the order of cancellation of previous agreements (contracts);

4) organize the work to provide for the needs of the state at the time of Martial Law with the use of material, technical, labor and other resources; organize the elaboration of a military and economic plan;

5) adopt regulations on Federal bodies of executive power that it governs.

2. Proceeding from the interests of providing defense and security of the Russian Federation, the Chairman of the Government of the Russian Federation shall submit to the President of the Russian Federation proposals on the structure of Federal bodies of executive power for the period of Martial Law.

**Article 14.** *The Powers of Federal Bodies of Executive Power in the Sphere of providing for the Regime of Martial Law*

1. To provide for the regime of Martial Law, Federal bodies of executive power shall execute the following powers within their competence:

1) to organize production of goods (work, services) for the needs of the state, provision of the Armed Forces of the Russian Federation, other troops, military formations and bodies, special formations and for people's needs;

2) to organize provision (if necessary, rationing) of inhabitants with foodstuffs and commodities and medical service;

- 3) to regulate the activity of organizations of industry, trade, public catering, consumer services and municipal services;
- 4) to announce via mass media to the inhabitants where Martial Law is introduced about the order of taking measures envisaged by this Federal Constitutional Law.
- 5) to implement measures envisaged by subparagraph 2 Article 7 of this Federal Constitutional Law, Federal bodies of executive power shall execute the following powers according to the Orders of the President of the Russian Federation:
  - 1) to maintain public order and provide for national security, to guard military, important state and special institutions, institutions that provide for vital functions of society, transport operations, communications and signal service, institutions of power engineering, as well as establishments that are of higher danger for people's life and health and for the environment;
  - 2) to evacuate institutions of agricultural, social and cultural purpose as well as to temporarily settle out inhabitants to safe regions with obligatory supply of permanent or temporary dwellings;
  - 3) to introduce and provide for a special regime of entrance into the territory where Martial Law is introduced and departure from it as well as limitation of movement on this territory;
  - 4) to call citizens in the order envisaged by the Government of the Russian Federation to do work for the needs of defense, liquidate sequels after the enemy used weapons, restore damaged (destroyed) establishments of economics, life-support systems and military institutions as well as to take part in struggle with fire, epidemic and epizootic;
  - 5) to seize transport means and other property necessary for the needs of defense from organizations and individuals with further repayment for its cost by the government according to Federal Laws;
  - 6) to forbid or limit the choice of the place of residence or stay on the territory where Martial Law is introduced;
  - 7) to limit the movement of transport means and to examine them;
  - 8) to forbid the citizens to be in the streets and any other public places at a definite time of day and to grant Federal bodies of executive power, executive authorities of the bodies of the Russian Federation and authorities of military command the right to verify identity documents, to carry out personal search, to search belongings, dwellings and transport means, if necessary, and on the grounds envisaged by the Federal Law—to detain citizens and transport means;
  - 9) to ban sales of arms, ammunition, explosive and poisonous substances, to set up a special regime of turnover of medicine and drugs containing narcotic and other drastic substances, alcohol drinks. In cases envisaged by federal laws and other legal regulation acts of the Russian Federation, arms, ammunition, explosive and poisonous substances shall be confiscated from citizens and along with arms, ammunition, explosive and poisonous substances; battle and

educational military equipment and radioactive substances shall be confiscated from organizations;

10) to introduce control over work of establishments that provide for functioning of the transport, communications and signal service, publishing houses, calculation centers and automatic systems, mass media, to use their work for the needs of defense; to ban the work of transmitting and receiving personal radio stations;

11) to introduce military censorship over mail and messages transmitted via telecommunications means and to introduce control over telephone negotiations, to create bodies of censorship that are directly dealing with the above mentioned questions and to determine the powers of such bodies;

12) to provide for executing the Orders of the President of the Russian Federation on suspension of the activity of political parties, other public organizations, religious missions that propagandize and/or agitate and carry out any other activity that jeopardize defense and security of the Russian Federation at the time of Martial Law;

13) to intern (isolate) the rights of citizens of a foreign state that is in the state of war with the Russian Federation, according to commonly acknowledged principles and standards of International Law;

14) to forbid or limit the departure of citizens outside the territory of the Russian Federation;

15) to introduce additional measures that are aimed at strengthening the regime of secrecy in the bodies of state power, other state agencies, authorities of military command, bodies of local self government and organizations;

16) to determine the order and storing place of confiscated weapons, ammunition, explosive and poisonous substances, military battle and educational equipment and radioactive substances;

17) to introduce on the territory where Martial Law is introduced a special regime of work of institutions that provide for the operation of transport, communications and signal service, institutions of power engineering, as well as establishments that are of higher danger for people's life and health and for the environment;

18) to provide for the implementation of the Orders of the President of the Russian Federation on discontinuance of activity of foreign and international organizations in the Russian Federation if law enforcement agencies have reliable information that the abovementioned organizations carry out activity aimed at undermining defense and security of the Russian Federation.

3. Federal bodies of executive power, their territorial bodies and officials that are providing for the regime of Martial Law shall issue within their competence legal regulation acts on the matters of their activity, compulsory for implementation by executive authorities of the bodies of the

Russian Federation, bodies of local self-government, organizations and their officials and citizens.

**Article 15.** *The Powers of Executive Authorities of the Bodies of the Russian Federation in the Sphere of Providing for the Regime of Martial Law*

1. On the territory where Martial Law is introduced, Executive authorities of the bodies of the Russian Federation shall execute the following powers within their competence:

1) to organize production of goods (work, services) for the needs of the state, provision of the Armed Forces of the Russian Federation, other troops, military formations and bodies, special formations and for people's needs;

2) to organize provision (if necessary, rationing) of inhabitants with foodstuffs and commodities and medical service;

3) to regulate the activity of organizations of industry, trade, public catering, consumer services and municipal services;

4) to announce via mass media to the inhabitants where Martial Law is introduced about the order of taking measures envisaged by this Federal Constitutional Law;

5) to assist Federal bodies of executive power and authorities of military command in taking measures envisaged by this Federal Constitutional Law.

2. According to the Orders of the President of the Russian Federation, executive authorities of the bodies of the Russian Federation shall be enlisted in order to take measures foreseen by paragraph 2 Article 7 of this Federal Constitutional Law and shall be granted powers envisaged by paragraph 2 Article 14 of this Federal Constitutional Law.

3. executive authorities of the bodies of the Russian Federation that are providing for the regime of Martial Law shall issue within their competence legal regulation acts on the matters of their activity, compulsory for implementation by executive authorities of the bodies of the Russian Federation, bodies of local self-government, organizations and their officials and citizens.

**Article 16.** *The Activity of Courts, Prosecutor's Offices on the Territory Where Martial Law Is introduced*

1. The courts set up according to the Constitution of the Russian Federation and Federal Constitutional Laws shall function on the territory where Martial Law is introduced. Justice is administered in accordance with the Constitution of the Russian Federation, Federal Constitutional Laws and other Federal Laws.

2. If it is impossible for the courts that are functioning on the territory where Martial Law is introduced to administer justice, then according to the decision of the Supreme Court of the Russian Federation or the High Arbitration Court of the Russian Federation and within their competence territorial jurisdiction of cases that are examined by courts may be changed.
3. The activity of Prosecutor's offices of the Russian Federation shall be conducted according to the Constitution of the Russian Federation and Federal Laws on the territory where Martial Law is introduced.

**Article 17.** *Peculiarities of Activity of the Bodies of State Power at the Time of Martial Law*

1. At the time of Martial Law:

According to the Order of the President of the Russian Federation, Federal bodies of executive power, that are governing the questions of provision of defense and security of the Russian Federation and the regime of Martial Law, may be determined;

According to the Order of the President of the Russian Federation, functions and powers of Federal bodies of executive power may be re-assigned with the view to provide for the interests of maintenance of defense and security of the Russian Federation and the regime of Martial Law.

2. Upon the introduction of Martial Law, Federal bodies of state power and executive authorities of the bodies of the Russian Federation in which the order of executing powers and the procedure of activity are governed by regulations, adopted by them, shall make necessary amendments to the above mentioned regulations, taking into account peculiarities of the regime of Martial Law.

#### CHAPTER IV - LEGAL STATUS OF CITIZENS AND ORGANIZATIONS AT THE TIME OF MARTIAL LAW

**Article 18.** *Legal Status of Citizens at the Time of Martial Law*

1. At the time of Martial Law citizens shall enjoy all the rights and freedoms of a person and a citizen that are envisaged by the Constitution of the Russian Federation with the exception of the rights and freedoms that are limited by this Federal Constitutional Law and other Federal Laws.
2. The citizens shall fulfil the requirements of this Federal Constitutional Law, other Federal Laws and legal regulation acts of the Russian Federation on the matters of Martial Law.
3. Citizens, who are on the territory where Martial Law is introduced, shall:
  - 1) fulfil requirements of Federal bodies of executive power, executive authorities of the bodies of the Russian Federation, authorities of military command, that are providing for the regime of Martial Law, and their officials and render assistance to such bodies, authorities and officials;

- 2) appear on call to Federal bodies of executive power, executive authorities of the bodies of the Russian Federation, authorities of military command, that are providing for the regime of Martial Law, and to Military Commissariats of the districts, cities without district division, other municipal (administrative and territorial) formations on the territories of which the above mentioned citizens reside;
- 3) fulfil requirements that are stated in instructions given to them, summons and resolutions of Federal bodies of executive power, executive authorities of the bodies of the Russian Federation, authorities of military command, that are providing for the regime of Martial Law, and their officials;
- 4) participate in the order determined by the Government of the Russian Federation in doing jobs for the needs of defense to liquidate the sequels after the enemy used weapons, restore damaged (destroyed) establishments of economics, life-support systems and military institutions as well as to take part in struggle with fire, epidemic and epizootic;
- 5) give property that is necessary for the needs of defense and that is in their possession with further repayment of its cost by the Government, according to Federal Laws.

According to Federal Constitutional Law No. 1-ФКЗ, dated February 26, 1997, the activity of the Commissioner of Human rights in the Russian Federation shall not be suspended

**Article 19.** *Legal Status of Organizations at the Time of Martial Law*

1. At the time of Martial Law the rights of organizations and their officials may be limited only to the extent that is necessary for the purpose of providing for defense and security of the Russian Federation and on the grounds that are envisaged by this Federal Constitutional Law and Federal Laws adopted in accordance with it.
2. Organizations that are on the territory where Martial Law is introduced shall fulfil the requirements of Federal bodies of executive power, executive authorities of the bodies of the Russian Federation, authorities of military command, that are providing for the regime of Martial Law, and their officials and render assistance to such bodies, authorities and officials.
3. At the time of Martial Law organizations shall:
  - 1) give property that is necessary for the needs of defense and that is in their possession with further repayment of its cost by the Government, according to Federal Laws;
  - 2) implement tasks (orders) aiming at providing for defense and security of the Russian Federation in accordance with agreements (contracts) signed.

**Article 20.** *Responsibility for Breaking the Legislation of the Russian Federation on Martial Law*

The guilty shall bear responsibility according to the Legislation of the Russian Federation for breaking the provisions of this Federal Constitutional Law, other Federal Laws and legal regulation acts of the Russian Federation on the matters of Martial Law and for offenses committed at the time of Martial Law.

**CHAPTER V - FINAL PROVISIONS**

**Article 21.** *Cancellation (Termination) of Martial Law*

Martial Law that has been introduced on the territory of the Russian Federation or in its particular regions according to this Federal Constitutional Law, shall be cancelled by the Order of the President of the Russian Federation after the grounds for its introduction were eliminated and the inhabitants of the Russian Federation or relevant particular regions shall be informed about it in the same order as they were informed about the introduction of Martial Law.

Martial Law shall cease in case foreseen by paragraph 7 Article 4 of this Federal Constitutional Law.

From the moment of cancellation (termination) of Martial Law legal regulation acts that were adopted in order to provide for the regime of Martial Law shall be invalid and shall be cancelled by the bodies that issued them.

From the moment of cancellation (termination) of Martial Law Federal bodies of executive power, executive authorities of the bodies of the Russian Federation, authorities of military command shall cease to have powers of providing for the regime of Martial Law in the order defined by the President of the Russian Federation.

**Article 22.** *Giving Notice to and Informing the Organization of the United Nations and the Council of Europe on the Introduction and Cancellation (Termination) of Martial Law*

1. In the case that Martial Law is introduced on the territory of the Russian Federation or in its particular regions the President of the Russian Federation, executing International duties of the Russian Federation, shall take measures to give Notice to Secretary General of the Organization of the United Nations (and via Secretary General of all Member States of the Organization of the United Nations) and inform Secretary General of the Council of Europe that the Russian Federation deviates from its duties, that were taken in accordance with International Treaties, in connection with limitations of rights and freedoms of citizens.

2. The President of the Russian Federation, executing International duties of the Russian Federation, shall take measures to give Notice to the Secretary General of the Organization of the United Nations (and, the via Secretary General, to all Member States of the Organization of the United Nations) and inform the Secretary General of the Council of Europe on the date when the Russian Federation stop deviation from duties mentioned in paragraph 1 of this Article in connection with cancellation (termination) of Martial Law.

**Article 23.** *Entry into force of this Federal Constitutional Law*

This Federal Constitutional Law shall enter into force from the day of its official publication.

President of the Russian Federation

V. Putin

## **14.ON SEVERAL ISSUES ON ARRANGEMENT OF THE ACTIVITY OF MARTIAL-LAW COURTS AND BODIES OF MILITARY JUSTICE**

Adopted by the State Duma on October 21, 1994

Approved by the Federation Council on November 17, 1994

(in the version of Federal Law № 61-ΦЗ dated 13.04.98)

### *Summary:*

*This federal law deals with the practical aspects of establishing martial law courts and bodies.*

*The establishment, the procedures of doing military service in martial law courts and related military justice bodies; the material security of those attached to martial law courts; the financing and supply of the courts; and the guarding and convoying of persons committed to those courts.*

### **Article 1. Martial-Law Courts**

The martial-law courts shall be part of the judicial system of the Russian Federation; they shall be the Federal courts and exercise administration of justice in the Armed Forces of the Russian Federation, other troops, as well as in the bodies and formations, providing for military service by the effective legislation. Before adoption of the Federal Constitutional Law on the Judicial System of the Russian Federation and the Federal Law on the Martial-Law Courts of the Russian Federation in relation to martial-law courts there shall be applied the Provision on Military Tribunals (in the version of the USSR Law ‘On Entry of Amendments and Additions in the Provision on Military Tribunals’ dated June 25 1980) in the part not contradicting to the effective Legislation.

### **Article 2. Procedure of Doing Military Service in Martial-Law Courts and Bodies of Military Justice**

The military persons of martial-law courts, Military Collegium of the Supreme Court of the Russian Federation and Martial-Law Court Department of the Ministry of Justice of the Russian Federation shall do military service in the Armed Forces of the Russian Federation, and be part of their staff quantity. The military regulations and provisions, defining the procedure of doing military service with account of the peculiarities fixed by the Law of the Russian Federation ‘On

the Status of Judges in the Russian Federation’, other legal acts and the present Federal Law shall apply to the above military persons.

Clause 8 of the Resolution of the Supreme Council of the Russian Federation ‘On Some Measures Connected with Observance of the Law of the Russian Federation ‘On Military Duty and Military Service’ in the part related to attachment of military persons of martial-law courts to specific martial-law courts shall be repealed.

Until the entry of the corresponding amendments and additions into the Law of the Russian Federation ‘On Military Duty and Military Service’ the effect of Article 30 of the mentioned Law providing conclusion of a contract on doing military service shall be suspended in relation to the martial-law court judges and Military Collegium of the Supreme Court of the Russian Federation.

To give to the judges of martial-law courts and Military Collegium of the Supreme Court of the Russian Federation equal rights and benefits fixed by the Law of the Russian Federation ‘On the Status of Military Persons’ with the military persons doing military service under a contract.

**Article 3.** *Material Security of the Military Persons of Martial-Law Courts and Bodies of Military Justice*

The monthly official salaries and qualification class increments to the judges of martial-law courts and Military Collegium of the Supreme Court of the Russian Federation, class rank increments to the military persons and civil personnel of the staffs of martial-law courts, Military Collegium of the Supreme Court of the Russian Federation and Martial-Law Court Department of the Ministry of Justice of the Russian Federation shall be paid in the amounts, approved by the Resolution of the Supreme Council of the Russian Federation dated February 17, 1993 ‘On Some Issues Related to Realization of the Provisions of the Law of the Russian Federation ‘On Status of the Judges in the Russian Federation’ in Relation to the Judges of Martial-Law Courts, their Material Security and Measures of their Social Security”.

The monthly official salaries of the military persons and civil personnel of the staffs of the Military Collegium of the Supreme Court of the Russian Federation and Martial-Law Court Department of the Ministry of Justice of the Russian Federation, as well as of the martial-law courts shall be fixed at the level of the official salaries, envisaged for analogues positions of the correspondingly main and central departments of the Ministry of Defense of the Russian Federation, military units and institutions of the Armed Forces of the Russian Federation.

Payment of monthly salaries in compliance with the given military rank, payment of all annual, monthly, additional lump-sum monetary payments, issue of all categories of in-kind and

other allowances and supply to the military persons of the martial-law courts, Military Collegium of the Supreme Court of the Russian Federation and Martial-Law Court Department of the Ministry of Justice of the Russian Federation, as well as to the civil personnel of the corresponding staffs shall be effected under the grounds and in the amounts fixed by the effective Legislation for the military persons and civil personnel of the Armed Forces of the Russian Federation.

**Article 4.** *Financing and Material-Technical Supplies of the Martial-Law Courts and Bodies of Military Justice*

Financing and material-technical supply of the martial-law courts, Military Collegium of the Supreme Court of the Russian Federation and Martial-Law Court Department of the Ministry of Justice of the Russian Federation shall be provided on account of the funds assigned to the Ministry of Defense of the Russian Federation out of the Federal Budget.

Financing and material-technical procurement, supply with vehicles, means of communication, service premises, all categories of allowances, as well as guarding of premises and storage of archive materials of the martial-law courts, Military Collegium of the Supreme Court of the Russian Federation and Martial-Law Court Department of the Ministry of Justice of the Russian Federation shall be effected by the corresponding bodies of the Ministry of Defense of the Russian Federation. The Military Collegium of the Supreme Court of the Russian Federation and Martial-Law Court Department of the Ministry of Justice of the Russian Federation shall be supplied with all categories of allowances at the level of the main and central departments of the Ministry of Defense of the Russian Federation.

**Article 5.** *Guarding and Convoying of Persons*

Guarding and convoying in the martial-law courts of the persons detained in disciplinary units, under the guard in the guardhouse shall be effected with the forces and means of the corresponding military units or military commandant's offices of garrisons. Convoying of persons being under arrest in other places of detainment, as well as in prisons and correctional-labor colonies to the place of case investigation by the martial-law courts (except for the cases of the accused convoying to the court sittings of the Military Collegium of the Supreme Council of the Russian Federation) shall be effected by the forces and means of the bodies of internal affairs of the Russian Federation (in the version of Federal Law № 61-ФЗ dated 13.04.98).

Convoying of the accused to the court sittings of the Military Collegium of the Supreme Council of the Russian Federation shall be effected by the forces and means of the internal troops

of the Ministry of Internal Affairs of the Russian Federation (Part three has been introduced by Federal Law № 61-Φ3 dated 13.04.98).

**Article 6.** *Enforcement of the Present Federal Law*

The present Federal Law shall become effective upon expiry of ten days from the date of its official publication.

President of the Russian Federation  
City of Moscow, The Kremlin.  
December 03, 1994, N 55-Φ3

B. Yeltsin

## **15.ON PROCEDURE OF PROVIDING CIVIL AND MILITARY PERSONNEL FOR PARTICIPATION IN THE ACTIVITY OF MAINTENANCE OR RESTORATION OF THE INTERNATIONAL PEACE AND SECURITY BY THE RUSSIAN FEDERATION**

Adopted by the State Duma on May 26 1995

### Summary:

*This federal law defines the procedure of providing personnel for international peacekeeping missions (missions for the restoration of international peace and security) and arranging the necessary training for such missions. The law also deals with participation in other international operations involving the use of coercive force.*

*The different types of personnel who may be involved in such operations are defined, and the terms of their participation, their roles; and the legal basis of their participation are outlined.*

*The decision making procedures for providing civilian and military personnel for participation in peacekeeping activities are detailed as is the procedure for provision of armed units for international actions involving the use of force. The role of the President and duties of the Federal Assembly are outlined.*

*Decisions on international coercive actions and the legal basis for them are detailed. The organisation, training and provision of civil personnel for peacekeeping operations and their funding are specified.*

Chapter I	General Provisions
Chapter II	Decision-Making Procedure on Providing Civil and Military Personnel for Participation in the Peace-Making Activity by the Russian Federation
Chapter III	Decision-Making Procedure of Providing by the Russian Federation Army Units of the Armed Forces of the Russian Federation for Participation in the International Forced Actions with Use of Armed Forces
Chapter IV	Organization of Training and Providing of the Civil and Military Personnel Assigned by the Russian Federation for Participation in the Activity of maintenance or Restoration of the International Peace and Security
Chapter V	Final Provisions

## CHAPTER I – GENERAL PROVISIONS

### **Article 1**

The present Federal Law shall define the procedure of providing civil and military personnel by the Russian Federation and arranging of the personnel training and ensuring the personnel participation in the activity of maintenance or restoration of the international peace and security.

### **Article 2**

In the present Federal Law the activity of maintenance or restoration of the international peace and security with involvement of the Russian Federation shall imply operations of maintenance of peace and other measures undertaken by the Security Council of the United Nations Organization in compliance with the UN Charter, by regional bodies or within the framework of the regional bodies or agreements of the Russian Federation, or on the basis of the bilateral or multilateral international treaties of the Russian Federation, which are not enforced actions in accordance with the UN Charter (hereinafter referred to as peace-making activity), as well as the international forced actions with use of armed forces, realized by the resolution of the UN Security Council, adopted in compliance with the UN Charter, for elimination of a threat to peace, violations of peace, or an act of aggression.

### **Article 3**

The staff of the civil and military personnel provided by the Russian Federation for participation in the activity of maintenance or restoration of the international peace and security, envisaged by Article 2 of the present Federal Law, may include individual military persons and army units of the Armed Forces of the Russian Federation (army units and sub-units with the corresponding armaments and military equipment, means of support and procurement), as well as civil persons, individual representatives (or groups of representatives) of the Federal executive authorities.

Participation of the military and civil personnel in the activity of maintenance or restoration of the international peace and security may include monitoring and control over observance of the agreements on cease-fire and other hostile actions, separation of the conflicting Parties, disarmament and breaking up of their sub-units, carrying-out of the engineering and other

operations, assistance in settling the problems of refugees, rendering of medical and other humanitarian assistance, fulfilment of militia (police) and other functions on providing security of the population and compliance with the human rights, as well as carrying-out of the international forced actions in compliance with the UN Charter.

The Russian Federation may participate in the peace-making activity also by providing foodstuff, medications, other humanitarian assistance, and means of communication, transport vehicles and other material-technical resources.

#### **Article 4**

If in connection with providing civil and military personnel by the Russian Federation for participation in the activity of maintenance or restoration of the international peace and security it is presumed to conclude an international treaty of the Russian Federation, the decision on holding negotiations and signing of the mentioned international treaty by the Russian Federation shall be taken by the President of the Russian Federation or the Government of the Russian Federation within the terms of reference defined by the Constitution of the Russian Federation, the present Federal Law, and other Federal laws.

In the case of concluding an international treaty of the Russian Federation on providing civil and military personnel for participation in the activity of maintenance or restoration of the international peace and security this treaty shall be subject to ratification under the procedure fixed by the Federal Law, in the case in which the realization of such treaty requires allocation of additional budgetary appropriations or the treaty envisages providing of army units of the Armed Forces of the Russian Federation for participation outside the limits of the territory of the Russian Federation in the international forced actions with use of armed forces, as well as under other grounds fixed by the Federal laws.

#### **Article 5**

The Russian Federation shall independently in each case and with account of its obligations under the UN Charter and other international treaties define the feasibility of its participation in the activity of maintenance or restoration of the international peace and security.

The effectiveness of the present Federal Law shall not apply to the procedure of use of the Armed Forces of the Russian Federation during exercise of the inherent right of the Russian Federation to individual or collective self-defense for repulsing an armed attack in compliance with Article 51 of the UN Charter.

## CHAPTER II - DECISION-MAKING PROCEDURE OF PROVIDING CIVIL AND MILITARY PERSONNEL FOR PARTICIPATION IN THE PEACE-MAKING ACTIVITY BY THE RUSSIAN FEDERATION

### **Article 6**

The decision on forwarding individual military persons outside the limits of the Russian Federation for participation in the peace-making activity shall be taken by the President of the Russian Federation.

The President of the Russian Federation shall define the area of actions of the mentioned military persons, their tasks, subordination, period of stay and procedure of replacement, as well as fix in compliance with Federal laws additional guarantees and compensations to the mentioned military persons and members of their families.

The President of the Russian Federation shall take a decision on recalling the aforementioned military persons if in connection with the change of the international military-political situation their participation in the peace-making activity becomes inexpedient.

### **Article 7**

The decision on forwarding military formations of the Armed Forces of the Russian Federation outside the limits of the Russian Federation for participation in the peace-making activity shall be taken by the President of the Russian Federation on the basis of the Decree of the Council of Federation on the possibility of using the Armed Forces of the Russian Federation outside the limits of the Russian Federation.

The proposal, made by the President of the Russian Federation to the Council of Federation, shall include the data on the area of actions of the mentioned army units, their tasks, total quantity, types and composition of the armaments, subordination, period of stay, procedure of replacement and conditions of withdrawal, as well as additional guarantees and compensations to the mentioned military persons of army units and members of their families fixed in compliance with the Federal laws.

The President of the Russian Federation shall take a decision on recalling the aforementioned army units, if in connection with the change of the international military-political situation their participation in the peace-making activity becomes inexpedient.

The President of the Russian Federation shall inform the Council of Federation and the State Duma on the taken decisions.

### **Article 8**

The military personnel forwarded in compliance with Articles 6 and 7 of the present Federal Law to participate in the peace-making activity shall be staffed on a voluntary basis with the military persons passing their military service under a contract. The aforementioned military persons shall undergo a special preliminary training.

### **Article 9**

The decision on forwarding civil personnel on the voluntary basis outside the limits of the Russian Federation to participate in the peace-making activity shall be taken by the Government of the Russian Federation.

The Government of the Russian Federation shall also take decisions on providing foodstuff, medications, other humanitarian assistance, means of communication, transport vehicles together with the crews, staffed on the voluntary basis, for delivery of humanitarian aid and material-technical resources.

The Government of the Russian Federation shall define the area of the actions of the aforementioned civil personnel, its tasks, period of stay and procedure of replacement, as well as in compliance with the Federal laws it shall fix additional guarantees and compensations to the forwarded persons, including members of the transport vehicle crews, and members of their families.

The Government of the Russian Federation shall take a decision on recalling the aforementioned civil personnel if in connection with the change of the international military-political situation their participation in the peace-making activity becomes inexpedient.

The decision on recalling the aforementioned civil personnel may be taken by the President of the Russian Federation along with the decisions on recalling the military personnel envisaged with Articles 6 and 7 of the present Federal Law.

## **CHAPTER III - DECISION-MAKING PROCEDURE OF PROVIDING BY THE RUSSIAN FEDERATION ARMY UNITS OF THE ARMED FORCES OF THE**

## RUSSIAN FEDERATION FOR PARTICIPATION IN THE INTERNATIONAL FORCED ACTIONS WITH USE OF ARMED FORCES

### **Article 10**

The decision on forwarding army units of the Armed Forces of the Russian Federation outside the limits of the Russian Federation for participation in compliance with the UN Charter in the international forced actions with use of armed forces shall be taken by the President of the Russian Federation on the basis of the Decree of the Council of Federation on possibility of using the Armed Forces of the Russian Federation outside the limits of the Russian Federation and in compliance with the ratified and effective for the Russian Federation international treaty or if no conclusion of an international treaty is planned then in compliance with the Federal law.

The proposal made by the President of the Russian Federation to the Council of Federation shall include the data on the area of the actions of the aforementioned army units, their tasks, total quantity, on the types and composition of the armaments, subordination, period of stay or procedure of its extension, procedure of replacement and conditions of withdrawal, as well as additional guarantees and compensations to the military persons of the mentioned army units and members of their families fixed in compliance with Federal laws.

The proposal for ratification of the international treaty or the draft Federal Law, envisaged with the present Article may be presented to the State Duma upon adoption of the corresponding Decree by the Council of the Federation.

The President of the Russian Federation shall take a decision on recalling the aforementioned army units if in connection with the change of the international military-political situation their participation in the international forced actions with use of armed forces becomes inexpedient.

The President of the Russian Federation shall inform the Council of Federation and the State Duma of the decisions taken.

### **Article 11**

The decision on forwarding outside the limits of the Russian Federation army formations of the Armed Forces of the Russian Federation for participation in the international coercive actions with use of the armed forces, given at the disposal of the UN Security Council on the basis of a special agreement with the UN Security Council envisaged in the UN Charter, shall be

taken in compliance with the decisions of the UN Security Council under the order and the conditions fixed by Article 10 of the present Federal Law.

### **Article 12**

Should the army formations of the Armed Forces of the Russian Federation, forwarded for participation in the international coercive actions with use of armed forces be provided with foodstuff, means of communication, transport vehicles and other material-technical resources, medical and other service the Government of the Russian Federation upon commission of the President of the Russian Federation shall take a decision on organization of such supply and on forwarding of the corresponding civil personnel outside the limits of the Russian Federation on the voluntary basis.

The Government of the Russian Federation shall define the area of the actions of the aforementioned civil personnel, its tasks, period of stay and procedure of replacement, as well as it shall fix additional guarantees and compensations to the forwarded persons and members of their families in compliance with the Federal laws.

The President of the Russian Federation or the Government of the Russian Federation upon commission of the President shall take a decision on recalling of the mentioned civil personnel, if in case with the change of the international military-political situation its further participation in such activities becomes unfeasible.

## **CHAPTER IV - ORGANIZATION OF TRAINING AND PROVIDING OF THE CIVIL AND MILITARY PERSONNEL ASSIGNED BY THE RUSSIAN FEDERATION FOR PARTICIPATION IN THE ACTIVITY OF MAINTENANCE OR RESTORATION OF THE INTERNATIONAL PEACE AND SECURITY**

### **Article 13**

For the purposes of education, special training, and participation of the military personnel in the peace-making activity within the staff of the Armed Forces of the Russian Federation there shall be formed a special military contingent.

The procedure of forming, staff and quantity of the mentioned contingent shall be defined by the President of the Russian Federation.

#### **Article 14**

The Government of the Russian Federation shall organize and provide training, certification, medical examination and education of the military and civil personnel, forwarded for participation in the activity of maintenance or restoration of the international peace and security, as well as fix and provide administration of guarantees and compensations to the mentioned personnel, including mandatory insurance of the life and health in compliance with Federal laws.

#### **Article 15**

Training and equipping of the army formations of the Armed Forces of the Russian Federation, forwarded for participation in the activity of maintenance or restoration of the international peace and security shall be made out of the funds of the Federal Budget allocated for defense. The military personnel costs within the period of participation in the mentioned activity shall be envisaged in the Federal Budget in a separate Article.

The costs of training and participation in the activity of maintenance or restoration of the international peace and security of the civil personnel, as well as the costs of supply of the aforementioned activity with foodstuff, medications, other humanitarian aid, means of communication, transport vehicles and other material-technical resources shall be envisaged in the Federal Budget in a separate line in the item of expenditures on the international activity.

Spending of additional funds on the mentioned targets shall be feasible only upon adoption of the corresponding Federal law.

The Government of the Russian Federation shall submit to the Council of the Federation and the State Duma conclusions on the necessary costs associated with providing of the military and civil personnel for participation in the activity of maintenance or restoration of the international peace and security, develop and submit to the State Duma draft Federal laws on allocation of additional funds for these purposes including sources of their financing, as well as solve the problems related to compensation by the UN, regional bodies and individual States of the costs of the Russian Federation on participation in this activity.

## CHAPTER V - FINAL PROVISIONS

### **Article 16**

The Government of the Russian Federation shall annually submit to the Council of Federation and the State Duma the report on participation of the Russian Federation in the activity of maintenance or restoration of the international peace and security.

### **Article 17**

In connection with enforcement of the present Federal Law:

1. The President of the Russian Federation shall be proposed to adjust his legal acts in compliance with the present Federal Law.
2. The Government of the Russian Federation shall be commissioned to adjust the adopted legal acts in compliance with the present Federal Law.

### **Article 18**

The present Federal Law shall become effective from the date of its official publication.

President of the Russian Federation

B. Yeltsin

City of Moscow, The Kremlin

June 23 1995

№ 93-FZ

## 16. ON THE RAILWAY TROOPS OF THE RUSSIAN FEDERATION OF AUGUST 5, 1995

(with amendments dated December 30, 1999)

Adopted by the State Duma of the Russian Federation on July 12, 1995

### Summary:

*This federal law specifies and elaborates upon the tasks, legal bases and organisational principles of the Railway Troops.*

*The role of the troops is defined, along with a description of their peacetime and wartime tasks. The principles of their activity, the description of bodies with the power to define their structure and strength, their lines of control and direction are also outlined.*

*The functions and powers of the troops are set out with a specification of their purpose and necessary levels of preparedness. The troops' interrelationship with other executive authorities, the ownership of stores and materiel, the legal conditions of recruitment, military service, labour activity and the status of military and civilian personnel are outlined.*

*The present Federal Law determines predestination, main tasks, legal basis and organizational principles, functions and powers of the Railway Troops of the Russian Federation (hereinafter called "Railway Troops").*

Section I.	General Provisions	(Articles 1–8).
Section II.	Functions and Powers of the Railway Troops	(Articles 9–10).
Section III.	Recruitment to the Railway Troops	(Articles 11–14).
	Military service in the Railway Troops. Labor activities of the civil personnel of the Railway Troops.	
Section IV.	Financing and Maintenance of the Railway Troops	(Articles 15–17).
Section V.	Conclusive Provisions	(Articles 18–19).

### SECTION I - GENERAL PROVISIONS

#### Article 1

1. The Railway Troops are predestined for technical cover, repair, and barrage of railways with the purposes of securing combat and mobilization activities of the Armed Forces of

the Russian Federation, other troops, military formations and authorities, for construction both in peacetime and in wartime of new and enhancing vitality and traffic capacity of working railways, for reconstruction of railways destroyed as a result of natural calamities, as well as for fulfilment of tasks in accordance with the international treaties of the Russian Federation.

2. Technical cover of railways is a complex of engineering, technical and organizational measures, fulfilled in peacetime and wartime for the purposes comprehensive preparation of objects, constructions and equipment of the operational railway network of the Russian Federation, repairing and operational forces and means (military formations of the Railway Troops, specialized formations, repairing and reconstruction organizations of the Federal Executive Authorities) for conduct of works for elimination of the consequences of destruction.

### **Article 2.** *Main Tasks of the Railway Troops*

The Railway Troops should:

In peacetime—maintain permanent combat and mobilization readiness; organize and conduct of preparatory works on technical cover and reconstruction of the most important railway objects of the Russian Federation, entrusted to the Railway Troops; accumulate, disposition, store and timely replace the armaments, military and specialized technical and other means for deployment of the troops for wartime; educate and train military and civil personnel of corresponding professions on the objects of transport building and, in the first turn, on defense objects, as well as fulfill other tasks, entrusted to the Railway Troops;

In wartime—maintain permanent combat readiness for fulfill entrusted tasks; render technical cover, reconstruct and barrage the most important railway objects on the front-line and in the heart of the country; provide mine clearing and operating the leading sections of reconstructed railway directions; establish and operate floating railway bridges and inventory trestle bridges; increase traffic capacity of acting and construct new railway lines, by-passes of junctions and bridges on the territories of strategic (task and strategic) unions and in the rear.

### **Article 3.** *Principles of the Activities of the Railway Troops*

The activities of the Railway Troops are based on the principles of legality, one-man management, centralization of control and recruitment to the troops of military persons, serving on call and on a contract basis.

**Article 4.** *Legal Basis of the Activities of the Railway Troops*

The legal basis of the activities of the Railway Troops are the Constitution of the Russian Federation, federal constitutional laws, the present Federal Law, other federal laws, international treaties of the Russian Federation in the field of the activities of the Railway Troops, as well as the Regulation on the Federal Executive Authority for the Railway Troops of the Russian Federation and the Regulation on the Railway Troops of the Russian Federation adopted by the President of the Russian Federation and other normative acts of the Russian Federation.

**Article 5.** *General Composition, Structure, and Strength of the Staff of the Railway Troops*

1. The Railway Troops form a part of the forces attracted for defense, and consist of the Federal Executive Authority for the Railway Troops, formations, military units, scientific and research establishments, organizations and military educational establishments of vocational training (hereinafter called "Military units").

2. The structure, strength of the staff and composition of the Railway Troops up to and inclusive of the formations should be approved by the President of the Russian Federation.

**Article 6.** *Control and Direction of the Railway Troops*

1. Control of the Railway Troops is carried out by the President of the Russian Federation.

2. The Government of the Russian Federation performs its powers related to the Railway Troops in accordance with the federal constitutional laws, federal laws and other normative legal acts of the Russian Federation.

3. Direction of the Railway Troops is carried out by the head of the Federal Executive Authority for the Railway Troops—the Commander of the Railway Troops of the Russian Federation (hereinafter called "Commander of the Railway Troops") through the Federal Executive Authority for the Railway Troops and the Headquarters of the Railway Troops.

The Commander of the Railway Troops is appointed and dismissed by the President of the Russian Federation.

4. The powers of the Commander of the Railway Troops as well as the powers of the Federal Executive Authority for the Railway Troops are determined by the Regulation on the Federal Executive Authority for the Railway Troops of the Russian Federation.

**Article 7.** *Interaction of the Railway Troops with Executive Authorities*

1. The Federal Executive Authority for the Railway Troops fulfills tasks entrusted to the Railway Troops through interaction with other federal executive authorities, executive authorities of the subjects of the Russian Federation, institutions of local governments on the basis and in the order, specified by the legislation of the Russian Federation and Regulation on the Federal Executive Authority for the Railway Troops of the Russian Federation.

2. Federal executive authorities, executive authorities of the subjects of the Russian Federation and institutions of local governments should render assistance to the Railway Troops in their activities, aimed at fulfilment of tasks entrusted to them.

**Article 8.** *Stores of the Railway Troops*

1. Residential, auxiliary, technical and production buildings of the cantonments, training objects, technical and other stores of the Railway Troops are the federal property and belong to them on the basis of economic jurisdiction and operating management.

2. Land, forests, waters and other natural resources, provided for disposition and fulfilment of activities of the Railway Troops remain in the federal property.

**SECTION II - FUNCTIONS AND POWERS OF THE RAILWAY TROOPS**

**Article 9.** *Functions of the Railway Troops*

1. The Federal Executive Authority for the Railway Troops:

a) Participates in development of the federal program on equipment of the territory of the Russian Federation regarding planning measures on preparation of the railways for the purposes of defense and fulfilment of the mentioned measures;

b) Organizes development and implementation of plans on adaptation of the Railway Troops for work under the wartime conditions, plan of accumulation of mobilization resources;

c) Develops the program of equipment of the Railway Troops with new specialized restoration technical equipment;

d) Organizes preparation of the subordinate headquarters and military units for joint actions together with the Armed Forces of the Russian Federation and other troops for the purposes of defense;

- e) Provides for permanent combat and mobilization readiness of military units;
- f) Issues orders, directives on those matters related to the activities of the Railway Troops and specialized formations and restoration organizations of the federal executive authorities, attached to them during the wartime;
- g) Organizes education and training of the citizens, being in the reserve and ascribed for deployment of the Railway Troops during the wartime;
- h) Develops necessary operational and technical requirements for technical armament means, reconstruction materials, constructions, model reconstruction projects, as well as necessary normative, methodological, organizational and technical documents;
- i) acts as a customer of developing, manufacturing and testing specialized equipment and military and technical stores of the Railway Troops, adopts models of new specialized reconstruction equipment and inventory constructions;
- j) Organizes production, economic and financial activities of armed units,
- k) Carries out interaction with railway troops and transport authorities of the states-members of the Community of Independent States, as well as with other states in accordance with the international treaties of the Russian Federation.

2. The tasks and functions of military units are determined by the legal acts of the Russian Federation and the Regulation on the Railway Troops of the Russian Federation.

#### **Article 10. Powers of the Railway Troops**

1. The Federal Executive Authority for the Railway Troops:

- a) Develops and submits for approval by the President of the Russian Federation and federal executive authorities drafts of legal acts regarding matters related to the activities of the Railway Troops;
- b) Concludes agreements and contracts;
- c) Carries out functions of a customer and developer in respect to its own construction, organizes development of projects, expertise and preparation for approval of the project and estimation records related to its own construction objects;
- d) within the framework of the international treaties of the Russian Federation carries out external economic activities and scientific and technical cooperation, including the matters related to supply of machinery, constructions and other types of equipment to military units with the aim of increasing combat readiness of the Railway Troops according to the legislation of the Russian Federation;
- e) Organizes training and conduct together with railway troops of the countries-members of the

Community of Independent States of joint exercises aimed at providing for collective security according to the international treaties of the Russian Federation;

f) Establishes, reorganizes and liquidates in the order, specified by the legislation of the Russian Federation, organizations, necessary for carrying out tasks, entrusted to the Railway Troops, appoints and dismisses heads of these organizations;

g) Acquires and rents buildings, premises, structures and other types of immovable property on the territory of the Russian Federation and specialized machinery necessary for carrying out tasks, entrusted to the Railway Troops, according to the legislation of the Russian Federation;

h) Organizes work on selecting candidates for enrollment on a contract basis and on making contracts for the military service in the Railway Troops, according to the legislation of the Russian Federation and the Regulation;

i) Military units are legal entities. The powers are determined by the legislation of the Russian Federation and the Regulation on the Federal Executive Authority for the Railway Troops of the Russian Federation.

### **SECTION III - RECRUITMENT FOR THE RAILWAY TROOPS - MILITARY SERVICE IN THE RAILWAY TROOPS - LABOR ACTIVITY OF THE CIVIL PERSONNEL OF THE RAILWAY TROOPS**

#### **Article 11. *Recruitment for the Railway Troops***

1. Military and civil persons are recruited for the Railway Troops.

2. Recruitment for the Railway Troops is carried out in the order specified by the federal laws, from military persons, mainly those who have railway, construction and other technical professions and who have finished educational establishments of basic, secondary and higher vocational education of the federal executive authorities in charge of the matters of railways, industrial and civil construction on the grounds of call of the citizens of the Russian Federation to the military service according to the principle of exterritoriality as well as on the grounds of their voluntary enrollment on a contract basis, and from persons, who were trained on a contract basis in other organizations, which carry out training of civil persons in military professions as per the order of the Federal Executive Authority for the Railway Troops through the Ministry of Defense of the Russian Federation.

3. Civil personnel is recruited for the Railway Troops according to the federal laws.

The Government of the Russian Federation determines strength of the staff of the civil personnel of the Railway Troops, and the list of posts held by the civil personnel—by the Commander of the Railway Troops.

**Article 12.** *Military Service in the Railway Troops*

Military service in the Railway Troops, order of service, conferment of military ranks and honorary titles, awarding state awards, dismissal from the military service and pension maintenance are determined by the federal laws and other legal acts of the Russian Federation, regulating military service.

**Article 13.** *Status of military personnel of the Railway Troops and their family members*

Military personnel of the Railway Troops and their family members are under the protection of the State and enjoy all the rights and privileges, specified for them by the legislation of the Russian Federation.

**Article 14.** *Legal Status of the Civil Personnel of the Railway Troops*

1. Labor relations of the civil personnel of the Railway Troops are guided by the legislation of the Russian Federation on labor and the legislation of the Russian Federation on the civil service, as well as by legal acts, issued by the Federal Executive Authority for the Railway Troops.
2. The civil personnel of the Railway Troops enjoys all the rights, privileges and undertakes duties, specified for the civil personnel of the Armed Forces of the Russian Federation.
3. The laws of the Russian Federation regarding the matters of labor, salaries and pension maintenance, social and legal security of the citizens cover the civil personnel of the Railway Troops regardless of announcement of their enforcement by the military direction authorities.

**SECTION IV - FINANCING AND PROVISION OF THE RAILWAY TROOPS**

**Article 15.** *Financing of the Railway Troops*

Financing of the Railway Troops (maintenance, purchase of armaments and military equipment, scientific, research and construction works) is done at the expense of the federal budget.

**Article 16.** *Provision of the Railway Troops*

1. Provision of the Railway Troops with armaments and military equipment, technical means of educational work, as well as technical, rear, medical, financial and pension maintenance is carried

out according to the norms, specified for the Armed Forces of the Russian Federation, and in the order determined by the federal laws and the Regulation on the Railway Troops of the Russian Federation.

2. Purchase and supply of the main types of material and technical resources of general industrial usage for maintaining activities of the Railway Troops is carried out on conditions and in the order specified by the legislation of the Russian Federation and legal acts adopted in conformity with the present Federal Law.

**Article 17.** *Provision of the Military Personnel of the Railway Troops with the Specified Types of Allowances*

The military personnel of the Railway Troops are provided with money and other types of allowances according to the norms specified for the military personnel of the Armed Forces of the Russian Federation.

## SECTION V - CONCLUSIVE PROVISIONS

**Article 18.** *On Enforcement of the Present Federal Law*

The present Federal Law comes into force from the day of its official publication.

**Article 19.** *On Bringing Legal Acts into Conformity with the Present Federal Law*

To propose the President of the Russian Federation and to instruct the Government of the Russian Federation to bring its own legal acts into conformity with the present Federal Law.

President of the Russian Federation  
Moscow, The Kremlin  
August 5, 1995  
No. 126-Φ3

B. Yeltsin

## 17.ON THE STATE DEFENCE ORDER

(with the Amendments and Additions of February 26, 1997, May 6, 1999)

Adopted by the State Duma on November 24, 1995

### Summary:

*This federal law concerns the process of ordering goods and services for Russian armed forces. The law concerns deliveries of products needed by to federal state to maintain Russian stability and defensive capacity (including combat weapons, imports and exports and military technological cooperation).*

*The law specifies the relationship between the state customer and good/service provider. The head executors, the executor, the signatories of the state contract and the terms of the contract; and the contract's scope.*

*The law covers the delivery of services and products. The scope of a defence order is defined, as well as the composition and format of a defence order, the list of products and services, forecasts, and lists of state customers. The financing of a defence order is discussed along with means of payment and lines of accountability. Responsibilities, tax features, allocation of funds, and material and technical support are also discussed.*

*The present Federal Law shall lay down the general legal and economic principles and the way of formation, distribution, financing and execution of the state defence order, and shall regulate relations in this sphere.*

### **Article 1. Basic Terms**

The following basic terms shall be used in the present Federal Law:

—the state defence order (hereinafter referred to as the defence order)—the legal act, envisaging deliveries of products for the federal state needs to maintain the necessary level of the Russian Federation's defence capability and security—combat weapons, ammunition, military hardware and other military property (hereinafter referred to as armaments and military hardware), completing units and materials, the performance of works and rendering of services (hereinafter referred to as the products (works, services)), and also the export and import deliveries in the sphere of the military and technical cooperation of the Russian Federation with foreign states in conformity with the international treaties of the Russian Federation;

—the state customer of the defence order (hereinafter referred to as the state customer)—the federal executive power body, fulfilling the orders for the development, manufacture and delivery

of the products (works, services) on the defence order. The state customer of the armaments and of the military hardware, of the scientific-research and the development works, involved in their development, as well as in creating new technologies for the production of the armaments and of the military hardware, aimed at maintaining the necessary level of the defence capability and security of the Russian Federation, may be only a federal executive power body, incorporating the troops and armed formations in conformity with the laws and with the other normative legal acts of the Russian Federation;

—the head executor of the defence order (hereinafter referred to as the head executor) shall be an organization, which has signed a state contract with the state customer for the delivery of the products (works, services) on the defence order;

—the executor of the defence order (hereinafter referred to as the executor) shall be an organization, taking part in the fulfilment of the defence order on the ground of the contract with the state customer or with the head executor (the executor);

—the state contract shall be a contract signed by the state customer with the head executor (the executor) and envisaging the parties' obligations and their responsibility for the fulfilment of the defence order;

—the contract shall be an agreement signed by the head executor (the executor) with the executor (with another executor) and envisaging the parties' obligations and their responsibility for the fulfilment of the defence order.

## **Article 2. General Provisions**

1. The basic indices of the defence order shall be approved by the President of the Russian Federation.

2. The deliveries of the products (works, services) by the defence order shall be one of the kinds of deliveries of the products (works, services) for the federal state needs.

The defence order may comprise:

—the scientific-research and the development works involved in the development, modernizing, utilization and destruction of the armaments and of the military hardware, withdrawn from exploitation;

—the scientific-research and the development works, involved in the development of the research, the design and engineering and the production and technological base, aimed at providing for the fulfilment of the defence order, and also at raising the standard of the mobilization preparedness of the economy of the Russian Federation;

—the batch production and the deliveries of the armaments and of the military hardware, and also of the completing units and materials;

—the works involved in the repairing and modernizing the armaments and the military hardware, in the guaranteed and the manufacturer's supervision over their condition, and also in the utilization and the destruction of the armaments and of the military hardware, withdrawn from exploitation;

—the works in the sphere of the military and technical cooperation of the Russian Federation with foreign states in conformity with the international treaties of the Russian Federation;

—the works involved in the mobilization preparedness of the economy of the Russian Federation;

—the delivery of the products (works, services) for the needs of the civil defence;

—the production of the clothes and of the military property, of the foodstuff and non-foodstuff commodities;

On providing foodstuffs for the military and consumers qualifying as such in the Russian federation see Decision of the Government of the Russian Federation No. 1236 of October 19, 1996

—the construction, reconstruction and the technical re-equipment of the objects intended for the needs of the defence and security of the Russian Federation, including for the utilization and the destruction of the armaments and of the military hardware, withdrawn from exploitation;

—the other works, involved in ensuring the defence capability and security of the Russian Federation.

3. The defence order shall comprise:

—the list (the nomenclature) and the amount of the products (works, services), which shall be delivered, and the term of their deliveries;

—the forecast cost (the price) of the defence order as a whole, and also by its parts and by the individual stages of its realization;

—the list of the state customers;

—the list of the supposed head executors (the executors).

4. The works involved in developing and in producing completing units and materials for ensuring the fulfilment of the defence order, shall be referred to the works by the defence order. Federal Law No. 29-FZ of February 26, 1997 suspended in 1997 the operation of Item 5 of Article 2 of this Federal Law in respect of the status of the protected items of the federal budget expenditures, on the defence order, established by the said Federal Law, except for the

expenditures on the execution of the state defence order and determined by Article 75 of the Federal Law No. 29-FZ of February 26, 1997

5. The defence order shall be financed at the expense of the federal budget by assigning allocations to the state customer. The items of the federal budget, by which the defence order is financed, shall have the status of the protected items of the federal budget expenditures.

The payment for the deliveries of the products (works, services), performed by the executor by the contract with the head executor (the executor), may be effected directly by the state customer, if this is envisaged by the corresponding state contract (the contract).

The financial means, paid by the state customer to the head executor (the executor), shall be intended only for the outlays for the fulfilment of the defence order and for an advanced payment for the corresponding works. The head executor (the executor) shall be held answerable for the different use of the said means.

### **Article 3.** *Formation and Placing of the Defence Order*

1. The defence order shall be formed within the scope of the outlays for these purposes, assigned by the federal budget on the ground of:

—the fundamental principles of the military doctrine of the Russian Federation;

—the federal programme for the development, creation and manufacture of the armaments and of the military hardware for a ten-year period, including the orders for the scientific-research and the development works (among them the works for the development of the basic military technologies), the batch production, the utilization and the destruction of the armaments and the military hardware, the capital construction, and also the measures for the material and technical supplies for these works;

—of the other federal programmes;

—of the programmes for the military and technical cooperation of the Russian Federation with foreign states in conformity with the international treaties of the Russian Federation.

2. The works involved in implementing the federal programme for the development, creation and production of the armaments and of the military hardware for a 10-year period shall be planned for every year in the course of the first five years.

The said programme shall be specified once in five years, not later than 9 months in advance before the start of the corresponding period.

3. The draft of the defence order shall be elaborated in conformity with the procedure defined by the Government of the Russian Federation when compiling the federal budget for the

corresponding year and proceeding from the resource possibilities of the economy of the Russian Federation.

The Government of the Russian Federation, simultaneously with presenting the draft federal budget to the State Duma of the Federal Assembly of the Russian Federation, shall present for approval to the President of the Russian Federation the basic indices of the defence order for the corresponding year.

The basic indices of the defence order shall be approved by the President of the Russian Federation simultaneously with the signing by the President of the Russian Federation of the federal law on the federal budget.

The Government of the Russian Federation shall, within a 20-day term after the signing by the President of the Russian Federation of the federal law on the federal budget and after the approval by the President of the Russian Federation of the basic indices of the defence order, approve the defence order in full volume within the amount of the outlays for these purposes, allocated by the federal budget.

4. The defence order shall be placed on the competitive basis, with the exception of the works, involved in the maintenance of the mobilization capacities. In the absence of the claimants for taking part in the tender for placing the defence order, and also if by the results of the said tender the head executor (the executor) has not been identified, the defence order shall be obligatory for acceptance by the state unitary enterprises, as well as by the other organizations, holding a dominant position on the commodity market or enjoying the monopoly in putting out the products (works, services) by the defence order, under the condition that the defence order ensures the profitability level of the output of these products (works, services), fixed by the Government of the Russian Federation.

Federal Law No. 97-FZ of May 6, 1999 abolished paragraph 2 of Item 4 of Article 3 of this Federal Law

~~The procedure for holding tenders for placing the defence order shall be defined by the Government of the Russian Federation.~~

The defence order and the signing of the state contract (the contract) for the works, involved in the maintenance of the mobilization capacities, shall be obligatory for all organizations, unless the placing of the defence order entails losses from its fulfilment.

5. In conformity with the approved defence order, the state customer shall sign a state contract with the head executor.

**Article 4.** *Principal Demands Made on the Head Executor (the Executor) of the Defence Order*

1. The head executor (the executor) of the defence order may be on equal grounds the organizations, regardless of their legal-organizational forms and of their forms of ownership, possessing a license for performing the corresponding kind of activity, involved in the fulfilment of the defence order.

2. If the works involved in the fulfilment of the defence order are stopped, the head executor (the executor) shall have no right to liquidate or to reorient the production capacities which provided for the fulfilment of the defence order without agreeing this with the Government of the Russian Federation.

The losses inflicted upon the head executor (the executor) as a result of the non-use of the said capacities upon the decision of the Government of the Russian Federation shall be recompensed by the Government of the Russian Federation in full volume.

#### **Article 5.** *Basic Functions of the State Customer*

1. The state customer shall:

—organize and hold tenders for placing the defence order to identify the head executor (the executor);

—coordinate the price of the products (works, services) and sign a state contract for the deliveries of the products (works, services);

—provide for the financing of the defence order;

—exert control over the execution by the head executor (the executor) of the financial means, allocated for the fulfilment of the defence order;

—exert control over the fulfilment of the works, both at the individual stages and as a whole;

—take part in the tests of the experimental samples (complexes and systems) of the armaments and of the military hardware, of the batch products and of the completing units and materials;

—organize and hold the state tests of the experimental samples (complexes and systems) of the armaments and of the military hardware, and prepare documentation for accepting them for the armament (the supply);

—approve the design documentation for launching a batch output of the armaments and of the military hardware.

2. The state customer shall have the right to pass to the head executor, on the ground of the state contract, a part of his functions involved in the fulfilment of the defence order.

**Article 6.** *Basic Functions of the Head Executor (of the Executor)*

The head executor (the executor) shall:

- take part in tenders for winning the defence order;
- substantiate the price of the products (the works as a whole, by the parts and by the individual stages thereof);
- sign the state contract (the contract) on fulfilling the defence order;
- effect the performance of the works, the manufacture of experimental samples (complexes, systems) of the armaments and of the military hardware, the development, the batch output, and the deliveries of the products (works, services), and also the manufacturer's and the guaranteed supervision over the condition of the armaments and of the military hardware;
- provide for the correspondence of the performed works, of the manufactured experimental samples (complexes, systems) of the armaments and of the military hardware, and of the batch output to the requirements of the state standards, of the tactical-technical (technical) targets of the state customer and of the technical documentation, and also to the tactical-technical characteristics and the terms of the state contract (the contract);
- organize and carry out the tests of the experimental samples (complexes, systems) of the armaments and of the military hardware, and of the batch output, envisaged by the technical documentation;
- ensure for the state customer the proper conditions for exerting control over the performance of the works, both at the individual stages and as a whole, in the course of the development, the manufacture and the delivery of the armaments and of the military technology.

**Article 7.** *The State Contract (the Contract) for Fulfilling the Defence Order*

1. The state contract (the contract) shall be signed both for the performance of the entire complex of the scientific-research and the development works, of the production, deliveries, exploitation, repairs, utilization and destruction of the armaments and of the military hardware, and for the individual kinds of these works.
2. The standard of the products (works, services), delivered by the state contract (by the contract) for the fulfilment of the defence order, shall correspond to the requirements of the normative and the technical documentation, and to the terms of the state contract (the contract).
3. Approximate terms of the state contract (the contract) for the fulfilment of the defence order shall be defined by the Government of the Russian Federation.

4. The contracts with foreign legal entities for the fulfilment of the works, providing for the defence order, and also for the export and import deliveries of the products (works, services) shall be signed in conformity with the procedure, laid down by the legislation of the Russian Federation.

**Article 8.** *Material and Technical Supply of the Defence Order*

1. By the most important kinds of the material and technical resources for the fulfilment of the defence order, the Government of the Russian Federation shall fix to the organizations, engaged in the deliveries (the output) of these resources, regardless of their legal-organizational forms and of their forms of ownership, the quotas (the list, the amount and the dates of the supply) of the obligatory deliveries of the said resources to the state customer and to the head executor (the executor) for the prices, formed on the commodity market.

2. The deliveries of the material and technical resources for the fulfilment of the defence order in conformity with the fixed quotas shall be made only to the state customer and to the head executor (the executor).

**Article 9.** *Economic Stimuli for the Fulfilment of the Defence Order*

1. For an economic incentive of the head executor (the executor) of the defence order, the following measures may be envisaged:

—allocation of the means at the expense of the federal budget for the construction and the reconstruction of the organizations, for equipping them with modern technology, and for their mastering of the new hardware, technologies and materials;

—guaranteeing a fixed profitability level during the fulfilment of the defence order by the kinds of the defence products (works, services), ensuring the establishment of a stable financial base for the production, the scientific and technical, and the social development of the organizations—the head executors (the executors) by applying the mechanism for the pricing of the products (works, services);

—a quarterly indexation of the allocations for the payment for the defence order, assigned at the expense of the federal budget, in connection with the inflation processes;

—quarterly or a step-by-step advanced payment for the works on the fulfilment of the defence order, in the amount of not less than 40 per cent of their cost, at the expense of the means from the federal budget for financing the defence order;

—exemption of the head executor (the executor) of the defence order from the payment of the customs duty on the equipment and on the other products, not manufactured by the domestic

industry and imported for the technical re-equipment of the organizations, fulfilling the defence order, in conformity with the Customs Code of the Russian Federation and with the Law of the Russian Federation on the Customs Tariff;

—other privileges in conformity with the laws and with the other normative legal acts of the Russian Federation.

In conformity with the procedure and within the scope, stipulated by the tax legislation of the Russian Federation, the head executor (the executor) may be exempted from the payment of:

—the tax on the part of the profit, derived from the fulfilment of the defence order and directed towards the technical re-equipment, reconstruction and (or) expansion of the production;

—the land tax on the land plots on which the production and the scientific-research complexes and objects, intended for the purposes of mobilization, are situated, including the tests complexes, the proving-grounds and the warehouses for keeping the state reserves;

—the tax on the property of the objects, intended for the purposes of mobilization, including that of the tests complexes, of the proving-grounds and of the warehouses for keeping the state and the mobilization reserves.

The kinds, amounts and procedure for the economic stimulation of the head executor (the executor) shall be defined by the Government of the Russian Federation when compiling the draft federal budget, and the corresponding proposals shall be presented to the State Duma for approval simultaneously with the draft federal budget.

2. The state customer shall have the right to envisage in the state contract (the contract) other kinds of stimulation as well.

#### **Article 10.** *Responsibility of the Federal Executive Power Bodies*

1. The Government of the Russian Federation and the other federal executive power bodies, authorized by the Government of the Russian Federation, shall be answerable for the implementation of the military-technical policy, for ensuring the fulfilment of the federal programme for the development, creation and production of the armaments and of the military hardware for a 10-year period and of the other federal programmes, for a timely transfer to the state customer of the financial means for an advanced and a regular payment for the products (works, services), and for the performance of other works on the defence order.

2. The state customer shall bear responsibility for a timely bringing of the defence order to the head executor (the executor) and for the goal-oriented use of the means allocated to him at the expense of the federal budget for the advanced and the regular payments for the products (works, services).

**Article 11. Responsibility for the Non-Fulfilment of the Defence Order**

1. In the case of the non-fulfilment or of an improper fulfilment by one of the parties of the obligations envisaged by the state contract (the contract), the guilty party shall recompense to the other party the losses which it has inflicted upon it, in conformity with the procedure and in the amount fixed by the civil legislation of the Russian Federation and by the state contract (the contract).

The other kinds of responsibility shall be stipulated by the federal law, defining the specifics of the deliveries of the products (works, services) for fulfilling the state order.

2. In the case of the non-fulfilment or of an improper fulfilment of the obligations envisaged by the state contract (the contract), the head executor (the executor) shall be deprived of the right to the economic stimulation, stipulated by Article 9 of the present Federal Law.

3. The disputes arising between the state customer and the head executor (the executor), or between the head executor (the executor) and the executor (the other executor), in the signing, amending, cancelling and fulfilling the state contracts (contracts), and also the disputes on recompensing the caused losses, shall be examined in the arbitration courts.

**Article 12. Putting the Present Federal Law into Force**

1. The present Federal Law shall be put into force as from the date of its official publication.

2. To order that the Government of the Russian Federation shall, in the year 1996:

—bring the normative legal acts passed by it into correspondence with the present Federal Law;

—pass the normative legal acts which would provide for the implementation of the present Federal Law;

—prepare and present, in conformity with the laid down procedure, proposals for introducing amendments and addenda into the legislation of the Russian Federation in connection with the enforcement of the present Federal Law.

President of the Russian Federation  
Moscow, The Kremlin

Boris Yeltsin

## 18.ON DEFENCE

With amendments dated 30 December 1999

Adopted by the State Duma on April 24 1996

Approved by the Council of Federation on May 15 1996

### Summary:

*This federal law defines the aims and means of organising the defence of the Russian Federation. The powers of state authorities, their functions, organization and officials, rights and obligations, funding, and other aspects all fall under the umbrella of this law.*

*The law defines defence, and deals with, among other issues, the details of: organisation; legal bases; troops concerned; the prohibition of illegal units; arrangements for defence and mobilisation; and the power of the state authorities in defence domain. The various components of the armed forces are defined and their roles specified.*

Section I.	Fundamentals and Organization of the Defence	(Articles 1–3)
Section II.	Powers of the State Authorities of the Russian Federation in the Domain of Defence	(Articles 4–6)
Section III.	Functions of the Executive Authorities of the Constituents of the Russian Federation, Local Governmental Bodies and Organizations, Duties of the Officials, Rights and Obligations of the Citizens of the Russian Federation in the Domain of Defence	(Articles 7–9)
Section IV.	Armed Forces of the Russian Federation, Troops, Army Units and Bodies	(Articles 10–17) Other
Section V.	State of War. Martial Law. Mobilization. Defence. Territorial Defence.	(Articles 18–22) Civil
Section VI.	Final Provisions	(Articles 23–29)

The present Federal Law shall define the fundamentals and organization of the defence of the Russian Federation, powers of the State authorities of the Russian Federation, functions of the State authorities of the constituents of the Russian Federation, organizations and their officials, rights and obligations of the citizens of the Russian Federation in the domain of defence, forces

and funds called upon for the defence, responsibility for breach of the Legislation of the Russian Federation in the domain of defence, as well as other norms related to the defence.

## SECTION I - FUNDAMENTALS AND ORGANIZATION OF DEFENSE

### **Article 1.** *Fundamentals of the Defence*

1. In the present Federal Law the term “defence” shall imply the system of political, economic, military, social, legal and other measures on preparation to the armed protection and the armed protection of the Russian Federation, integrity and inviolability of its territory.

2. The defence shall be organized and implemented in compliance with the Constitution of the Russian Federation, Federal constitutional laws, Federal laws, the present Federal Law, and laws of the Russian Federation and other legal acts.

3. For the purposes of defence there shall be established an army duty of the citizens of the Russian Federation and the military-transport duty of the Federal executive authorities, local governmental bodies and organizations regardless of the form of property, as well as of the transport vehicle owners.

4. For the purposes of defence there shall be created the Armed Forces of the Russian Federation.

5. The troops called upon for the defence shall include the Frontier Troops of the Russian Federation, Internal Troops of the Ministry of Internal Affairs of the Russian Federation, Railway Troops of the Russian Federation, Troops of the Federal Agency of the Governmental Communication and Information attached to the President of the Russian Federation, Troops of Civil Defence (hereinafter referred to as other troops).

6. For accomplishment of individual tasks in the domain of defence there shall be summoned the engineering-technical and road-construction army units attached to the Federal executive authorities (hereinafter referred to as army units), Foreign Intelligence Service of the Russian Federation, bodies of the Federal Security Service, bodies of the Frontier Service of the Russian Federation, Federal bodies of governmental communication and information, Federal bodies of the State Guard, Federal body for assurance of the mobilization training of the State authorities of the Russian Federation (hereinafter referred to as bodies), as well as the special units created for the period of war.

7. The Armed Forces of the Russian Federation, other troops, army units and bodies shall accomplish the tasks in the domain of defence in compliance with the Plan of Use of the Armed Forces of the Russian Federation.

8. Other troops, army units and bodies shall be summoned to the joint with the Armed Forces of the Russian Federation day-to-day and mobilization training for the purposes of preparation to the accomplishment of the tasks of protection of the Russian Federation against an armed attack.

9. Creation and existence of the units, having a military establishment or armaments and military equipment or the ones, where it is envisaged to undergo military service, not stipulated by Federal laws, shall be prohibited and sued under the law.

10. Lands, forests, waters and other natural resources, given to the Armed Forces of the Russian Federation, other troops, army units and bodies, shall be in Federal ownership.

11. Lands, forests, waters and other natural resources, being in the ownership of the constituents of the Russian Federation, local governmental bodies, in private ownership may be withdrawn for the needs of the Armed Forces of the Russian Federation, other troops, army units and bodies only in compliance with the Legislation of the Russian Federation.

12. The property of the Armed Forces of the Russian Federation, other troops, army units and bodies shall be the Federal ownership and shall stay with them under the rights of economic jurisdiction or day-to-day administration.

## **Article 2. Arrangement of Defence**

Arrangement of the defence shall include:

- 1) forecast and assessment of the military danger and military threat;
- 2) development of the major lines of the military policy and provisions of the Military Doctrine of the Russian Federation;
- 3) legal regulation in the domain of defence;
- 4) construction, training and maintenance of the required availability of the Armed Forces of the Russian Federation, other troops, army units and bodies, as well as planning of their use;
- 5) development, production and perfection of the management systems of the Armed Forces of the Russian Federation, other troops, army units and bodies, armaments and defence equipment, creation of their reserves, as well as planning of use of the radio frequency spectrum;
- 6) planning of the transfer of the State authorities of the Russian Federation, authorities of the constituents of the Russian Federation, bodies of local government and economy of the country to the activities in the conditions of the period of war;

- 7) mobilization training of the State authorities of the Russian Federation, State authorities of the constituents of the Russian Federation, bodies of local government and organizations regardless of the forms of property, transport, communications and population of the country;
- 8) creation of the reserves of material values of the State and mobilization reserves;
- 9) planning and implementation of the activities on the civil and territorial defence;
- 10) day-to-day equipping of the territory of the Russian Federation for the purposes of defence;
- 11) assurance of protection of the data constituting the State secret in the domain of defence;
- 12) development of science for the interests of defence;
- 13) coordination of the activity of the State authorities of the Russian Federation, State authorities of the constituents of the Russian Federation and bodies of local government in the domain of defence
- 14) financing of the expenditures on defence, as well as control over spending of the funds allocated for the defence and the activity of the Armed Forces of the Russian Federation, other troops, army units and bodies, implemented in compliance with the Legislation of the Russian Federation;
- 15) international cooperation for the purposes of the collective security and joint defence;
- 16) other activities in the domain of defence;

**Article 3.** *Legislation of the Russian Federation in the Domain of Defence*

1. The Legislation of the Russian Federation in the domain of defence shall be based on the Constitution of the Russian Federation, international treaties of the Russian Federation and include the Federal constitutional laws, Federal laws, the present Federal Law and the laws of the Russian Federation in the domain of defence.

2. The Laws shall act regardless of their declaration by orders and other legal acts of the management bodies of the Armed Forces of the Russian Federation, other troops, army units and bodies.

**SECTION II - POWERS OF THE STATE AUTHORITIES OF THE RUSSIAN FEDERATION IN THE DOMAIN OF DEFENSE**

**Article 4.** *Powers of the President of the Russian Federation in the Domain of Defence*

1. The President of the Russian Federation shall be the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation.
2. The President of the Russian Federation shall:
  - 1) determine the main lines of the military policy of the Russian Federation;
  - 2) approve the Military Doctrine of the Russian Federation;
  - 3) implement administration of the Armed Forces of the Russian Federation, other troops, army units and bodies;
  - 4) declare general or partial mobilization, introduce the martial law in the territory of the Russian Federation or in its individual localities including immediate notice to the Council of Federation and the State Duma, give an order of the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation on prosecution of hostilities in the case of an aggression or immediate threat of an aggression against the Russian Federation, occurrence of armed conflicts directed against the Russian Federation;
  - 5) enforce legal acts of the period of war and terminate their effect, form and cancel executive authorities for the period of war in compliance with the Federal constitutional order on the martial law;
  - 6) take in compliance with the Federal laws a decision on involvement of the Armed Forces of the Russian Federation, other troops, army units and bodies in accomplishment of the tasks with use of the armaments other than their destination;
  - 7) approve concepts and plans of construction and development of the Armed Forces of the Russian Federation, other troops, army units and bodies, Plan of Use of the Armed Forces of the Russian Federation, Mobilization Plan of the Armed Forces of the Russian Federation, as well as Plans of transfer (mobilization plans) of the State authorities of the Russian Federation, State authorities of the constituents of the Russian Federation, bodies of local government and economy of the country to the activities in the conditions of the period of war, plans of creation of stocks of materials and capital equipment of the State and mobilization reserves and the Federal State Program of the day-to-day equipping of the territory of the Russian Federation for the purposes of defence;
  - 8) approve the Federal State programs of armaments and development of the defensive industrial complex;
  - 9) approve the Programs of nuclear and other special tests and sanction performance of the mentioned tests;

10) approve the unified list of the army positions, subject to be occupied with the supreme officers in the Armed Forces of the Russian Federation, other troops, army units and bodies, and the general quantity of the army positions, subject to be occupied with colonels (captains of the 1<sup>st</sup> rank) in the Armed Forces of the Russian Federation, other troops, army units and bodies, instate the supreme military ranks, designate military personnel for the army positions, envisaged to be occupied by the supreme officers as per the staff structure, release them from the army positions and discharge them from the military service under the procedure envisaged with the Federal Law;

11) approve the structure, staff of the Armed Forces of the Russian Federation, other troops, army units up to the large formation inclusively and the bodies, as well as the staff quantity of the military personnel of the Armed Forces of the Russian Federation, other troops, army units and bodies;

12) take decisions on dislocation and re-dislocation of the Armed Forces of the Russian Federation, other troops, army units starting from a body of troops and larger;

13) approve the general army regulations, provisions on the Combat Banner of a military unit, Navy flag of the Russian Federation, procedure of undergoing military service, military councils, military commissariats, and military-transport duty;

14) approve provisions on the Ministry of Defence of the Russian Federation and the General Headquarters of the Armed Forces of the Russian Federation, as well as provisions on the administration bodies of other troops, army units and bodies;

15) approve the Provision on the Territorial Defence and the Civil Defence Plan;

16) approve the schemes of location of the facilities with nuclear charges in the territory of the Russian Federation, as well as facilities on liquidation of the weapons of mass destruction and nuclear wastes;

17) conduct negotiations and sign the international treaties of the Russian Federation in the domain of defence, including the treaties on the joint defence, collective security, reduction and limitation of the armed forces and armaments, on participation of the Armed Forces of the Russian Federation in the operations on maintenance of peace and international security;

18) issue orders on the military draft of the citizens of the Russian Federation, military assemblies (including the quantity of the citizens of the Russian Federation subject to the military draft and their distribution among the Armed Forces of the Russian Federation, other troops, army units and bodies), as well as on discharge from the military service of the citizens of the Russian Federation, undergoing military service by the military draft, under the procedure, envisaged with the Federal Law;

19) approve the ultimate quantity of the military personnel of the Armed Forces of the Russian Federation, other troops, army units and bodies for attachment to the Federal State authorities;

20) exercise other powers in the domain of defence, imposed on the President of the Russian Federation with the Constitution of the Russian Federation, Federal constitutional laws, Federal laws and the laws of the Russian Federation.

**Article 5. Powers of the Federal Assembly in the Domain of Defence**

1. The Council of Federation shall:

1) examine expenditures on the defence fixed by the Federal laws on the Federal Budget adopted by the State Duma;

2) examine the Federal Laws in the domain of defence adopted by the State Duma;

3) approve the Decrees of the President of the Russian Federation on introduction of the martial law and the state of emergency in the territory of the Russian Federation or in its individual localities, as well as on attraction of the Armed Forces of the Russian Federation, other troops, army units and bodies with use of armaments for accomplishment of the tasks outside their destination;

4) solve the matter of opportunity to use the Armed Forces of the Russian Federation outside the territory of the Russian Federation.

2. The State Duma shall:

1) consider the expenditures on the defence fixed with the Federal laws related to the Federal Budget;

2) adopt Federal laws in the domain of defence;

**Article 6. Powers of the Government of the Russian Federation in the Domain of Defence**

The Government of the Russian Federation shall:

1) execute measures for ensuring the defence and carry within its terms of reference responsibility for the condition and supplies of the Armed Forces of the Russian Federation, other troops, army units and bodies;

2) manage the activity on the matters of defence of the Federal executive authorities within the jurisdiction of the Government;

3) develop and submit to the State Duma proposals on the expenditures on the defence in the Federal Budget;

- 4) organize equipping of the Armed Forces of the Russian Federation, other troops, army units and bodies with armaments and military equipment by their requests;
- 5) organize supplies of the Armed Forces of the Russian Federation, other troops, army units and bodies with material means, power and other resources and services by their requests;
- 6) organize development and fulfilment of the National programs of armament and development of the defence industrial complex;
- 7) arrange development and fulfilment of the plans of transfer (mobilization plans) of the Federal executive authorities, executive authorities of the constituents of the Russian Federation, local governmental bodies, and economy of the country to the activities in the conditions of the period of war, as well as the plans of creating stocks of materials and capital equipment of the National and mobilization reserves;
- 8) execute administration of mobilization training of the Federal executive authorities of the Russian Federation, executive authorities of the constituents of the Russian Federation, bodies of local government and organizations regardless of the form of property, transport, communications and population of the country;
- 9) exercise control over preparation of the organizations to fulfilment of the State Defence Order on products release during the period of war, over creation, development and maintenance of the mobilization capacities, as well as over creation of army units attached to the Federal executive authorities and preparation of the transport vehicles subject to transfer to the Armed Forces of the Russian Federation in compliance with the Legislation of the Russian Federation.
- 10) fix mobilization tasks to the Federal executive authorities;
- 11) take decisions on creation, reorganization and liquidation of the National organizations of the defence industrial complex, scientific-research and pilot-engineering organizations and determine the procedure of their reorganization and liquidation;
- 12) define the conditions of the financial-economic activity of the organizations of the Armed Forces of the Russian Federation, other troops, army units and bodies;
- 13) take decisions on creation, reorganization and liquidation of the military educational vocational institutions, faculties of military education and military departments attached to the educational institutions of the higher vocational education;
- 14) approve the Provision on military departments attached to the National educational institutions of the higher vocational education;

15) organize development of the Federal State program on the day-to-day equipping of the territory of the Russian Federation for the purposes of defence and carry out measures on realization of this program;

16) organize development of the plans on location of the facilities with nuclear charges in the territory of the Russian Federation, as well as facilities on liquidation of the weapons of mass destruction and nuclear wastes;

17) define the procedure of fulfilment of the military-transport duty, pre-service training of the citizens of the Russian Federation to the military service, military registration, military and alternative civil drafts, performance of the military-medical expertise and military assemblies by the Federal executive authorities, executive authorities of the constituents of the Russian Federation, local governmental bodies and organizations regardless of the form of property, as well as by the owners of transport vehicles;

18) approve the Provisions on military registration, military draft, training of the citizens of the Russian Federation to the military service, performance of military assemblies and military-medical expertise, as well as the list of the military-registration trades;

19) fix the staff quantity of the civil personnel of the Armed Forces of the Russian Federation, other troops, army units and bodies;

20) define organization, tasks and execute general planning of the civil and territorial defence;

21) define the procedure of grant and use of lands, forests, waters and other natural resources for the needs of the Armed Forces of the Russian Federation, other troops, army units and bodies;

22) fix the procedure of transfer, giving for lease, sales and liquidation of armaments and military equipment, defence facilities and other military property;

23) Organize control over the export of armaments and military equipment, strategic materials, technologies and double-purpose products;

24) Define the procedure of spending the funds allocated for defence out of the Federal Budget, as well as the sources of financing of the Armed Forces of the Russian Federation, other troops, army units and bodies, involved in accomplishment of the tasks, not connected with their destination;

25) hold international negotiations on the matters of military cooperation and conclude the corresponding inter-governmental agreements;

26) fix the procedure of compensating the expenditures, born by organizations and citizens of the Russian Federation in connection with use of their equipment for the needs of defence;

27) exercise other powers in the domain of defence, imposed on it with the Constitution of the Russian Federation, the Legislation of the Russian Federation and the Decrees of the President of the Russian Federation.

### SECTION III – FUNCTIONS OF THE EXECUTIVE AUTHORITIES OF THE CONSTITUENTS OF THE RUSSIAN FEDERATION, LOCAL GOVERNMENTAL BODIES AND ORGANISATIONS, DUTIES OF THE OFFICIALS, RIGHTS AND OBLIGATIONS OF THE CITIZENS OF THE RUSSIAN FEDERATION IN THE DOMAIN OF DEFENSE

#### **Article 7.** *Functions of the Executive Authorities of the Constituents of the Russian Federation and Local Governmental Bodies in the Domain of Defence*

1. The executive authorities of the constituents of the Russian Federation and the local governmental bodies in interaction with the bodies of military administration within their terms of reference shall:
  - 1) organize and provide compliance with the Legislation in the domain of defence;
  - 2) participate in development of the Federal State program on the day-to-day equipping of the territory of the Russian Federation and provide within the limits of their territories fulfilment of the measures on its realization and preparation of communications for the purposes of defence;
  - 3) organize and provide military registration and training of the citizens of the Russian Federation to military service, their military draft, military assemblies and mobilization draft;
  - 4) implement reservation of the citizens of the Russian Federation out of the persons working in the State authorities, local governmental bodies and organizations for the period of mobilization and during a period of war;
  - 5) provide registration and mobilization training of the transport and other means for the purposes of defence;
  - 6) organize activities on the military-patriotic education of the citizens of the Russian Federation;
  - 7) provide the needs of the Armed Forces of the Russian Federation, other troops, army units and bodies in the material means, power and other resources and services by their requests under the procedure fixed by the Legislation in the domain of defence;
  - 8) provide compliance with the Legislation of the Russian Federation on the social guarantees fixed for the citizens of the Russian Federation in connection with the military service, their participation in hostilities, as well as the ones for the members of their families;

9) participate in the development and provide fulfilment of the plans of transfer (mobilization plans) of the executive authorities, local governmental bodies and economy of the country to the activities in the conditions of the period of war, as well as the plans and tasks of accumulation of the stocks of materials and capital equipment of the National and mobilization reserves in the organizations, assigned with mobilization tasks for the period of war;

10) participate in planning and provide fulfilment of the activities in the civil and territorial defence;

11) provide fulfilment of the State Defence Order by organizations within their territories;

12) coordinate and agree their activity in the domain of defence with the bodies of military administration;

13) make proposals on improving the arrangement of defence to the State authorities of the Russian Federation.

2. The local governmental bodies shall be given individual State powers in the domain of defence in compliance with the Legislation of the Russian Federation.

**Article 8.** *Functions of the Organizations and Duties of their Officials in the Domain of Defence*

1. Organizations regardless of the form of property in compliance with the Legislation of the Russian Federation shall:

1) fulfil contractual obligations envisaged by the State contract concluded for fulfilment of the State Defence Order on creation of the facilities of military infrastructure, supply with power and other resources, production, deliveries and repair of armaments and military equipment, other military equipment, as well as the contractual obligations on contract work and rendering of services for the needs of the Armed Forces of the Russian Federation, other troops, army units and bodies;

2) fulfil mobilization tasks on preparation and creation of special units for the period of war;

3) provide and take part in fulfilment of the activities on the civil and territorial defence;

4) implement activities envisaged in the plans of transfer (mobilization plans) to the activities in the conditions of the period of war, plans and tasks of creating stocks of materials and capital equipment of the National and mobilization reserves on the basis of the contracts concluded with the Federal executive authorities, which have been commissioned by the Government of the Russian Federation;

- 5) execute the military-transport duty under the procedure fixed by the Government of the Russian Federation;
  - 6) implement the army registration of employees and in compliance with the Legislation of the Russian Federation present for the needs of defence buildings, structures, transport vehicles and other property owned by them with subsequent compensation of the born costs under the procedure fixed by the Government of the Russian Federation.
2. The officials of the organizations regardless of the form of property shall:
- 1) comply with their duties in the domain of defence envisaged for them with the Legislation of the Russian Federation;
  - 2) create for the employees the necessary conditions for their compliance with the military duty in accordance with the Legislation of the Russian Federation;
  - 3) render assistance in creation of organizations, whose activity is directed at strengthening of the defence.

**Article 9.** *Rights and Obligations of Citizens of the Russian Federation in the Domain of Defence*

The citizens of the Russian Federation shall:

- 1) perform the military duty in compliance with the Federal Law;
- 2) take part in the activities on civil and territorial defence;
- 3) may create organizations and public associations, promoting strengthening of defence;
- 4) provide during the period of war for the needs of defence upon demand of the Federal executive authorities buildings, structures, transport means and other property, being in their ownership with subsequent compensation of the born costs under the procedure fixed by the Government of the Russian Federation.

**SECTION IV - ARMED FORCES OF THE RUSSIAN FEDERATION, OTHER TROOPS, ARMY UNITS AND BODIES**

**Article 10.** *Armed Forces of the Russian Federation and their Destination*

1. The Armed Forces of the Russian Federation is the State military establishment constituting the basis of defence of the Russian Federation.
2. The Armed Forces of the Russian Federation shall be destined for repulsion of an aggression directed against the Russian Federation, armed protection of the integrity and inviolability of the territory of the Russian Federation, as well as for accomplishment of the tasks in compliance with the international treaties of the Russian Federation.

3. Attraction of the Armed Forces of the Russian Federation to accomplishment of tasks with use of armaments outside their destination shall be made by the President of the Russian Federation in compliance with the Federal laws.

4. Use of the Armed Forces of the Russian Federation for accomplishment of the tasks in compliance with the international treaties of the Russian Federation shall be implemented on the conditions and under the procedure, stipulated in these treaties and fixed by the Legislation of the Russian Federation.

5. The activity of the Armed Forces of the Russian Federation shall be implemented on the basis of the Constitution of the Russian Federation in compliance with the Federal constitutional laws, Federal laws, the present Federal Law, Federal law on the Armed Forces of the Russian Federation and other laws of the Russian Federation in the domain of defence, as well as with the corresponding legal acts of the President of the Russian Federation and the Government of the Russian Federation.

6. Part of the staff of the Armed Forces of the Russian Federation may be included in the united armed forces or be under the united commandership in compliance with the international treaties of the Russian Federation.

**Article 11.** *General Staff of the Armed Forces of the Russian Federation*

The Armed Forces of the Russian Federation shall be composed of the central bodies of military administration, large formations, formations, army units and organizations which are included in the types and categories of the troops of the Armed Forces of the Russian Federation, in the Rear of the Armed Forces of the Russian Federation and in the troops which are not included in the types and categories of the troops of the Armed Forces of the Russian Federation.

**Article 12.** *Manning of the Armed Forces of the Russian Federation*

1. The staff of the Armed Forces of the Russian Federation shall include military personnel and persons of civil staff of the Armed Forces of the Russian Federation.

2. Manning of the Armed Forces of the Russian Federation shall be implemented in compliance with the Legislation of the Russian Federation:

1) manning by military personnel shall be implemented by military draft of the citizens of the Russian Federation by an ex-territorial principle and voluntary joining of citizens of the Russian Federation the military service;

2) manning by civil personnel shall be implemented by voluntary employment.

3. The staff quantity of the civil personnel of the Armed Forces of the Russian Federation shall be fixed by the Government of the Russian Federation, and the list of the army positions to be occupied with civil personnel—by the Minister of Defence of the Russian Federation.

4. For mobilization deployment of the Armed Forces of the Russian Federation there shall be created a reserve of the military trained human resources.

**Article 13.** *Management and Administration of the Armed Forces of the Russian Federation*

1. The management of the Armed Forces of the Russian Federation shall be executed by the President of the Russian Federation—the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation.

The Supreme Commander-in-Chief of the Armed Forces of the Russian Federation within his terms of reference shall issue orders and directives of the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation mandatory for execution by the Armed Forces of the Russian Federation, other troops, army units and bodies.

2. Administration of the Armed Forces of the Russian Federation shall be exercised by the Minister of Defence of the Russian Federation via the Ministry of Defence of the Russian Federation and the General Headquarters of the Armed Forces of the Russian Federation, being the major body of real-time administration of the Armed Forces of the Russian Federation.

3. The management and administration of the Armed Forces of the Russian Federation, training of the staff of the Armed Forces of the Russian Federation shall be implemented in the National language of the Russian Federation.

4. The management and administration of the Armed Forces of the Russian Federation during a period of war shall be implemented in compliance with the Federal law.

**Article 14.** *Main Functions of the Ministry of Defence of the Russian Federation*

The Ministry of Defence of the Russian Federation shall:

1) participate in development of proposals on the matters of military policy and the Military Doctrine of the Russian Federation;

2) develop the conception of construction of the Armed Forces of the Russian Federation, coordinate for the purposes of defence elaboration of the conceptions of construction and development of the Armed Forces of the Russian Federation, other troops, army units and bodies;

3) develop the Federal State Program on armaments and development of military equipment, as well as proposals on the State Defence Order;

4) elaborate proposals on the expenditures on defence in the draft Federal Budget, procedure of spending by the Ministry of Defence of the allocated funds and submit them to the Government of the Russian Federation;

5) coordinate and finance the activities, performed for the purposes of defence;

6) organize scientific research for the purposes of defence, order and finance on the contractual basis the scientific research and pilot-design activities in the domain of defence;

7) order and finance production and procurement of armaments and military equipment, food stuff, clothing and other property, material and other resources for the Armed Forces of the Russian Federation, other troops, army units and bodies within the limits of the funds allocated for these purposes;

8) finance and provide with educational-material base on a contractual basis the organizations and public associations, implementing training of citizens by the military-registration trades;

9) provide mobilization availability of the Armed Forces of the Russian Federation;

10) provide social security of the military personnel, civil personnel of the Armed Forces of the Russian Federation, citizens of the Russian Federation, discharged from the military service and members of their families;

11) represent to the President of the Russian Federation drafts of the general army regulations, provisions on the Combat Banner of a military unit, Navy Flag of the Russian Federation, Ministry of Defence of the Russian Federation, General Headquarters of the Armed Forces of the Russian Federation, procedure of passing military service, military councils, military commissariats, and military-transport duty;

12) represent to the Government of the Russian Federation draft provisions on the military departments attached to the State educational institutions of the higher vocational education and the military-medical expertise of citizens of the Russian Federation, drafted to the military service;

13) coordinate the activity of the Federal executive authorities, executive authorities of the constituents of the Russian Federation on the matters of defence;

14) coordinate requests on armaments and military equipment for other troops, army units and bodies for the purposes of unification of the armaments and military equipment;

15) cooperate with military departments of foreign States;

16) exercise other powers, envisaged with the Provision on the Ministry of Defence of the Russian Federation.

**Article 15. Main Functions of the General Headquarters of the Armed Forces of the Russian Federation**

The General Headquarters of the Armed Forces of the Russian Federation shall:

- 1) develop proposals on the Military Doctrine of the Russian Federation.
- 2) develop the plan of construction of the Armed Forces of the Russian Federation and coordinate development of the plans of construction and development of the Armed Forces of the Russian Federation, other troops, army units and bodies;
- 3) coordinate development of proposals on the quantity of the Armed Forces of the Russian Federation, other troops, army units and bodies;
- 4) develop with involvement of the Federal executive authorities, which have other troops, army units and bodies in the structure or attached to them, the Plan of Use of the Armed Forces of the Russian Federation, Mobilization Plan of the Armed Forces of the Russian Federation and the Federal State Program of the day-to-day equipping of the territory of the Russian Federation for the purposes of defence;
- 5) prepare proposals on the number of citizens of the Russian Federation subject to the military draft and military assemblies including their distribution among the Armed Forces of the Russian Federation, other troops, army units and bodies;
- 6) fix quantitative norms of the citizens of the Russian Federation subject to the military draft, military assemblies and the mobilization draft from the constituents of the Russian Federation, proceeding from the general quantity of the citizens of the Russian Federation subject to the draft in compliance with the Decree of the President of the Russian Federation;
- 7) organize planning and implementation of the activities on maintenance of the nuclear security and prevention of non-sanctioned use of nuclear arms;
- 8) organize and coordinate the actions of forces and use of the means at accomplishment of the territorial defence tasks;
- 9) coordinate the real-time and mobilization training of other troops, army units and bodies and special formations created for the period of war, exercise control over condition of the mobilization availability of other troops, army units and bodies and special formations created for the period of war;
- 10) analyze and coordinate performance in the Russian Federation of the measures on the military registration, preparation of the citizens of the Russian Federation to the military service and their draft to the military service and military assemblies;
- 11) exercise reconnaissance activity for the purposes of defence and security;
- 12) implement the current and forward planning of supplies with the main types of armaments, military equipment and other material means of the mobilization deployment of the

Armed Forces of the Russian Federation, as well as accumulation and placement of the reserves of these supporting means in the period of peace;

13) arrange performance of measures on maintenance of the combat and mobilization availability of the Armed Forces of the Russian Federation;

14) arrange interaction of the Armed Forces of the Russian Federation with other troops, army units and bodies;

15) participate in development of the Civil Defence Plan;

16) determine the procedure of use and plan application of the radio-frequency spectrum for the purposes of defence;

17) develop the draft provisions on the General Headquarters of the Armed Forces of the Russian Federation, military registration, military draft, preparation of the citizens of the Russian Federation to the military service, performance of military assemblies, the military-medical expertise, as well as the list of the military-registration trades;

18) arrange mobilization and strategic deployment of the Armed Forces of the Russian Federation, other troops, army units and bodies;

19) exercise other powers in the domain of defence in compliance with the Provision on the General Headquarters of the Armed Forces of the Russian Federation.

**Article 16.** *Dislocation of the Armed Forces of the Russian Federation*

1. Dislocation of large formations, formations, and army units of the Armed Forces of the Russian Federation shall be implemented in compliance with the tasks of defence and social-economic conditions of the places of dislocation.

2. Re-dislocation of the army units and sub-units within the limits of the territories handed for use to the Ministry of Defence of the Russian Federation shall be executed by the decision of the Minister of Defence of the Russian Federation and starting from the formation and larger—by the decision of the President of the Russian Federation.

3. Dislocation of large formations, formations and army units of the Armed Forces of the Russian Federation outside the territory of the Russian Federation shall be admitted on the basis of the international treaties of the Russian Federation.

**Article 17.** *Other Troops, Army Units and Bodies*

1. Creation, administration and activity of other troops, army units and bodies shall be implemented on the basis of Federal laws.

2. Other troops, army units and bodies shall:

1) participate in the development of the Plan of Use of the Armed Forces of the Russian Federation, Federal State programs of armaments, development of the defensive industrial complex and real-time equipping of the territory of the Russian Federation for the purposes of defence;

2) participate jointly with the Armed Forces of the Russian Federation in repulsion of an aggression against the Russian Federation in compliance with the Plan of Use of the Armed Forces of the Russian Federation;

3) organize training to the joint actions with the Armed Forces of the Russian Federation for the purposes of defence;

4) participate in preparation of the citizens of the Russian Federation to the military service;

5) provide implementation of the measures on the real-time equipping of the territory of the Russian Federation and preparation of the communications for the purposes of defence;

6) exercise interaction with the General Headquarters of the Armed Forces of the Russian Federation on the matters of arranging the defence and submit to it the information required for arrangement of the defence;

7) be summoned to the joint real-time and mobilization training with the Armed Forces of the Russian Federation;

8) exercise other powers in the domain of defence in compliance with the present Federal law.

3. Manning of other troops, army units and bodies shall be implemented by the principles and under the procedure, which are fixed for the Armed Forces of the Russian Federation.

## SECTION V - STATE OF WAR. MARTIAL LAW. MOBILIZATION. CIVIL DEFENSE. TERRITORIAL DEFENSE.

### **Article 18.** *State of War*

1. The state of war shall be declared by the Federal law in the case of an armed attack on the Russian Federation of another State or group of States, as well as in the case of necessity to comply with the international treaties of the Russian Federation.

2. From the moment of declaring the state of war or the actual start of hostilities there shall start the period of war, expiring from the moment of declaring termination of hostilities, but not earlier of their actual termination.

**Article 19. *Martial Law***

1. The martial law as a special legal activity regime of the State authorities, other State bodies, local governmental bodies and organizations, stipulating restrictions of rights and freedoms, shall be introduced all over the territory of the Russian Federation or in its individual localities in the case of an aggression or immediate threat of aggression against the Russian Federation.

2. Within the period of martial law the Armed Forces of the Russian Federation, other troops, army units and bodies may prosecute combat actions on repulsing the aggression regardless of declaring the state of war.

3. The General Headquarters of the Armed Forces of the Russian Federation shall be the body of the real-time administration of the Armed Forces of the Russian Federation, other troops, army units and bodies during introduction of the martial law.

**Article 20. *Mobilization***

1. Along with declaration of the general or partial mobilization there shall be implemented measures on transfer of the Armed Forces of the Russian Federation, other troops, army units and bodies to the organization and the structure, envisaged for the period of war, as well as on transfer of the State authorities, local governmental bodies and organizations to the activities in the conditions of the period of war.

2. The procedure of mobilization training and performance of the mobilization shall be defined by the Federal law.

**Article 21. *Civil Defence***

1. The civil defence shall be organized for protection of the population and organizations against the threats occurring during prosecution of hostilities or as a consequence of these hostilities.

2. The tasks and organization of the civil defence shall be defined by the Federal law.

**Article 22. *Territorial Defence***

1. The territorial defence shall be organized for the purposes of protecting the population, facilities and communications in the territory of the Russian Federation against the enemy's

actions, diversion or terrorist acts, as well as introduction and maintenance of the regimes of emergency and martial law.

2. The general tasks and organization of the territorial defence shall be defined by the President of the Russian Federation.

## SECTION VI - FINAL PROVISIONS

### **Article 24.** *Limitation of the Activity of Political Parties and Public Associations in the Armed Forces of the Russian Federation, Other Troops, Army Units and Bodies*

1. The activity of political parties, as well as of other public associations pursuing political aims, as well as formation of their structures in the Armed Forces of the Russian Federation, other troops, army units and bodies shall not be admitted.

2. Performance of any political propaganda and campaigns including the election propaganda in the Armed Forces of the Russian Federation, other troops, army units and bodies shall be prohibited.

3. It shall be prohibited to use staff positions and monetary funds of the Armed Forces of the Russian Federation, other troops, army units and bodies for formation of structures and implementation of the activities of political parties, as well as other public associations, pursuing political goals.

### **Article 25.** *Provision of Legality in the Armed Forces of the Russian Federation, Other Troops, Army Units and Bodies*

1. The supervision over the legality and investigation of the cases on crimes in the Armed Forces of the Russian Federation, other troops, army units and bodies shall be implemented by the Prosecutor General of the Russian Federation and the Prosecutors subordinated to the Prosecutor General.

2. Examination of civil and criminal cases in the Armed Forces of the Russian Federation, other troops, army units and bodies shall be realized by the Courts in compliance with the Legislation of the Russian Federation.

**Article 26.** *Financing of Defence*

1. Financing of the costs of defence shall be implemented out of the funds of the Federal Budget by assignment of the funds to the Ministry of Defence of the Russian Federation and to other Federal executive bodies, providing realization of the measures in the domain of defence.

2. Control over execution of the Federal Budget in the part of the defence costs shall be realized in compliance with the Legislation of the Russian Federation.

3. Financing of the expenditures of the Armed Forces of the Russian Federation called upon for accomplishment of the tasks not connected with their destination shall be implemented out of the funds, allocated by the Government of the Russian Federation under the procedure fixed by the Legislation of the Russian Federation.

**Article 27.** *Responsibility for Breach of the Legislation of the Russian Federation in the Domain of Defence.*

The officials of the State authorities of the Russian Federation, State authorities of the constituents of the Russian Federation, local governmental bodies, organizations regardless of the form of property and the citizens guilty in non-accomplishment of the defence duties imposed on them or preventing from accomplishment of defence tasks shall bear responsibility in compliance with the Legislation of the Russian Federation.

**Article 28.** *Enforcement of the Present Federal Law*

1. The present Federal Law shall become effective from the date of its official publication.

2. The President of the Russian Federation shall be proposed and the Government of the Russian Federation shall be commissioned with adjustment of their legal acts in compliance with the present Federal Law.

**Article 29.** *On Recognition of Some Legislative Acts to Have Lost their Validity in Connection with Adoption of the Present Federal Law*

In connection with adoption of the present Federal Law the below shall be recognized as lost their validity:

1) The Law of the Russian Federation ‘On Defence’ (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1992, № 42, Article 2331);

2) Resolution of the Supreme Council of the Russian Federation ‘On Procedure of Enforcement of the Law of the Russian Federation ‘On Defence’ (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1992, № 42, Article 2332);

President of the Russian Federation

B. Yeltsin

May 31, 1996

№ 61-FZ

## 19.ON INTERNAL TROOPS OF THE MINISTRY OF INTERNAL AFFAIRS OF THE RUSSIAN FEDERATION

(including amendments dated June 20 and November 07 2000)

Adopted by the State Duma on December 25 1996

Approved by the Council of Federation on January 22 1997

### Summary:

*This federal law defines the role and operational parameters of the Russian Interior Ministry including its troops. The powers of the ministry and its units, the units' management, financing, tasking, management, training, recruitment, social security guarantees, and interaction with other federal forces and their authorisation to use of force are outlined.*

The present Federal Law shall define the destination, legal fundamentals, principles of activity, powers of the internal troops of the Ministry of Internal Affairs of the Russian Federation, procedure of their accomplishment of imposed missions, fix guarantees of legal and social security of military persons of the internal troops of the Ministry of Internal Affairs, citizens, discharged from military service in the mentioned troops and members of their families.

Section I.	General Provisions	Articles 1–8
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Section VI.	Management of the Internal Troops	Articles 31–36
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## SECTION I - GENERAL PROVISIONS

### **Article 1.** *Internal Troops of the Ministry of Internal Affairs of the Russian Federation and their Destination*

The internal troops of the Ministry of Internal Affairs of the Russian Federation (hereinafter referred to as the internal troops) shall be part of the system of the Ministry of Internal Affairs of the Russian Federation and destined for protecting security of a personality, society and the State, safeguard of the rights and freedoms of a human being and citizen against criminal and other unlawful infringements.

### **Article 2.** *Missions of the Internal Troops*

The internal troops shall be imposed with the following missions:

participation jointly with the bodies of internal affairs of the Russian Federation (hereinafter referred to as the bodies of internal affairs) in protection of the public order, safeguard of the public security and the state-of-emergency regime;  
guarding of important State facilities and special cargoes;  
participation in the territorial defense of the Russian Federation;  
rendering of assistance to the Frontier Troops of the Federal Frontier Service of the Russian Federation in protection of the State Frontier of the Russian Federation.

Other missions may be imposed on the Internal troops by Federal laws.

Accomplishment of the missions imposed on the internal troops shall be implemented by:

internal troops management bodies;  
operational formations and military units;  
special motorized formations and military units;  
formations and military units on protection of critical State facilities and special cargoes;  
aviation military units;  
sea military units;  
military educational institutions of higher vocational education;  
intelligence military units (sub-divisions);

task military units (task sub-divisions);  
establishments (medical, scientific and others) and military units on support of the internal troops activity (training, communication and others).

The formations and military units shall be part of the structure of the internal troops districts (okrugs) except for the formations and military units, which are immediately subordinated to the Commander-in-Chief of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation (hereinafter referred to as Commander-in-Chief of the Internal Troops). The management bodies of the internal troops, formations, military units, military educational establishments of higher vocational education and institutions of the internal troops in the civil-legal relations shall act as organizations. The aforementioned organizations may be legal entities and their registration shall be provided under the procedure fixed by the Legislation of the Russian Federation.

### **Article 3.** *Principles of the Activity of the Internal Troops*

The activity of the internal troops shall be realized on the basis of the principles of legality, observance of the rights and freedoms of a human being and citizen, one-man management, and centralization of management;

### **Article 4.** *Property of the Internal Troops*

The living quarters, buildings and structures of the management bodies of the internal troops, military towns of the formations, military units (sub-units), military educational establishments of higher vocational education and institutions of the internal troops, training facilities and their educational-material base and the technical teaching aids, as well as the weapons and ammunition, special and military equipment, other material-technical property, basic engineering complexes, used by the internal troops for accomplishment of the missions imposed on them, shall be in the Federal ownership and transferred to the internal troops for use under the rights of economic jurisdiction or operational management.

Should the military towns, buildings and structures, accommodating management bodies of the internal troops, formations and military units (sub-units) of the internal troops be safeguarded with internal troops, which are on the balance of the facilities, included in the list of critical National facilities, approved by the Government of the Russian Federation, are excluded out of the mentioned list, these facilities shall be assigned to the internal troops under the procedure fixed by the Government of the Russian Federation.

**Article 5.** *Procedure of Using Lands and Other Natural Resources*

The lands for stationing and permanent activity of the management bodies of the internal troops, formations, military units (sub-units), military educational establishments of higher vocational education and institutions of the internal troops shall be given to them free of charge by the corresponding authorities and local governmental bodies within their terms of reference for permanent or temporary use.

The lands and other natural resources given to the internal troops shall be in the Federal ownership and used by the internal troops in compliance with the Legislation of the Russian Federation.

**Article 6.** *Legal Fundamentals of the Activity of the Internal Troops*

The activity of the internal troops shall be based on the Constitution of the Russian Federation, the present Federal Law, Federal Constitutional laws, Federal laws and other legal acts of the Federal State authorities.

**Article 7.** *Activity of the Internal Troops on Protection of the Rights and Freedoms of a Human Being and Citizen*

The Internal troops shall protect the rights and freedoms of a human being and citizen against criminal and other unlawful infringements regardless of sex, race, nationality, language, origin, status and official capacity, place of residence, religion attitude, beliefs, membership in public associations, as well as other circumstances.

Military persons of the internal troops shall be prohibited to use treatment humiliating the human dignity.

Any restriction of the rights and freedoms of a human being and citizen by military persons of the internal troops during their execution of service duties shall be admissible only on the basis and under the procedure, envisaged with the Legislation of the Russian Federation.

**Article 8.** *Implementation of the Activities of Reconnaissance Character by the Internal Troops*

The internal troops shall be given the right of implementing activities of reconnaissance character in the areas of accomplishment of the missions imposed on the internal troops by the present Federal Law.

Arrangement and order of the activity of the management bodies of intelligence and reconnaissance military units (sub-units) of the internal troops at implementation of actions of reconnaissance character shall be defined by the present Federal Law, Provision on the Reconnaissance of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation, Reconnaissance Manual of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation and other legal acts, approved by the Minister of Internal Affairs of the Russian Federation.

## SECTION II - POWERS OF THE STATE AUTHORITIES OF THE RUSSIAN FEDERATION, STATE AUTHORITIES OF THE CONSTITUENTS OF THE RUSSIAN FEDERATION IN THE DOMAIN OF THE ACTIVITIES OF THE INTERNAL TROOPS

### **Article 9.** *Powers of the President of the Russian Federation in the Domain of the Activities of the Internal Troops and on their Management*

The President of the Russian Federation shall:

exercise management of the internal troops;

approve the staff, quantity and structure of the internal troops;

take decision on disposition and re-disposition of the internal troops;

take decision on attraction of the internal troops for participation in ensuring the state-of-emergency regime jointly with the bodies of internal affairs;

appoint to a position of the Commander-in-Chief upon presentation of the Minister of Internal Affairs and release him from the position;

fix the quantity of positions in the Internal troops, subject to be occupied with supreme officers;

appoint military persons of the internal troops to military positions, which shall be occupied with supreme officers according to the human resources chart;

confer supreme military ranks in accordance with the established procedure;

discharge supreme officers from the military service;

approve the Provision on the Chief Commandment of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation and the Provision on Councils of War;

define the quantity of the citizens of the Russian Federation subject to the military draft and military assemblies in the internal troops;

approve the military form of clothing and badges of rank for military persons of the internal troops;

approve the Regulations of Internal Troops of the Ministry of Internal Affairs of the Russian Federation;

take measures on maintenance of legal and social security of military persons of the internal troops, citizens, discharged from military service in the internal troops (hereinafter referred to as citizens discharged from military service), members of their families and civil personnel of the internal troops (hereinafter referred to as civil personnel);

exercise other powers in the domain of activity of the internal troops.

**Article 10.** *Powers of the Federal Assembly of the Russian Federation in the Domain of the Activities of the Internal Troops*

The Federal Assembly of the Russian Federation shall:

exercise legislative governing of the activity of the internal troops;

fix guarantees of legal and social security of military persons of the internal troops, citizens discharged from military service, members of their families and civil personnel.

**Article 11.** *Powers of the Government of the Russian Federation in the Domain of the Activities of the Internal Troops*

The Government of the Russian Federation shall:

effect allocation of monetary funds for supporting the activity of the internal troops within the limits of the amounts fixed by the Federal Law on the Federal Budget for the corresponding year, as well as provide assignment of the required material-technical resources;

approve the list of weapons and ammunitions categories, combat and special equipment, special means adopted as arsenal of the internal troops and rules of their use;

provide equipping of the internal troops with weapons and ammunitions, combat and special equipment, and special means;

approve the regulations and norms for determining the quantity of the internal troops, accomplishing the missions on guarding critical State facilities and special cargoes;

set for the Federal executive authorities, executive authorities of the constituents of the Russian Federation, local governmental bodies, State and municipal enterprises, establishments and organizations the missions on preparation and transfer to the internal troops of transport vehicles, means of communication and other material-technical means in connection with declaration of

mobilization, introduction of the state-of-emergency regimes and martial law, as well as fix other mobilization missions;

approve lists of critical State facilities and special cargoes, subject to protection by the internal troops;

define the grounds for attribution of military units (sub-units) of the internal troops to the number of the ones, located in remote garrisons or distant localities;

take decisions on creation, re-profiling and abandonment of scientific-research, pilot-design establishments and military educational establishments of higher vocational education of the internal troops;

carry out measures on social security, logistic and amenity support of military persons of the internal troops, citizens discharged from military service, members of their families and civil personnel.

**Article 12.** *Competence of the State Authorities of the Constituents of the Russian Federation in the Domain of the Activities of the Internal Troops*

The State authorities of the constituents of the Russian Federation within their terms of reference shall:

participate in consideration of the proposals of the Minister of Internal Affairs of the Russian Federation on forming military units, creation of military educational establishments of higher vocational education and institutions of the internal troops;

arrange conditions for the activity of the internal troops in compliance with the Legislation;

organize military draft of citizens for the service in the internal troops in compliance with the Federal Law on Military Duty and Military Service and satisfy the needs of the internal troops in their manning with the citizens subject to the military draft;

involve in pressing cases personnel of special motorized formations and military units of the internal troops by the place of their permanent post for elimination of consequences of accidents, catastrophes, fires, natural disasters, epidemics and epizootic diseases (hereinafter referred to as emergencies) including immediate notice about that of the Minister of Internal Affairs of the Russian Federation.

Decisions related to disposition of formations, military units, military educational establishments of higher vocational education and institutions of the internal troops in the territories of the constituents of the Russian Federation shall be coordinated with the State authorities of the corresponding constituents of the Russian Federation.

Should the State authorities of the constituents of the Russian Federation apply to the President of the Russian Federation on forming in their territories or re-disposition in their territory of formations, military units of the internal troops, all development and re- disposition costs shall be incurred on account of the funds provided from the budgets of the corresponding constituents of the Russian Federation. These costs shall include the costs of construction of living quarters for accommodation of the staff, construction and equipping of military towns, communication facilities and educational-material base, structures and buildings of social, cultural, domestic and other purpose. At the same time construction of the aforementioned facilities shall be completed prior to the start of disposition or re- disposition of the management bodies of the internal troops, formations, military units, military educational establishments of higher vocational education and institutions of the internal troops.

The State authorities of the constituents of the Russian Federation shall provide realization of legal and social security guarantees of military persons of the internal troops, citizens, discharged from military service, members of their families and civil personnel.

**Article 13.** *Obligations of the Federal Executive Authorities and their Officials on Providing Assistance to the Internal Troops in their Activity*

The Federal executive authorities and their officials within their terms of reference shall:

provide to the shipping (guard-ships, guard-boats) of the internal troops, accomplishing missions in the conditions of emergencies and other cases of emergency, the right to free priority use of air (water) space, landing, parking/anchorage, take-off, receipt of navigational, meteorological and other information, necessary for performance of flights (navigation) in the airports, on the aerodromes, landing sites (in the sea and river ports, by the berths and levees) being under the jurisdiction of the Federal executive authorities;

provide loading of shipping (guard-ships, guard-boats) of the internal troops, accomplishing the missions imposed on them with fuel and lubricants, their supply with water and power, as well as with spare parts to be paid under the procedure defined by the Government of the Russian Federation.

The Ministry of Defense of the Russian Federation, the Ministry of Communication of the Russian Federation, the Ministry of Transport of the Russian Federation, and other Federal executive authorities shall provide free lines, channels and means of communication for control of the formations and military units (sub-units) of the internal troops during their accomplishment of missions in the conditions of armed conflicts, on providing the state-of-emergency regime and elimination of consequences of emergency situations and other cases of emergency.

The Ministry of Defense of the Russian Federation shall:

realize activities on military draft of the citizens of the Russian Federation and military assemblies in the internal troops in compliance with the Legislation of the Russian Federation; implement training and refresher training of the officer personnel of the internal troops on the contract basis;

provide aircraft to support the activity of the internal troops during their accomplishment of missions in the conditions of armed conflicts, emergency situations and other cases of emergency in accordance with the procedure fixed by the Government of the Russian Federation;

realize accumulation and echeloning of the reserves of weapons and military equipment, ammunitions, fuel and lubricants, spare parts and other military-technical property in the bases, warehouses and in the arsenals of the Ministry of Defense of the Russian Federation for mobilization deployment of the internal troops during the time of war;

transfer free weapons and military equipment to the internal troops via the corresponding procurement services on the basis of special decisions of the Government of the Russian Federation;

render assistance in repair and refurbishment of damaged or failed weapons and military equipment.

The Ministry of Communications of the Russian Federation shall:

assign by requests of special shipping bodies of the Ministry of Internal Affairs of the Russian Federation the required number of units of rolling stock, shipping means, passenger train seats/berths (including the ones for unscheduled shipping) for the purposes of timely dispatch of military echelons (transports) and priority carriage of military persons of the internal troops proceeding independently on the basis of bank transfer payment and without collecting additional payment, fixed by the local railway transport management bodies;

submit to the special shipping bodies of the Ministry of Internal Affairs of the Russian Federation the required information on dispatch and advance of military echelons (transports) and detachments.

The officials of the management bodies of all types of transport, military superintendents and representatives of military shipping bodies of the Ministry of Internal Affairs of the Russian Federation shall render assistance in carriage of military persons of the internal troops during their execution of official and special duties, and during accomplishment by the internal troops of missions in the conditions of armed conflicts, emergency situations and other cases of emergency—in the carriage out of the turn.

The procedure of realization of the mentioned duties of the Federal executive bodies and their officials shall be defined by the Government of the Russian Federation.

### SECTION III - MILITARY SERVICE IN THE INTERNAL TROOPS

#### **Article 14.** *Personnel of the Internal Troops*

The personnel of the internal troops shall include military persons and civil personnel. Military persons of the internal troops shall have necessary professional, legal and physical training, skilful command of basic weapons, special means and the equipment assigned to them. The labor relations of civil personnel shall be governed with the Legislation of the Russian Federation on labor, Legislation of the Russian Federation on the State service, as well as with the Legislation of the constituents of the Russian Federation.

#### **Article 15.** *Military Service in the Internal Troops*

Manning of the internal troops shall be effected by joining of citizens of the Russian Federation the military service under a contract, as well as by military draft of the citizens of the Russian Federation on the ex-territorial principle.

Status of the military persons of the internal troops, procedure of their doing the military service, discharge from the military service and provision of pensions shall be defined by the Federal laws and other legal acts.

Military persons of the internal troops shall enjoy the rights and freedoms of a human being and citizen in compliance with the Constitution of the Russian Federation. The rights and freedoms of military persons of the internal troops may be restricted with the Federal law in the cases envisaged with the Constitution of the Russian Federation.

Officials of the territorial bodies of internal affairs, formations and military units of the internal troops shall participate in selection of the citizens of the Russian Federation, subject to military draft, for service in the internal troops. Selection of citizens of the Russian Federation subject to military draft for service in the operational formations and military units and in the formations and military units on protection of critical State facilities and special cargoes shall be realized upon coordination with the Federal Security Service of the Russian Federation.

Military persons of the internal troops shall be subject to the mandatory State dactyloscopy registration in compliance with the Legislation of the Russian Federation.

#### **Article 16.** *Training of Personnel of the Internal Troops*

Training and refresher training of the internal troops personnel shall be provided by the military educational institutions of higher vocational education. Students of the aforementioned educational establishments along with a military-record trade receive higher vocational education

by one of civil professions. Military persons of the internal troops with an officer's rank may receive higher vocational education in the Academy of the Ministry of Internal Affairs of the Russian Federation. Training of specialists for the internal troops in the military educational institutions of higher vocational education of the Armed Forces of the Russian Federation and other troops shall be performed on account of the funds of the internal troops.

Training of ensigns (warrant officers) and junior specialists shall be provided at ensigns' schools and military training units (centers) of the internal troops, as well as on the contract basis in the military training units of the Armed Forces of the Russian Federation and other troops.

**Article 17.** *Discharge of the Military Service Duties by Military Persons of the Internal Troops*

Military persons of the internal troops shall be regarded discharging military service duties in the cases defined by the Federal Law on Military Duty and Military Service.

Functions and special duties of the military persons of the internal troops and the procedure of their discharge shall be defined by the present Federal law, other legislative acts of the Russian Federation, General Military Regulations of the Armed Forces of the Russian Federation, Regulations of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation and legal acts of the Ministry of Internal Affairs of the Russian Federation.

Discharge of military service duties by military persons of the internal troops in the structure of a guard, garrison, outpost, army detachment, as well as in the structure of military units (sub-units) attracted for accomplishment of missions imposed on the internal troops shall be performance of active service.

Procedure and conditions of active service performance by military persons of the internal troops, as well as the amounts of increments (additional monetary payments) for their performance of active service shall be fixed with Federal laws, legal acts of the President of the Russian Federation, legal acts of the Government of the Russian Federation and the legal acts approved by the Minister of Internal Affairs of the Russian Federation.

Duration of active service performance by military persons of the internal troops shall be defined by the time of the actual stay of military persons in the structure of a guard, garrison, outpost, army detachment, as well as in the structure of military units (sub-units) attracted for discharge of the duties imposed on the internal troops.

**SECTION IV -MISSIONS OF FORMATIONS AND MILITARY UNITS OF  
THE INTERNAL TROOPS AND RIGHTS OF MILITARY PERSONS OF THE  
INTERNAL TROOPS**

**Article 18.** *Missions of the Operational Formations and Military Units, Special Motorized Formations and Military Units*

The operational formations and military units shall be imposed with the following missions:

participation jointly with the bodies of internal affairs in localization and blocking of the state-of-emergency areas or areas of armed conflicts, suppression of armed collisions in the mentioned areas and disengagement of confronting parties, weapons requisitioning from the population, carrying out actions on disarmament of illegal armed formations and in case of their armed resistance—in their liquidation;

participation jointly with the bodies of internal affairs in taking actions on strengthening protection of the public order and public security in the areas adjacent to the state-of-emergency areas or areas of armed conflicts;

participation in suppression of mass disorders in inhabited localities and in case of necessity in correctional institutions;

participation jointly with the bodies of internal affairs in taking immediate actions on rescue of people, protection of property remained without care, assurance of protection of the public order at emergency situations and other cases of emergency, as well as in providing the state-of-emergency regime;

participation jointly with the bodies of internal affairs in the struggle against criminality under the procedure defined by the present Federal Law;

participation jointly with the bodies of internal affairs in protection of the public order by performance of patrol-post service in inhabited localities, as well as in providing public security during mass actions;

allocation to the Frontier Troops of the Federal Frontier Service of the Russian Federation forces and means for participation in the frontier searches and operations under the procedure, defined by the joint decisions of the Minister of Internal Affairs of the Russian Federation and Director of the Federal Frontier Service of the Russian Federation.

The special motorized formations and military units shall be imposed with the following missions:

participation jointly with the bodies of internal affairs in protection of the public order by performance of patrol-post service in inhabited localities, as well as in providing public security during mass actions;

taking of required measures on providing undamaged state of crime traces until the arrival of representatives of the inquiry bodies while independent performance of the active service;

participation jointly with the bodies of internal affairs in taking immediate actions in rescue of people, protection of property remained without care, safeguard of the public order at emergency situations and other cases of emergency, as well as in providing the state-of-emergency regime; participation in suppression of mass disorders in inhabited localities and in case of necessity in correctional institutions;

allocation to the Frontier Troops of the Federal Frontier Service of the Russian Federation forces and means for participation in the frontier searches and operations under the procedure, defined by the joint decisions of the Minister of Internal Affairs of the Russian Federation and Director of the Federal Frontier Service of the Russian Federation.

It shall be prohibited to summon operational formations and military units and special motorized formations and military units for suppression of unofficial gatherings, meetings, demonstrations, processions and picketing of nonviolent character.

**Article 19.** *Missions of Formations and Military Units on Protection of Critical State Facilities and Special Cargoes*

The formations and military units on protection of critical State facilities and special cargoes shall be imposed with the following missions:

protection of critical State facilities, special cargoes, structures on the communications in compliance with the list approved by the Government of the Russian Federation;

participation in elimination of consequences of emergency situations and other cases of emergency on guarded facilities and structures on the communications;

participation in the search and arrest of the persons, which have unlawfully penetrated the territories of guarded facilities and structures, or have left them;

guard of warehouses and military bases of logistic support and military supply district (okrug) departments of the Ministry of Internal Affairs of the Russian Federation;

rendering of assistance to the Frontier Troops of the Federal Frontier Service of the Russian Federation in prohibition of illegal crossing of the State Frontier of the Russian Federation in the places of disposition of the internal troops.

**Article 20.** *Missions of Aviation Military Units*

The aviation military units shall be imposed with the following missions:

carriage of personnel, weapons, combat and special equipment of the internal troops, other material means;

combat support of actions of the internal troops and bodies of internal affairs during their accomplishment of missions on provision of the state-of-emergency regime, fight against the organized criminality in the conditions of armed conflicts, emergency situations and other cases of emergency.

For the purposes of receiving additional means for technical maintenance of aviation equipment and social-domestic support of the personnel of the internal troops the Commander-in-Chief of the Internal Troops shall be allowed to use the army aviation for carriage of cargoes of the Federal executive authorities under the procedure fixed by the Government of the Russian Federation.

**Article 21.** *Missions of Sea Military Units*

The sea military units shall be imposed with the following missions:

provision of protection of critical State facilities and structures on the communications, located in the coastal part of the territorial sea of the Russian Federation, on rivers, lakes and other surface water objects (hereinafter referred to as water objects);

participation in elimination of consequences of emergency situations and other cases of emergency in the mentioned guarded facilities and structures;

participation in the search and arrest of the persons, who have unlawfully penetrated territories of guarded facilities and structures from the side of water bodies, as well as the ones who have left them in the direction of water bodies;

participation jointly with the bodies of internal affairs in protection of public order at water bodies of the water objects, located in the places with the most valuable natural resources, defined by the List to be approved by the Government of the Russian Federation;

assistance to the Frontier Troops of the Federal Frontier Service of the Russian Federation in prohibition of illegal crossing of the State Frontier of the Russian Federation in the places of disposition of the internal troops.

**Article 22.** *Missions of Task Military Units (Sub-Units)*

The task military units (sub-units) shall be imposed with the following missions:

participation in disarmament of illegal armed formations, organized criminal groups, in suppression of mass disorders accompanied with armed violation, requisition of illegally stored weapons from the population;

participation in suppression of terrorist acts;

participation in rendering harmless of the persons, captured hostages, critical State facilities, special cargoes, structures on the communications, as well as buildings of the State authorities; participation in providing security of officials and individual citizens of the Russian Federation in compliance with the Legislation of the Russian Federation.

Arrangement and procedure of activity of the task military units (sub-units) during accomplishment of the missions imposed on them shall be fixed by the Provision on Task Military Units (Sub-Units) of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation and other legal acts, approved by the Minister of Internal Affairs of the Russian Federation.

**Article 23.** *Rights of Military Persons of the Internal Troops during Performance of Active Service*

Military persons of the internal troops during performance of active service shall be given the following rights:

- a) to suppress crimes, administrative violation of the law and actions, preventing from performance of service duties by military persons of the internal troops and to demand from the citizens observance of the public order;
- b) to check the citizens' identification documents in the presence of sufficient grounds of suspecting them of committing a crime or an administrative violation of the law;
- c) to draw up protocols on administrative violations of law and to forward them to the body or to the official authorized for examination of the cases on administrative violations of the law;
- d) provide administrative detention of the persons committed an administrative violation of the law including transfer of the arrested ones to the militia bodies;
- e) to take necessary actions on provision of undamaged state of crime traces until arrival of representatives of the inquiry bodies;
- f) to detain and deliver to the militia bodies the persons who have committed a crime or an administrative violation of the law or attempting their commitment, or for the purposes to identify their personalities;
- g) to detain for a term no longer than three hours and keep in the service premises of the internal troops until transfer to the militia bodies the persons, attempting on critical State facilities being under protection by the internal troops, special cargoes, structures on communications, warehouses, military bases, management bodies of the internal troops, territories for temporary or permanent stationing of formations, military units (sub-units), military educational establishments of higher vocational education and institutions of the internal troops, as well as their facilities, equipment and other property (hereinafter referred to as the

facilities protected by internal troops), perform personal examination of the mentioned persons, examination of their transport vehicles and belongings, withdrawal from the mentioned persons of documents and articles, prohibited for storage and use;

- h) to perform examination of transport vehicles, floating means (vessels), violated the rules fixed at the facilities, protected by internal troops;
- i) to perform personal examination of the employees of atomic power use facilities (nuclear installations; organizations on handling nuclear materials or radioactive substances) and the citizens, visiting the mentioned facilities for familiarization purposes, as well as examination of their belongings and transport vehicles in the territories of atomic power use facilities, including with use of special means;
- j) To enter freely at any time of the day in the territories and in the premises of the protected enterprises, establishments, organizations regardless of the form of property (except for the diplomatic representations of foreign States in the Russian Federation) and inspect them for the purposes of suppressing crimes or administrative violations of law, threatening the public order and security of citizens, search and detention of the persons, unlawfully penetrated in the protected territories or have left them;
- k) To perform in accordance with the decision of the Minister of Internal Affairs, Head of the Chief Department (Department) of Internal Affairs of the constituent of the Russian Federation, and in exceptional cases in accordance with the decision of a commander of an army unit (sub-unit) of the internal troops the surrounding (blocking) of locality areas, individual structures and other facilities during pursuit of the persons unlawfully penetrated in the protected territories or have left them; during suppression of mass disorders and group violations of the public order; elimination of consequences of emergency situations and other cases of emergency, providing when necessary examination of transport vehicles and floating means (ships);
- l) excluded
- m) encourage under the procedure defined by the Commander-in-Chief of the Internal Troops, the citizens distinguished during rendering of assistance to the internal troops during their performance of imposed missions;
- n) wear civil clothing, as well as the form of clothes and badges of rank of the employees of the Federal executive authorities, enterprises and establishments under the procedure defined by the Regulations of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation.

During performance of active service on provision of the state-of-emergency regime, introduced by the President of the Russian Federation, under the circumstances and under the procedure,

envisaged with the Federal Constitutional law, military persons of the internal troops shall be given the following additional rights:

- a) to enter freely at any time of the day in the living quarters and other premises of citizens, in their owned land plots, in the territories and premises, occupied by enterprises, establishments, and organizations regardless of the form of property (except for the diplomatic representations of foreign States in the Russian Federation) and inspect them during pursuit of the persons suspected of commitment of a crime or in the presence of sufficient data to presume that there has been or is being committed a crime there or an accident occurred; all cases of penetration in living quarters against will of the citizens living in it, shall be reported to the Prosecutor by the Headquarters of a military unit of the internal troops within 24 hours from the moment of penetration;
- b) temporarily prohibit or restrict the movement of transport vehicles and pedestrians in the streets and on the roads, perform their examination for the purposes of protecting life, health and property of citizens;
- c) to use transport vehicles of enterprises, establishments, and organizations regardless of the form of property (except for the transport vehicles of diplomatic, consular and other representations of foreign States in the Russian Federation, international organizations, as well as task transport vehicles), transport vehicles of public associations or citizens for travel to the place of emergencies and other cases of emergency, delivery of citizens requiring urgent medical assistance to the medical establishments, pursuit of the persons, committed a crime or their delivery to the militia bodies;
- d) admit no citizens for the purposes of protecting their life, health and property in the individual areas of the locality and facilities; obligate them to stay in the aforementioned areas of the locality and in the facilities or to leave them;
- e) to use freely for the service purposes the lines, channels and means of communication, belonging to enterprises, establishments, and organizations regardless of the form of property (except for the diplomatic representations of foreign States in the Russian Federation) and public associations;
- f) to receive freely from enterprises, establishments, and organizations regardless of the form of property the information required for discharge by the military persons of the internal troops of service duties except for the cases when the Law stipulates other procedure for receipt of the corresponding information;
- g) to provide when necessary checking of citizens' identification documents and in exceptional cases the available information on citizens' weapons, ammunitions, explosives, special means

to perform personal examination of citizens, examination of their belongings, living quarters and other premises, transport vehicles;

- h) to detain the citizens infringed the curfew regime until its end and the persons having no identification documents with them until clarification of their personality, but no longer than for the term fixed by the corresponding Federal Constitutional law.

## SECTION V - USE OF PHYSICAL STRENGTH, SPECIAL MEANS, ARMS; COMBAT AND SPECIAL EQUIPMENT BY MILITARY PERSONS OF THE INTERNAL TROOPS

### **Article 24.** *Conditions and Limits of Use of Physical strength, Special Means, Weapons, Combat and Special Equipment*

Military persons of the internal troops shall be entitled to use of physical strength, special means, weapons, combat and special equipment in the case and under the procedure envisaged by the present Federal Law.

Military persons of the internal troops shall be obliged to undergo special training, as well as recurrent check for availability for the actions connected with use of physical strength, special means, weapons, combat and special equipment, and of the skill of rendering first aid to sufferers. On use of physical strength, special means, weapons, combat and special equipment a military person of the internal troops shall be obliged to:

notify the intent to use them, providing at the same time the persons, in relation to whom it is intended to use physical strength, special means, weapons, combat and special equipment, with sufficient time for fulfilment of their requirements, except for the cases when delay in use of physical strength, special means, arms, combat and special equipment create immediate threat to the life and health of citizens, military persons or employees of the bodies of internal affairs, may result in other grave consequences or when in the arisen situation such notice is inappropriate or impossible.

provide rendering of first aid to the persons, received physical injuries;

report to its immediate commander (head) on each case of use of physical strength, special means, arms, combat and special equipment.

The corresponding officials of the internal troops shall be obliged to immediately inform the Prosecutor on all cases of injuries or death in the result of use of physical strength, special means, arms, combat and special equipment.

use by military persons of the internal troops of physical strength, special means, arms, combat and special equipment with excess of their powers shall entail the responsibility fixed with the law.

**Article 25.** *Use of Physical Strength*

Military persons of the internal troops shall be entitled to use physical strength including the fighting techniques of wrestling for suppression of crimes and administrative infringements of law, detention of the persons committed them, overcoming of resistance to legal demands of military persons of the internal troops, if other techniques of suppression of crimes and administrative violations of law do not provide discharge by military persons of the internal troops of their service duties.

Article 27 of the present Federal Law has been amended with Federal Law 83-Φ3 dated June 20, 2000

See the text of the Article in the previous edition

**Article 26.** *Use of Special Means*

Military persons of the internal troops shall be entitled for use of special means for:

- a) repulsion of an attack on citizens, military persons, employees of the bodies of internal affairs;
- b) suppression of the resistance exerted against a military person of the internal troops during his discharge of his service duties;
- c) detention of the persons caught in the commitment of a crime attempting to escape or offer resistance;
- d) detention of the persons on the grounds fixed by the Legislation of the Russian Federation;
- e) delivery of the detained persons to the militia bodies, convoying and guarding the detained persons, when by their behavior they give a ground for presuming that they may commit an escape or damage those around or themselves or offer resistance to a military person of the internal troops;
- f) repulsion of attack on military towns, military echelons (transports) and transport columns, and facilities guarded by the Internal troops;
- g) release of hostages, captured buildings, premises, structures, transport vehicles and areas of the locality;

- h) suppression of mass disorders and actions, infringing operation of transport vehicles, means of communication, enterprises, establishments and organizations regardless of the form of property, as well as the ones disorganizing the work of correctional institutions;
- i) stoppage of transport vehicles, when their drivers have not complied with legal demands of militia employees or those of military persons of the internal troops to stop;
- j) excluded

As special means used by the military persons of the internal troops there may be applied: rubber truncheons—in the cases provided with Clauses a, b, c, d, e, f, g of Part 1 of the present Article;

tear-gas—in the cases provided with Clauses a, b, c, d, e, f, g of Part 1 of the present Article;

handcuffs—in the cases provided with Clauses a, b, c, d of Part 1 of the present Article. At absence of handcuffs military persons of the internal troops shall be entitled to use improvised means for binding together;

light-sound means of counter-attraction impact—in the cases provided with Clauses a, b, c, d, e, f of Part 1 of the present Article;

means of obstacle destruction—in the cases provided with Clauses d, g of Part 1 of the present Article;

means of forced stoppage of transport vehicles—in the cases provided with Clause h of Part 1 of the present Article;

service dogs—in the cases provided with Clauses a, b, c, d, e, f, g, h of Part 1 of the present Article.

All types of special means may also be applied in the cases envisaged with Part 1 of Article 28 of the present Federal Law.

It is prohibited to use special means in relation to women with visible signs of pregnancy, persons with clear signs of invalidity and small-age persons, except for the cases of offering armed resistance by the mentioned persons, attacking, threatening the life and health of citizens.

In the condition of the required defense or absolute necessity a military person of the internal troops at absence of special means or weapons shall be entitled to use anything available.

#### **Article 27. Use of Weapon**

Military persons of the internal troops shall be entitled to use weapon for:

- a) protection of citizens against attack threatening their life and health;
- b) repulsion of an attack against military persons and employees of the bodies of internal affairs, threatening their life and health, as well as suppression of an attempt at capturing their arms and military equipment;

- c) release of hostages, captured protected facilities, special cargoes, structures on communications and military equipment;
- d) detention of the persons, caught in commitment of a grave or extremely grave crime against life and health of citizens or property, the persons attempting to escape, as well as those offering armed resistance;
- e) suppression of prison breaking by those persons detained on suspicion of commitment of a crime, condemned for deprivation of liberty, as well as suppression of attempts of forced release of the persons specified in the present Clause;
- f) stoppage of a transport vehicle in the conditions of a state-of-emergency regime by damaging the transport vehicle if the driver refuses to stop regardless of legal demands of militia employees or military persons of the internal troops;
- g) repulsion of a group or armed attack (including with use of transport vehicles) at military towns, military echelons (transports), transport columns, guarded facilities, special cargoes, structures on communications, living quarters of citizens, premises, occupied by authorities, enterprises, establishments, and organizations regardless of the form of property, and public associations;
- h) suppression of the resistance offered by armed persons, refusing to fulfill legal demands of military persons of the internal troops on termination of unlawful actions and delivery of weapon, ammunitions, explosives, special means and military equipment available with these persons;
- i) notices to citizens on the intent to use arms, delivery of an alarm signal or call of assistance;
- j) suppression of persons' attempts to unlawfully penetrate in the territories of guarded facilities, posts and other places of performance of the active service or to leave them, when application of other techniques for suppressing these attempts do not seem possible.

Weapons shall be used without notice in repulsion of an attack with use of weapons, combat and special equipment, transport vehicles, aircraft, sea or river vessels, at escape with weapon when guarded or in the transport vehicles, aircraft, sea or river vessels, as well as at escape in the conditions of restricted visibility, at escape from transport vehicles, from sea or river vessels in the course of their movement.

It is prohibited to use weapons in relation to women, persons with clear signs of invalidity, under-aged persons, when their age is obvious or known to the military person of the internal troops, except for the cases in which the aforementioned persons offer armed resistance, commit a group or armed attack threatening life or health of citizens, as well as at considerable accumulation of people, when outside persons may suffer from use of weapons.

**Article 28.** *Use of Combat and Special Equipment*

The combat and special equipment adopted by the internal troops shall be used for:

- a) release of hostages, captured protected facilities, special cargoes, structures on communications and military equipment;
- b) protection of citizens against attack threatening their life and health when no other way seems possible for suppression of this action;
- c) stoppage of a transport vehicle in the conditions of the state-of-emergency regime by damaging the transport vehicle if the driver refuses to stop regardless of legal demands of the militia employees or military persons of the internal troops;
- d) repulsion of a group or armed attack (including the one with use of transport vehicles) at military towns, military echelons (transports), transport columns, guarded facilities, special cargoes, structures on communications, living quarters of citizens, premises, occupied by authorities, enterprises, establishments, and organizations regardless of the form of property, and public associations;
- e) repulsion of resistance of armed persons, refusing to fulfill legal demands of military persons of the internal troops on termination of unlawful actions and delivery of weapon and military equipment available with these persons.

Upon direction of the commander of a military unit or his deputy in the cases envisaged with Clauses d, e, g, f of Part 1 Article 27 of the present Federal Law there may be applied water jets and armored cars including mandatory notice of the Prosecutor about that within 24 hours from the moment of their application.

**Article 29.** *Guarantees of Personal Security of Military Persons of the Internal Troops and Members of their Families*

A military person of the internal troops shall be entitled to take up a weapon and make it available when considering that under a situation which has occurred there may arise grounds for its application, envisaged by Article 28 of the present Federal Law.

Attempts of a detained person to approach with taken up cold steel or fire-arms or with articles with the aid of which there may be imposed some bodily damage to a military person of the internal troops having shortened at the same time the distance aforementioned from the military person, as well as attempts of the aforementioned person to touch a weapon of the military person of the internal troops shall entitle the latter to use the weapon in compliance with Clause b of Part 1 Article 28 of the present Federal Law.

For the sake of personal security of military persons of the internal troops and members of their families no public speech and mass media circulation of the data on the places of disposition or re-disposition of formations and military units of the internal troops shall be admitted, as well as there shall be provided confidentiality of the data on military persons of the internal troops, taken part in suppression of the activity of armed criminals, illegal armed formations and other organized criminal groups, as well as confidentiality of the data on members of their families. Information on service-combat activity of formations, military units (sub-units), military educational establishments of higher vocational education and institutions of the internal troops may be presented only upon authorization of the commander of the corresponding formation, military unit (sub-unit), head of a military educational establishment of higher vocational education and institutions of the internal troops under the procedure defined by the Minister of Internal Affairs of the Russian Federation.

## SECTION VI - MANAGEMENT OF THE INTERNAL TROOPS

### **Article 31.** *Powers of the Minister of Internal Affairs of the Russian Federation*

The Minister of Internal Affairs of the Russian Federation shall exercise immediate management of the internal troops and bear responsibility for lawfulness of accomplishment of the missions imposed on them.

The powers of the Minister of Internal Affairs of the Russian Federation related to managing the internal troops shall be defined by the Provision on the Ministry of Internal Affairs of the Russian Federation, approved by the President of the Russian Federation, Federal Constitutional laws, Federal laws and other legal acts.

### **Article 32.** *Powers of the Commander-in-Chief of the Internal troops*

The Commander-in-Chief of the Internal Troops shall be the Deputy Minister of Internal Affairs of the Russian Federation at the same time and shall exercise management of the internal troops.

The powers of the Commander-in-Chief of managing the internal troops shall be defined with the Regulations on the General Headquarters of the Internal Troops of the Ministry of Internal Affairs, approved by the President of the Russian Federation, Federal Constitutional laws, Federal laws and other legal acts.

**Article 33.** *General Headquarters of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation*

The General Headquarters of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation (hereinafter referred to as the General Headquarters) shall be the structural sub-division of the central machinery of the Ministry of Internal Affairs of the Russian Federation.

Arrangement and procedure of the activity of the General Headquarters of the Internal Troops shall be defined by the Provision mentioned in Article 32 of the present Federal Law.

**Article 34.** *Districts (Okrugs) of the Internal Troops*

The districts (okrugs) of the internal troops shall be the operational and territorial large formations of the internal troops.

The Commander-in-Chief of the District (Okrug) Internal Troops shall be the direct head for all staff of the formations and military units, included in the district (okrug) structure. By Order of the Minister of Internal Affairs of the Russian Federation formations and military units directly subordinated to the Commander-in-Chief of the District (Okrug) Internal Troops, as well as military educational institutions of higher vocational education, stationed in the territory of the internal troops district (okrug), may be transferred under operational subordination of the Commander-in-Chief of the District (Okrug) Internal Troops.

Arrangement and procedure of the activity of the Internal Troops District (Okrug) Department shall be defined by the Provision on the Internal Troops District (Okrug) Department, approved by the Minister of Internal Affairs of the Russian Federation.

The Commander-in-Chief of the District (Okrug) Internal Troops shall organize its activity in close interaction with Ministers of Internal Affairs, Heads of the Main Departments (Departments) of Internal Affairs of the constituents of the Russian Federation.

On preparation of the internal troops to accomplish the missions in the domain of defense and in the course of their performance the Commander-in-Chief of the District (Okrug) Internal Troops shall effect interaction with the commands of military districts (okrugs) of the Armed Forces of the Russian Federation in compliance with the Federal Law On Defense.

For the protection of public security the Commanders-in-Chief of the District (Okrug) Internal Troops upon petition of Ministers of Internal Affairs, Heads of the Main Departments (Departments) of Internal Affairs of the constituents of the Russian Federation in whose territories are stationed the troops of the corresponding district (okrug) of internal troops shall be

entitled for attracting operational formations and military units for rendering assistance to the bodies of internal affairs in detention of the persons, committed grave and very grave crimes.

**Article 35.** *Council of War of the Internal Troops*

In the General Headquarters of the Internal Troops there shall be created the Council of War of the General Headquarters of the Internal Troops, and in the districts (okrugs) of internal troops Councils of War of Internal Troops Districts (Okrugs), which shall be the permanently acting deliberative bodies in the internal troops.

The missions and the structure of the Council of War of the General Headquarters of the Internal Troops and the Councils of War of the District (Okrug) Internal Troops, procedure of their forming and activity, powers of the persons included in the structure of the mentioned Councils of War shall be defined by the Provision on the Councils of War approved by the President of the Russian Federation.

**Article 36.** *Powers of Ministers of Internal Affairs, Heads of the Main Departments (Departments) of Internal Affairs of the Constituents of the Russian Federation*

Ministers of Internal Affairs, Heads of Central Administrative Boards (Boards) of Internal Affairs of the constituents of the Russian Federation shall be the senior operational Heads in respect to Commanders of the special motorized formations and military units of internal troops, stationed in the territories of the corresponding constituents of the Russian Federation.

Ministers of Internal Affairs, Heads of Central Administrative Boards (Boards) of Internal Affairs of the constituents of the Russian Federation within their terms of reference shall:

attract forces and means of special motorized formations of military units for participation jointly with the bodies of internal affairs in protection of public order within the corresponding territories under the procedure envisaged with the present Federal Law and the Regulations of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation;

define jointly with Commanders of special motorized formations and military units the scope of service missions for the mentioned formations and military units;

exercise control over the activity of special motorized formations and military units, performance of active service with guards and army detachments of the mentioned formations and military units;

participate in performance of joint exercises and training of the bodies of internal affairs and military units of internal troops;

listen to the information of commanders of the special motorized formations and military units on the results of the service-combat activity of the mentioned formations and military units;  
render assistance to commanders of the military units of the internal troops in creation of the relevant conditions for activities of military units (sub-units) of the internal troops, including the ones arriving from other regions of the Russian Federation for accomplishment of the missions imposed on the internal troops, as well as in observance of guarantees on legal and social security of military persons of the internal troops and members of their families;  
render assistance in equipping the facilities guarded by the internal troops with engineering-technical means in construction, development and repair of military towns and guard premises.

## SECTION VII - PROCEDURE OF ACCOMPLISHMENT OF THE MISSIONS IMPOSED ON THE INTERNAL TROOPS

### **Article 37.** *Procedure of Accomplishment by the Formations and Military Units (Sub-Units) of the Missions Imposed on the Internal Troops*

The procedure of accomplishment by the formations and military units (sub-units) of internal troops of the missions imposed on them shall be defined by the present Federal Law, Federal Constitutional laws, Federal laws, legal acts of the President of the Russian Federation, legal acts of the Government of the Russian Federation, Regulations of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation and legal acts of the Ministry of Internal Affairs of the Russian Federation.

The term of attraction of the staff of formations and military units (sub-units) of the internal troops to accomplishment of their imposed missions on protection of the state-of-emergency regime shall not exceed three months.

At the same time:

the duration of the military service accounted in the long service, entitling a pension to military persons of the internal troops in military service under the contract, shall be assessed on the basis of one month for three months;

duration of the military service accounted in the long service, entitling a pension to military persons of the internal troops in military service under the draft shall be assessed on the basis of one month for three months;

On accomplishment of the missions of protection of the state-of-emergency regime the military persons of internal troops shall be paid increments and fixed additional monetary payments under the procedure and in the amounts fixed by the Federal laws, legal acts of the President of the

Russian Federation, legal acts of the Government of the Russian Federation, and legal acts, approved by the Minister of Internal Affairs of the Russian Federation.

**Article 38.** *Attraction of Formations and Military Units (Sub-Units) of the Internal Troops to Accomplishment of their Imposed Missions Outside the Areas of their Disposition*

The summoning of formations and military units (sub-units) of the internal troops to the accomplishment of their imposed missions outside the areas of their disposition shall be effected by the Minister of Internal Affairs of the Russian Federation.

For rendering assistance to the bodies of internal affairs on protection of the public order within the territories of the corresponding constituents of the Russian Federation senior operational heads shall be entitled to attract sub-units of special motorized formations and military units outside the areas of their disposition for the term no longer than one month at mandatory notice of the Commander-in-Chief of the Internal Troops on the taken decision.

**SECTION VIII- GUARANTEES OF LEGAL AND SOCIAL SECURITY OF MILITARY PERSONS OF INTERNAL TROOPS, CITIZENS DISCHARGED FROM MILITARY SERVICE AND MEMBERS OF THEIR FAMILIES**

**Article 39.** *Obligation of Discharge of Legal Requirements of the Internal Troops Military Persons*

The legal requirements of military persons of the internal troops at their discharge of their service duties shall be mandatory for execution by citizens and officials of the Russian Federation.

Non-execution of legal requirements of military persons of the internal troops and the actions preventing from their discharge of their service duties shall entail the responsibility fixed by the Legislation of the Russian Federation.

**Article 40.** *Necessary Defense and Absolute Necessity Applicable to the Service Activity of Military Persons of the Internal Troops*

The service duties of the military persons of the internal troops shall be covered by the norms on necessary defense and absolute necessity fixed by the Legislation of the Russian Federation.

**Article 41.** *Inadmissibility of Interference in the Service Activity of Military Persons of the Internal Troops*

Military persons of the internal troops performing active service shall be public agents and shall be under the protection of the State in compliance with the Legislation of the Russian Federation. Nobody shall be entitled to interfere with the service activity of military persons of the internal troops except for the officials duly authorized with the Legislation of the Russian Federation.

**Article 42.** *Entitlement of Military Persons of the Internal Troops to Legal Defense*

Military persons of the internal troops shall be entitled to legal defense of their rights and freedoms.

**Article 43.** *Insurance Guarantees to Military Persons of the Internal Troops, Citizens Discharged from Military Service, Members of their Families and the Right for Compensation of Damage*

Military persons of the internal troops, citizens discharged from military service, and members of their families shall be fully provided with insurance guarantees and entitlement to compensation for damage fixed by Federal laws and other legal acts for military persons, citizens discharged from military service and members of their families.

**Article 44.** *Provision of Military Persons of the Internal Troops with Accommodation*

For military persons of the internal troops doing military service under a contract accommodation in the form of an individual apartment or living house shall be provided by local governmental bodies, as well as by the corresponding Federal executive authorities, State enterprises, institutions and organizations with the facilities guarded by internal troops, under the established norms and the procedure defined by Federal laws and other legal acts for military persons.

Construction of housing for military persons of the internal troops shall be effected on the account of the funds of the Federal Budget. For the same purposes the Government of the Russian Federation shall allocate material resources in the centralized order.

The enterprises, institutions and organizations of the Federal executive authorities for the sake of which the internal troops shall perform their imposed missions on safeguarding critical State facilities, special cargoes and structures on communications, as well as the executive authorities of the constituents of the Russian Federation for the sake of which the internal troops accomplish missions on protection of the public order, shall allocate out of their funds the necessary accommodation and the quarters-accommodation stock from the moment of accepting critical State facilities under military safeguarding and arrangement of performance of patrol-post service by special motorized military units, as well as providing accommodation for military persons of

the internal troops doing military service under a contract, arriving in the military units on protection of critical State facilities and special cargoes and in the special motorized military units to occupy vacant positions.

In case of a loss of life (death) of a military person of the internal troops occurring at his/her discharge of military service duties the family of the deceased (died person) shall retain the right to receipt of accommodation on the grounds which existed during registration of the aforementioned military person as the one in need of improvement of living conditions. At the same time the accommodation shall be given to the family of the deceased (died person) no later than one year from the date of his/her loss of life (death).

Military persons of the internal troops, citizens discharged from military service and members of their families shall be covered with other benefits on provision with accommodation fixed by Federal laws and other legal acts for military persons, citizens discharged from military service and members of their families.

**Article 45.** *Provision of Military Persons of the Internal Troops with Phone Communication and Supply of their Children with Places in the Children's Pre-School Institutions*

Phone communication at residential places of the officers of the internal troops shall be provided within the term not exceeding one year from the date of their filing an application on provision with phone communication with a communication enterprise, institution or organization at the place of residence.

Places in children's pre-school institutions for children of military persons of the internal troops shall be given by the corresponding Federal executive authorities, local governmental bodies, State and municipal enterprises, institutions and organizations within six months from the date of filing an application with the owner of the corresponding pre-school institution and the services shall be paid under the preferential terms, fixed by the Government of the Russian Federation.

**Article 46.** *Entitlement of Military Persons of the Internal Troops, Citizens Discharged from Military Service and Members of their Families to Medical Assistance*

The right of military persons of the internal troops to medical aid shall be realized by performance in the troops of sanitary-hygienic, treatment-prophylactic activities, exercise of continuous control over the health condition of military persons of the internal troops, rendering of medical aid in the case of their wounds or sickness, free supply with medicines, medications and rendering of various medical services in the medical institutions of the Ministry of Internal Affairs of the Russian Federation.

Military persons of the internal troops shall be received for out-patient and in-patient treatment in the medical establishments of the Ministry of Internal Affairs of the Russian Federation free of charge, and in the treatment-prophylactic establishments of the Health Ministry of the Russian Federation, other Federal executive authorities, executive authorities of the constituents of the Russian Federation—on the contract basis to be covered on account of the funds envisaged for support of the activity of internal troops.

The right to medical aid in the medical establishments of the Ministry of Internal Affairs of the Russian Federation shall be given to the family members of internal troops officers, as well as to citizens with officers' ranks, discharged from military service upon reaching the ultimate age of the military service period, owing to health conditions or in connection with performance of organizational-staff activities, with the total length of military service by preferential assessment to make 20 years and more, and members of their families.

Sanitary supervision over facilities of military towns of the internal troops shall be implemented by sanitary-epidemiological establishments of the Ministry of Internal Affairs of the Russian Federation and the Health Ministry of the Russian Federation.

Military persons of the internal troops, citizens discharged from military service and members of their families shall be covered with other benefits on medical service and the right to their supply with sanatorium-and-spa treatment, fixed by Federal laws and other legal acts for military persons, citizens discharged from military service and members of their families.

**Article 47.** *Entitlement of Military Persons of the Internal Troops to Free Travel*

Military persons of the internal troops shall enjoy the right to free travel in all categories of the public transport means of town, suburban and local traffic communication (except for taxi), and in the country areas by any incidental transport all over the territory of the Russian Federation.

Military persons of the internal troops doing service in the railway and water communications or in the areas with a state-of-emergency regime shall enjoy the additional right to free travel by trains, sea and river ships within the limits of the serviced communications and areas.

Military persons of the internal troops shall be entitled to free travel, out-of-turn purchase of travel documents in all categories of transport in their proceeding on business trips, to a new place of military service and back, as well as the right to out-of-turn accommodation in a hotel on the basis of business trip certificates.

**Article 48.** *Benefits, Compensations, Social and Legal Guarantees to Military Persons of the Internal troops, Citizens Discharged from Military Service and Members of their Families*

Under the procedure defined by the Minister of Internal Affairs of the Russian Federation the military persons of the internal troops in military service under the contract entitled for the long-service pension shall be fixed a monthly additional payment depending on duration of their service in the amount from 25 to 50 percent of the amount of the pension which could be assessed to them.

Military persons of the internal troops, citizens discharged from military service and members of their families shall be fully covered with other benefits, compensations, social and legal guarantees, fixed by Federal laws and other legal acts for military persons, citizens discharged from military service and members of their families. By resolution of the Government of the Russian Federation military persons of the internal troops shall be covered with benefits, compensations, social and legal guarantees envisaged by the Legislation of the Russian Federation for employees of the bodies of internal affairs.

The State authorities of the constituents of the Russian Federation and local governmental bodies may establish for military persons of the internal troops additional benefits, compensations, social and legal guarantees which are not provided with the present Federal Law.

Military persons of the internal troops awarded with a breastplate ‘Honored Worker of the Ministry of Internal Affairs of the Russian Federation’ or honorary plate ‘Honored Employee of the Ministry of Internal Affairs of the Russian Federation’ shall be entitled for benefits, compensations, social and legal guarantees, established for employees of the bodies of internal affairs, awarded with the mentioned plates.

**Article 49.** *Responsibility for Non-Observance of Legal and Social Security Guarantees of Military Persons of the Internal Troops*

In case of non-observance of legal and social security of military persons of the internal troops envisaged by the present Federal Law, the officials guilty of this non-observance shall bear responsibility fixed by the Legislation of the Russian Federation.

**SECTION IX - FINANCING AND LOGISTIC SUPPORT  
OF THE INTERNAL TROOPS**

**Article 50.** *Financing of the Internal Troops*

The internal troops shall be financed on the account of the funds of the Federal Budget. The costs of supporting the activity of the internal troops shall be reflected in the Federal Law on the Federal Budget for the corresponding year in the sub-section “Internal Troops”.

**Article 51.** *Logistic Support and Military Supply of the Internal Troops*

The procedure and norms of logistic support of the internal troops with account of the functional destination of formations and military units of the internal troops shall be fixed by the Government of the Russian Federation upon presentation of the Minister of Internal Affairs of the Russian Federation.

Repair of combat and special equipment of the internal troops shall be carried out on a contract basis at repair enterprises of the Ministry of Defense of the Russian Federation, including the Navy plants upon requests of the internal troops.

Construction, reconstruction or granting of the facilities destined for quartering of military units (sub-units) of the internal troops shall be carried out under the procedure and by the norms fixed for military persons of the Armed Forces of the Russian Federation (subject to the peculiarities defined by the Minister of Internal Affairs of the Russian Federation) on the account of the forces and funds of the Federal executive authorities, enterprises, institutions and organizations, whose facilities are guarded with internal troops; the facilities purposed for quartering of special motorized formations and military units on the account of the forces and funds of the executive authorities of the constituents of the Russian Federation; the facilities destined for quartering of the Chief Commandment of the Internal Troops, departments of the districts (okrugs) of the internal troops, departments of formations of the internal troops, operational military units, aviation military units and sea military units, military educational institutions of higher vocational education and institutions of the internal troops on the account of the Federal Budget funds including centralized logistic support with material-technical resources.

Repair and municipal servicing of military towns, buildings and structures, purposed for quartering the military units (sub-units) of the internal troops shall be effected on the account of the funds of the Federal Budget assigned for supporting the activity of the internal troops, and supplied with material resources by the Federal executive authorities, enterprises, institutions, and organizations, whose facilities are guarded by internal troops, and those destined for quartering of special motorized formations and military units by the executive authorities of the constituents of the Russian Federation.

Construction, major repair, reconstruction of the engineering-technical means of the guard and guardhouses, provision of their operation shall be effected on account of the funds of the Federal executive authorities, enterprises, institutions, and organizations, whose facilities are guarded with internal troops.

Repair and municipal servicing of the buildings of the Chief Commandment of the Internal Troops, departments of internal troops districts (okrugs), departments of formations of the internal troops, military operational units, aviation military units and sea military units, military educational institutions of higher vocational education and institutions of the internal troops shall be effected on the account of the Federal Budget funds assigned for support of the activity of the internal troops, including centralized logistic support with material-technical resources.

Military persons of formations and military units of the internal troops involved in accomplishment of their imposed missions outside the areas of their permanent post shall be provided with accommodation for quartering, municipal services, lines and channels of communication, automobile transport, fuel and lubricant materials, and additional food on the account of the funds additionally assigned out of the Federal Budget.

## SECTION X - CONTROL OVER THE ACTIVITY OF THE INTERNAL TROOPS AND PROSECUTOR'S SUPERVISION

### **Article 52.** *Control over Activity of the Internal Troops*

Control over activity of the internal troops shall be effected by the President of the Russian Federation, Government of the Russian Federation within the terms of reference defined by the Constitution of the Russian Federation, Federal Constitutional laws, and Federal laws.

### **Article 53.** *Prosecutor's Supervision*

Supervision over compliance of the internal troops with the Federal Constitutional laws and Federal laws shall be exercised by the Prosecutor General of the Russian Federation and subordinated Prosecutors.

### **Article 54.** *Enforcement of the Present Federal Law*

The present Federal Law shall become effective from the date of its official publication.

The President of the Russian Federation shall be proposed and the Government of the Russian Federation shall be commissioned to adjust their legal acts in compliance with the present Federal Law.

**Article 55.** *On Recognition of Some Legislative Acts Made Void in Connection with Adoption of the Present Federal Law*

In connection with adoption of the present Federal Law the below shall be recognized void:

The Law of the Russian Federation ‘On Internal Troops of the Ministry of Internal Affairs of the Russian Federation’ (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1992, № 42, Article 2334);

Resolution of the Supreme Council of the Russian Federation ‘Procedure of Enforcement of the Law of the Russian Federation ‘On Internal Troops of the Ministry of Internal Affairs of the Russian Federation’ (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1992, № 42, Article 2335);

Resolution of the Supreme Council of the Russian Federation ‘Repeated Consideration of the Law of the Russian Federation ‘On Internal Troops of the Ministry of Internal Affairs of the Russian Federation’ (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1992, № 42, Article 2336);

President of the Russian Federation

B. Yeltsin

City of Moscow, The Kremlin

February 06, 1997

№ 27-Ф3

## 20.ON CIVIL DEFENSE

Adopted by the State Duma on December 26, 1997

Approved by the Council of Federation on January 28, 1998

### Summary:

*This federal law defines the tasks and management of Civil Defence in Russia. The law defines the concept, the service terms, taskings and organisations involved.*

*The conduct and principles of Civil Defence are detailed, along with the specification of the powers of various state authorities in this field. The roles of the government, federal executive authorities, local government, and the rights and obligations citizens are described. The practicalities of civil defence management, forces and organisation are also discussed.*

Chapter I.	General Provisions	(Articles 1–4)
Chapter II.	Powers of the State Authorities of the Russian Federation in the Domain of Civil Defence	(Articles 5–7)
Chapter III.	Powers of the Executive Authorities of the Constituents of the Russian Federation, Local Governmental Bodies, Organizations, Rights and Obligations of the Citizens of the Russian Federation in the Domain of Civil Defence	(Articles 8–10)
Chapter IV.	Civil Defence Management	(Articles 11–14)
Chapter V.	Civil Defence Forces	(Articles 15–17)
Chapter VI.	Final Provisions	(Articles 18–20)

The present Federal Law shall define tasks in the domain of civil defence and legal fundamentals of their implementation, powers of the State authorities of the Russian Federation, executive authorities of the constituents of the Russian Federation, local governmental bodies, organizations regardless of their organizational-legal forms and forms of property (hereinafter referred to as organizations), as well as forces and means of civil defence.

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *Basic Concepts*

The civil defence shall be the system of measures of preparation for the defence and protection of the population, material and cultural values in the territory of the Russian Federation against the hazards occurring during prosecution of hostilities or as a consequence of these hostilities;

the civil defence service shall be the service meant for carrying out measures of civil defence, including preparation of necessary forces and means and support of the actions of civil defence organizations in the course of performance of wrecking and other necessary work in the course of hostilities or as a consequence of these hostilities;

the civil defence organizations shall be the formations created on the basis of the organizations by the territorial-production principle, not included in the structure of the Armed Forces of the Russian Federation, possessing special equipment and property and prepared for protection of the population and organizations against the hazards occurring during prosecution of hostilities or as a consequence of these hostilities;

the territory attributed to a civil defence group shall be the territory which accommodates a town or other inhabited locality of important defensive and economic value together with its facilities representing a high degree of hazard of occurrence of emergencies within the time of war and peace.

### **Article 2.** *Tasks in the Domain of Civil Defence*

The main tasks in the domain of civil defence shall be as follows:

training of the population in techniques of protection against the hazards occurring in the course of hostilities or as a consequence of these hostilities;

notice of population of the hazards occurring in the course of hostilities or as a consequence of these hostilities;

evacuation of population, material and cultural values to safe areas;

supply of population with shelters and personal protection equipment;

carrying of activities on light camouflage and other types of camouflage;

carrying of wrecking operations in case of occurrence of hazards for the population in the course of hostilities or as a consequence of these hostilities;

priority supply of the population suffered in the course of hostilities or as a consequence of these hostilities including medical service, rendering of the first medical aid, urgent supply with accommodation and taking of other necessary measures;

control of fires occurring in the course of hostilities or as a consequence of these hostilities;

detection and identification of the areas subjected to radioactive, chemical, biological and other contamination;

decontamination of the population, equipment, buildings, territories and carrying of other necessary activities;

restoration and maintenance of order in the areas suffered in the course of hostilities or as a consequence of these hostilities;

urgent restoration of functioning of the required municipal services in the time of war;

urgent burial of dead bodies during the time of war;

development and implementation of measures targeted at safe keeping of the facilities essentially necessary for stable functioning of the economy and survival of the population during the time of war;

assurance of continuous availability of the civil defence forces and means.

**Article 3.** *Legal Regulation in the Domain of Civil Defence*

1. The legal regulation in the domain of civil defence shall be effected in compliance with the present Federal Law, other Federal laws and different legal acts of the Russian Federation.
2. If an international treaty of the Russian Federation establishes other rules than the ones envisaged with the present Federal Law, then the rules of the international treaty shall apply.

**Article 4.** *Principles of Civil Defence Arrangement and Conduct*

1. The arrangement and conduct of civil defence shall be one of the most important functions of the State, component parts of the defence construction, and protection of the State security.  
The civil defence shall be arranged in the territory of the Russian Federation by the territorial-production principle.
2. Preparation of the State to conduct of civil defence shall be effected well in advance in the time of peace with account of development of armaments, military equipment and means of

protection of the population against the hazards occurring during prosecution of hostilities or as a consequence of these hostilities.

3. Conduct of the civil defence in the territory of the Russian Federation or in its individual localities shall start from the moment of declaration of the status of war, actual start of hostilities or introduction by the President of the Russian Federation of the martial law in the territory of the Russian Federation or in its individual localities.

## CHAPTER II - POWERS OF THE STATE AUTHORITIES OF THE RUSSIAN FEDERATION IN THE DOMAIN OF CIVIL DEFENSE

### **Article 5.** *Powers of the President of the Russian Federation*

The President of the Russian Federation shall:  
approve the Civil Defence Plan of the Russian Federation;  
enforce the Civil Defence Plan of the Russian Federation in the territory of the Russian Federation or in its individual localities in the full volume or partially;  
approve the structure, composition of the civil defence troops and staff quantity of military persons of the civil defence troops, approve the Regulations on the civil defence troops;  
exercise other powers in the domain of civil defence in compliance with the Legislation of the Russian Federation.

### **Article 6.** *Powers of the Government of the Russian Federation*

The Government of the Russian Federation shall:  
provide conduct of the unified State policy in the domain of civil defence;  
manage the arrangement and conduct of civil defence;  
issue legal acts in the domain of civil defence and arrange development of the draft Federal laws in the domain of civil defence;  
define the procedure of attribution of the territories to civil defence groups pending on the quantity of the population living in it and availability of the organizations playing essential role in the economy of the State or impacting the security of population, as well as the organizations in the civil defence categories depending on the role in the economy of the State or impact on the security of population;  
define the procedure of creation of shelters and other facilities of civil defence, as well as the procedure of accumulation, storage and use for civil defence purposes of the reserves of the material-technical, food, medical and other means;

exercise other powers in the domain of civil defence in compliance with the Legislation of the Russian Federation and Decrees of the President of the Russian Federation.

**Article 7.** *Powers of the Federal Executive Authorities in the Domain of Civil Defence*

The Federal executive authorities within their terms of reference and under the procedure fixed by the Federal laws and other legal acts of the Russian Federation shall:

- adopt normative acts in the domain of civil defence, bring their requirements to the notice of organizations and control their fulfilment;
- develop and realize civil defence plans, coordinated with the Federal executive authority, specially authorized for accomplishment of the tasks in the domain of civil defence, organize conduct of activities on civil defence, including preparation of necessary forces and means;
- realize measures targeted at safe keeping of the facilities essential for stable functioning of the economy and survival of population in the time of war;
- create and maintain in the condition of continuous availability the civil defence technical control systems;
- create and maintain for the purposes of civil defence the reserves of material-technical, food, medical and other means.

**CHAPTER III - POWERS OF THE EXECUTIVE AUTHORITIES OF THE  
CONSTITUENTS OF THE RUSSIAN FEDERATION, LOCAL  
GOVERNMENTAL BODIES AND ORGANIZATIONS, RIGHTS AND  
OBLIGATIONS OF THE CITIZENS OF THE RUSSIAN FEDERATION IN  
THE DOMAIN OF CIVIL DEFENSE**

**Article 8.** *Powers of the Executive Authorities of the Constituents of the Russian Federation and Local Governmental Bodies in the Domain of Civil Defence*

In the corresponding territories the executive authorities of the constituents of the Russian Federation and the local governmental bodies within their terms of reference and under the procedure, fixed by the Federal laws and other legal acts of the Russian Federation, shall:

- organize the conduct of civil defence activities, develop and realize plans for civil defence;
- implement measures on maintenance of the civil defence forces, management bodies of civil defence in the condition of continuous availability;
- organize training of civil defence organizations and schooling of population in the techniques of protection against the hazards occurring during prosecution of hostilities or as a consequence of these hostilities;

create and maintain in the condition of continuous availability for use the technical control systems of civil defence and civil defence facilities;  
carry out activities on preparation to evacuation of population, material and cultural values to safe areas, their location, deployment of the treatment and other institutions necessary for the top priority supply of the suffered population; carry out activities of maintenance of the stable functioning of organizations in the time of war; create and maintain for the purposes of civil defence reserves of the material-technical, food, medical and other means; exercise control over the condition of civil defence.

**Article 9.** *Powers of Organizations in the Domain of Civil Defence*

Organizations within their terms of reference and under the procedure fixed by the Federal laws and other legal acts of the Russian Federation shall:

plan and organize conduct of civil defence activities; carry out activities on maintenance of their stable functioning within the time of war; implement training of their employees in techniques of protection against the hazards occurring during prosecution of hostilities or as a consequence of these hostilities; create and maintain in the condition of continuous availability for use the local systems of public address; create and maintain for the purposes of civil defence reserves of material-technical, food, medical and other means;

The organizations having potentially hazardous production facilities and operating them, as well as those of important defensive and economic value or representing a high degree of hazard of occurrence of emergencies within the time of war and peace shall create civil defence organizations and maintain them in the condition of continuous availability. The procedure of determination of such organizations shall be established by the Government of the Russian Federation.

**Article 10.** *Rights and Obligations of the Citizens of the Russian Federation in the Domain of Civil Defence*

The citizens of the Russian Federation in compliance with Federal laws and other legal acts of the Russian Federation shall:

undergo training in the techniques of protection against the hazards occurring during prosecution of hostilities or as a consequence of these hostilities;  
take part in the conduct of other activities of civil defence;

provide assistance to the State authorities and organizations in the accomplishment of tasks in the domain of the civil defence.

## CHAPTER IV - CIVIL DEFENSE MANAGEMENT

### **Article 11.** *Civil Defence Management*

1. Civil defence management in the Russian Federation shall be effected by the Government of the Russian Federation.

2. Civil defence management in the Federal executive authorities and organizations shall be effected by their managers being in the position of the civil defence heads of the mentioned authorities and organizations.

3. Civil defence management in the territories of the constituents of the Russian Federation and municipal formations shall be correspondingly effected by the heads of the executive authorities of the constituents of the Russian Federation and managers of the local governmental bodies being by the position the civil defence heads.

4. The civil defence heads shall bear personal responsibility for arrangement and conduct of civil defence activities in the Federal executive authorities in the corresponding territories and organizations.

5. The civil defence heads within their terms of reference and in accordance with the established procedure shall be entitled to:

- enforce the corresponding plans on civil defence;
- take decisions on evacuation of the population, material and cultural values to safe areas;
- issue orders on the matters of civil defence.

### **Article 12.** *Authorities Executing Civil Defence Management*

1. The authorities executing the civil defence management shall be:  
the Federal executive authority specially authorized for the accomplishment of tasks in the domain of civil defence and its territorial bodies created in accordance with the established procedure;  
structural sub-divisions of the Federal executive authorities specially authorized for accomplishment of tasks in the domain of civil defence;  
structural sub-divisions (employees) of the organizations, specially authorized for accomplishment of tasks in the domain of civil defence, created (appointed under the procedure established by the Government of the Russian Federation.

2. Upon agreement between the Federal executive authority, specially authorized for accomplishment of the tasks in the domain of civil defence, and the constituent of the Russian Federation under the procedure established by the Government of the Russian Federation there may be created bodies effecting civil defence management in the territories of the constituents of the Russian Federation, territories attributed to civil defence groups.

The aforementioned bodies shall be completed with military persons of the civil defence troops who are maintained by the funds assigned out of the Federal Budget, and with the civil personnel maintained by the funds assigned out of the Budgets of the constituents of the Russian Federation. The heads of the aforementioned authorities shall be appointed by the Federal executive authority, specially authorized for the accomplishment of tasks in the domain of civil defence from out of the military persons of civil defence troops upon agreement with the civil defence heads of the constituents of the Russian Federation, territories attributed to the civil defence groups in compliance with the Legislation of the Russian Federation.

**Article 13.** *Federal Executive Authority Specially Authorized for Accomplishment of Tasks in the Domain of Civil Defence*

For the purposes of implementation of the State policy in the domain of civil defence the President of the Russian Federation or the Government of the Russian Federation upon the President's commission shall define the Federal executive authority specially authorized for the accomplishment of tasks in the domain of civil defence and shall impose on it the implementation of the corresponding normative regulation, as well as with special, permit, supervision and control functions in the domain of civil defence. The Federal executive authority specially authorized for accomplishment of tasks in the domain of civil defence shall have its territorial bodies created under the established procedure.

The powers of the Federal executive authority, specially authorized for accomplishment of tasks in the domain of civil defence, shall be defined by the Government of the Russian Federation.

**Article 14.** *Civil Defence Services*

1. For the carrying out of civil defence activities there shall be created Federal, Republican, territory (krai), regional, autonomous regional and autonomous district (okrugs), district and town services of civil defence, as well as the civil defence services of organizations.

2. Decisions on the creation of civil defence services shall be taken by the Government of the Russian Federation, executive authorities of the constituents of the Russian Federation, local governmental bodies and heads of the organizations in compliance with their powers.

Regulations on civil defence services shall be approved by the corresponding civil defence heads.

## CHAPTER V- FORCES OF CIVIL DEFENSE

### **Article 15.** *Forces of Civil Defence*

1. The civil defence forces shall be the military formations specially designed for accomplishment of tasks in the domain of civil defence, organizationally united in the civil defence troops, as well as the civil defence organizations.

2. The Armed Forces of the Russian Federation, other troops, and military formations shall accomplish tasks in the domain of civil defence in compliance with the Legislation of the Russian Federation. For the accomplishment of tasks in the domain of civil defence the military units and sub-divisions of the Armed Forces of the Russian Federation, other troops, and military formations shall be summoned under the procedure defined by the President of the Russian Federation.

3. The wrecking services and the wrecking formations shall be summoned for the accomplishment of tasks in the domain of civil defence in compliance with the Legislation of the Russian Federation.

### **Article 16.** *Principles of Civil Defence Troops Activity*

1. The civil defence troops shall be provided with special equipment, as well as the adopted combat guns and cold arms.

2. The military persons of civil defence troops shall be issued identification cards in the established form, confirming their status, and the international differential signs of civil defence.

3. The military persons of civil defence troops may undergo service in the Federal executive authority, specially authorized for the accomplishment of tasks in the domain of civil defence and other bodies executing civil defence management under the procedure fixed by the Legislation of the Russian Federation.

4. The activity of civil defence troops, their manning with military persons of civil defence troops and civil personnel, social security of the military persons of civil defence troops and members of their families, as well as financing of the civil defence troops activity shall be realized in compliance with the Legislation of the Russian Federation.

5. The activity of civil defence troops shall be implemented from the moment of declaring the state of war, the actual start of hostilities or the introduction by the President of the

Russian Federation of martial law in the territory of the Russian Federation or in its individual localities, as well as in a time of peace during natural disasters, epidemics, epizooties, major accidents, catastrophes threatening the health of population and requiring for performance of wrecking and other pressing activities.

**Article 17.** *Civil Defence Organizations*

1. The civil defence organizations shall be created by the organizations mentioned in Clause 2 of Article 9 of the present Federal Law. The procedure of creation and activity of the civil defence organizations shall be defined by the Government of the Russian Federation.

2. The civil defence organizations can be manned with the citizens of the Russian Federation: men of an age from 18 to 60 years old, women of an age from 18 to 55 years old except for the persons subject to the draft, those having mobilization instructions, invalids of groups I, II and III, pregnant women, having children of an age under eight years old, as well as the women who have received vocational or higher medical education, having children at the age under three years.

**CHAPTER VI- FINAL PROVISIONS**

**Article 18.** *Financing of Civil Defence Activities*

1. Financing of civil defence activities shall be affected in compliance with Federal laws and other legal acts of the Russian Federation.

2. The costs of preparation and conduct of civil defence activities including creation and maintenance of the reserves of material-technical, food, medical and other means, borne by the executive authorities of the constituents of the Russian Federation, local governmental bodies and organizations shall be reimbursed under the procedure defined by the Government of the Russian Federation.

**Article 19.** *Responsibility for Infringement of the Legislation of the Russian Federation in the Domain of Civil Defence*

Non-compliance by the officials and citizens of the Russian Federation of the responsibilities in the domain of civil defence shall entail responsibility in compliance with the Legislation of the Russian Federation.

**Article 20.** *Enforcement of the Present Federal Law*

1. The present Federal Law shall become effective from the date of its official publication.

2. Other legal acts of the Russian Federation shall be subject to adjustment in compliance with the present Federal Law.

President  
of the Russian Federation  
City of Moscow, The Kremlin  
February 12, 1998  
№ 28-Ф3

B. Yeltsin

## **21.ON MOBILIZATIONAL PREPARATIONS AND THE MOBILIZATION IN THE RUSSIAN FEDERATION**

with the Amendments and Additions of July 16, 1998, March 24, December 30,  
2001

Adopted by the State Duma January 24, 1997

Approved by the Federation Council February 13, 1997

### Summary:

*This law regulates preparedness for mobilisation and the mobilisation process itself. The law elaborates the basic concepts and principles, describes the preparations necessary for the mobilisation of all units from administrative issues through to the use of the mass media to facilitate the process. Related issues such as ration and medical services provision are discussed.*

*The law defines the powers of the president, state power bodies, and the powers of local government. The mobilisation bodies, military transportation duties, the financing of mobilisation preparations and mobilisation, the regime for carrying out mobilisation, the call up and postponement of call up of citizens, and the terms of their service are also detailed.*

<u>Section I.</u>	General Provisions	(Articles 1–3)
<u>Section II.</u>	The Powers of the President of the Russian Federation and of the State Power Bodies of the Russian Federation, the Powers and Functions of the Executive Power Bodies of the Subjects of the Russian Federation and of the Local Self-Government Bodies in the Area of Mobilizational Preparations and of the Mobilization	(Articles 4–8)
<u>Section III.</u>	The Duties of the Organizations and of the and of the Citizens in the Area of Mobilizational Preparations and of the Mobilization	(Articles 9–10)
<u>Section IV.</u>	The Organizational Foundations of Mobilizational Preparations and of the Mobilization	(Articles 11–16)
<u>Section V.</u>	The Call-Up of Citizens for Military Service by Mobilization	(Articles 17–21)
<u>Section VI.</u>	Granting a Call-Up Relief to the Citizens in the Reserve for the Period of Mobilization and for War-Time	(Articles 22–24)
<u>Section VII.</u>	Final Provisions	(Articles 25–26)

The present Federal Law shall implement the legal regulation in the area of mobilizational preparations and of mobilization in the Russian Federation, and shall constitute the rights, the duties and the responsibility of the state power bodies, of the local self-government bodies and of the organisations, regardless of their form of ownership (hereinafter referred to as the organisations), as well as of their official persons, and also of the citizens of the Russian Federation (hereinafter referred to as the citizens) in the given area.

## SECTION I - GENERAL PROVISIONS

### **Article 1.** *The Basic Concepts*

1. Mobilizational preparations in the Russian Federation shall be interpreted as a set of measures carried out in peace-time and aimed at preparing, well in advance, the economy of the Russian Federation, the economy of the subjects of the Russian Federation, and the economy of the municipal entities, and at preparing the state power bodies, the local self-government bodies and the organisations, and also the Armed Forces of the Russian Federation and the other troops, military units and bodies, as well as the formations, specially created for war-time in conformity with the Federal Law on Defence (hereinafter referred to as the special formations), to ensure the protection of the state against an armed attack and the satisfaction of the requirements of the state and the needs of the population in the war-time.

2. The mobilization in the Russian Federation shall be interpreted as a set of measures aimed at shifting the economy of the Russian Federation, the economy of the subjects of the Russian Federation and the economy of the municipal entities, at shifting the state power bodies, the local self-government bodies and the organisations to work under the war-time conditions, and also at shifting the Armed Forces of the Russian Federation, the other troops, military units and bodies and the special formations to the war-time organisation and structure.

The mobilization in the Russian Federation may be general or partial.

### **Article 2** *The Basic Principles and the Content of Mobilizational Preparations and of the Mobilization*

1. Mobilizational preparations and the mobilization in the Russian Federation shall be carried out in conformity with the present Federal Law and with the Federal Law on Defence, and

shall be seen as the component parts of organizing defence in the Russian Federation.

2. The basic principles of mobilizational preparations and of the mobilization shall be:

—centralized guidance;

—carrying out well in advance according to the plan and under control;

—carrying out as a set and in mutual coordination.

3. The content of mobilizational preparations and of the mobilization shall be comprised of:

1) the normative legal regulation in the area of mobilizational preparations and of the mobilization;

2) the scientific and the methodological provisions for mobilizational preparations and for the mobilization;

3) defining the labour conditions and preparing the state power bodies, the local self-government bodies and the organisations to work in the period of mobilization and in war-time;

4) carrying out the measures aimed at shifting the state power bodies, the local self-government bodies and the organisations to work under the war-time conditions;

5) preparing the Armed Forces of the Russian Federation, the other troops, military units and bodies, and the special formations to the mobilization;

6) carrying out the mobilization of the Armed Forces of the Russian Federation, of the other troops, military units and bodies, and of the special formations;

7) elaboration of plans for the mobilization of the economy of the Russian Federation, of the economy of the subjects of the Russian Federation and of the economy of the municipal entities, and also of plans for the mobilization of the Armed Forces of the Russian Federation and of the other troops, military units and bodies, as well as of the special formations (hereinafter referred to as the mobilization plans);

8) preparing the economy of the Russian Federation, the economy of the subjects of the Russian Federation and the economy of the municipal entities, and also the organisations, to work in the period of mobilization and in the war-time;

9) launching measures aimed at shifting the economy of the Russian Federation, the economy of the subjects of the Russian Federation and the economy of the municipal entities, and also the organisations, to work under the war-time conditions;

10) appraising the state of the mobilizational readiness of the Russian Federation;

11) the establishment, development and maintenance of the capacities and of the objects for the manufacture of the products, necessary to satisfy the requirements of the state, of the Armed Forces of the Russian Federation and of the other troops, military units and bodies, and also of the special formations, as well as of the needs of the population in the war-time;

12) the setting up and the training of the special formations which shall be passed, when the mobilization is declared, to the Armed Forces of the Russian Federation, or which shall be used in the latter's interest, as well as in the interest of the economy of the Russian Federation;

13) preparing the technology which shall be supplied, when the mobilization is declared, to the Armed Forces of the Russian Federation and to the other troops, military units and bodies, as well as to the special formations, or which shall be used in their interest;

14) the formation, accumulation, maintenance and renewal of the stock of material assets in the mobilization and in the state reserves, and of the emergency stock of the foodstuffs and of oil products;

15) the setting up and the maintenance of the insurance stock of documentation on the armaments and the military technology, on the vital civilian products, on the heightened risk objects, on the life-support system for the population and on the objects, which comprise the national property;

16) preparing and organizing a rationed supply of the foodstuffs and of non-foodstuff products to the population, rendering it medical services and providing it with the means of communication and with the transportation facilities in the period of mobilization and in the war-time;

17) the setting up in conformity with the established order of reserve administration centres of the state power bodies, of the local self-government bodies and of the organisations, and preparing the said administration centres to work under the war-time conditions;

18) preparing the mass media to work in the period of mobilization and in the war-time;

19) organizing the military registration in the state power bodies, in the local self-government bodies and in the organisations;

20) training the citizens in the military registration specialities to man the Armed Forces of the Russian Federation, the other troops, military units and bodies, and the special formations in the period of mobilization and in the war-time;

21) granting a relief from the call-up, for the period of mobilization and for the war-time, to the citizens, who have been written down in the reserve of the Armed Forces of the Russian Federation or of the federal executive power bodies, having a reserve (hereinafter referred to as the citizens in the reserve) and who are working in the state power bodies, in the local self-government bodies and in the organisations;

22) holding the exercises and the training drills, involved in the mobilization deployment and in fulfilling the mobilization plans;

23) raising the level of professional skills of the workers in the mobilization bodies;

24) the international cooperation in the area of mobilizational preparations and of the

mobilization.

**Article 3.** *The Legal Foundations of Mobilizational Preparations and of the Mobilization*

The legal foundations of mobilizational preparations and of the mobilization shall be the Constitution of the Russian Federation, the international treaties signed by the Russian Federation, the Civil Code of the Russian Federation, the Federal Law on Defence, the Federal Law on the Military Duty and on the Military Service, the present Federal Law and the other federal laws, as well as the other normative legal acts of the Russian Federation in the given area.

**SECTION II - THE POWERS OF THE PRESIDENT OF THE RUSSIAN FEDERATION AND OF THE STATE POWER BODIES OF THE RUSSIAN FEDERATION, THE POWERS AND FUNCTIONS OF THE EXECUTIVE POWER BODIES OF THE SUBJECTS OF THE RUSSIAN FEDERATION AND OF THE LOCAL SELF-GOVERNMENT BODIES IN THE AREA OF MOBILIZATIONAL PREPARATIONS AND OF THE MOBILIZATION**

**Article 4.** *The Powers of the President of the Russian Federation*

1. The President of the Russian Federation shall:

1) formulate the goals and the tasks for mobilizational preparations and for the mobilization in the Russian Federation;

2) issue the normative legal acts in the area of mobilizational preparations and of the mobilization;

3) provide for a coordinated functioning and interaction of the state power bodies in the area of mobilizational preparations and of the mobilization;

4) establish the procedure for submitting annual reports on the state of the mobilizational readiness of the Russian Federation;

5) hold the talks and sign the international treaties of the Russian Federation on cooperation in the area of mobilizational preparations and of the mobilization;

6) in the cases of aggression against the Russian Federation or of a direct threat of such aggression, or of the flaring up of armed conflicts directed against the Russian Federation, declare a general or a partial mobilization, immediately informing the Federation Council and the State Duma about it;

7) establish the work regime for the state power bodies, the local self-government bodies and the organisations in the period of mobilization and in the war-time;

8) lay down the procedure for organizing the work involved in granting a relief from the call-up for the period of mobilization and for the war-time to the citizens in the reserve, working

in the state power bodies, in the local self-government bodies and in the organisations;

9) grant (suspend) the right to a postponement of the call-up for the military service by mobilization to the citizens or to the individual categories of citizens.

2. The President of the Russian Federation shall also exert, in addition to the powers, pointed out in Item 1 of the present Article, other powers in the area of mobilizational preparations and of the mobilization, which are not regulated by the present Federal Law.

#### **Article 5. *The Powers of the Federal Assembly Chambers***

1. The Federation Council shall:

1) consider the outlays for mobilizational preparations, which have been earmarked by the Federal Law on the Federal Budget, passed by the State Duma;

2) consider the federal laws passed by the State Duma in the area of provisions for mobilizational preparations and for the mobilization;

2. The State Duma shall:

1) earmark the outlays for mobilizational preparations by the Federal Law on the Federal Budget;

2) pass federal laws in the area of provisions for mobilizational preparations and for the mobilization;

#### **Article 6. *The Powers of the Government of the Russian Federation***

1. The Government of the Russian Federation shall:

1) guide mobilizational preparations and the mobilization in the Russian Federation within the scope of its authority;

2) carry out the measures which are aimed at providing for mobilizational preparations and for the mobilization in the Russian Federation;

3) on the commission of the President of the Russian Federation, delineate the authority of the federal executive power bodies and guide their activity in the area of mobilizational preparations and of the mobilization;

4) organize a coordinated performance and interaction of the federal executive power bodies with the executive power bodies of the subjects of the Russian Federation in the issues of mobilizational preparations and of the mobilization;

5) organize the drawing up of the mobilization plans to satisfy the requirements of the state, of the Armed Forces of the Russian Federation and of the other troops, military units and bodies, and of the special formations, as well as the needs of the population in the war-time;

6) establish the procedure for signing agreements (contracts) with the organisations on

their carrying out the mobilization tasks (orders) and on providing the material and technical resources for the said tasks (orders);

7) define the procedure and the sources of the financing for the measures, involved in mobilizational preparations and in the mobilization;

8) resolve within the scope of their authority the issues involved in allocations for mobilizational preparations and for the mobilization from the federal budget and in granting privileges to the organisations, which have been entrusted with the mobilization tasks (orders);

9) draw up the draft normative legal acts which shall be enforced in the period of mobilization and in the war-time, and also the draft normative legal acts in the area of mobilizational preparations;

10) organize the discharge of the obligations contained in the international treaties of the Russian Federation on cooperation in the area of mobilizational preparations and of the mobilization;

11) hold international talks in the area of mobilizational preparations and of the mobilization;

12) organize the scientific, the methodological, and the informational backing up for mobilizational preparations and for the mobilization;

13) organize raising the level of professional skills of the workers in the mobilization bodies;

14) organize mobilizational preparations and exert control over these, introduce submitting statistical reports and appraise, within the scope of its authority, the state of the mobilizational readiness of the Russian Federation, and annually present reports on this account to the President of the Russian Federation;

15) when declaring the mobilization exert, within the scope of its authority, control over the implementation of the measures aimed at shifting the Armed Forces of the Russian Federation, the other troops, military units and bodies, and the special formations to the war-time organisation and structure;

16) when declaring the mobilization organize, in conformity with the established procedure, the shifting of the economy of the Russian Federation, of the economy of the subjects of the Russian Federation and of the economy of the municipal entities to work under the war-time conditions;

17) organize granting a call-up relief for the period of mobilization and for the war-time to the citizens in the reserve, working in the state power bodies, in the local self-government bodies and in the organisations;

18) organize the holding of the exercises and of the training drills aimed at the

mobilizational deployment and at the fulfilment of the mobilization plans;

19) establish the procedure for the formation, the accumulation, the maintenance, the renovation and the use of the mobilizational stocks, of material values from the mobilization and from the state reserves, and of the emergency stock of the foodstuffs and of the non-foodstuff goods, and of oil products;

20) define the procedure for the setting up, maintaining and using the insurance fund of documentation on the armaments and the military technology, on the vital civilian products and on the heightened risk objects, on the life-support system for the population and on the objects, which comprise the national property.

2. The Government of the Russian Federation, in addition to the powers, pointed out in Item 1 of the present Article, shall also exert other powers in the area of mobilizational preparations and of the mobilization, which are not regulated by the present Federal Law.

#### **Article 7. *The Powers of the Federal Executive Power Bodies***

1. The federal executive power bodies shall, within the scope of their authority:

- 1) organize and provide for mobilizational preparations and for the mobilization;
- 2) guide the mobilizational preparations of those organisations, whose activity is connected with the activity of the said bodies, or which fall within the latter's jurisdiction;
- 3) set up the mobilization bodies;
- 4) delineate the necessary amount of the financing for the works, involved in the mobilization preparations;
- 5) map out the mobilization plans;
- 6) launch measures, in interaction with the executive power bodies of the subjects of the Russian Federation, which shall ensure the implementation of the mobilization plans;
- 7) sign agreements (contracts) on the implementation of the mobilization tasks (orders) with the organisations, whose activity is connected with the activity of the said bodies, or which fall within the latter's jurisdiction;
- 8) when declaring the mobilization organize, in an interaction with the executive power bodies of the subjects of the Russian Federation, the launching of a set of measures aimed at shifting the organisations to work under the war-time conditions;
- 9) submit to the Government of the Russian Federation proposals on the improvement of mobilizational preparations and of the mobilization;
- 10) in case of the insolvency (the bankruptcy) of the organisations, which have been entrusted with the mobilization tasks (orders), take measures for passing these tasks (orders) to the other organisations, whose activity is connected with the activity of the said bodies, or which

fall within the latter's jurisdiction;

11) organize the military registration of, and grant a relief from the call-up for the period of mobilization and for the war-time to, the citizens in the reserve working in the federal executive power bodies and in the organisations, whose activity is connected with the activity of the said bodies, or which fall within the latter's jurisdiction, and provide for the submitting of reports on the call-up relief in conformity with the procedure, defined by the Government of the Russian Federation;

12) organize the raising of the level of professional skills among the mobilization bodies' workers.

2. The federal executive power bodies shall provide for the fulfilment of the legislation of the Russian Federation, of the normative legal acts of the President of the Russian Federation and of the normative legal acts of the Government of the Russian Federation in the area of mobilizational preparations and of the mobilization.

**Article 8.** *The Powers and the Functions of the Executive Power Bodies of the Subjects of the Russian Federation and of the Local Self-Government Bodies*

1. The executive power bodies of the subjects of the Russian Federation and the local self-government bodies shall, within the scope of their authority:

1) organize and provide for mobilizational preparations and for the mobilization;

2) guide the mobilizational preparations of the municipal entities and of the organisations, whose activity is connected with the activity of the said bodies, or which fall within the latter's jurisdiction;

3) set up the mobilization bodies;

4) provide for the fulfilment of the present Federal Law, of the normative legal acts of the President of the Russian Federation and of the normative legal acts of the Government of the Russian Federation in the area of mobilizational preparations and of the mobilization;

5) map out the mobilization plans;

6) launch measures for the mobilizational preparations of the economy of the subjects of the Russian Federation and of the economy of the municipal entities;

7) launch, in an interaction with the federal executive power bodies, measures which would ensure the fulfilment of the mobilization plans;

8) sign agreements (contracts) with the organisations for the supply of products, for the performance of works, for the allocation of the labour power and of the means, and for rendering services in order to provide for the mobilizational preparations and for the mobilization of the subjects of the Russian Federation and of the municipal entities;

9) when declaring the mobilization launch measures to shift the economy of the subjects

of the Russian Federation and the economy of the municipal entities to work under the war-time conditions;

10) in the case of the insolvency (the bankruptcy) of the organisations which have been entrusted with the mobilization tasks (orders), take measures for passing these tasks (orders) to the other organisations, whose activity is connected with the activity of the said bodies, or which fall within the latter's jurisdiction;

11) render cooperation to the military commissariats in their mobilization work in the peace-time and when declaring the mobilization;

12) organize, in conformity with the established order, a timely notification and the arrival of the citizens subject to the call-up for military service by mobilization, the supply of the technology to the assembly points or to the military units, and also the surrender of the buildings, the structures, the communications, the land plots, the transport facilities and the other kind of material resources in conformity with the mobilization plans;

13) organize and provide for the military registration and the relief from the call-up for the period of mobilization and for the war-time of the citizens in the reserve working in the state power bodies of the subjects of the Russian Federation, in the local self-government bodies and in the organisations, whose activity is connected with the activity of the said bodies, or which fall within the latter's jurisdiction, and ensure the submitting of reports on the call-up relief in conformity with the procedure, laid down by the Government of the Russian Federation;

14) hand in proposals to the state power bodies on the improvement of mobilizational preparations and of the mobilization;

15) provide for the presentation of information on the organisations' registration to the military commissariats.

2. The executive power bodies of the subjects of the Russian Federation shall coordinate and control the launching by the local self-government bodies and by the organisations, whose activity is connected with the activity of the said bodies, or which fall within the latter's jurisdiction, of measures aimed at mobilizational preparations, and shall also provide for these measures in methodological terms.

3. The local self-government bodies shall be granted the state powers in the area of mobilizational preparations and of the mobilization in conformity with the present Federal Law; this shall be accompanied with placing at their disposal the material and the financial means, necessary for carrying them out, in conformity with the procedure laid down by the Government of the Russian Federation.

### SECTION III - THE DUTIES OF THE ORGANIZATIONS AND OF THE CITIZENS IN THE AREA OF MOBILIZATIONAL PREPARATIONS AND OF THE MOBILIZATION

#### **Article 9.** *The Organizations' Duties*

1. The organisations shall be obliged:

- 1) to organize and carry out measures to provide for their mobilizational readiness;
- 2) to set up the mobilization bodies or to appoint the workers who shall perform the functions of the mobilization bodies (hereinafter referred to as the mobilization workers);
- 3) to map out the mobilization plans within the scope of their authority;
- 4) to carry out measures to prepare the production for fulfilling the mobilization tasks (orders) in the period of the mobilization and in the war-time;
- 5) to fulfil the mobilization tasks (orders) in accord with the concluded agreements (contracts) in order to provide for mobilizational preparations and for the mobilization;
- 6) when declaring the mobilization, to carry out measures to shift the production to work under the war-time conditions;
- 7) to render cooperation to the military commissariats in their mobilization work in the peace-time and when the mobilization is declared;
- 8) to ensure a timely notification and the arrival of the citizens subject to the call-up for the military service by mobilization and maintaining labour relations with them, to the assembly points or to the military units;
- 9) to provide for the supply of the technology to the assembly points or to the military units;
- 10) to surrender, in conformity with the legislation of the Russian Federation, the buildings, the structures, the communications, the land plots, the transport facilities and the other material means, in accordance with the mobilization plans, with the state obliged to compensate for the losses, sustained by them, in the order, defined by the Government of the Russian Federation;
- 11) to set up the military-registration subdivisions, to perform the works involved in the military registration and in granting a call-up relief for the period of mobilization and for the war-time to the citizens in the reserve working in these organisations, and to ensure the submitting of reports on granting the relief.

2. The organisations shall have no right to refuse to sign agreements (contracts) on fulfilling the mobilization tasks (orders) aimed at providing for the country's defence and for the state security, if, taking into account the mobilization deployment of the production, their

capacities make it possible for them to cope with these mobilization tasks (orders). The state shall compensate for the losses sustained by the organisations as a result of their fulfilment of the mobilization tasks (orders), in conformity with the procedure laid down by the Government of the Russian Federation.

3. The organisations shall be obliged to present the information necessary for the elaboration and the carrying out of the mobilization measures in conformity with the order established by the Government of the Russian Federation.

#### **Article 10.** *The Citizens' Duties*

1. The citizens shall be obliged:

1) to come upon the summons to the military commissariats to specify their destination in the period of the mobilization and in the war-time;

2) to satisfy the demands laid out in the mobilization instructions, in the summons slips, and in the orders of the military commissars, which they have received;

3) to surrender in the war-time, in conformity with the legislation of the Russian Federation, in order to provide for the country's defence and for the state security, the buildings, the structures, the transportation facilities and the other property in their ownership, with the state being obliged to compensate for the losses, sustained by them, in accordance with the procedure laid down by the Government of the Russian Federation.

2. In the period of the mobilization and in the war-time the citizens shall be drawn into the performance of the works aimed at providing for the country's defence and for the state security, and shall also be conscripted in conformity with the established order into the special formations.

3. For the non-performance of their duties in the area of mobilizational preparations and the mobilization, the citizens shall be held responsible in conformity with the legislation of the Russian Federation.

### **SECTION IV - THE ORGANIZATIONAL FOUNDATIONS OF MOBILIZATIONAL PREPARATIONS AND OF THE MOBILIZATION**

#### **Article 11.** *The Organization and the Procedure of Mobilizational Preparations and of the Mobilization*

1. The organisation and the procedure of mobilizational preparations and of the mobilization of the state power bodies, of the local self-government bodies, of the Armed Forces of the Russian Federation and of the other troops, military units and bodies, as well as of the

special formations, shall be defined by the normative legal acts of the President of the Russian Federation and by the normative legal acts of the Government of the Russian Federation.

2. The organisation and the procedure of mobilizational preparations and of the mobilization of the economy of the Russian Federation, of the economy of the subjects of the Russian Federation and of the economy of the municipal entities, as well as of the organisations, shall be defined by the normative legal acts of the Government of the Russian Federation.

3. The official persons of the state power bodies, of the local self-government bodies and of the organisations shall be held personally responsible for the discharge of the duties imposed on them in the area of mobilizational preparations and of the mobilization in conformity with the legislation of the Russian Federation, and shall create for the workers of the mobilization bodies the conditions which are necessary for them to discharge the duties imposed on them.

### **Article 12. *The Mobilization Bodies***

1. The federal state power bodies, the federal executive power bodies, the executive power bodies of the subjects of the Russian Federation, the local self-government bodies and the organisations entrusted with the mobilization tasks (orders) or with the tasks involved in the mobilization work shall set up the mobilization bodies for launching measures aimed at carrying out mobilizational preparations and the mobilization, and at exerting control over them.

2. The structure and the staff of the mobilization bodies shall be determined proceeding from the nature and the dimensions of the mobilization tasks (orders) or of the tasks involved in the mobilization work. Depending on the dimensions of the said tasks (orders) or of the tasks involved in the mobilization work, the mobilization workers may be appointed instead of setting up the mobilization bodies.

3. The heads of the mobilization bodies or the mobilization workers shall be directly subordinate to the heads of the corresponding federal state power bodies, of the federal executive power bodies, of the executive power bodies of the subjects of the Russian Federation, of the local self-government bodies and of the organisations.

4. The functions, the rights, and the duties of the mobilization bodies set up in the federal executive power bodies, in the executive power bodies of the subjects of the Russian Federation, in the local self-government bodies and in the organisations, shall be delineated in conformity with the model regulations on the mobilization bodies, approved by the Government of the Russian Federation.

5. The regulations on the mobilization bodies set up in the federal state power bodies shall be approved by the heads of these federal bodies.

6. The regulations on the federal body for ensuring the mobilizational preparations of the

state power bodies of the Russian Federation, which is set up in conformity with the Federal Law on Defence, shall be approved by the President of the Russian Federation.

7. The mobilization bodies and the mobilization workers shall be financed according to the order, established by the Government of the Russian Federation at the expense of the means from the federal budget.

### **Article 13.** *The Military-Transportation Duty*

1. To provide the transportation facilities for the Armed Forces of the Russian Federation and for the other troops, military units and bodies, as well as for the special formations in the period of mobilization and in the war-time, the military-transportation duty shall be introduced in the Russian Federation.

2. The military-transportation duty shall be spread to the federal executive power bodies, to the executive power bodies of the subjects of the Russian Federation, to the local self-government bodies and to the organisations, including the ports, the moorages, the airports and the oil storage bases, the fuel trans-shipment terminals, the gas-filling stations, the repairs centres and the other kind of organisations, catering to the work of the transportation facilities, and also to the citizens who are the owners of the transportation facilities.

3. The state shall compensate for the losses sustained by the organisations and by the citizens in connection with their surrender of the transportation facilities and the other kinds of property in their ownership to provide for the country's defence and for the state security, in conformity with the procedure defined by the Government of the Russian Federation.

4. The procedure for the discharge of the military transportation duty shall be defined by the Regulations on the Military-Transportation Duty, approved by the President of the Russian Federation.

### **Article 14.** *The Financing of Mobilizational Preparations and of the Mobilization*

1. Mobilization preparations shall be financed at the expense of the means from the federal budget, of the means from the budgets of the subjects of the Russian Federation, of the means from the local budgets and of the means of the organisations.

2. From the means of the federal budget shall be financed the works involved in mobilizational preparations which are performed to provide for the country's defence and for the state security.

3. From the means of the budgets of the subjects of the Russian Federation shall be financed the works involved in the mobilizational preparations of the economy of the subjects of the Russian Federation in whose interest the agreements (the contracts) have been concluded on

the initiative of the state power bodies of the subjects of the Russian Federation.

4. From the means of the local budgets shall be financed the works involved in the mobilizational preparations of local importance.

5. From the means of the organisations shall be financed the works involved in mobilizational preparations which are performed on the initiative of the organisations themselves in order to raise the stability of their operation.

6. The measures involved in the mobilization shall be financed in accordance with the procedure established by the Government of the Russian Federation.

**Article 16.** *The Regime for Carrying Out Mobilizational Preparations and the Mobilization*

The organisation of the works and the protection of information in the area of mobilizational preparations and of the mobilization shall be effected in conformity with the Law of the Russian Federation on the State Secret and with the normative legal acts on the issues of secret record-keeping.

**SECTION V - THE CALL-UP OF THE CITIZENS FOR THE MILITARY SERVICE BY MOBILIZATION**

**Article 17.** *The Call-Up of the Citizens for the Military Service by Mobilization*

1. The call-up of the citizens for the military service by mobilization shall be carried out in conformity with the federal laws.

2. Subject to the call-up for the military service by mobilization shall be the citizens in the reserve who have not been granted the right to a postponement in the call-up for the military service by mobilization.

3. The citizens in the reserve who have not been called up for the military service by mobilization may be sent to work in the posts for the civilian personnel in the Armed Forces of the Russian Federation and in the other troops, military units and bodies, and also in the special formations.

4. Not subject to the call-up for the military service by mobilization shall be the citizens with a non-expunged conviction or with an unserved sentence for committing a grave crime.

5. When the mobilization is declared, the servicemen shall go on with their military service, with the exception of the service-women with children below 16 years of age.

**Article 18.** *The Postponement in the Call-Up for the Military Service by Mobilization*

1. A postponement in the call-up for the military service by mobilization shall be granted to the following categories of citizens:

1) who have been granted a call-up relief in conformity with the procedure defined by the Government of the Russian Federation;

2) those recognized as temporarily unfit for the military service on account of a poor health—for a term of up to six months;

3) those engaged in a constant care of the father, the mother, the wife, the husband, the blood brother, the blood sister, the grandfather, the grandmother or the adopter, who are in need of a constant outside care (assistance or supervision) on account of the state of their health, in conformity with the conclusion of the medical-consultation commission, or those looking after the persons who are 1st-group invalids, and also after the family members who have not reached the age of 16 years, if there are no other persons, obliged by the law to maintain the said citizens;

4) those supporting four or more children (in the case of the females—those supporting one child);

5) whose mothers, besides them, have four or more children below 8 years of age, while raising them without a husband;

6) the members of the Federation Council and the deputies of the State Duma.

2. A postponement in the call-up for the military service by mobilization shall also be granted, in addition to the citizens, pointed out in Item 1 of the present Article, to the other citizens or to the individual citizen categories, who have been granted such right by the Decree of the President of the Russian Federation.

**Article 19.** *The Term for the Citizens' Call-Up for the Military Service by Mobilization*

The citizens shall be called up for the military service by mobilization within the term fixed by the mobilization plans of the Armed Forces of the Russian Federation and of the other troops, military units and bodies, and also of the special formations.

**Article 20.** *The Organization of Calling the Citizens Up for the Military Service by Mobilization*

1. To timely shift the Armed Forces of the Russian Federation, the other troops, military units and bodies to the organisation and the structure of war-time, and to set up the special formations, the citizens in the reserve shall be registered well in advance with the military units (shall be intended for the special formations) in order to perform the military service in the war-time in the military posts, or to perform the work in the posts for the civilian personnel, envisaged by the war-time staff schedule.

2. The citizens registered with the military units (intended for the special formations) for performing the military service in the war-time shall be called up for the military service by mobilization in case of the implementation of the measures involved in shifting the military units, with which they have been registered, to the war-time organisation and structure, and also in case the special formations are set up.

3. The call-up of the citizens for the military service by mobilization, or the sending of them to work in the posts, intended for the civilian personnel envisaged by the war-time staff schedule shall be effected by the local self-government body of the district or of the city (in the cities not broken up into city districts) jointly with the military commissariat of the district or of the city (in the cities, not broken up into city districts).

4. The procedure for calling up for the military service by mobilization the citizens who have been registered with the military units (intended for the special formations) for performing the military service in military posts, envisaged by the war-time staff schedule, as well as the procedure for sending the citizens to work in the posts for the civilian personnel in the Armed Forces of the Russian Federation and in the other troops, military units and bodies, as well as in the special formations, shall be laid down by the Government of the Russian Federation.

**Article 21.** *The Duties of the Citizens Subject to the Call-Up for the Military Service by Mobilization*

1. When declaring the mobilization, the citizens who are subject to the call-up for the military service shall be obliged to arrive at the assembly points within the term indicated in the mobilization instructions, in the summons slips, and in the orders of the military commissars of the district or of the city (in the cities not broken up into city districts).

2. The citizens put on the military registration records shall be forbidden, as from the moment of declaring the mobilization, to leave the place of their residence without a permit from the military commissars of the district or of the city (in the cities not broken up into city districts).

**SECTION VI - GRANTING A CALL-UP RELIEF TO THE CITIZENS IN THE RESERVE FOR THE PERIOD OF MOBILIZATION AND FOR WAR-TIME**

**Article 22.** *Granting a Call-Up Relief to the Citizens for the Period of Mobilization and for War-Time*

A call-up relief shall be granted to the citizens in the reserve working in the state power bodies, in the local self-government bodies and in the organisations, for the period of mobilization and for war-time, in conformity with the present Federal Law and the other federal

laws, with the normative legal acts of the President of the Russian Federation and with the normative legal acts of the Government of the Russian Federation.

**Article 23.** *The Citizens Subject to a Call-Up Relief for the Period of Mobilization and for War-Time*

1. The granting of a call-up relief to the citizens in the reserve shall be aimed at ensuring, for the period of mobilization and for war-time, the activity of the state power bodies, of the local self-government bodies and of the organisations.

2. The citizens subject to a call-up relief shall be exempted from the call-up for the military service by mobilization and from the subsequent call-ups in the war-time for the period of the granted postponement.

**Article 24.** *The Organization and the Procedure for Granting a Call-Up Relief to the Citizens for the Period of Mobilization and for the War-Time*

The organisation of and the procedure for granting a call-up relief to the citizens in the reserve for the period of mobilization and for the war-time shall be defined by the present Federal Law and by the normative legal acts of the Government of the Russian Federation.

## SECTION VII - FINAL PROVISIONS

**Article 25.** *Enforcement of the Present Federal Law*

The present Federal Law shall come into force as from the date of its official publication.

**Article 26.** *Bringing the Normative Legal Acts in Line with the Present Federal Law*

To suggest to the President of the Russian Federation and to order to the Government of the Russian Federation that they bring their normative legal acts in line with the present Federal Law.

President  
of the Russian Federation  
Moscow, The Kremlin

B. Yeltsin

## **22. ON COMPULSORY STATE INSURANCE OF LIFE AND HEALTH OF MILITARY PERSONS, CITIZENS CALLED UP FOR MILITARY PERIODICAL TRAINING, THE RANKS AND COMMANDING OFFICERS OF INTERNAL AFFAIRS BODIES OF THE RUSSIAN FEDERATION, THE STAFF OF PENITENTIARY FACILITIES AND BODIES AND THAT OF FEDERAL TAXATION POLICE BODIES**

Amended on July 21, 1998

Adopted by the State Duma on February 13, 1998

Approved by the Council of Federation on March 12, 1998

### Summary:

*This federal law determines the terms and procedures for effecting the state life and health insurance for permanent, contract, conscript and reserve members of the military (all services), the staff of penitentiaries (Interior Ministry), and members of the Federal Tax police.*

*The law determines the events which trigger the right to insurance. Significantly, the insurance covers a period of up to a year after the individual has performed a qualifying service. The contingencies triggering insurance benefits for service personnel and/or their families are dealt with in detail.*

*The law also determines who may qualify for compulsory state insurance; exhaustively defines who may benefit from the insurance in the event of the qualifying person's death in a variety of familial and personal circumstances; determines which domestic insurance companies can provide insurance and the supervision they must accept; defines which events are insured; specifies the rates of insurance in relation to specific events; outlines the longevity and practicalities of undertaking an insurance contract; specifies the obligations of insurer and the other parties concerned; deals with the procedure of settlement and the relationship between the insurer and the insured; and outlines dispute settlement measures.*

*The law is a substantial attempt to address all the contingencies which may arise from military or related activities in peacetime.*

The Instruction for the organization of compulsory state insurance of life and health of military persons of the Russian Federation President's Service of Special Objects was approved by Order No. 14 of the RF President's Main Board of Special Programs on June 29, 2001.

The Instruction for the organization of compulsory state insurance of life and health of military persons of the Federal governmental communication and information bodies and citizens

called for military periodic training was approved by Order No. 15 of the FAPSI on January 31, 2000.

The Instruction for the procedure for effecting the compulsory state insurance of life and health of military persons of the staff of penitentiary facilities and bodies of the RF Ministry of Justice was approved by Order No. 254 of the RF Ministry of Justice on August 30, 1999.

The Instruction for the organization of compulsory state insurance of life and health of military persons of the Federal security service and citizens called for military periodical training was approved by Order No. 57 of the Federal Security Service of the Russian Federation on February 15, 1999.

The Instruction for the procedure for effecting the compulsory state insurance of life and health of the staff of internal affairs bodies, military persons, called for military periodical training was approved by Order No. 825 of the RF Ministry of Internal Affairs on December 16, 1998.

The Instruction for the organization of compulsory state insurance of life and health of military persons and citizens called for military periodical training at the Ministry of Defense of the Russian Federation was approved by Order No. 455 of the RF Ministry of Defense on October 10, 1998.

The Instruction for the organization of compulsory state insurance of life and health of military persons and for the procedure for paying lumpsum grants in the FPS of Russia was approved by Order No. 528 of the FPS of the Russian Federation on September 18, 1998.

The Instruction for the organization of compulsory state insurance of life and health of the staff of federal taxation police bodies was approved by Order No. 192 of the Federal Taxation Police Service of the Russian Federation on June 7, 1999.

The present Federal Law determines the terms and procedure of effecting the compulsory state insurance of life and health of military persons, citizens called up for military periodical training, the ranks and commanding officers of internal affairs bodies of the Russian Federation, the staff of penitentiary facilities and bodies and that of federal taxation police bodies (hereinafter referred to as the military persons and persons equated to them in compulsory state insurance).

The effecting of the compulsory state insurance of life and health of military persons and persons equated to them in compulsory state insurance (hereinafter referred to as the compulsory state insurance) in the period of mobilization, martial law, and war time shall be determined by legislative and other standard legal acts of the Russian Federation.

**Article 1.** *Objects of compulsory state insurance*

1. The objects of the compulsory state insurance are the life and health of military persons and persons equated to them in compulsory state insurance.

2. The life and health of the military persons and persons equated to them in compulsory insurance are subject to compulsory state insurance from date of the onset of military service, service in the internal affairs bodies of the Russian Federation, in penitentiary facilities and bodies, federal taxation police bodies (hereinafter referred to as service), during military periodic training to the date of termination of military service, service, military periodical training. When the insured events laid down in the second and third paragraphs of Article 4 of the present Federal law occur, the military persons and persons equated to them in compulsory state insurance are considered to be insured within a year after the termination of military service, service, military periodic training if death or disability occurred due to an injury (wound, trauma, contusion) or a disease occurring during their military service, service, or periodic military training.

3. If the life and health of the military persons and persons equated to them in compulsory state insurance are subject, except for the grounds stipulated by the present Federal Law, to compulsory state insurance, as well as in accordance with other federal laws and standard legal acts of the Russian Federation, the above military persons and persons equated to them in compulsory insurance or the members of their families are paid insured sums at their choice only on one ground.

**Article 2.** *Subjects of compulsory state insurance*

1. The insurers under compulsory state insurance (hereinafter referred to as the insurers) may be insurance enterprises that have a compulsory state insurance permit (license) and have concluded compulsory state insurance contracts with insureds.

The insurers shall be elected on a competitive basis.

2. The insureds under compulsory state insurance (hereinafter referred to as the insureds) are federal executive bodies wherein military service, service, military periodical training are laid down by the legislation of the Russian Federation.

3. The insured under compulsory state insurance (hereinafter referred to as the insured persons) are military persons and persons equated to them in compulsory state insurance).

The beneficiaries under compulsory state insurance (hereinafter referred to as the beneficiaries) are the husband (a wife) of an insured person, who was married on the day of his/her death, the parents (adoptive parents) of the insured person, the grandfather and grandmother of the insured

person provided that his/her parents are absent, if they brought him/her up or kept for at least three years, the stepfather and stepmother of the insured person provided that they brought him/her up and kept for at least five years, his/her children under 18 years or those above this age if they became handicapped under the age of 18 years, as well as those who study at educational establishments irrespective of their organizational and legal entities and the form of property to the termination of their training or until they reach the age of 23 years, those under the guardianship of the insured person.

**Article 3. *Special procedure for licensing the activity of the insurers and additional measures to supervise their activity***

1. Compulsory state insurance permits (licenses) shall be issued to the insurance enterprises by the federal insurance activity surveillance body if they meet the requirements established by the current legislation for state secret protection.

2. The insurance companies whose authorized capital has been formed without foreign investments and which have at least one-year practical experience in the field of personal insurance and financial reliability indices that have been established by the federal insurance activity surveillance body and that assure the financial provision of the insurance obligations done on their responsibility shall be permitted to be engaged in compulsory state insurance.

3. An additional control over the insurers' activity shall be exercised by supervisory councils (committees) that consist of the authorized representatives of insureds and insurers.

**Article 4. *Insured events***

Insured events under compulsory state insurance (hereinafter referred to as the insured events) shall be:

death of an insured person during his/her military service, service, military periodical training or within a year after his/her discharge from military service, from service, after termination of military periodical training due to an injury (wound, trauma, contusion) or disease received during his/her military service, service, military periodical training;

disability of an insured person, ascertained during his/her military service, service, military periodical training or within a year after his/her discharge from military service, from service, after termination of military periodical training due to an injury (wound, trauma, contusion) or disease received during his/her military service, service, military periodical training;

a severe or mild injury received by an insured during his/her military service, service, military periodical training;

pre-term discharge of a military person serving in the forces due to call-up, a citizen called-up to military training for the military post for which the military rank of up to a master sergeant (a petty officer) inclusive is stipulated by the staff list of a military unit from military service, whom are found by a military medical commission to be partially fit for military service due to an injury (wound, trauma, contusion) or a disease received during his/her military service.

**Article 5. Rates of insured amounts**

1. The rates of insured amounts to military persons and persons equated to them in compulsory state insurance), and, in case of their death, their beneficiaries shall be determined from the monthly upkeep salaries of these military persons and persons equated to them in compulsory state insurance, which include monthly salaries of their post and those of their military (special) rank.

At the same time the rates of insured amounts to the military persons serving in the forces by call-up shall be determined from the minimum monthly salary of their post and those on their military rank, established for the military persons serving in the forces under a contract. On calculating the insured amounts, the monthly upkeep salaries (hereinafter referred as to the salaries) determined on the day of paying out the insured amounts.

2. When the insured events take place, the insured amounts shall be paid out in the following rates:

if an insured person is killed (or dies) during his/her military service, service, military periodical training or within a year after his/her discharge from military service, from service, after termination of military periodical training due to an injury (wound, trauma, contusion) or disease received during his/her military service, service, military periodical training, each beneficiary will be paid 25 salaries;

if disability of an insured person is ascertained during his/her military service, service, military periodical training or within a year after his/her discharge from military service, from service, after termination of military periodical training due to an injury (wound, trauma, contusion) or disease received during his/her military service, service, military periodical training, the insured amount will be paid as follows:

- 75 salaries to a group I disabled person;
- 50 salaries to a group II disabled person;
- 25 salaries to a group III disabled person.

If during his/her military service, service, military periodical training or within a year after his/her discharge from military service, from service, after termination of military periodical training a disability group is increased at his/her re-examination at the state socio-medical expertise service for the insured person due to the above causes indicated in the present Clause,

the insured amount will be increased by the sum that amounts to a difference between the salaries due to the newly established disability group and the number of those due to the former disability group;

if an insured person receives a severe injury (wound, trauma, contusion) or a mild one (wound, trauma, contusion) during his/her military service, service, military periodical training, he/she will be paid 10 or 5 salaries, respectively;

if a military person serving in the forces due to call-up, a citizen called-up to military training for the military post for which the military rank of up to a master sergeant (a petty officer) inclusive is stipulated by the staff list of a military unit from military service, who are found by a military medical commission to be partially fit for military service due to an injury (wound, trauma, contusion) or a disease received during his/her military service, he/she will be paid 5 salaries.

**Article 6.** *Compulsory state insurance contract*

1. A compulsory state insurance contract (hereinafter referred to as the insurance contract) shall be concluded between the insurant and the insurer in favor of a third party – an insured person (beneficiary).

2. The insurance contract shall be made in writing for a calendar year. The procedure for prolongation the above contract shall be specified upon its conclusion.

3. The insurance contract shall include an agreement on insured persons, on the duties and responsibility of the insurant and the insurer, a list of insured events and the ways of transfer (payment) of insured amounts to the insured person (beneficiary).

4. Legal relationships shall be between the insurant and the insurer after conclusion of the insurance contract.

**Article 7.** *Performance of obligations under compulsory state insurance by the insurant*

1. If the insurant has failed to effect compulsory state insurance or concluded an insurance contract on the terms and conditions that deteriorate the position of an insured person (beneficiary) as compared with those determined by the present Federal Law, in case of an insured event it shall incur liability to the insured person (beneficiary) on the same terms as on those the insured amount should be paid out under due insurance.

2. On employing or calling up for military service, service, military periodical training, the insurant is to acquaint the insured persons with the rules of compulsory state insurance contract, with the procedure of issuing the documents required to take a decision on the payment of insured amounts and with methods of their payment.

3. For timely payment of insured amounts, the military units, institutions, organizations (hereinafter referred to as the military units), military commissariats, military medical establishments, institutions, and organizations of the insurant, as well as state socio-medical expertise service facilities at the place of service (residence) of insured persons (beneficiaries) are to render them assistance in vindicating and drawing up the documents required to take a decision on the payment of insured amounts.

The military units, military commissariats, military medical establishments, institutions, and organizations of the insurant are to report the occurrence of insured events at the inquiry of the insurer and send the latter the required information of the circumstances of occurrence of these events.

4. The commanders (heads), officials of military units who are responsible for compulsory state insurance, and the heads and officials of the insurant's institutions and organizations that are guilty of groundless refusal to present the insured persons (beneficiaries) the documents required to take a decision on the payment of insured amounts shall bear responsibility according to the procedure established by the legislation of the Russian Federation.

**Article 8.** *Financing of expenses on compulsory state insurance*

1. Compulsory state insurance shall be effected at the expense of the funds allocated to the insurants for these purposes from the appropriate budgets.

2. The compulsory state insurance of those sent on a mission according to the procedure established by the legislation of the Russian Federation shall be effected at the expense of the funds allocated for these purposes by the appropriate federal executive body from which the above persons have been sent on a mission.

**Article 9.** *Insurance premium and insurance contributions*

1. The rate of cover under compulsory state insurance shall be determined by the insurer as agreed with the insurant and federal executive body that ensures the pursuance of a common state financial and budgetary policy.

2. The rate of insurance under compulsory state insurance may not exceed three percent of the upkeep fund for military persons and persons equated to in compulsory state insurance of the appropriate Federal body of executive power.

3. The insurer's expenses on effecting compulsory state insurance, which are to be reimbursed by the insurant, may not exceed six percent of the amount of an insurance contribution.

**Article 10.** *Grounds for exemption of the insurer from payment of insured amount*

1. The insurer shall be exempted from payment of an insured amount under compulsory state insurance if an insured event:

has occurred due to the insured person's action found socially dangerous according to the procedure established by court;

is in the direct causal relation established by court to the alcoholic, narcotic, or toxic intoxication of an insured person;

is a result of the legally verified damage caused deliberately by an insured person to his/her health liberate or his/her suicide.

The insurer shall not be exempted from payment of an insured amount in case of death of an insured person, if death of the latter has occurred due to his/her suicide and by this time the insured person has been serving in military service for at least two years.

2. A decision on refusal to pay an insured amount shall be taken by the insurer and informed to an insured person (beneficiary) and the insurant in writing by providing an obligatory reasoned substantiation of causes of the above refusal in the period established by the present Federal Law for payment of an insured amount.

**Article 11.** *Procedure and terms of payment of insured amounts*

1. Insured amounts shall be paid by the insurer on the basis of documents that confirm the occurrence of an insured event. The list of documents required taking a decision on payment of the insured amount shall be established by the Government of the Russian Federation.

The severity of injuries (wounds, traumas, contusions) in insured persons shall be estimated by the medical agencies of federal executive bodies wherein the legislation of the Russian Federation provides military service, service, military periodical training. The list of injuries (wounds, traumas, contusions) documents required to take a decision on payment of the insured amount shall be established by the Government of the Russian Federation.

2. Insured amounts shall be paid irrespective of the amounts due to insured persons under other types of insurance contracts, except for the cases established by Clause 3 of Article 1 of the present Federal Law.

3. Payment of insured amounts to insured persons (irrespective of the place of their military service, service, military periodical training) and, in case of their death, to beneficiaries (irrespective of the place of their residence) shall be made by the insurer on the territory of the Russian Federation by transferring the due amounts in rubles by the ways stipulated by an insurance contract.

4. Payment of insured amounts shall be made by the insurer within fifteen days from the date of receipt of the documents required to take a decision on the above payment. If the insurer has delayed the payment of insured amounts without any grounds, the insurer shall pay an insured person (beneficiary) a penalty in the amount of one percent of the insured amount for each day of delay from its own funds.

Untimely payment of the insured amounts by the insurer due to the fact that the insurant has delayed to make its insurance contributions is not a reason to pay the penalty.

**Article 12.** *Procedure of mutual settlements of the insurant and insurer*

1. If there were changes in the rate of salaries in insured persons and in their number within the period of an insurance contract, the insurance contributions not received or received in excess due to the above circumstances are to be additionally paid or repaid.

By the agreement of the parties that have concluded the insurance contract the above amounts may be taken into account in determining the amounts of insurance contributions for the following period of the insurance contract.

2. The frequency of making insurance contributions by the insurant shall be laid down by the insurance contract.

**Article 13.** *Examination of disputes*

Disputes associated with compulsory state insurance shall be settled according to the procedure established by the legislation of the Russian Federation.

**Article 14.** *Entrance of the present Federal Law in force*

1. The present Federal Law shall enter into force on July 1, 1998.

2. Propose the President of the Russian Federation and entrust the Government of the Russian Federation that they shall bring their standard legal acts in line with the present Federal Law.

President of the Russian Federation

B. Yeltsin

Moscow, Kremlin  
March 28, 1998  
No. 52-Ф3

## 23.ON THE MILITARY DUTY AND MILITARY SERVICE

Including amendments as of July 21, 1998, August 07, 2000, November 07, 2000, February 12, 2001 and July 19, 2001)

Adopted by the State Duma on March 06, 1998

Approved by the Council of Federation on March 12, 1998

### Summary:

*This federal law concerns the backbone of Russian military service: the conscription process. It also covers the military service of contract personnel and the reserves.*

*The law details the registration process, the duty to perform military service, the obligations of state and governmental bodies in facilitating such military service, the measures allowing the discharge of personnel on medical grounds, various compensations relating to the practicalities of performing compulsory or voluntary service, the liability of citizens and officials for failing to meet the terms of military service, arrangements for registration, registration document specifications, and obligations of the citizen.*

*The law describes the need for: the military training of citizens; a patriotic upbringing; education; monitoring of health needs; pursuit of sports; and training of reserve officers. It also specifies the roles of the Ministry of Defence and federal bodies in training citizens for military service.*

*The citizens liable to the draft are specified, as the terms of exemption, terms of postponement of military service and the length of service. The membership and obligations of the military draft commission are also described*

*The law then details a range of issues including: medical requirements, the terms of military service for contract personnel; the requirements they must meet; the procedures for the conclusion of contract service; factors affecting those studying military vocational courses; the terms of military service; discharge from military service; the taking of an oath; rankings; deprivation of ranks; appointments; attachment and transfer to different units; grounds for discharge; maintenance and staffing of the reserves; and military assemblies.*

<u>Section I.</u>	General Provisions	(Articles 1-7)
<u>Section II.</u>	Military Registration	(Articles 8-10)
<u>Section III.</u>	Obligatory and Voluntary Military Service Training of a Citizen	(Articles 11-21)
<u>Section IV.</u>	Military Draft of Citizens	(Articles 22-31)
<u>Section V.</u>	Contract Military Service Intake of Citizens	(Articles 32-35)

<u>Section VI.</u>	Military Service	(Articles 36-49)
<u>Section VII.</u>	Discharge from the Military Service	(Articles 50-51)
<u>Section VIII.</u>	Reserve of the Armed Forces of the Russian Federation, Services of Foreign Intelligence of the Russian Federation, Federal Security Service of the Russian Federation	(Articles 52-57)
<u>Section IX.</u>	Final Provisions	(Articles 58-65)

The present Federal Law shall effect legal regulation in the domain of military duty and military service for the purposes of realization by the citizens of the Russian Federation of their Constitutional duty and obligation on defense of the Motherland.

## SECTION I - GENERAL PROVISIONS

### **Article 1. *Military Duty***

1. Military duty of the citizens of the Russian Federation (hereinafter referred to as ‘the citizens’) provides for

military registration;

obligatory military service training;

military draft;

military service under the draft;

staying in the reserve;

draft to the military assemblies and passing of military assemblies during the period of staying in the reserve.

2. Within the periods of mobilization, martial law, and wartime the military duty of citizens shall be defined by the Federal Constitutional laws, Federal laws, other legal acts of the Russian Federation, and also provide for:

military draft in case of mobilization, martial law, and wartime;

military service during the period of mobilization, martial law, and wartime;

military training during martial law and wartime.

3. The citizens shall be released from discharge of military duty only on the grounds stipulated by the present Federal Law.

4. The citizens shall be entitled to discharging their Constitutional duty of defense of the Motherland by voluntary intake under the procedure stipulated by the present Federal Law.

5. The citizens shall be entitled to replacement of military service with alternative civil service pursuant to the Constitution of the Russian Federation and the Federal law.

6. Citizens' discharge of their military duty shall be provided by the State authorities, other State bodies and institutions, local governmental bodies, organizations irrespective of their organizational and legal forms and forms of property (hereinafter referred to as 'the organizations') and their officials within the limits of their competence.

7. Compensation of expenses incurred by organizations and citizens in connection with implementation of the present Federal Law shall be performed at the expense of the Federal Budget funds in the order, defined by the Government of the Russian Federation.

## **Article 2. Military Service. Military Persons**

1. Military service is a special kind of Federal State service, performed by the citizens in the Armed Forces of the Russian Federation, as well as in the frontier troops of the Federal Frontier Service of the Russian Federation, in the internal troops of the Ministry of Internal Affairs of the Russian Federation, in the railway troops of the Russian Federation, in the troops of the Federal Agency of Governmental Communication and Information attached to the President of the Russian Federation, civil defense troops (hereinafter referred as 'other troops'), engineering technical and road-building military formations attached to the Federal executive authorities (hereinafter referred to as 'the military formations'), the Foreign Intelligence Service of the Russian Federation, bodies of the Federal Security Service of the Russian Federation, bodies of the Federal Frontier Service of the Russian Federation, Federal bodies of governmental communication and information, Federal bodies of the State guard, Federal body on providing mobilization training of the State authorities of the Russian Federation (hereinafter referred to as 'the authorities') and specialized formations created for wartime.

2. The citizens shall perform military service under the draft, as well as in voluntary order (under a contract).

3. The citizens doing military service shall be military persons and have the status fixed by a Federal law.

4. The citizens doing military service shall be subject to mandatory State dactyloscopic registration pursuant to the Legislation of the Russian Federation.

5. Data on military persons shall be included in their personal files and documents of military registration, maintenance, and keeping of which shall be performed in the order established by the legislative and other legal acts of the Russian Federation.

**Article 3. Legal Basis of Military Duty and Military Service**

The legal basis of military duty and military service shall be the Constitution of the Russian Federation, the present Federal Law, other Federal laws and other legal acts of the Russian Federation in the domain of defense, military duty, military service, and status of military persons, and international treaties of the Russian Federation.

**Article 4. Obligations of Officials of the State Authorities, Local Governmental Bodies and Organizations in Providing Discharge of Military Duty by Citizens**

1. Heads, other officials (employees) of the organizations in charge for military registration work, officials of local governmental bodies in charge for military registration work, shall be obliged to:

notify citizens of calls (call-up papers) from military commissariats of districts, towns not divided into districts, other municipal (administrative and territorial) formations (hereinafter referred to as ‘military commissariats’) or other bodies carrying out military registration;

ensure for the citizens the opportunity of timely arrival of calls (call-up papers) of military commissariats or other bodies carrying out military registration;

send, within a two-week term, on demand by military commissariats or other bodies carrying out military registration, the data necessary for entry into military registration documents in respect of the citizens, being entered into a military register, or having been registered, as well as the citizens not registered, but obliged to be registered in military books;

2. Heads of the organizations performing exploitation of living quarters, and officials (employees) of these organizations in charge for military registration work, shall be obliged to advise, within a two-week term, the military commissariats or other bodies, carrying out military registration, of the data on alteration in the staff of citizens, constantly residing or staying for more than three months, who have been registered or obliged to be registered in military books;

3. The bodies of internal affairs, within the limits of their competence, shall be obliged to:

send, within a two-week term, on demand by military commissariats or other bodies carrying out military registration, the data necessary for entry into military registration documents in respect of the citizens, who have been registered on military books;

to conduct a search for and to detain, on the existence of lawful grounds, the citizens who evade military registration, military draft, or military assemblies, the doing of military service or military assemblies;

send, within a two-week term, to military commissariats or other bodies carrying out military registration, the data on the cases of identification of the citizens who are not registered,

but who are obliged to be registered in military books, as well as the data on the persons, who have obtained citizenship of the Russian Federation and are subject to military registration.

4. The civil registrar's offices shall be obliged to inform military commissariats or other bodies, carrying out military registration, within a two-week term the data on alterations in the civil status acts of the citizens who have been registered or obliged to be registered in military books.

5. The bodies of inquiry and the bodies of preliminary investigation shall be obliged to inform, within a two-week term, military commissariats and other bodies, carrying out military registration, of the institution or termination of criminal cases with respect to the citizens who have been registered or obliged to be registered in military books or of submission of the mentioned criminal cases to the court.

6. The Federal courts shall, within a two-week term, advise military commissariats and other bodies, carrying out military registration of:

their institution or termination of criminal cases with respect to the citizens, who have been registered or obliged to be registered in military books;

of entry into legal force of the sentences with respect to the citizens, who have been registered or obliged to be registered in military books, with forwarding of military documents of citizens, who have been sentenced to compulsory works, correctional works, restraint of liberty, arrest or deprivation of liberty, to military commissariats or other bodies, carrying out military registration.

7. Bodies of the State medical-social expertise service shall be obliged to communicate, within a two-week term, data on acknowledgement as invalids of the citizens, who have been registered or obliged to be registered on military books, to military commissariats or other bodies, carrying out military registration.

**Article 5. Measures on Providing Discharge of Military Duty by the Citizens or Contract Military Service Intake of Citizens**

1. For performance of medical examination and medical survey of the citizens within the periods of their registration on military books, military draft or contract military service intake, call for military assemblies, medical examination of the citizens who were previously considered to be restrictedly able-bodied for military service by the state of health, and as well for taking other measures connected with the military draft or contract military service intake of citizens and call for military assemblies, the executive authorities of the Russian Federation and local governmental bodies shall provide equipped territories and premises, medicaments, medical equipment and accessories, property, transport, to attract necessary medical specialists, auxiliary

medical personnel, other specialists and technical workers to performance of the mentioned measures.

2. The citizens taking part in the measures of providing performance of discharge of military duty by the citizens or their intake in contract military service shall be paid average earnings at the place of their constant work for the time of their participation in the mentioned measures; they shall be compensated for the expenses of lease (sub-lease) of lodging and the return fare of going to another locality, as well as for business trip expenses.

**Article 6.** *Logistic Supply of Citizens in Connection with Their Discharge of Military Duty or Their Intake in Contract Military Service*

1. During the period of medical examination, medical survey or treatment for solving issues on their military registration, obligatory training for military service, military draft or voluntary intake in military service, call to military assemblies, as well as for the time of their discharge of other obligations connected with military registration, obligatory training for military service, military draft or voluntary intake in military service and call for military assemblies the citizens shall be released of work or studies with preservation of their permanent place of job or studies and payment of average earnings or scholarship at the place of permanent job or study in the amount of no more than Rubles 1,000; they shall be reimbursed for their expenses connected with lease (sublease) of lodging and the return fare for going to and from another locality, as well as for the business trip expenses.

2. The citizens during military assemblies shall be released of work and studies with preservation of the permanent place of job and studies and payment of average earnings or scholarship at the permanent place of job or study in the amount no more than Rubles 1,000. They shall also be paid a wage as per their military position, provided by the staff list of a military unit, ship, institution, organization of the Armed Forces of the Russian Federation, other troops, military formations and bodies (hereinafter referred to as 'military unit'), the wage as per the military position and recompensed for the business trip expenses for the period of travelling.

**Article 7.** *Liability of Citizens and Officials for Violation of the Present Federal Law*

1. In case of non-arrival, with no good reason, of citizens or officials at the place and time indicated in the call-up papers, issued by the military commissariat or other body carrying out military registration, and also in other cases established by the Present Federal Law, they shall be brought to account for their responsibility in compliance with the Legislation of the Russian Federation.

2. If confirmed by documents, the good reasons for non-arrival of a citizen by a call-up paper of a military commissariat or other body, carrying out military registration, shall be as follows,

illness or mutilation of a citizen, connected with disability;

grave state of health of the father, mother, wife, husband, son, daughter, brother, sister, grandfather, grandmother or adoptive parent of a citizen or participation in the funeral of the said persons;

impediment, arisen as the result of a force majeure effect or any other circumstance beyond the will of a citizen;

other grounds, acknowledged as good reasons by Military Draft Commission, Commission on Initial Military Registration (by the Military Commissar – in relation to the persons drafted to military service from the reserve) or by the Court.

3. Medical specialists participating in medical examination or medical survey of the citizens in connection with their registration on military books, military draft or voluntary military service intake, call for military assemblies, members of military draft commissions, officials of the State authorities, local governmental bodies and organizations, promoting by their actions evasion of citizens from discharge of military duty or unlawful military draft of citizens, as well as those impeding discharge of military duty by citizens and those not discharging the duties established by legislative and other legal acts of the Russian Federation, shall be brought to account for their responsibility stipulated by the Legislation of the Russian Federation.

## SECTION II - MILITARY REGISTRATION

### *Article 8. Arrangement of Military Registration*

1. Citizens shall be obliged to be registered in military books, except for the following:  
the citizens released from discharge of military duty in compliance with the Present Federal Law;

the citizens doing military service or alternative civil service;

the citizens serving their sentence in the form of deprivation of liberty;

the citizens of female sex having no military registration specialty;

permanently residing beyond the Russian Federation.

The order and peculiarities of military registration of citizens, who are in service in the bodies of internal affairs, institutions and bodies of the criminal-executive system and Federal Tax Police bodies shall be determined by the Government of the Russian Federation.

2. Military registration of citizens shall be performed at the places of their residence by Military Commissariats. In inhabited localities with no Military Commissariats the military registration shall be carried out by the local governmental bodies.

3. Military registration of the citizens having military ranks of officers and being in the reserve of the Foreign Intelligence Service of the Russian Federation and the bodies of the Federal Security Service of the Russian Federation, shall be carried out by the said bodies in the same order, as defined by the Present Federal Law.

4. The documents of military registration shall contain the following data on a citizen:

surname, name, and patronymic;

date of birth;

place of residence;

marital status;

education;

place of job;

availability for military service as per their state of health;

professional appropriateness for training by military registration trades and for military service at military positions;

basic anthropometric data;

doing of military service or alternative civil service;

passing of military assemblies;

command of foreign languages;

availability of military registration specialties or civil specialties;

availability of first-class sport rank or sport title;

institution or termination of criminal proceedings against a citizen;

previous criminal record;

reservation of a person being in reserve to the State authority, local governmental body and organization for the period of mobilization and within a period of war.

5. Collection, keeping, use and distribution of the data contained in military registration documents shall be performed in compliance with the Federal Law.

6. The order of military registration of citizens shall be defined by the Present Federal Law and the Provision on Military Registration, approved by the Government of the Russian Federation.

7. The State authorities, local governmental bodies, organizations, and their officials shall carry out their duties of arrangement and maintenance of military registration in compliance with the Present Federal Law and the Provision on Military Registration.

8. The citizens with their permanent place of residence beyond the Russian Federation, who have expressed their wish to do military service under the draft at military positions to be occupied by soldiers, seamen, sergeants, first sergeants in the Armed Forces of the Russian Federation, other troops, military formations and bodies, may be registered by Military Commissariats in the territory of the Russian Federation in the order defined by the Provision on Military Registration, subject to conclusion and ratification of the appropriate international treaties by the Russian Federation.

**Article 9.** *Initial Inclusion of Citizens into Military Registration*

1. Initial military registration of citizens of the male sex shall be performed within the period from January 1 to March 31 in the year when they are aged 17 by the Commission for Military Registration of citizens, established in a district, town without division into districts, or other municipal (administrative territorial) formation equal to them.

2. Officials of organizations or educational institutions shall be obliged to provide the citizens, working or studying in the said organizations or institutions, with the opportunity to arrive timely according to the call-up paper of the Military Commissariat for the purpose of military registration on books.

3. In the case that the citizens subject to military registration in books do not work or study, they, having received call-up papers from the Military Commissariat, shall be obliged to arrive in the Military Commissariat as per their place of residence for initial military registration.

4. Initial military registration of citizens of the female sex after they have obtained military registration specialty, as well as of the persons who have obtained the citizenship of the Russian Federation, shall be performed by the Military Commissariat at any time during the calendar year.

5. The Commission for Military Registration of citizens shall be approved by the head of the local governmental body in the following membership:

The Military Commissar of a district, town not divided into districts, or other municipal (administrative territorial) formation equal to them (hereinafter referred to as 'Military Commissar') or Deputy Military Commissar – the Commission Chairman;

specialist by professional psychological selection;

Secretary of the Commission;

medical specialists.

6. The Commission for Military Registration of citizens shall be obliged to arrange medical examination of citizens, determine their appropriateness for military service as per their state of health, conduct measures on professional psychological selection of citizens in order to

determine their appropriateness for training by military registration trades and take a decision on the military registration of the citizen in books or to submit for consideration of the Military Draft Commission the issue on enrollment in the reserve of a citizen, acknowledged to be restrictedly able-bodied for military service or the issue of release from discharge of military duty of a citizen, acknowledged to be not able-bodied for military service.

7. The Chairman of the Commission for Military Registration of citizens or, upon his instruction, the Secretary of the Commission shall be obliged to announce a decision of the Commission to citizens and to explain their obligations as to military registration.

**Article 10. Obligations of Citizens as to Military Registration**

1. In order to ensure military registration the citizens shall be obliged to:

be registered on military books by the Military Commissariat as per the place of residence, and in an inhabited locality with no Military Commissariats by the local governmental bodies, and the citizens, having military ranks of officers and being in the reserve of the Foreign Intelligence Service of the Russian Federation and in the reserve of the bodies of the Federal Security Service of the Russian Federation, by the said bodies;

arrive at the scheduled time and place upon a call (call-up paper) to the Military Commissariat or other body, carrying out military registration, as per the place of residence or the place of temporary stay;

in case of discharge from military service and transfer to the reserve of the Armed Forces of the Russian Federation, to arrive at the Military Commissariat or other body, carrying out military registration, as per the place of residence, in order to be registered in military books within a two-week period after their exclusion from the personnel list of a military unit;

advise, within a two-week period, the Military Commissariat or other body carrying out military registration as per the place of residence about alteration of marital status, education, place of job or official position, place of residence within the limits of a district, town not divided into district or other municipal formation;

be struck off the military register in the case of movement to another place of residence or to a place of temporary stay (for a period more than three months) or in the case of departure from the Russian Federation for a period more than six months and to register within a two-week period upon arrival at a new place of residence, place of temporary stay, and return to the Russian Federation;

to keep with care the military identification document (or interim certificate issued instead), as well as a certificate of a citizen subject to the military draft. In case of loss of these

documents to apply within a two-week period to the Military Commissariat or other body, carrying out military registration as per place of residence in order to solve the issue of obtaining new documents instead of the lost ones.

2. The citizens liable to military draft who leave their place of residence within the period of the military draft for more than three months, shall personally advise of this to the Military Commissariat or other body, carrying out military registration as per the place of residence.

3. The citizens shall also perform other duties, established by the Provision on Military Registration.

### SECTION III - OBLIGATORY AND VOLUNTARY MILITARY SERVICE TRAINING OF A CITIZEN

#### **Article 11 - *Obligatory Military Service Training of a Citizen***

1. Obligatory training of a citizen for military service provides for:

obtaining of primary knowledge in the domain of defense;

training on the military service fundamentals in a State, municipal or non-governmental educational institution of secondary (full) general education, educational institution of primary vocational or secondary vocational training and at educational points of organizations;

military patriotic upbringing;

training by military registration trades of soldiers, seamen, sergeants, and first sergeants upon direction of the Military Commissariat;

medical examination and medical survey;

conduct of medical treatment and sanitation.

2. Obligatory training of citizens for military service shall be carried out in the order defined by the Government of the Russian Federation.

#### **Article 12. *Obtaining by Citizens of Primary Knowledge in the Domain of Defense***

The State educational standards of the general and vocational training provide for obtaining by citizens of primary knowledge on the defense of the State, of the military duty of citizens, and acquisition of skills in the sphere of civil defense.

**Article 13. *Training of Citizens on the Military Service Fundamentals in Educational Institutions of Secondary (Full) General Education, Educational Institutions of Primary Vocational and Secondary Vocational Training and at the Educational Points in Organizations***

1. Prior to the military draft the citizens of the male sex shall pass training in the military service fundamentals in the State, municipal and non-governmental educational institutions of secondary (full) general education, educational institutions of primary vocational and secondary vocational training within two last years of studies.

Training of citizens in the military service fundamentals shall be performed by the staff Teachers of the mentioned educational institutions in compliance with the State educational standards.

Training of citizens in the military service fundamentals provides for the conduct of training assemblies with them at the end of the last year of studies.

2. The citizens, aged 16, working in organizations and passed no training on the military service fundamentals in the educational institutions, indicated in Clause 1 of the present Article, shall be involved in the classes on the military service fundamentals at the educational points, created in organizations by the local governmental bodies in the order established by the Government of the Russian Federation.

3. Financing of citizens' training on the military service fundamentals shall be performed in the order established by the Government of the Russian Federation on account of the Federal Budget funds.

#### **Article 14. Military Patriotic Upbringing of Citizens**

1. The Government of the Russian Federation, the executive authorities of the constituents of the Russian Federation, and the local governmental bodies, together with the Ministry of Defense of the Russian Federation, Federal executive authorities, providing for military service by the present Federal Law, and the officials of organizations shall be obliged to systematically perform the work on military patriotic upbringing of citizens.

2. The citizens who have passed training in military patriotic youth and children's associations shall be given the priority right of enlistment in the military schools of their choice, upon the conditions of their compliance with all the requirements of the persons entering military educational establishments of vocational training.

The training obtained by citizens in military patriotic youth and children's associations shall be taken into account by the Military Draft Commissions while determining the type and categories of the Armed Forces of the Russian Federation, as well as other troops, military formations and bodies, in which they will do military service.

The Provision of the mentioned associations shall be approved by the President of the Russian Federation.

3. Financing of the activities of military patriotic upbringing of citizens shall be performed at the expense of the Federal Budget funds. Additional financing of such activities

may be carried out at the expense of the budget funds of the constituents of the Russian Federation, the funds of local budgets, and off-budgetary funds upon consent of the owners of the these funds.

**Article 15.** *Training of Citizens by Military Registration Trades*

1. Training of citizens by military registration trades of soldiers, seamen, sergeants and first sergeants in public associations and educational institutions of the primary vocational and secondary vocational training shall be performed in the order established by the Government of the Russian Federation.

The abovementioned training shall be obtained by the citizens of the male sex aged 17, including students of educational institutions of primary vocational and secondary vocational education, in which such training is a constituent part of vocational education program.

The students (pupils) of other educational institutions shall not receive training by military registration trades of soldiers, seamen, sergeants and first sergeants.

The number of the citizens subject to training by military registration trades of soldiers, seamen, sergeants and first sergeants shall be determined by the Ministry of Defense of the Russian Federation.

2. The citizen who has become proficient in a complicated military registration trade of a soldier, seaman, sergeant and first sergeant, included in the list, determined by the Government of the Russian Federation, shall be entitled to choose during the military draft the type and category of the Armed Forces, other troops, military formations or bodies, with taking into account the real demand in such trades.

3. Financing and educational logistic support of the associations and organizations mentioned in Clause 1 of the present Article shall be performed the Ministry of Defense of the Russian Federation on a contractual basis at the expense of the Federal Budget funds.

**Article 16.** *Medical Examination and Medical Survey of Citizens during their Initial Military Registration in Books and Performance of Measures of their Medical Treatment and Sanation*

1. A citizen during the initial military registration shall be subject to medical examination by medical specialists: general practitioner, surgeon, neuropathologist, psychiatrist, oculist, otorhinolaryngologist, dentist, and, if necessary, by other medical doctors.

In the case of it being impossible to obtain a medical conclusion about the fitness of a citizen for military service as per the state of health, the Commission on Military Registration of citizens shall direct the citizen for out-patient or in-patient medical examination in a medical

institution situated in the territory of the constituent of the Russian Federation where the citizen resides.

2. In a case of necessity the citizen may be sent to a medical institution situated in the territory of the constituent of the Russian Federation where the citizen resides for the performance of treatment and measures for curing in compliance with the Legislation of the Russian Federation on the protection of citizens' health.

3. Financing of medical examination, medical survey, and performance of treatment and cure measures related to discharge by citizens of their military duty shall be performed in the order defined by the Government of the Russian Federation, on account of the Federal Budget funds.

#### **Article 17. *Voluntary Training of a Citizen for Military Service***

1. Voluntary training of a citizen for military service provides for:

exercise of sports applicable to the military;

training under additional educational programs aimed at military training of minor citizens in educational institutions of secondary (full) general education, as well as in military orchestra bands of the Armed Forces of the Russian Federation, other troops, military formations and bodies (hereinafter referred as 'the military orchestra bands');

training under the training program for the reserve officers at military departments in State, municipal, non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors).

2. Voluntary training of citizens for military service shall be performed in the order defined by the Government of the Russian Federation.

#### **Article 18. *Exercise of Militarily Applicable Sports by Citizens***

1. Citizens subject to the military draft shall enjoy the right of exercising militarily applicable sports in public associations, educational institutions, sport clubs and sections irrespective of their institutional belonging.

2. The citizens, who have been awarded in the established order the first sport class or sport title in a militarily applicable kind of sport shall enjoy a preferential right on enlistment in military schools or shall be entitled to choose during the military draft the type and category of the Armed Forces of the Russian Federation, other troops, military formations and bodies in compliance with sport training of the aforesaid citizens and with taking into account of the actual demand in them.

**Article 19.** *Education by Additional Educational Programs Aimed at Military Training of Minor Citizens in Educational Institutions of Secondary (Full) General Education and in Military Orchestra Bands.*

1. Educational institutions of secondary (full) general education by additional educational programs aimed at military training of minor citizens are military colleges named after Suvorov, Navy colleges named after Nakhimov, and military musical colleges established by the Government of the Russian Federation. The Government of the Russian Federation shall be entitled to establish other educational institutions of secondary (full) general education including additional educational programs aimed at military training of minor citizens. Provisions on the mentioned educational institutions shall be approved by the Government of the Russian Federation.

2. The training by the additional educational programs aimed at military training of minor citizens shall also be performed in military orchestra bands. The Provision of pupils in military orchestra bands shall be approved by the Minister of Defense of the Russian Federation or by the head of the appropriate Federal executive authority providing for military service by the present Federal Law.

3. Minor citizens being orphans or having remained without charge of parents and entering educational institutions mentioned in Clause 1 of the present Article or military orchestra bands shall be enlisted therein without exams on the results of interview and medical examination.

**Article 20.** *Training of Citizens by the Reserve Officers' Training Programs at Military Departments*

1. A citizen studying by the day form of education in a State, municipal, or non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors), fit for military service as per the state of health and following the requirements, established by the present Federal Law, shall be entitled to conclusion with the Ministry of Defense of the Russian Federation of a training contract for reserve officers training at the military department of this educational institution and on doing military service under the draft after conferment of an officer's military rank. The aforementioned contract shall provide for the duty of a citizen of the male sex to do military service under the draft in the order, fixed by the present Federal Law. A citizen doing studies under the reserve officers training program shall be paid an additional scholarship in the order and amount to be determined by the Government of the Russian Federation on account of the Federal Budget funds.

2. A citizen who has concluded no contract stipulated by Clause 1 of the present Article may not study at the military department attached to the State, municipal, or non-governmental

educational institutions of higher vocational education having State accreditation in relevant fields of training (majors).

3. Training of citizens by the reserve officers training programs at military departments attached to the State, municipal, or non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors), shall be performed in the order defined by the Government of the Russian Federation. The aforementioned programs may provide for training of citizens of the female sex.

4. The Ministry of Defense of the Russian Federation, upon agreement with the State, municipal, or non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors), shall perform selection and appointment of the teachers' staff members of the military department attached to this educational institution.

5. The citizens of male sex studying by the reserve officers training programs shall pass military training assemblies or probation courses stipulated by the reserve officers training programs. The aforementioned training military assemblies and probation courses shall be equated to military assemblies.

**Article 21.** *Participation of the Ministry of Defense of the Russian Federation and Federal Executive Authorities Providing for Military Service by the Present Federal Law In the Training of Citizens for Military Service*

1. The Ministry of Defense of the Russian Federation and the Federal executive authorities, providing for military service by the present Federal Law, shall:

participate in the development of the list of military registration trades and militarily applicable kinds of sport;

develop, together with the Federal executive authority on health protection, the requirements for the state of health of citizens, drafted or entering military service, as well as doing military service;

develop, together with the Federal executive authority on education, the State educational standards, programs and methodical papers on training of citizens for military service;

participate in the establishment, financing, and logistic support of educational institutions of secondary (full) general education, educational institutions of primary vocational and secondary vocational training, educational institutions of secondary (full) general education with additional educational courses aimed at military training of minor citizens, military departments attached to the State, municipal, or non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors), as well as the organization implementing training of citizens in military service on a contractual basis.

2. Selection of citizens subject to the military draft, as well as of candidates for entering the contract military service in the Armed Forces of the Russian Federation, other troops, military

formations, and bodies for discharge of special duties of military service shall be realized in the order defined by the Government of the Russian Federation.

## SECTION IV- MILITARY DRAFT OF CITIZENS

### **Article 22.** *The Citizens Subject to Military Draft*

1. The categories of citizens subject to the military draft shall be the following:

citizens of the male sex aged from 18 to 27 years old who have been registered or obliged to be registered in military books and not being in the reserve (hereinafter ‘the citizens not being in the reserve’);

citizens of the male sex aged from 18 to 27 years graduated from the State, municipal, or non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors), and enlisted in the reserve with conferment of an officer’s military rank upon them (hereinafter referred to as ‘the citizens enlisted in the reserve with conferment of an officer’s military rank’).

2. The citizens released pursuant to the present Federal Law from discharge of military duty, the citizens given an adjournment of military draft, and the citizens who are not subject to the military draft shall not be called to military service.

3. The military draft of citizens shall be performed on the basis of the decrees of the President of the Russian Federation.

4. Decision on the military draft of citizens may be taken only when they reach 18 years old.

5. The citizens of male sex transferred to the reserve with conferment of an officer’s military rank and called for military service shall have the status of military persons, doing contract military service. The peculiarities of their doing military service shall be defined by the present Federal Law and the Provision On the Military Service Procedure, approved by the President of the Russian Federation.

### **Article 23.** *Release from the Military Draft. Citizens not Subject to Military Draft*

1. The citizens shall be released from the military draft if they:

a) have been acknowledged as not fit or restrictedly fit for military service by their state of health;

b) are doing or have done military service in the Russian Federation;

c) are doing or have done an alternative civil service;

d) have done military service in the other State;

2. The right to be released from military draft shall be enjoyed by the citizens:

a) having a scientific degree of a candidate of science or doctor of science as provided by the State system of attestation;

b) being the sons (brothers):

of military persons who lost their lives (died) in connection with their discharge of military service or of the citizens who lost their lives (died) in connection with their discharge of military service duties within the period of passing military assemblies;

of citizens who died after discharge from military service or after passing military assemblies, as a result of mutilation (injury, trauma, contusion) or of illness inflicted or contracted in connection with their discharge of their military service duties.

3. The citizens not subject to the military draft shall be those:

a) serving punishment in the form of compulsory works, correctional works, limitation of liberty, arrest, or deprivation of liberty;

b) having unrelieved or unserved conviction for committing a crime;

c) in whose respect inquiry or preliminary investigation has been under way or a criminal case in their respect has been submitted to the court.

#### **Article 24. *Adjournment from the Military Draft of Citizens***

1. Adjournment from the military draft shall be provided to those citizens:

a) acknowledged in the order defined by the present Federal Law to be temporarily unfit for military service by their state of health—for a period of up to one year;

b) continuously engaged in taking care of a father, mother, wife, brother, sister, grandfather, grandmother, or adoptive parent, in the case of there being no other persons, obliged according to the law to take care of the mentioned persons, and also upon condition that the latter are not provided with full State care and according to the conclusion of the State medical-social expertise service performed at the residence place of the citizens subject to military draft, the above persons owing to their state of health need continuous care of other persons (help, supervision), or they are invalids of the first or second group, or have attained superannuation pension age, or not attained the age of 18;

c) having a child, being brought up without a mother;

d) having two children or more;

e) having a child under three years old;

f) whose mother or father, except for them, has two or more children under eight years old, or a handicapped person from childhood and brings them up with no husband (wife);

g) obtained employment by their trade right after graduation from the educational institutions of higher vocational education on the basis of a full working day, in the State organizations, the list of which shall be defined by the Government of the Russian Federation—for the period of this employment;

i) graduated from public, municipal, or non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors), and doing service with the bodies of internal affairs, institutions and bodies of the criminal–executive system, Federal bodies of Tax Police and Customs bodies of the Russian Federation, as well as those doing their studies in the educational institutions of the said bodies, or graduated from the aforementioned educational institutions and received special ranks—for the period of service in these bodies.

2. The right to be granted an adjournment from the military draft shall also be enjoyed by the citizens:

a) making day studies in public, municipal, or non-governmental educational institutions of higher vocational education having State accreditation in relevant fields of training (majors)—for the period of studies.

The right to the aforementioned adjournment from the military draft shall be granted no more than twice (for obtaining vocational education of the given and higher levels in any two of the aforementioned types of educational institutions).

The citizens shall enjoy the right to adjournment for obtaining vocational education in the case of repeated entering in educational vocational institutions of the given level, or in cases of one-time use of an academic leave or one-time transfer to other educational vocational institution of the given level, in the case that the aforementioned adjournment has been granted to them not more than once;

b) receiving post-university vocational education by daytime studies in public, municipal, or non-governmental educational establishments of higher vocational education having State accreditation in the corresponding fields of training (majors) and in scientific institutions, having licenses for educational activities by the educational programs of post-university vocational education—for the period of studying and defending qualification work;

c) having higher pedagogical education and continuously working in a pedagogical capacity in public, municipal, or non-governmental educational establishments of higher vocational education in rural area having State accreditation in the corresponding fields of training (majors)—for the period of this work;

d) continuously working as physicians in rural areas—for the period of this work;

e) who have been granted this right on the basis of the Decrees of the President of the Russian Federation.

**Article 25. *Periods of Citizens' Military Draft***

1. The military draft of the citizens not being in the reserve shall be performed two times a year from April 1 to June 30 and from October 1 to December 31 on the grounds of the Decrees of the President of the Russian Federation, with the following exceptions:

a) citizens living in individual areas of the Extreme North, the list of which shall be defined by the General Headquarters of the Armed Forces of the Russian Federation, shall be called up for military service from May 1 to June 30;

b) citizens living in rural areas and directly engaged in sowing and harvesting campaigns shall be called up for military service from October 15 to December 31;

c) citizens being pedagogical workers of educational institutions, shall be called up for military service from May 1 to June 30.

2. Military draft of the citizens enlisted in the reserve with conferment of an officer's military rank shall be performed within the periods fixed by the President of the Russian Federation

**Article 26. *Arrangement of Citizens' Military Draft***

1. Military draft of the citizens not being in the reserve shall include:

arrival for medical examination and to the sitting of the Military Draft Commission;

arrival in the Military Commissariat for dispatch to the place of military service and stay in the Military Commissariat prior to dispatch to the place of military service.

The military draft of the mentioned citizens shall be organized by the Head of the local governmental body together with the Military Commissar and performed by the Military Draft Commission to be established in each district, town not-divided into districts, other municipal formation by resolution of the Head of the local governmental body (hereinafter referred to as 'the Military Draft Commission').

2. The military draft of the citizens enlisted in the reserve with conferment of an officer's military rank shall include:

arrival for medical examination and on the Military Commissar for taking a decision on the military draft;

arrival in the Military Commissariat and receipt of an instructing order for departure to the place of military service.

The military draft of the mentioned citizens shall be organized and performed by the Military Commissar.

3. The citizens shall be summoned for the measures connected with the military draft by call-up papers of the Military Commissariat.

4. The order of the military draft of citizens shall be defined by the present Federal Law, other Federal laws, decrees of the President of the Russian federation, Provision on the Military Draft to be approved by the Government of the Russian Federation and other legal acts of the Russian Federation.

**Article 27.** *Membership of the Military Draft Commission*

1. The Military Draft Commission shall include the following members:

Deputy Head of the local governmental body – Commission Chairman;

Military Commissar – Deputy Commission Chairman;

Commission Secretary;

Physician guiding the activities on medical examination of the citizens subject to military draft;

representative of an appropriate body of internal affairs;

representative of an appropriate management body in the domain of education.

2. Representatives of other bodies and organizations may also be included in the Military Draft Committee.

**Article 28.** *Obligations of the Military Draft Commission and Military Commissar as to the Military Draft of Citizens and Working Procedure of the Military Draft Commission*

1. During the military draft of citizens not enlisted in the reserve, the Military Draft Commission shall be entrusted with the duties of arrangement of medical examination of the aforementioned citizens and taking one of the following decisions in their respect:

on the military draft;

on forwarding for alternative civil service;

on granting adjournment from the military draft;

on release from the military draft;

on enlistment in the reserve;

on release from discharge of the military duty.

While the military draft of the citizens who are enlisted in the reserve with conferment of an officer's military rank, the aforementioned duties shall be charged upon the Military Commissar.

2. In case of citizens' evasion from the military draft, the Military Draft Commission or the Military Commissar shall forward the appropriate materials to the Prosecutor by the place of residence of the mentioned citizens in order to decide the issue on bringing them to responsibility in compliance with the Legislation of the Russian Federation.

3. While taking a decision on the military draft of citizens not being in the reserve, the Military Draft Commission shall define the type and category of the troops of the Armed Forces of the Russian Federation, other troops, military formations and bodies, where the mentioned citizens will do their military service.

4. The Military Draft Commission shall be entrusted also with the duties of arrangement of medical examination of the citizens who have expressed their wish to enter military educational establishments of vocational training and of taking a decision on their assignment for passing entrance competition examinations or on refusal in making such assignment.

5. The Military Draft Commission (or Military Commissar – for the citizens called up for military service from the reserve) shall take appropriate decisions on the basis of the present Federal Law, other Federal laws, Provision on Military Draft and other legal acts of the Russian Federation.

6. Chairman of the Military Draft Commission (Military Commissar) shall announce the resolution to the citizen in relation to whom the decision was taken and upon demand shall issue a copy of the resolution to the citizen.

7. Resolution of the Military Draft Commission may be appealed against by the citizen within the period established by the Legislation of the Russian Federation, since the date of the citizen's receipt of the copy of the mentioned resolution, to the Military Draft Commission of the appropriate constituent of the Russian Federation or to the Court, and the resolution of the Military Commissar may be appealed against to the Military Commissar of the appropriate constituent of the Russian Federation or to the Court. The citizen's appeal shall be considered within a five-day term since its filing with the Military Draft Commission of the appropriate constituent of the Russian Federation or Military Commissar of the appropriate constituent of the Russian Federation. In this case execution of the resolution of the Military Draft Commission or Military Commissar shall be suspended until pronouncement of resolution by the Military Draft Commission of the appropriate constituent of the Russian Federation,

Military Commissar of the appropriate constituent of the Russian Federation or a judgment entry in legal force.

**Article 29.** *Military Draft Commission of the Constituent of the Russian Federation*

1. The Military Draft Commission of the constituent of the Russian Federation shall be established by resolution of the Head of the executive authority of the constituent of the Russian Federation in the following membership:

Deputy Head of the local governmental body of the constituent of the Russian Federation – Commission Chairman;

Military Commissar of the constituent of the Russian Federation – Deputy Commission Chairman;

Commission Secretary;

Medical specialists, participating in the medical examination and medical survey of citizens;

representative of the appropriate body of internal affairs of the constituent of the Russian Federation;

representative of the appropriate management body of the constituent of the Russian Federation in the domain of education.

Representatives of other bodies and organizations of the constituent of the Russian Federation may also be included in the membership of the Military Draft Commission of the constituent of the Russian Federation.

2. The Military Draft Commission of the constituent of the Russian Federation shall:

organize medical survey of the citizens not enlisted in the reserve and called up for military service, before their assignment to the place of military service, as well as the control medical examination of the citizens, released from military service by the state of health and citizens, expressed their disagreement with the conclusion on their fitness to military service according to the results of medical examination;

perform methodical guidance of the activities of Military Draft Commissions;

check appropriateness of giving adjournments and release from military draft to citizens;

supervise reasonability of citizens' assignments for doing military service in the types and categories of the Armed Forces of the Russian Federation, other troops, military formations and bodies;

consider complaints of the citizens, called up for military service against resolutions of Military Draft Commissions.

3. The Military Draft Commission of the constituent of the Russian Federation shall be entitled to cancel resolutions of lower Military Draft Commissions.

4. Resolution of the Military Draft Commission of the constituent of the Russian Federation by a citizen's complaint may be appealed by the citizen to the Court within the term established by the Legislation of the Russian Federation since the citizen's receipt of the copy of the mentioned resolution. Resolution of the Military Draft Commission shall be suspended until the judgment enters in legal force.

**Article 30. *Medical Examination and Medical Survey of the Citizens Subject to the Military Draft***

1. The citizens subject to the military draft shall undergo medical examination by medical specialists: general practitioner, surgeon, neuropathologist, psychiatrist, oculist, otorhinolaryngologist, dentist, and, if necessary, by other medical doctors.

In the case of impossibility of obtaining a medical conclusion of the fitness of a citizen for military service by the state of health, the aforementioned citizen shall be directed for out-patient or in-patient medical examination in a medical institution situated in the territory of the constituent of the Russian Federation, where the citizen resides.

2. By the results of medical examination, the physicians guiding the work of medical examination of the citizens subject to the military draft shall draw conclusions as to the fitness of the aforementioned citizens for military service within the following categories:

- A – fit for military service;
- B – fit for military service with insignificant restrictions;
- C – restrictedly fit for military service;
- D - temporarily unfit for military service;
- E – unfit for military service.

3. The order of arrangement and medical examination of the citizens subject to military draft shall be defined by the Provision on Military Medical Expertise to be approved by the Government of the Russian Federation.

4. Upon agreement with the Commander (Head) of a military unit (military medical institution) military medical doctors may be attracted for medical examination of the citizens subject to military draft.

5. Financing of medical examination and medical survey of citizens subject to military draft shall be carried out in the order specified by the Government of the Russian Federation on account of the Federal Budget funds.

**Article 31. *Obligations of the Citizens Subject to the Military Draft***

1. According to the call-up papers of the Military Commissariat the citizens not enlisted in the reserve subject to military draft shall be obliged to arrive for medical examination, at the sitting of the Military Draft Commission or for assignment to a military unit for doing military service, as well as to stay in the Military Commissariat prior to their departure to the place of military service.

2. The citizens subject to military draft shall be obliged to receive the call-up papers of the Military Commissariat against a receipt. The call-up papers shall be served to the citizens by employees of the Military Commissariat or at the place of work (studies) by Heads or other officials (workers) of the organizations in charge for military registration work, as well as by officials of the local governmental body in charge of military registration work. The call-up papers shall contain the legal consequences of citizens' non-compliance with the requirements stated in them.

In the case of impossibility of serving the call-up papers to the citizens subject to the military draft by the said employees, heads or officials, ensuring their arrival for the measures connected with the military draft shall be entrusted to the appropriate bodies of internal affairs on the basis of the written application of the Military Commissar.

3. The citizens of male sex enlisted in the reserve with conferment of an officer's military rank shall be obliged according to the call-up papers of the Military Commissariat to arrive for medical examination, as well as to the Military Commissar for taking a resolution on the military draft and receiving an instructing order for departure to the place of military service.

4. In case of non-arrival of the citizen without good reasons according to the call-up papers of the Military Commissariat for the measures connected with the military draft the aforementioned citizen shall be considered to be evasive of military service and brought to take responsibility in compliance with the Legislation of the Russian Federation.

## SECTION V - CONTRACT MILITARY SERVICE INTAKE OF CITIZENS

### **Article 32.** *Contract for Doing Military Service*

1. Contract for doing military service shall be concluded by the citizen with the Ministry of Defense of the Russian Federation or the Federal executive authority, providing for military service under the present Federal Law, by the model form in writing and in the order specified by the Provision on the Military Service Procedure.

2. In the contract for doing military service there shall be fixed voluntary character of citizen's intake in military service, the period within which the citizen undertakes to perform the military service and the terms of the contract.

3. The terms of the contract for doing military service shall include the citizen's obligation of doing military service in the Armed Forces of the Russian Federation, other troops, military formations and bodies within the period specified in the contract, to fulfil *bona fide* all general, official, and special obligations of military persons, as established by legislative and other legal acts of the Russian Federation, as well as the right of the citizen for observance of his rights and the rights of his family members, including receipt of benefits, guarantees and compensations, established by legislative and other legal acts of the Russian Federation, which define the status of military persons and the procedure of military service.

4. The contract for doing military service shall enter into force from the date of its signature by the appropriate official in compliance with the Provision on the Military Service Procedure and terminate from the date of conclusion of other contract for doing military service by the military person, exclusion of the military person from the personnel list of a military unit in the case specified in Clause 6 of the present Article, as well as in other cases, established by Federal laws.

5. Conclusion of contract for doing military service, its termination and any other relations connected with it shall be regulated by the present Federal Law, Provision on the Military Service Procedure, as well as by legislative and other legal acts of the Russian Federation, defining the order of doing military service and the status of military persons.

6. The military persons appointed to the position of the Minister of Defense of the Russian Federation, Heads of the Federal executive authorities, providing for military service under the present Federal Law, shall do military service in the appropriate capacity without conclusion of a contract for military service. The contract for doing military service which was concluded by the aforementioned military persons before appointment to the said position shall be terminated. The aforementioned military persons shall reserve their status of the military persons doing contract military service.

After release of the aforementioned military persons of the position they shall conclude a new contract for doing military service or to discharge from military service on the basis and in the order specified by the present Federal Law and the Provision on the Military Service Procedure.

**Article 33.** *Requirement to the Citizens Entering the Contract Military Service*

1. The citizen entering the contract military service shall comply with medical and professional psychological requirements of military service in relation to specific military registration trades. Medical examination and measures on professional psychological selection shall be performed in order to determine the citizen's compliance with the established requirements.

2. Medical examination of citizens shall be performed in compliance with the Provision on Military Medical Expertise. By the results of medical examination there shall be prepared conclusion on the citizen's fitness for military service in compliance with Clause 2 Article 30 of the present Federal Law. The citizen acknowledged fit for military service or fit for military service with insignificant restrictions may be enlisted in the contract military service.

3. The measures on the professional psychological selection shall be performed by the specialists of professional psychological selection in the order defined by the Provision on the Military Service Procedure. By the results of the professional psychological selection one of the following conclusions as to professional fitness of the citizen for the contract military service shall be made:

- recommended in the first turn – the first category;
- recommended – the second category;
- conditionally recommended – the third category;
- not recommended – the fourth category.

The citizen, referred by the results of the professional psychological selection to the fourth category of professional fitness, may not be enlisted in the contract military service.

4. The citizen entering the contract military service shall, besides the requirement specified in Clause 1 of the present Article, comply with the requirements as to the level of:

- education;
- vocational training;
- physical training.

5. The requirements specified by Clauses 3 and 4 of the present Article shall be established by the Minister of Defense of the Russian Federation or the Head of the Federal executive authority, providing for military service under the present Federal Law.

#### **Article 34.** *Conclusion of Contract for Doing Military Service*

1. The following persons shall be entitled to conclude a contract for doing military service:

- military persons whose previous contract for doing military service expires;
- military persons doing military service under the draft and served no less than 6 months;

citizens being in the reserve;

citizens of the male sex not enlisted in the reserve who graduated from public, municipal, or non-governmental educational establishments of higher vocational education having State accreditation in the corresponding fields of training (majors);

citizens of the female sex not being in the reserve;

other citizens in compliance with legal acts of the President of the Russian Federation.

Citizens who have entered military training institutions of vocational training shall conclude a contract for doing military service in compliance with Clause 2 Article 35 of the present Federal Law.

2. The first contract for doing military service may be concluded by citizens at an age from 18 to 40 years.

3. Selection of candidatures for entering the contract military service out of the number of citizens not in military service shall be performed by the Military Commissariats, and from the number of military persons – by military units in the order established by the Provision on Military Service Procedure.

4. Determination of citizens' compliance with the requirements established for those entering the contract military service shall be entrusted to the Commissions of Military Commissariats for selection of candidates, entering the contract military service.

Determination of citizens' compliance with the requirements established for those entering the contract military service shall be entrusted to Attestation Commissions of military units.

Representatives of military units for which the selection is performed may take part in the activity of Military Commissariats on selection of candidates for entering the contract military service.

A copy of the Commission's resolution shall be issued to a citizen upon the citizen's request within a three-day term from the date of taking the resolution.

5. The grounds for refusal in concluding the relevant contract with the candidate entering the contract military service shall be as follows:

absence within the Armed Forces of the Russian Federation, other troops, military formations and bodies of vacant military positions by the training profile of the candidate or military registration trade received by the candidate;

resolution of the Attestation Committee of a military unit, approved by the Commander (Head) of the military unit, on concluding a contract for doing military service with another candidate as per the results of competitive selection;

resolution of the Military Commissariat Commission or the Attestation Committee of a military unit on non-compliance of a candidate entering the contract military service with the requirements established by the present Federal Law.

The contract for doing military service may not be concluded with the citizens on whom have been passed a sentence of conviction and a punishment determined, the citizens who have been under inquiry or preliminary investigation, or when a criminal case in respect to these citizens has been submitted to the court, or when the citizens have unrelieved or unserved conviction for commitment of a crime, as well as with the citizens serving punishment in the form of deprivation of liberty.

The Commander (Head) of a military unit shall take resolution on conclusion of a new contract for doing military service or on refusal from its conclusion with a military person, doing the contract military service, no later than three months prior to the expiry of the valid contract period.

7. In the case in which a citizen is refused in conclusion of a contract for doing military service the citizen shall have a right to complain against the given decision to a superior authority, Public Prosecutor's office, or the Court.

**Article 35.** *Entering of Citizens in Military Educational Establishments of Vocational Training. Conclusion of Contracts for Doing Military Service with the Citizens Making Studies in the Military Educational Institutions of Vocational Training.*

1. The citizens entitled to entering military educational institutions of vocational training shall be the following:

citizens who have passed no military service – at the age from 16 to 22 years old;

citizens who have passed military services and those military persons doing military service under the draft—upon attainment of the age of 24 years old;

those military persons doing military service under contract – under the procedure defined by the Minister of Defense of the Russian Federation or Head of the Federal executive authority, providing for military service in accordance with the present Federal Law.

The citizens entering military educational establishments of vocational training shall correspond to the requirements fixed for the citizens entering the military service under the contract.

The citizens enrolled in military educational establishments of vocational training shall be appointed to the military positions of cadets, listeners, and other military positions under the procedure, defined by the present Federal Law, Provision on the Military Service Procedure, and other legal acts of the Russian Federation.

2. The citizens who have passed no military service, during enrollment in military educational establishments of vocational training shall acquire status of the military persons, doing military service under the draft, and conclude a contract for doing military service when they are aged 18 years old, but not earlier when they finish the first year of studies in the aforementioned educational establishments.

The military persons, doing military service under the contract, during enrollment in the military educational establishments of vocational training shall conclude a new contract for doing military service.

The citizens, who have passed the military service under the contract, as well as those passing or who have passed the military service under the draft, during enrollment in the aforementioned military educational establishments of vocational training shall conclude a contract for doing the military service prior to the start of studies.

The military persons refused to conclude a contract for doing military service under the procedure established by the present Federal Law shall be subject to sending down from the military educational establishments of vocational training.

3. The military persons, doing the military service under the draft, not enrolled in military educational establishments of vocational training shall be forwarded for further doing of military service under the procedure defined by the Provision on the Military Service Procedure.

4. The military persons of the male sex, sent down from military educational establishments of vocational training for lack of discipline, bad progress or lack of desire to carry out studies, as well as those refused to conclude a contract for doing military service, if they attained the age of 18 years old at the moment of their sending down from the aforementioned educational establishments, made no established term of the military service under the draft and have no right to discharge from the military service, release or adjournment from the military draft, shall be forwarded for doing military service under the draft.

in this case in which the military service term of military persons shall include:

duration of military service under the draft until the entry in a military educational institution of vocational training;

duration of military service under the contract until the entry in a military educational institution of vocational training—on the basis of two months of military service under the contract for one month of military service under the draft;

duration of military service during the studies in a military educational institution of vocational training—on the basis of two months in the aforementioned educational institution for one month of military service under the draft.

The military persons of the male sex under 18 years old sent down from a military educational institution of vocational training shall be discharged from the military service and forwarded to the Military Commissariat for military registration and further on they are called up for military service on general grounds. In the case of discharge of the aforementioned persons on the grounds envisaged in the present Clause, the term of military service under the draft shall include the duration of military service during the studies in a military educational establishment of vocational training on the basis of two months of military service in the mentioned educational institution for one month of military service under the draft;

5. The military persons of the female sex sent down from the military educational establishments of vocational training shall be discharged from the military service:

those with no military registration trade—with no military registration;

those having a military registration trade shall be enrolled in the reserve and forwarded to the military Commissariat according to the place of residence for military registration.

6. The educational programs of the military educational establishments of vocational training shall provide for students' obtainment of both military registration and civil trades under the list, approved by the Government of the Russian Federation.

## SECTION VI - MILITARY SERVICE

### **Article 36. *Military Service***

1. The procedure of military service shall be defined by the present Federal Law, other Federal laws, Provision on the Military Service Procedure, and other legal acts of the Russian Federation.

2. Peculiarities of doing military service on the introduction of a state-of-emergency regime and martial law, as well as in the conditions of armed conflicts shall be defined by the Federal Constitutional laws, Federal laws, Provision on the Military Service Procedure, and other legal acts of the Russian Federation.

3. The citizens shall do military service under the draft in the Armed Forces of the Russian Federation, bodies and frontier troops of the Federal Frontier Service of the Russian Federation, in the internal troops of the Ministry of Internal Affairs of the Russian Federation, in the railway troops of the Russian Federation and the troops of the Federal Agency of Governmental Communication and Information attached to the President of the Russian Federation.

Citizens shall be forwarded to other troops, military formations and bodies for doing military service under the draft in compliance with the Decree of the President of the Russian Federation upon manning the military positions to be occupied by the military persons, doing

military service under the draft in the Armed Forces of the Russian Federation, other troops and bodies, mentioned in Paragraph one of the present Clause.

4. Peculiarities of military service of the military persons upon whom has been passed a conviction and a punishment given, shall be defined by the Criminal Code of the Russian Federation, Criminal-Executive Code of the Russian Federation, legislative and other legal acts of the Russian Federation.

#### **Article 37. Discharge of Military Service Duties**

1. A military person, as well as a citizen, undergoing military assemblies, shall be regarded as discharging military service duties in the following cases:

- a) participation in battle operations, accomplishment of missions in the conditions of the state-of-emergency and martial law, as well as in the conditions of armed conflicts;
- b) discharge of functions;
- c) performance of active duty, active service, service in a garrison, discharge of duties in the composition of round-the-clock detachments;
- d) participation in exercises or ship campaigns;
- e) fulfilment of an order or instruction, given by a Commander (Chief);
- f) staying in the territory of a military unit within the service time, established by the order of the day, or during some other time in case of a service necessity;
- g) being on a service mission;
- h) being on treatment, proceeding to the place of treatment and back;
- i) proceeding to the place of military service and back;
- j) undergoing of military assemblies;
- k) staying in captivity (except for the case of voluntary captivity yield) in the condition of a hostage or an internee;
- l) missing – until acknowledgement of a military person missing or until declaring him dead in accordance with the legally fixed procedure;
- m) protection of individual life, health, honor, and dignity;
- n) rendering of assistance to the bodies of internal affairs, other law machinery in protection of the rights and freedoms of a human being and citizen, protection of law and order and public security;
- o) participation in prevention and elimination of consequences of natural disasters, accidents and catastrophes;
- p) doing of other actions, acknowledged by the Court as ones done in the interests of an individual, society and the State.

2. The military person or a citizen, undergoing military assemblies, shall not be acknowledged as deceased (died), received severe injury (wound, trauma, contusion) or a sickness during discharge of military service duties, if it became a consequence of:

a) voluntary staying outside the disposition of a military unit or the military service place, established outside the limits of a military unit, except for the cases, envisaged with sub-clauses “l”, “m”, “n”, “o”, “p” and “q” of Clause 1 of the present Article;

b) voluntarily bringing oneself to a condition of drug or toxic intoxication;

c) some action of his, acknowledged to be socially dangerous in accordance with the established procedure.

3. The Commanders (Chiefs) shall be prohibited from giving orders and instructions having no relation to discharge of military service duties or aimed at infringement of the Legislation of the Russian Federation.

The Commanders (Chiefs) given the aforementioned orders and instructions shall be brought to responsibility in compliance with the Legislation of the Russian Federation.

### **Article 38.** *Term of Military Service for the Military Persons*

Doing Military Service under the Draft or Contract

1. The term of military service shall be fixed:

for the military persons doing military service under the draft—24 months;

for the military persons graduated from public, municipal or having the State accreditation by the corresponding trends of training (majors) non-governmental educational establishments of higher vocational training, doing military service under the draft—12 months;

for the military persons having an officer’s military rank and called to the military service—24 months;

for the military persons, doing military service under the contract—for the term specified in the contract for doing military service.

2. The military persons, doing military service under the draft, one day of participation in battle operations or accomplishment of tasks in the conditions of armed conflicts, as well as one day of staying in treatment institutions due to wounds, contusions, severe injuries or sicknesses, received during participation in the mentioned operations or conflicts, shall be accounted as two days of military service under the draft.

3. The first contract for doing military service shall be concluded:

a) with a person entering the military service for a military position, providing for a military rank of a soldier, seaman, sergeant, first sergeant in accordance with the staff structure—for three years;

b) with a person entering the military service for a military position, providing for a military rank of an ensign, warrant officer, or officer in accordance with the staff structure—for five years;

c) with the military persons making their studies in a higher educational institution of vocational training – for the term of studies in the mentioned educational institution and five years of military service upon its completion.

4. The military person, doing military service under the draft, may conclude the first contract for doing military service for a shorter term, provided that the total duration of his/her military service and under the first contract will make three years or five years in compliance with sub-clauses “a” and “b” of Clause 3 of the present Article.

With the military persons doing military service under the draft and having expressed a wish to enter the military service under a contract within a period of emergencies (elimination of consequences of natural disasters, fulfilment of the state-of-emergency measures, re-institution of the Constitutional order and other emergencies), or for participation in the activity on maintenance or re-establishment of international peace and security, no earlier than one month prior to the expiry of the military service term there may be concluded a contract for doing military service within the term from six months to one year.

5. A new contract for doing military service may be concluded by a military person for a term of three years, five years, ten years or for the term of studies in the military educational institution of vocational training and five years of military service upon its completion.

6. A contract for doing military service may be concluded with a military person for a shorter term—until approaching the ultimate age of the military person’s stay in military service.

7. With a citizen staying in the reserve and expressing a wish to enter the military service under a contract within a period of emergencies (elimination of consequences of natural disasters, fulfilment of the state-of-emergency measures, re-institution of the Constitutional order and other emergencies), or for participation in the activity on maintenance or re-establishment of international peace and security a contract for doing military service may be concluded for a term from six months to one year.

8. A military person, having passed the military service under a contract and entered a military educational establishment of higher vocational training, as well as one who has entered an adjunct post-graduate course in a military academy/college or military doctor’s post-graduate course/study shall conclude a contract for the period of studies in the aforementioned educational

establishment, adjunct post-graduate department in a military academy/college or military doctor's post-graduate department and five years of military service upon completion of studies.

9. The military persons having a degree of a Candidate of Science or a Doctor of Science and having reached the ultimate age of staying in military service, shall be given a preferential right during conclusion with them a contract for doing military service under the procedure, fixed by Clause 3 of Article 49 of the present Federal Law.

10. The start of military service shall be regarded:

for the citizens not in the reserve, called to military service—the date of departure from the Military Commissariat of the constituent of the Russian Federation to the place of military service;

for the citizens graduated from public, municipal, or non-governmental educational establishments of higher vocational training having the State accreditation in the corresponding fields of training (majors), and enlisted in the reserve with conferment of an officer's military rank—the date of departure to the place of military service, specified in the instructing order of the Military Commissariat;

for the citizens called to military service immediately after the graduation from public, municipal, or non-governmental educational establishments of higher vocational training having the State accreditation in the corresponding fields of training (majors), and enlisted in the reserve with conferment of an officer's military rank—the date of departure for vacations, given by the Military Commissariat upon graduation from the mentioned educational institutions;

for the citizens who have entered the military service under a contract—the date of enforcement of the contract for doing military service;

for the citizens who have done no military service or done the military service earlier and entered military educational establishments of higher vocational training—the date of enlistment in the aforementioned educational establishments;

11. The date of the military person's exclusion from the staff lists of a military unit shall be considered the termination date of military service.

A military person may be excluded from the staff lists of a military unit on the date of expiration of his/her military service term with the exception of the cases in which:

a military person undergoes in-patient treatment;

a military person of the the female sex stays on maternity leave or on the child care leave;

a military person doing military service under the draft upon his/her wish stays in the military unit until the departure date of the transport vehicle, implementing individual or organized carriage of military persons, transferred to the reserve;

a military person takes part in the ship campaigns;

a military person stays in captivity in the condition of a hostage or an internee;  
a military person is missing until acknowledgement of a military person missing or declaring him dead in accordance with the legally fixed procedure;  
a military person is under examination;  
as well as in other cases, fixed by the Provision on the Military Service Procedure.

12. The military service term does not include:

time of staying in a disciplinary military unit or the time of serving a disciplinary punishment in the form of an arrest;

time of voluntary leaving of a military unit or a place of military service regardless of leaving reasons with the duration above 10 days.

For the military person released from a disciplinary military unit under condition of his faultless military service the period of his/her staying in the disciplinary military unit may be included in the term of military service in compliance with the Provision on the Military Service Procedure.

### **Article 39. Military Form of Garments and Badges of Rank**

1. A military form of garments and badges of rank shall be established for military persons.

The military form of garments and badges of rank by military ranks of the military persons of the Armed Forces of the Russian Federation, other troops, military formations and bodies shall be approved by the President of the Russian Federation.

The badges of rank by the types of the Armed Forces of the Russian Federation, categories of troops and services, specific military formations by their functional purpose, personified badges of rank, as well as the rules of wearing the military form of garments and badges of rank shall be defined by the Minister of Defense of the Russian Federation, Head of the corresponding Federal executive body, providing for military service under the present Federal Law.

2. A military person shall not be entitled to wear a military form of garments outside the disposition of a military unit, at rest, on discharge, or on vacations.

3. The military form of garments and badges of rank of military persons shall be protected by the Patent Law of the Russian Federation.

The military form of garments and badges of rank of the employees, not being military persons, of the Federal executive authorities, executive authorities of the constituents of the

Russian Federation, local governmental bodies, organizations, members of public associations shall not be analogues of the military form of garments and badges of rank of military persons.

The Federal executive authorities, executive authorities of the constituents of the Russian Federation shall change the form of garments and badges of rank of their employees, not being military persons, or introduce new ones upon agreement with the Ministry of Defense of the Russian Federation.

Wearing of military form of garments and badges of rank of military persons by the citizens not entitled to that shall be prohibited and entail the responsibility in compliance with the Legislation of the Russian Federation.

4. The departmental badges of rank of the military persons shall be defined by the Minister of Defense of the Russian Federation, Head of the corresponding Federal executive body, providing for military service in compliance with the present Federal Law.

#### **Article 40. *Military Oath***

1. A military person who has entered the military service for the first time, or a citizen, who has not undergone military service and for the first time called to military assemblies shall be adjured to the Military Oath in front of the National Flag of the Russian Federation and the Combat Banner of the military unit.

2. The text of the Military Oath shall be approved as follows:

“I, (surname, first name, patronymic) solemnly swear allegiance to my Motherland—the Russian Federation.

I swear to sacredly observe the Constitution of the Russian Federation, strictly fulfil requirements of Military Regulations, orders of Commanders and Heads.

I swear to discharge the military duty with dignity, bravely defend the freedom, independence and the Constitutional order of Russia, the people and the Motherland”.

#### **Article 41. *Adjuration to the Military Oath***

1. Adjuration to the Military Oath shall be conducted:

upon arrival of a military person at the first place of military service after undergoing preliminary military training, the term of which shall not exceed two months;

upon arrival of a citizen at the first place of military assemblies.

Prior to adjuration to the Military Oath:

a military person may not be involved in the accomplishment of combat missions (participation in battle operations, performance of combat duty, combat service, guard service) and missions on the introduction of the state-of-emergency regime, and in the conditions of armed conflicts;

a military person may not be assigned a weapon and military equipment;

a military person may not be imposed a disciplinary punishment in the form of arrest.

2. Adjuration to the Military Oath shall be effected under the procedure defined by the General Military Regulations of the Armed Forces of the Russian Federation.

#### **Article 42. Military Positions**

1. A military person shall do military service at a military position except for those cases specified in Clauses 4 and 5 of the present Article.

A military person may occupy only one military position (position).

2. Each military position (position) shall correspond with one military rank.

3. The unified list of military positions subject to occupation by high officers in the Armed Forces of the Russian Federation, other troops, military formations and bodies, and the overall quantity of military positions, subject to occupation by Colonels, 1<sup>st</sup> Rank Captains in the Armed Forces of the Russian Federation, other troops, military formations and bodies shall be approved by the President of the Russian Federation.

Lists of other military positions shall be approved under the procedure defined by the Minister of Defense of the Russian Federation or by the Head of the corresponding Federal executive authority, providing for military service in accordance with the present Federal Law.

The lists of military positions shall define the military positions which may be occupied by military persons of the female sex, civil personnel or to be occupied on a competitive basis.

4. A military person may do military service apart from military positions in the cases of:

staying at disposal of a Commander (Head)—no longer than three months;

staying at disposal of a Commander (Head) in connection with performance of arrangement-staff measures—no longer than six months;

staying at the disposal of a Commander (Head) in connection with institution of a criminal case as regards the military person—until passing a judgement on the criminal case;

attachment to the bodies, organizations and institutions specified in Clause 1 of Article 44 of the present Federal Law;

in other cases, fixed by the Provision on the Military Service Procedure.

**Article 43.** *Appointment to Military Positions, Release from Military Positions*

1. Appointment to military positions and release from military positions shall be effected:

for the military persons, for whom are provided the military ranks of high officers according to the staff list—by the Decrees of the President of the Russian Federation;

for other military persons—under the procedure fixed by the Provision on the Military Service Procedure.

2. A military person may be imposed with a temporary discharge of duties by the military position, not occupied by this military person, including release from discharging the duties by the occupied military position—for the term defined by the Provision on the Military Service Procedure.

3. A military person doing military service under a contract shall be entitled to proposing to consideration of the corresponding Attestation Commission his/her candidature for appointment to a releasing or vacant military position.

4. Conduct of scheduled replacement of military persons doing military service under a contract in

the areas of the Extreme North and equated localities, localities with unfavorable climatic or environmental conditions, as well as in military units situated outside the Russian Federation, shall be effected in accordance with the Provision on the Military Service Procedure.

The periods of military service in the mentioned areas, localities and military units shall be defined by the Government of the Russian Federation.

**Article 44.** *Attachment and Transfer of Military Persons*

1. Military persons may be attached to Federal executive authorities, other governmental bodies and establishments, State authorities of the constituents of the Russian Federation, international organizations in compliance with the international treaties of the Russian Federation, State Unitary enterprises the property of which is under Federal proprietorship, joint-stock holding companies with 100 percent of shares under Federal proprietorship and which perform work in the interests of the defense of the country and security of the State.

The procedure of attachment of military persons, peculiarities of their doing military service shall be defined the Provision on the Military Service Procedure. The overall quantity of the attached military persons and the procedure of their supply with monetary allowance and other categories of allowance, as well as the peculiarities of attaching the military persons of the Federal Security Service of the Russian Federation, bodies of the Foreign Intelligence and the Federal State Guard Services shall be defined by the President of the Russian Federation.

2. The military persons under the procedure defined by the Provision on the Military Service Procedure may be transferred for further military service:

from the Armed Forces of the Russian Federation to the Federal executive authority, providing for military service in accordance with the present Federal Law.

from the Federal executive authority, providing for military service in accordance with the present Federal Law to the Armed Forces of the Russian Federation;

from one Federal executive authority, providing for military service in accordance with the present Federal Law to another Federal executive authority, providing for military service in accordance with the present Federal Law.

#### **Article 45.** *Suspension of Military Service*

Military persons elected Deputies of the State Duma of the Federal Assembly of the Russian Federation, Deputies of legislative (representative) bodies of the constituents of the Russian Federation, Heads of the State executive authorities of the constituents of the Russian Federation, Deputies of the representative local governmental bodies and Heads of municipal formations, effecting the aforementioned powers on the permanent basis, as well as by the military persons, effecting the powers of the members of the Council of Federation of the Federal Assembly of the Russian Federation, shall be suspended from military service in the occupied position for the total term of their powers in the aforementioned bodies, including termination of the contract for their military service and offset of the military service suspension term in the military person long service.

From the date of termination of the grounds for suspension of military service the military persons shall conclude a new contract for military service or shall be discharged from the military service on the grounds and under the procedure, envisaged with the present Federal Law.

#### **Article 46.** *Military Persons' Structures and Military Ranks*

1. The military persons' structures and military ranks fixed for the Armed Forces of the Russian Federation shall be as follows:

Structures Of Military Persons	Army Ones	Military Ranks	Marine
Soldiers, Seamen	Private Soldier		Sailor (Able Seaman)
Sergeants, First Sergeants	Private First Class Soldier		Senior Able Seaman
	Junior Sergeant		2 <sup>nd</sup> Article First Sergeant
	Sergeant		1 <sup>st</sup> Article First Sergeant
	Senior Sergeant		Chief First Sergeant
Ensigns And Warrant Officers	Ensign		Warrant Officer
	Senior Ensign		Senior Warrant Officer
Officers:			
Junior Officers	Junior Lieutenant	Junior Lieutenant	
	Lieutenant	Lieutenant	
	Senior Lieutenant	Senior Lieutenant Commander	
	Lieutenant		
Senior-Rank Officers	Major	Lieutenant Commander (3 <sup>rd</sup> Rank)	
	Lieutenant-Colonel	Commander (2 <sup>nd</sup> Rank)	
	Colonel	Captain (1 <sup>st</sup> Rank)	
High-Rank Officers	Major-General	Rear-Admiral	
	Lieutenant-General	Vice-Admiral	
	General-Colonel	Admiral	
	Army General	Fleet Admiral	
	Marshal of the Russian Federation		

2. The military rank of a military person performing military service in a guards military unit, aboard a guard ship shall have the word "Guards" added in front.

3. The words "of Justice" and " of Medical Service" shall be respectively added to military rank of a military person, having military registration trade of a legal or medical profile.

4. To the military rank of a military person in the reserve or retired the words 'reserve' and 'retired' shall be respectively added.

5. It is prohibited to introduce special ranks or class ranks analogues to military ranks for individuals who are not military persons .

#### **Article 47. Conferment of Military Ranks**

1. Military persons shall be given the military ranks:  
of high officers—by the President of the Russian Federation;

up to Colonel or 1<sup>st</sup> Rank Captain inclusively by the officials in compliance with the Provision on the Military Service Procedure;

2. A regular military rank shall be given to a military person on the expiry date of his/her military service in the preceding military rank, if this military person occupies a military position (position), being provided in accordance with the staff structure with a military rank, equal or higher than the military rank conferred to the military person.

3. A military person having an officer's rank and making successful day studies in a military educational institution of higher vocational training, as well as in the adjunct postgraduate department or military doctor postgraduate department, the regular military rank, not higher than Lieutenant Colonel or 2nd Rank Captain inclusively, shall be given on the expiry date of his/her military service in the preceding military rank regardless of the military position (position), occupied until enlistment at the mentioned educational institution.

4. A regular military rank to a military person may be given in advance for special personal merits, but not higher than the military rank provided with the staff structure for his/her occupied military position (position).

5. The military person whose term of military service in the given military rank has expired may be given for special personal merits a military rank one step higher above the military rank provided with the staff structure for his/her occupied military position (position), but not higher than the military rank of a Major or 3rd Rank Captain.

6. On entry to military service by a citizen doing or who has done service in the bodies of internal affairs, institutions and bodies of the criminal-executive system or other law machinery, the military rank shall be given under the procedure defined by the Provision on the Military Service Procedure.

**Article 48.** *Deprivation of a Military Rank, Lowering in Military Rank, Reinstatement in a Military Rank*

1. A military person, as well as a citizen staying in the reserve or retired may be deprived of a military rank only upon a sentence of the Court for commitment of a grave and very grave crime.

2. The citizen deprived of a military rank, after withdrawal or redemption of a conviction may be reinstated in the preceding military rank by an official, authorized to confer this military rank, in compliance with the Provision on the Military Service Procedure.

3. A military person doing military service under the draft may be lowered in an officer's rank, as well as reinstated in the preceding military rank under the procedure defined by the Disciplinary Regulations of the Armed Forces of the Russian Federation.

**Article 49. Ultimate Age of Staying in Military Service**

1. The ultimate age of staying in military service shall be fixed as follows:  
Marshal of the Russian Federation, Army General, Fleet Admiral, Colonel-General, Admiral—60 years old;  
Lieutenant-General, Vice-Admiral, Major-General, Rear-Admiral—55 years old;  
Colonel, 1<sup>st</sup> Rank Captain —50 years old;  
a military person of any other rank—45 years old.
2. For military persons of the female sex the ultimate age of staying in military service shall be fixed at 45 years old.
3. For the military persons who have attained the ultimate age of staying in military service, the contract for military service may be concluded for a term of no longer than 10 years under the procedure defined by the Provision on the Military Service Procedure, but not above their age of 65 years old.

**SECTION VII - DISCHARGE FROM MILITARY SERVICE**

**Article 50. General Provisions on Discharge from Military Service**

1. Discharge from military service of high officers shall be effected by the President of the Russian Federation, and the military persons in the military ranks up to Colonels, 1<sup>st</sup> Rank Captains inclusively—under the procedure fixed by the Provision on the Military Service Procedure.
2. The military persons shall be discharged and transferred from the military service to the reserve, and the military persons, attained the ultimate age at the moment of discharge from the military service or acknowledged unfit for military service shall be placed on the resignation list.

**Article 51. Grounds for Discharge from Military Service**

1. A military service shall be subject to discharge from military service:
  - a) at the age—upon attaining the ultimate age of staying in military service;
  - b) upon expiry of the term of military service under the draft or the term of contract;
  - c) upon the condition of health—in connection with the person's acknowledgement as unfit for military service by a Military-Medical Commission;

d) in connection with the military person's acknowledgement by a Military-Medical Commission as restrictedly fit for military service when doing military service under a contract on the military position, providing for a military rank no higher than Senior Ensign or Senior Warrant Officer inclusively, or doing military service under the draft;

e) in connection with his deprivation of a military rank;

f) in connection with enforcement of a court sentence on inflicting a punishment to the military person in the form of deprivation of liberty;

g) in connection with sending down of the military person from a military educational institution of vocational training;

2. A military person, doing military service under the contract may be discharged from military service ahead of schedule:

a) in connection with arrangement-staff activities;

b) in connection with a transfer to the bodies of internal affairs, institutions and bodies of the criminal-executive system, Federal bodies of Tax Police or Customs bodies of the Russian Federation;

c) in connection with the military person's non-compliance with the terms of the contract. A military person discharged under this ground who has not done the term of the military service under the draft by the moment of discharge, shall be forwarded for military service under the draft with accounting of two months of contract military service for one month of the military service under the draft;

d) in connection with refusal in access to the State secret or deprivation of the mentioned access;

e) in connection with enforcement of a Court sentence on inflicting a punishment in the form of deprivation of liberty by a suspended sentence;

3. A military person doing military service under the contract shall be entitled to discharge from military service ahead of schedule:

a) in connection with substantial and (or) regular breach of the contract terms regarding this military person;

b) in connection with acknowledgement by the Military-Medical Commission of this military person as restrictedly fit for military service;

c) by family circumstances;

in connection with the impossibility of a military person's family member to reside by medical conditions in the area of the military person's service and a lack of opportunity to transfer the military person to a new place of service, favorable for residence of the aforementioned member of the family;

in connection with change of the place of military service of the husband military person (wife -military person), connected with necessity for the family to move to another area;

in connection with the necessity to provide continuous care after father, mother, wife, husband, brother, sister, grandfather, grandmother or adoptive parent, whose health condition according to the Conclusion of the State body of Medical-Social Expertise requires continuous outsider's care (aid, supervision) in their place of residence or if they are invalids of the first or second category or the persons reached the pensioner's oldage or the persons under 18 years old at absence of other persons, obliged under the law to support the mentioned persons;

in connection with the necessity of taking care of a child under 18 years old who is brought up by the military person without a mother (father);

d) in connection with the military person's exercise of the powers of the Member of the Council of Federation of the Federal Assembly of the Russian Federation;

e) in connection with the military person's election to Deputy of the State Duma of the Federal Assembly of the Russian Federation, Deputy of a legislative (representative) body of the constituent of the Russian Federation, Head of the State executive authority of the constituent of the Russian Federation, or Deputy of a representative local governmental body or Head of a municipal formation and exercising the mentioned powers on the permanent basis.

The military person discharged from military service under the grounds envisaged with sub-clauses "a", "d" and "e" of the present Clause shall be covered with the rights and benefits, envisaged with the Legislation of the Russian Federation on the status of military persons for the military persons, discharged from military service in connection with arrangement-staff activities.

4. The military person with no officer's rank and doing the military service under the draft shall be entitled to early discharge from military service at presence of circumstances, envisaged with sub-clause "б" of Clause 2, Article 23 and sub-clauses "b", "c", "d", "e" and "e" of Clause 1, Article 24 of the present Federal Law.

5. The military person with an officer's rank and doing military service under the draft shall be entitled to early discharge from military service at presence of circumstances, envisaged with sub-clause "b" of Clause 2, Article 23 and sub-clauses "a", "b" and "c" of Clause 1, Article 24 of the present Federal Law.

6. The military person doing military service under the contract shall be entitled to early discharge from military service upon the military person's will by conclusion of the Attestation Commission at presence of good reasons.

A deceased (decedent) military person shall be excluded from the military unit staff lists from the next day after the date of death or loss of life, and the military person

acknowledged missing or declared deceased under the established legal procedure—  
after the date of enforcement of the corresponding judgement of the Court.

## SECTION VIII - RESERVE OF THE ARMED FORCES OF THE RUSSIAN FEDERATION, SERVICES OF FOREIGN INTELLIGENCE OF THE RUSSIAN FEDERATION, FEDERAL SECURITY SERVICE OF THE RUSSIAN FEDERATION

### **Article 52.** *Enlistment in the Reserve*

1. The reserve of the Armed Forces of the Russian Federation shall be created out of the number of citizens:

discharged from military service and enlisted in the reserve;

have undergone training by the reserve officers' training program at military departments attached to public, municipal, or non-governmental educational establishments of higher vocational training having the State accreditation in the corresponding fields of training (majors);

not undergone military service in connection with release from military draft;

not undergone military service in connection with submission of adjournments in case they attained the age of 27 years old;

not called to military service by some other reasons;

undergone alternative civil service;

of the female sex, having a military registration trade.

The reserve of the Foreign Intelligence Service of the Russian Federation and the Federal Security Service of the Russian Federation shall be created under the procedure, defined by the present Federal Law, other Federal laws and other legal acts of the Russian Federation.

2. A citizen who has successfully completed training by the reserve officers' training program at military department attached to a public, municipal, or non-governmental educational establishments of higher vocational training having the State accreditation in the corresponding fields of training (majors), together with enlistment in the reserve shall be given an officer's rank by the Minister of Defense of the Russian Federation.
3. Soldiers, seamen, sergeants, ensigns and warrant officers of the reserve, received who have higher vocational education or secondary vocational education by a civil major, related to the training profile of the corresponding military registration trade, may be given a rank of the officer of the reserve by the Minister of Defense of the Russian Federation after their attestation under the procedure defined by the Provision on the Military Service Procedure.

4. A citizen who has not undergone military service in connection with release from the military draft or submission of an adjournment, as well as the citizen deprived of a military rank by a Court judgement, together with enlistment in the reserve by a Military Commissar or an official of another body, effecting military registration, shall be given a military rank of a private soldier or a seaman;
5. A citizen staying in the reserve shall undergo medical examination for determination of the military person's availability to military service in compliance with the Provision on the Military-Medical Expertise.
6. A military registration trade to the citizens, doing service in the bodies of internal affairs, institutions and bodies of the criminal-executive system, Federal bodies of Tax Police, Customs bodies of the Russian Federation, shall be fixed by the Minister of Defense of the Russian Federation upon coordination with the Heads of the mentioned bodies.

**Article 53. Structure of the Reserve**

1. The citizens, staying in the reserve, shall be subdivided into three categories:

Structure Of The Reserve (Military Ranks)	Age of the Persons, Staying in the Reserve		
	first category to 35 years old	second category to 45 years old	third category to 50 years old
Soldiers, Seamen, Sergeants, First Sergeants, Ensigns and Warrant Officers			
Junior Officers	to 45 years old to 50 years old	to 50 years old to 55 years old	to 55 years old to 60 years old
Majors, 3d Rank Captains, Lieutenant-Colonels, 2d Rank Captains	to 55 years old	to 60 years old	
Colonels, 1 <sup>st</sup> Rank Captains	to 60 years old	to 65 years old	
High Officers			

2. Citizens of the female sex, staying in the reserve, shall be referred to the third category: those having military ranks of officers shall stay in the reserve until they attain the age of 50 years old and the rest – until they are 45 years old.

3. A citizen staying in the reserve and having reached the ultimate age of staying in the reserve or acknowledged under the procedure fixed by the present Federal Law unfit for military service upon condition of health shall be transferred in resignation by a Military Commissar or an official of other body, effecting military registration, and shall be struck off the military register.

**Article 54. Military Assemblies**

1. For preparation to the military service the citizens staying in the reserve may be called to military assemblies.

No other purpose of military assemblies shall be admitted.

2. The duration of military assemblies, the place and time of the military assemblies shall be defined by the Ministry of Defense of the Russian Federation or a Federal executive authority, providing for military service in accordance with the present Federal law.

3. The duration of a military assembly may not exceed two months. The total duration of military assemblies in which a citizen is involved during the period of staying in the reserve, may not exceed 12 months.

4. Regularity of citizens' draft to military assemblies may not be more frequent than one time per three years.

**Article 55. Release from Military Assemblies**

1. Citizens of the female sex shall be released from military assemblies.

2. The categories of citizens also released from military assemblies are the following:

a) citizens reserved for the State authorities, local governmental bodies and organizations for the period of mobilization and during the time of war;

b) employees of the bodies of internal affairs, institutions and bodies of the criminal-executive system, Federal bodies of Tax Police and Customs bodies of the Russian Federation;

c) civil personnel of the Armed Forces of the Russian Federation, other troops, military formations and bodies, as well as of the bodies of internal affairs, institutions and bodies of the criminal-executive system, Federal bodies of Tax Police and Customs bodies of the Russian Federation;

d) aircraft performance employees, as well as workers and clerks of the aviation and railway transport, immediately executing and providing shipping operations or dealing with maintenance and repair of planes (helicopters), aerodrome equipment, rolling stock and railway transport structures;

e) navigating personnel of the Sea Fleet ships, as well as the navigating personnel of the River Fleet and the Fish Industry Fleet—within the period of navigation;

f) citizens, immediately occupied in sowing and harvesting activities—within the period of such activities;

g) citizens, being pedagogical employees of educational establishments;

h) citizens, making their studies by the day and day-correspondence (evening) forms of studies in educational establishments;

i) citizens, making their studies by correspondence in educational establishments—for the period of examination and credit sessions and preparation of a diploma paper;

j) citizens discharged from military service—within two years from the date of the transfer to the reserve;

k) citizens, having three and more minor children;

l) citizens, having an adjournment from the military draft under the grounds envisaged by Article 24 of the present Federal Law, except for the grounds stipulated with sub-clauses “d” and “e” of Clause 1 of the present Article;

m) citizens, staying outside the limits of the Russian Federation;

n) members of the Federal Assembly of the Russian Federation, Deputies of the State Duma of the Federal Assembly of the Russian Federation, Deputies of legislative (representative) bodies of the constituents of the Russian Federation, Heads of the State executive authorities of the constituents of the Russian Federation, as well as Deputies of representative local governmental bodies or Heads of municipal formations, effecting their powers on permanent basis.

3. The Military Commissar shall be entitled to releasing a citizen from a military assembly draft at availability of good reasons.

#### **Article 56. Procedure of Military Assemblies**

1. The procedure of undergoing military assemblies by the citizens staying in the reserve shall be defined by the Provision on Military Assemblies approved by the Government of the Russian Federation.

2. Logistic support of the citizens, undergoing military assemblies shall be effected out of the funds of the Federal Budget under the procedure and in the amounts defined by the Provision on Military Assemblies.

#### **Article 57. Conferment of Military Ranks on Citizens Staying in the Reserve**

1. The regular military ranks to the citizens staying in the reserve shall be conferred upon presentation of an official, guided the military assemblies, only after undergoing of military assemblies and passing the credits fixed by the Minister of Defense of the Russian Federation, but no more than two times for the period of the mentioned citizens’ stay in the reserve:

a) soldier, seaman, sergeant, first sergeant, ensign and warrant officer:

up to first sergeant, chief marine first sergeant inclusively—by the Military Commissar;

up to the senior ensign, senior warrant officer inclusively—by the Military Commissar of the constituent of the Russian Federation;

б) officer:

up to Major, 3d Rank Captain inclusively—by the Commander-in-Chief of the District (Okrug) Troops;

up to Colonel, 1<sup>st</sup> Rank Captain inclusively—by the Minister of Defense of the Russian Federation.

2. An officer's military rank to the citizens staying in the reserve and having no military rank of an officer, successfully passed credits on the reserve officer training program in the course of military assemblies, may be conferred by the Minister of Defense of the Russian Federation.

3. The military ranks to the employees of the bodies of internal affairs, institutions and bodies of the criminal-executive system, Federal bodies of Tax Police, Customs bodies of the Russian Federation staying in the reserve, as well as to the persons discharged from the service in the mentioned institutions and bodies, shall be conferred by the Minister of Defense of the Russian Federation under the attestation order with account of the special ranks available with them.

4. The military ranks to the citizens staying in the reserve of the Service of Foreign Intelligence of the Russian Federation and the Federal Security Service of the Russian Federation shall be given under the procedure fixed by the legal acts of the Russian Federation.

## SECTION IX - FINAL PROVISIONS

### **Article 58.** *Effectiveness of the Earlier Adopted Legal Acts*

The legal acts adopted by the General Headquarters of the United Armed Forces of the Commonwealth of Independent States prior to formation of the Armed Forces of the Russian Federation, General Headquarters of the Frontier Troops of the Commonwealth of Independent States prior to establishment of the Frontier Troops of the Russian Federation on the issues governed by the present Federal Law shall preserve their force in the part not contradicting to the present Federal Law.

### **Article 59.** *Effectiveness of Releases and Adjournment from the Military Draft*

The citizens who were released from the military draft or given an adjournment from the military draft in compliance with the USSR Law 'On the Overall Military Duty' and the Law of the Russian Federation 'On Military Duty and Military Service' shall enjoy the aforementioned

releases and adjournments until expiry of their effective term or until disappearance of their grounds. The right of adjournment from the military draft shall also be enjoyed by the citizens doing service in the bodies of internal affairs, institutions and bodies of the criminal-executive system on the date of enforcement of the present Federal Law for the period of service in these institutions and bodies.

**Article 60.** *Effectiveness of the Earlier Concluded Contracts on Military Service*

The contracts on military service, concluded prior to enforcement of the present Federal Law, shall be effective within the periods for which they were concluded.

**Article 61.** *On Inclusion of the Actual Military Service Period in the Total Duration of Military Service*

Duration of the actual military service of a military person until March 01, 1993 shall be included in the total duration of his/her military service.

**Article 62.** *On Military Ranks not Envisaged with the Present Federal Law*

The military persons and citizens staying in the reserve or retired shall be preserved the military ranks conferred to them earlier and not envisaged with the present Federal Law.

**Article 63.** *On Adjustment of Legal Acts in Compliance with the Present Federal Law*

The President of the Russian Federation shall be proposed and the Government of the Russian Federation shall be commissioned to adjust their legal acts in compliance with the present Federal Law.

**Article 64.** *Recognition of Some Legislative Acts Void in Connection with Adoption of the Present Federal Law*

In connection with adoption of the present Federal Law the below shall be recognized as void:

The Law of the Russian Federation ‘On Military Duty and Military Service’ (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1993, № 9, Article 325);

Resolution of the Supreme Council of the Russian Federation ‘On Procedure of Enforcement of the Law of the Russian Federation ‘On Military Duty and Military Service’ dated February 11, 1993 № 4457-1 (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1993, № 9, Article 326);

Resolution of the Supreme Council of the Russian Federation ‘On Some Measures, Connected with Compliance with the Law of the Russian Federation ‘On Military Duty and Military Service’ dated May 19, 1993 № 4983-1 (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1993, № 24, Article 859);

Resolution of the Supreme Council of the Russian Federation ‘On Introduction of Changes in the Resolutions of the Supreme Council of the Russian Federation ‘On Procedure of Enforcement of the Law of the Russian Federation ‘On Defense’ and ‘On Procedure of Enforcement of the Law of the Russian Federation ‘On Military Duty and Military Service’ dated July 23 1993 №5506-1 (Bulletins of the Congress of the Peoples’ Deputies of the Russian Federation and the Supreme Council of the Russian Federation, 1993, № 32, Article 1270);

Federal Law ‘On Entry of Changes and Amendments in the Law of the Russian Federation ‘On Military Duty and Military Service’ (Code of Legislation of the Russian Federation, 1995, № 18, Article 1597).

Federal Law ‘On Entry of Changes in the Law of the Russian Federation ‘On Military Duty and Military Service’ (Code of Legislation of the Russian Federation, 1996, № 20, Article 2322).

**Article 65.** *Enforcement of the Present Federal Law*

The present Federal Law shall become effective from the date of its official publication.

President of the Russian Federation

B.Yeltsin

## 24. ON THE STATUS OF MILITARY PERSONS

(with amendments as of December 31, 1999, June 19, August 7, December 27, 2000, July 26, December 30, 2001)

Adopted by the State Duma of the Russian Federation on March 6, 1998.  
Approved by the Council of the Federation on March 12, 1998.

### Summary:

*This federal law specifies the rights, freedoms, duties and responsibilities of military personnel. It is concerned with defining the basis of the legal and social security of Russian military personnel, former military personnel, and their family members.*

*The law establishes the legal basis and status of all military personnel including conscript and volunteers who have signed contracts. Those who may benefit from the privileges, guarantee and compensation provided for military personnel are outlined. The means of calculating the length of benefits from the array of executed tasks, conditions and length of service are also outlined.*

*The rights and freedoms of personnel are elaborated, including: free association, freedom of movement; allowances; clothing and provisions; housing; right to health protection; tax privileges; insurance guarantees; education pre- and post- service; and to free travel*

*The law outlines the restrictions on all military personnel's activities during their service period, including: no entrepreneurial activity may be conducted or other job may be held, nor may federal property be used for anything other than its designated purpose.*

<u>Chapter I.</u>	General Provisions	(Articles 1 – 4)
<u>Chapter II.</u>	Rights and Freedoms of Military Persons, Citizens, Dismissed from the Military Service, and Their Family Members	(Articles 5 – 25)
<u>Chapter III.</u>	Duties and Responsibilities of Military Persons	(Articles 26 – 30)

In accordance with the Constitution of the Russian Federation the present Federal Law specifies the rights, freedoms, duties and responsibilities of military persons, as well as the bases of the State policy in the field of legal and social security of military persons and citizens, dismissed from the military service, and their family members.

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *Status of Military Persons*

1. Status of military persons presents the whole complex of rights and freedoms, guaranteed by the State, as well as duties and responsibilities of military persons, specified by the present Federal Law, federal constitutional laws, federal laws and other legal acts of the Russian Federation.

2. Military persons enjoy all the rights and freedoms of a human being and a citizen with some limitations, specified by the present Federal Law, federal constitutional laws and federal laws.

Military persons are charged with responsibility regarding preparation for defense and armed defense of the Russian Federation, which is connected with the implicit necessity carrying out the set tasks under any conditions, including at the risk of their lives. In connection with the specific nature of duties, imposed upon military persons, they are granted privileges, guarantees and compensations.

Specific features of the status of military persons serving during wartime, mobilization, while fulfilling military service duties during a state of emergency and armed conflicts are governed by Federal constitutional laws, Federal laws and other legal acts of the Russian Federation.

3. Military persons are issued documents identifying their personality and citizenship, as well as documents identifying the personality and legal status of military persons.

The order of issuing the mentioned documents to military persons and measures, connected with financing their issue, is specified by the Government of the Russian Federation.

4. Military persons have the right to keep, carry and use weapons in the order, specified by federal constitutional laws, Federal laws and other legal acts of the Russian Federation.

5. Government authorities of the Russian Federation, government authorities of the subjects of the Russian Federation (hereinafter called "Government Authorities"), institutions of local governments and organizations are authorized to introduce within their competence additional privileges, guarantees and compensations for military persons, dismissed from the military service, and their family members.

**Article 2. Citizens, Having the Status of a Military Person**

1. Military persons serve on a contract basis or on the basis of call to the military service according to the Federal Law "On Military Service".

The following persons are considered to be military persons:

officers, ensigns and warrant officers, students of military educational establishments of vocational education, sergeants and master sergeants, soldiers and sailors, who serve on a contract basis (hereinafter called "military persons, serving on a contract basis");

officers called to military service according to the Decree of the President of the Russian Federation;

sergeants, master sergeants, soldiers and sailors, who serve on the basis of call up to military service, students of military vocational educational establishments before concluding a contract with them (hereinafter called "military persons serving on a call up basis").

Unless it is otherwise specified by federal laws and other normative legal acts of the Russian Federation, the legal status of officers, called to military service according to the Decree of the President of the Russian Federation, is equated with that of the officers, serving on a contract basis.

Conditions of the contract on military service are specified by federal constitutional laws, federal laws and other legal acts of the Russian Federation.

2. Citizens acquire the status of military persons with the beginning of military service and lose it with the end of military service.

The status of military persons effects citizens, called to military preparations, in cases and in order, specified by the present Federal Law, federal laws and other legal acts of the Russian Federation.

3. If corresponding international agreements of the Russian Federation were concluded and ratified in an established order, citizens who served in military units of the Armed Forces of the USSR, other military formations of the USSR and member-states of the Commonwealth of Independent States before transfer of the mentioned military formations under the jurisdiction of the Russian Federation and who passed on to military service in troops and other military formations and organizations of other states, which previously were included in the USSR, retain privileges, guarantees and compensations, specified by the present Federal Law, federal laws and other legal acts of the Russian Federation.

4. Status of military persons, serving on the territories of states, not mentioned in Clause 3 of the present Article, as well as of military persons, assigned to the armed forces of the

mentioned states under the scheme of military cooperation, is specified according to the international treaties of the Russian Federation.

5. Privileges, guarantees and compensations in the part and order, specified by the present Federal Law, federal constitutional laws, federal laws and other legal acts of the Russian Federation are introduced for:

military persons and their family members;

persons, dismissed from service in the Armed Forces of the Russian Federation, other troops, military formations and authorities of the United Armed Forces of the member-states of the of the Commonwealth of Independent States and their family members;

citizens, dismissed from service in the Armed Forces of the USSR, border, home and railway troops, civil defense troops, state security authorities and troops, other military formations of the USSR and their family members.

Unless it is otherwise specified by the present Federal Law, federal laws and other legal acts of the Russian Federation, members of the family of persons dismissed from the military service, to whom the mentioned privileges, guarantee and compensations apply, include:

spouses;

underage children;

children above 18 years of age, who became disabled before reaching 18 years of age;

children in the age of 23 years, who are full-time students at educational establishments;

dependents of military persons.

6. Additional privileges, guarantees and compensations are introduced by federal laws and other legal acts of the Russian Federation for military persons and citizens dismissed from the military service, veterans of the Great Patriotic War and veterans of combat actions on the territories of other states, military service veterans, as well as veterans, who served under the state of emergency conditions and during armed conflicts.

7. Legal and social guarantees for underage citizens, studying at secondary (complete) general educational establishments, which have additional programs, aimed at military training, are governed by federal laws and other legal acts of the Russian Federation.

8. Military persons, taken prisoner or hostage, or interned in neutral countries, retain the status of the military person. Government authorities and military command should undertake measures in order to liberate the mentioned military persons according to the norms of the international law.

Money allowance, material and other types of maintenance are reserved in respect to the mentioned military persons, which are paid (issued) to spouses and other family members, living together with him, in the order, determined by the Government of the Russian Federation until

complete clearing up circumstances, under which they were taken prisoners, hostages or interned or until their liberation.

9. Military persons, citizens, dismissed from the military service, and their family members, who are entitled to privileges, guarantees and compensations in accordance with the present Federal Law, enjoy privileges, guarantees and compensations, specified for citizens by federal constitutional laws, federal laws, other legal acts of the Russian Federation, laws and other legal acts of the subjects of the Russian Federation, as well as by legal acts of institutions of local governments. If the mentioned persons are entitled to one and the same privilege, guarantee and compensation on several grounds, according to their choice they are granted the privilege, guarantee and compensation on one ground, excluding cases, specifically stipulated by federal constitutional laws, federal laws and legal acts of the Russian Federation.

**Article 3.** *Guarantees of Legal and Social Security of Military Persons, Citizens, Dismissed from Military Service, and Their Family Members*

1. The present Federal Law establishes a unified system of legal and social security as well as material and other types of maintenance with the account of occupied military posts, conferred military ranks, total length of military service including that calculated on favorable terms, carried out tasks, conditions and order of service.

2. Legal security of military persons, citizens, dismissed from military service, and their family members is the function of the State, it provides for sealing by laws and other legal acts privileges, guarantees and compensations of the mentioned persons and other social security measures, as well as for the legal mechanism of their implementation.

3. Social security of military persons, citizens, dismissed from military service, and their family members is the function of the State and provides for:

realization of their rights, privileges, guarantees and compensations by government authorities, military direction authorities and institutions of local governments;

improvement of social security mechanisms and institutions for the mentioned persons;

protection of their life and health as well as other measures, directed at creation of life and work conditions, corresponding to the nature of military service and its role in the society.

4. Implementation of measures, related to legal and social security of military persons, dismissed from military service, and their family members is entrusted to government authorities, institutions of local governments, federal courts of general jurisdiction, legal defense authorities within their powers being at the same time also a responsibility of commanders (heads) (hereinafter called "Commanders"). Public unions may also assist implementation of rights of

military persons, dismissed from military service, and their family members in accordance with federal constitutional laws, federal laws and other legal acts of the Russian Federation.

5. Nobody is entitled to limit the rights and freedoms, guaranteed to military persons, citizens, dismissed from military service and their family members by the Constitution of the Russian Federation and the present Federal Law. Officials of government authorities, institutions of local governments and organizations, as well as commanders, guilty of default in fulfilling obligations, related to implementation of the rights of military persons, citizens, dismissed from military service, and their family members, bear responsibility for it according to federal laws and other legal acts of the Russian Federation.

At the time of call to military service, conclusion of a contract with military persons on service, as well as when dismissing military persons from military service the State guarantees fulfillment of obligations, specified by the present Federal Law, federal laws and other legal acts of the Russian Federation.

6. Control of implementation of the present Federal Law is carried out by government authorities, legal defense authorities and military direction authorities.

Supervision of implementation of the present Federal Law is carried out by the Procurator General of the Russian Federation and procurators being under his command.

#### **Article 4.** *Legal Bases of the Status of a Military Person*

1. Legal bases of the status of a military person are the Constitution of the Russian Federation, federal constitutional laws, the present Federal Law, federal laws and other legal acts of the Russian Federation, as well as the norms of the international law and international treaties of the Russian Federation.

2. Legal and social guarantees of military persons, including measures, related to their legal defense, as well as pecuniary and other types of maintenance, specified by the present Federal Law, may not be canceled or reduced by federal laws and other legal acts of the Russian Federation in a way other than introduction of amendments and additions to the present Federal Law.

## **CHAPTER II - RIGHTS AND FREEDOMS OF MILITARY PERSONS, CITIZENS, DISMISSED FROM MILITARY SERVICE AND THEIR FAMILY MEMBERS**

**Article 5. Protection of Freedoms, Honor and Dignity of Military Persons**

1. Military persons stay under the protection of the State. Nobody is entitled to interfere in the service activities of military persons excluding persons authorized to do so by federal constitutional laws, federal laws and other legal acts of the Russian Federation, as well as by the Internal Service Regulations of the Armed Forces of the Russian Federation, Disciplinary Regulations of the Armed Forces of the Russian Federation, Garrison and Guard Regulations of the Armed Forces of the Russian Federation (hereinafter called "General Army Regulations").

2. Insulting military persons, violence or the threat of violence, attempts on their life, health, honor, dignity, property, as well as other actions (or inaction), the breaking or infringing of their rights in connection with fulfillment of their service duties, are punished according to federal laws and other legal acts of the Russian Federation.

3. Military persons may be detained or arrested, including as a disciplinary penalty, with transfer to a guardhouse only on the bases and in the order, specified by federal laws, of other legal acts of the Russian Federation and General Army Regulations.

Military direction authorities and military procurator's office should be immediately informed about detention of military persons beyond the position of the military unit where they are serving.

**Article 6. Right to Freedom of Movement and Choice of Residence**

1. The right to freedom of movement is realized by military persons with due regard for the necessity of keeping their units' combat readiness and ensuring their timely arrival at the place of military service.

Rules of movement of military persons within the placement of the military unit, their leaving the garrison, on the territory of which they are serving, are specified by General Army Regulations. The order of departure of military persons beyond the territory of the Russian Federation is specified by federal laws and other legal acts of the Russian Federation.

2. Military persons, serving on a contract basis, are entitled to change the place of their service, including transfer to another place, according to contracts, concluded by them, with due regard for the terms of service, health condition of the military persons and their family members (on the basis of conclusion of the military-medical commission) and on other grounds, specified by the Regulation on Military Service.

3. When dismissed from the military service military persons, serving on a contract basis, are entitled to choose the place of their permanent residence in any settlement of the Russian Federation or in another state according to federal laws and other legal acts of the Russian Federation and international treaties of the Russian Federation.

**Article 7.** *Freedom of Speech. Freedom of Participating in Meetings, Rallies, Demonstrations, Processions and Picketing*

1. When realizing their freedom of speech, expression of their thought and convictions, access to receipt and dissemination of information military persons should not divulge state and military secrets, discuss or criticize the orders of the commander.

2. Military persons are entitled to participate in meetings, rallies, demonstrations, processions and picketing, held beyond the territory of the military unit in their spare time from military service, in a peaceful manner and without weapons.

3. Participation of military persons in strikes, as well as other way of terminating by them their service duties as a means of settling matters connected with their military service, is forbidden.

**Article 8.** *Freedom of Conscience and Religion*

1. In time, spare from their military service, military persons are entitled to participate in public worships and religious ceremonies as private persons.

2. Military persons should not allow their attitude towards religion to motivate a rejection of their military service duties by or use their service powers for propagation of one or another attitude towards religion.

3. Religious symbols, religious literature and cult objects should be used by military persons in an individual manner.

4. The State is not responsible for the satisfaction of requirements of military persons, related with their religious beliefs and the necessity of performing religious rites.

5. Creation of religious unions in a military unit is forbidden. On the territory of a military unit religious rites may be performed only on request of military persons at their own expense with permission of the commander.

**Article 9.** *Right to Participation in Management of Government and Public Unions*

1. According to the Constitution of the Russian Federation, federal laws, laws of the subjects of the Russian Federation and legal acts of institutions of local governments military persons have the right to elect and be elected to government authorities and institutions of local governments, participate in referendums, as well as in other forms of local government.

Specific features of the legal status of military persons, elected in the government authorities and institutions of local governments are determined by federal laws and other legal acts of the Russian Federation.

2. Military persons may be members of public, including religious, unions, which do not pursue political goals, and participate in their activities in time, spare from carrying out their military service duties.

Creation and activities of a trade union of military persons is governed by the federal law.

Regarding realization of suffrage by military persons in the period of preparation for electing deputies of the State Duma of the Federal Meeting of the Russian Federation and carrying out the election see Resolution of the Central Election Commission of the Russian Federation No. 21/187-II dated September 28, 1995.

#### **Article 10. *Right to Labor***

1. Right to labor is realized by military persons through military service.

2. The State guarantees military persons, serving on a contract basis:

appointment to higher military posts with regard for the conditions of the concluded contract according to acquired qualification, results of military service and on a competitive basis; upgrading qualification with regard for interests of military service and their own choice;

increase of the number of privileges, guarantees and the amount of compensation in correspondence to acquired qualification and length of military service, which is calculated with regard for the total length of military service in calendar calculation (hereinafter called "total length of military service") or the total length of military service, calculated on favorable terms. The order of calculating the total length of military service, as well as the total length of military service, calculated on favorable terms, is determined by the Government of the Russian Federation.

The nature of military service activities and service promotion of military persons, serving on a call basis, are determined by their qualification and service necessity.

3. The period of military service of citizens, serving on a contract basis, is included in their total length of service, in the length of civil service of a civil servant and in the length of work according to acquired speciality and one day of military service is equal to one day of work. The period of military service for citizens, serving on a call basis (including officers, called to military service according to the Decree of the President of the Russian Federation) - one day of military service is equal to two days of work.

The period of occupying military posts by military persons, connected with increased danger for life and health, is included in a special length of service when determining the amount of their old age pension in connection with special conditions of labor or long-service pension, if the mentioned posts are included in corresponding lists, approved by the Government of the Russian Federation.

The total length of service of spouses of military persons, serving on a contract basis, necessary for determination of the amount of pension, includes the whole period of staying together with the spouse up to 1992 regardless of the place of distribution of military units, from 1992 - in localities, where they could not work due to lack of possibility to get employment and were recognized unemployed in an established order, as well as the period when the spouses of military persons could not work due to the health condition of their children connected with living conditions at the place of military service of their spouses, if according to the conclusion of the medical institution their children needed outside care. The mentioned periods do not interrupt the length of service, necessary for getting social security allowances. During the mentioned periods the spouses of military persons, in case of losing by them the right to an unemployment allowance, are paid a monthly allowance in the order and amount determined by the Government of the Russian Federation.

5. Additional privileges, guarantees and compensations are determined by federal laws of the Russian Federation and other legal acts of the Russian Federation for military persons serving in the regions of the Far North, places equated to it and other places with unfavorable climatic and ecological conditions, including remote places or those situated beyond the territory of the Russian Federation, as well as for military persons occupying military posts, connected with danger for life and health.

The Government of the Russian Federation approves lists of the mentioned regions and places, and the Ministry of Defense of the Russian Federation (another federal executive authority, in which the military service is stipulated by the federal law) determines lists of the mentioned posts.

6. Spouses of military persons, other things being equal, have the privileged right to employment in the government organizations and military units and to retaining employment in case of cutting down of the staff of government organizations and military units, as well as to primary direction for vocational training, qualification upgrading and additional training, work being discontinued with retained payment of the average salary during the training period.

7. Military persons should not:

undertake another paid activity, excluding pedagogical, scientific and creative activity, if it does not hinder carrying out military service duties;

undertake entrepreneur activities personally or through trustees, including participation in management of commercial organizations, excluding cases, when direct participation in management is an official duty of a military person, as well as to assist physical persons and legal entities in conduct of entrepreneur activities using their official position;

use for the purposes, not connected with carrying out military service duties, financial means and stores of the military unit, as well as another state property, excluding cases of usage of the mentioned property for payment, determined according to federal laws and other legal acts of the Russian Federation;

receive fees for publications and speeches, connected with fulfillment of their military service duties;

receive from physical persons and legal entities remuneration (presents, monetary remuneration, loans, services, payment for entertainment, recreation, transport expenses and other types of remuneration), connected with fulfillment of their military service duties, excluding valuable presents (including nominal) and sums of money, which are granted to military persons as encouragement in accordance with the General Army Regulations;

accept without approval of the President of the Russian Federation awards of foreign states, international and foreign organizations;

go on service trips abroad at the expense of physical persons or legal entities, excluding service trips abroad, undertaken in accordance with international treaties of the Russian Federation or on a mutual basis upon agreement of government authorities with corresponding government authorities of foreign states or international organizations;

use official position for the purposes of political parties and public unions, including religious, as well as for propagation of an attitude towards them.

8. Attraction of military persons for carrying out work, not connected with fulfillment of military service tasks, is permitted only in cases, specified by federal laws and other legal acts of the Russian Federation. In this case military persons are governed by legal acts, determined for other types of citizens, who carry out the mentioned work.

9. Military service-women and military persons, who are bringing up children without the father (mothers), enjoy privileges, guarantees and compensations in accordance with federal laws and other legal acts on protection of family, motherhood and childhood.

#### **Article 11. *Service Time and Right to Rest***

1. Total duration of the weekly service time of military persons, serving on a contract basis, excluding cases, mentioned in Clause 3 of the present Article, should not exceed the normal duration of the weekly work time, specified by federal laws and other legal acts of the Russian Federation. Attraction of mentioned military persons to carrying out military service duties beyond the specified weekly service time in other cases is compensated by providing rest on other weekdays. In case of impossibility to provide the mentioned compensation, the time of carrying out military service duties beyond the specified weekly service time is summarized and given to

military persons as an additional rest day, which in case of desire of the mentioned military persons may be added to the main leave. The order of calculating service time and provision of additional rest days is determined by the Regulation on Military Service.

2. Service time of military persons, serving on a call basis, is determined by the daily routine of the military unit according to requirements of the General Army Regulations. In this case the mentioned military persons are granted not less than eight hours for sleep and two hours for personal needs daily, excluding cases, specified by the General Army Regulations.

3. Roster (active duty), military exercises, warships' trips and other events, the list of which is determined by the Minister of Defense of the Russian Federation (head of another federal executive authority, in which military service is stipulated by the federal law) are conducted in case of necessity without any limitation of the weekly service time. The order and terms of granting rest to compensate military persons their participation in the mentioned events are specified by the Regulation on the Military Service.

4. Military persons, serving on a call basis, as well as military persons, serving on a contract basis in military educational establishments of vocational education and military training units, are granted not less than one rest day weekly. The rest military persons, serving on a contract basis, are granted not less than one rest day weekly, but not less than six rest days per month.

Rest days are granted to military persons on weekends and holidays, and in case of their attraction to carrying out military service duties on these days, the rest is granted on other weekdays.

5. Military persons, serving on a contract basis, are granted annual leave. Duration of the main leave is determined for:

military persons, whose total length of military service, calculated on favorable terms is less than 10 years - 30 days;

military persons, whose total length of military service, calculated on favorable terms is 10 years and more - 35 days;

military persons, whose total length of military service, calculated on favorable terms is 15 years and more - 40 days;

military persons, whose total length of military service, calculated on favorable terms is 20 years and more - 45 days.

Duration of the main leave of military persons, serving on a contract basis, for the year of enrollment to military service on a contract basis and for the year of dismissal from the military service is calculated in the order, determined by the Regulation on Military Service.

Duration of the main leave of military persons, serving on a contract and on a call basis in the regions of the Far North, locations, equated to them, and other locations with unfavorable climatic and ecological conditions, including remote places, as well as occupying military posts, connected with increased danger for life and health, is prolonged for 15 days or an additional rest day is granted according to the norms, determined by the Regulation on Military Service. In this case total duration of the main leave, summarized with additional days, may not exceed 60 days regardless of the time, necessary to go to the place of rest and back.

The mentioned increase of the main leave is also granted to military persons-veterans of combat actions on the territories of other states, but they are not granted annual leave without pay with duration of up to three weeks.

Upon request of military persons, serving on a contract basis, the main leave may be granted to them in parts.

Military persons, serving on a call basis, are granted annual leave of the following duration:

occupying military posts, which according to the staff schedule are destined for military ranks of soldiers and sailors - 20 days;

occupying military posts, which according to the staff schedule are destined for military ranks of sergeants and sergeants-majors - 30 days.

Duration of the main leave of military persons, serving on a call basis, as encouragement or punishment may be increased or decreased by a period of up to five days in the order, determined by the General Army Regulations.

To military persons, who finished military educational establishment of vocational education, the main leave is granted upon graduation from the mentioned educational establishment.

Duration of the main leave of military persons is increased by a number of days, necessary for a trip to a place of rest and back, but not less than by one day for one way. If the main leave was granted to military persons in parts, the time, necessary to get to the place of its spending and back, is granted only once.

5.1. Military persons-veterans of combat actions, mentioned in the Federal Law "On Veterans" are granted leaves with duration of 15 days.

6. Military persons, serving on a contract basis, are granted educational leave for preparing to entrance examinations and taking entrance examinations to post-graduate studies at military college and military doctoral studies, as well as for taking entrance examinations at educational establishments of vocational education and examinations during the period of studying there in the order, determined by federal and other legal laws of the Russian Federation.

7. Military persons, serving on a contract basis, as well as students of military educational establishments of vocational education before conclusion with them of a contract during the period of their studies in the mentioned educational establishments are granted vocational leaves during intervals in their studies with duration, determined by the present Federal Law and the Regulation of Military Service.

8. Military persons, serving on a contract basis, who compete for the Ph.D. and D.Sc. degrees, are granted creative leaves in the order, determined by federal laws and other legal acts of the Russian Federation.

9. According to the conclusion of the military-medical commission military persons are granted sick leave.

10. Leave for personal reasons for a period of up to 10 days is granted to a military person in the following cases:

critical health condition or death of a close relative of the military person (spouse, father/mother, father/mother of the spouse, son/daughter, brother/sister) or a person, who brought up the military person;

fire or another natural calamity, suffered by the family of the military person or that of his close relative;

in other exceptional cases, when presence of the military person in the family is necessary, upon the decision of the commander of the military unit.

Duration of the leave for personal reasons, granted to a military person according to the present Clause, is increased by the number of days, necessary to get to the place of usage of the leave by surface (water, air) transport.

Military persons, whose total length of military service is equal to 20 and more years, according to their wish besides the main leave may be granted leave for personal reasons with duration of 30 days either during one of the three years before they reach the military service age-limit or during the year after their dismissal from military service in connection with their health condition or in connection with the organizational and staff measures. The mentioned leave is granted also to military persons, serving according to federal laws after reaching the military service age-limit and who have not used the mentioned leave before. This leave is granted once during the period of military service.

11. According to their wish spouses of military persons may be granted leave simultaneously with the leave of the military person. In this case duration of the leave of spouses of military persons according to their wish may be equal to that of military persons. Part of the leave of spouses of military persons, exceeding the duration of the annual leave at the main place of their work, is granted without pay.

12. Leaves, specified in Clauses 5.1, 6, 8-10 of the present Article, leaves of military persons, carrying out military service duties under state of emergency conditions and during armed conflicts, as well as leaves, specified for military persons by the Law of the Russian Federation "On Social Security of Citizens, Who Suffered Radiation in Consequence of the Accident at the Chernobyl Atomic Power-Plant," and leaves, granted after the space flight, are additional and are not included into the duration of the main leave.

13. Military servicewomen are granted maternity leave, as well as childcare leave in the order, determined by federal laws and legal acts of the Russian Federation. In this case they enjoy additional privileges, guarantees and compensations, determined by federal laws and legal acts of the Russian Federation.

### **Article 12. Money Allowance**

1. Money allowance of military persons consists of a monthly pay according to the occupied post (hereinafter called "military post pay") and monthly pay according to the conferred military rank (hereinafter called "military rank pay"), which comprise the pay of the monthly money allowance of military persons (hereinafter called "money allowance pay"), monthly and other additional payments (hereinafter called "additional payments").

2. Amounts of military post pay, military rank pay and additional payments are determined by the Government of the Russian Federation (another federal executive authority in which federal law stipulates military service) observing the condition of unity of the main norms of money allowance of military persons.

In this case pay for primary military posts of soldiers and sailors, serving on a contract basis, may not be less than five minimal amounts of wage, specified by the law, and pay for military ranks of military persons, serving on a contract basis, may not be less than half of the military post pay.

Amounts of money allowance pay of military persons are increased by the Government of the Russian Federation in the order and terms, specified for civil servants.

Foreign currency is paid to military persons, serving beyond the territory of the Russian Federation, according to norms and in the order, determined by the Government of the Russian Federation.

3. The order of payment of money allowance to military persons is determined by the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service).

4. Special nature of paying money allowance to separate categories of military persons is determined by federal constitutional laws, federal laws and other legal acts of the Russian Federation.

#### **Article 13. Additional Payments**

1. Military persons, serving on a contract basis, honestly carrying out military service duties, according to the results of the calendar (academic) year by the decision of the commander of the military unit may be paid extraordinary money remuneration in the amount, determined by the Government of the Russian Federation, but not less than equal to three money allowance pays.

Military persons, serving on a contract basis, are paid bonuses for excellently carrying out military service duty in the amount of up to three money allowance pays, as well as pecuniary aid in the amount not less than two money allowance pay in the order, determined by the Government of the Russian Federation.

Extraordinary money remuneration and bonus for excellently carrying out military service duty is not paid to military persons, serving in military units, having a bonus system for turning out a hundred and more percent of their work quota and other showings, as well as military persons, directed beyond the territory of the Russian Federation for rendering technical assistance and carrying out other military service duties.

2. Military persons, serving on a call basis, and students of military educational establishments of vocational education before concluding with them a contract at the time of departure for annual leave, as well as for a sick leave (on conclusion of the military-medical commission) receive payment in the amount not less than one money allowance pay.

3. At the time of transfer of military persons, serving on a contract basis, to a new place of service in another settlement, including to the territory or from the territory of a foreign state in connection with appointment to the military post, enrollment in the military educational establishment of vocational education, the period of studying in which exceeds one year, or in connection with redistribution of the military unit, they receive the following payments:

traveling expenses in the amount of two money allowance pays per one military person, one money allowance pay per the spouse and half of the money allowance pay per each family member of the military person, who moved to the new place of military service of the military person or to the nearest to the mentioned place settlements or (for lack of housing) to other settlements. Payment of the mentioned allowance to military persons, serving in the regions of the Far North, localities, equated to them, and other localities with unfavorable climatic and ecological conditions, including remote localities, where coefficients (regional, for military

service in mountainous areas, for military service in desert and waterless locations) to money allowance have been introduced, is done with regard for the mentioned coefficients;

in the amount of the fixed rate (daily allowance), determined by the Government of the Russian Federation for directed on service trip employees for each day of the travel of the military person and each family member of the military person, traveling with him.

4. Military persons, serving on a contract basis, from the means of the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service) may be paid monthly increment for complexity, tension and special regime of military service in the amount of up to fifty percent of the military post pay in the order, determined by the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service).

5. Monthly increment to money allowance in the amount of up to 50 percent of pay for additionally occupied military post is introduced for military persons, serving on a contract basis, who besides their own staff military service duties carry out military service duties accredited to military posts, not occupied by the personnel, in the order, determined by the Government of the Russian Federation.

The order and term of temporarily carrying out military service duties, accredited to military posts, not occupied by the personnel, is determined by the Regulation on Military Service.

6. Coefficients (regional, for military service in mountainous areas, for military service in deserted and waterless locations) to money allowance have been introduced for military persons, serving on a contract basis in the regions of the Far North, localities, equated to them, and other localities with unfavorable climatic and ecological conditions, including remote localities and percent increments to money allowance, which are paid in the amount and order, determined by federal laws and other legal acts of the Russian Federation for citizens, who are working and living in the mentioned localities.

To military persons of up to 30 years of age, serving on a contract basis the percent increment to the money allowance for military service in the regions of the Far North, localities equated to them and other localities with unfavorable climatic and ecological conditions, including remote localities, where the mentioned increment has been introduced, is paid in full amount from the date of entering the names the military persons in the lists of the personnel of military units, distributed in these localities, if they have spent there not less than five years.

Military persons of up to 30 years of age who are serving on a contract basis and have spent not less than one year in the regions of the Far North receive increment to their money allowance equal to 20 percent upon termination of the first six months of military service with its

increase by 20 percent for every following six months, and upon reaching a 60 percent increment – 20 percent for every year of military service. To the mentioned military persons, who serve in the regions of the Far North, localities, equated to them, and other localities with unfavorable climatic and ecological conditions, including remote localities, where payment of this increment was introduced, it is paid in the amount of 10 percent for every six months of military service.

The total amount of increments, paid to military persons, may not exceed limits, determined by federal and other legal acts of the Russian Federation.

7. Military persons, serving on a contract basis, are paid percent increment for the length of service to money allowance pays in the given below amounts for the following years of service:

- from 1 to 2 years – 5 percent;
- from 2 to 5 years – 10 percent;
- from 5 to 10 years – 20 percent;
- from 10 to 15 years – 25 percent;
- from 15 to 20 years – 30 percent;
- from 20 to 25 years – 35 percent;
- 25 years and more – 40 percent.

The order of calculating the length of military service for fixing the mentioned increment is determined by the Government of the Russian Federation.

8. Military persons, entitled to pension for the length of service, are paid a monthly increment of 25 percent of the pension, which could have been assigned to them.

The amount of the mentioned increment is increased by three percent for every year beyond the established minimal length of service, which entitles to pension, but it should not exceed fifty percent of pension, which could have been assigned to military persons.

9. Military persons, serving on a contract basis, excluding students of military educational establishments of vocational education, are entitled to receiving means from the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service) for acquisition of goods of first necessity in the form of an interest-free loan equal to 12 money allowance pays for a period of three years in one of the following cases:

- within three months from the date of appointment to military post after graduation from the military educational establishment of vocational education and awarding in this connection of a military rank of an officer;

- within three months from the date of appointment to the military post upon conclusion by military persons, serving on a call basis, or citizens, enrolled to military service, of the first contract on service for a period of five years and more;

- within three months from the date of the first marriage.

If military persons acquire the right to receiving the mentioned loan on several bases, specified by the present Clause, the loan is granted only on one basis and once during the period of service.

To the officers, called to service according to the Decree of the President of the Russian Federation, the loan, stipulated by the present Clause is not granted.

10. Military persons, directed on a service trip, are paid sums for covering trip expenses in the order and amount, determined by the Government of the Russian Federation.

11. Other increments and additional payments may be introduced besides payments, specified by the present Federal Law, the President of the Russian Federation and within the limits of allocated means by the Minister of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service). The mentioned increments and payments are introduced in a differential way depending on subordination of the military personnel, complicity, volume and significance of tasks, fulfilled by them.

12. Besides additional payments, specified by the present Article, other additional payments, introduced before by legal acts of the Russian Federation, are also reserved.

**Article 14.** *Provision and Clothing Supply, Trade and Everyday Service of Military Persons*

1. Provision supply of military persons is carried out according to norms and in terms, determined by the Government of the Russian Federation (another federal executive authority in which federal law stipulates military service), in one of the following forms:

organization of meals at the place of military service for military persons, serving on a call basis, and separate categories of military persons, serving on a contract basis, the list of which is approved by the Government of the Russian Federation;

issuance of a food ration;

payment of money compensation of a food ration (meals) in the amount of its cost at the request of military persons, serving on a contract basis, and to military persons, serving on a call basis, only for the time of stay in the places of spending their leave;

payment of provision and travel money to military persons, serving on a call basis, for the time of travel, as well as for the time of stay in places of their service trips, if in these places organized meals for military persons are unavailable.

2. Military persons are provided with clothing depending on conditions of their service according to norms and in terms, determined by the Government of the Russian Federation in the order, specified by the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service).

Military persons, serving on a contract basis, are entitled to receiving in lieu of clothing, provided according to the norms, money compensation in the amount, equal to the cost of the mentioned articles.

The order of payment of the mentioned compensation is determined by the Minister of Defense of the Russian Federation (head of another federal executive authority, in which federal law stipulates military service).

3. Military persons are provided with bath and laundry services according to the norms, determined by the Government of the Russian Federation in the order, specified by the General Army Regulations and other legal acts of the Russian Federation.

4. Provision of trade and everyday service to military persons and their family members is governed by federal laws and other legal acts of the Russian Federation.

Military persons and their family members are entitled to acquisition through the military trade network of industrial and food products at discounted prices in the order, determined by the Government of the Russian Federation.

Citizens dismissed from military service, and their family members enjoy the rights, specified by the present Clause.

#### **Article 15. *Right to Housing***

1. The State guarantees provision of housing to military persons. Military persons, serving on a contract basis, and their family members, living together with them, are provided with housing according to the norms and in the order, determined by federal laws and other legal acts of the Russian Federation with the account of the right to additional living premises at the expense of the government or municipal housing resources, reserved for the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service) not later, than within three months from the day of arrival to the new place of military service.

The mentioned military persons, who concluded contract on service before January 1, 1998 (excluding students of military educational establishments of vocational education) and their family members, living together with them, for the first five years of military service are provided with tied housing or premises in a hostel. If the duration of military service exceeds the mention period, they are provided housing on general terms.

For the whole service period tied housing is provided to:

military persons, appointed to military posts after graduation from military educational establishments of vocational education and consequential conferment to them of a military rank of an officer (beginning from 1998) and their family members, living together with them;

officers, called to military service in accordance with the Decree of the President of the Russian Federation, as well as officers, who have concluded the first contract on service after January 1, 1998, and their family members, living together with them;

ensigns and warrant officers, sergeants and sergeant-majors, soldiers and sailors, enrolled on a contract basis after January 1, 1998, and their family members, living together with them.

Tied housing is granted for the whole period of military service in the closed cantonments to military persons, serving on a contract basis, and their family members, living together with them.

Cantonments of military units, having the system of passes, as well as isolated cantonments of military units, located outside settlements are considered closed cantonments. Lists of closed cantonments are approved by the Government of the Russian Federation upon presentation of the Ministry of Defense (another federal executive authority in which federal law stipulates military service).

Military persons, serving on a contract basis, and their family members, living together with them, are provided with tied housing according to the norms, determined by federal laws and other legal acts of the Russian Federation.

Right to housing, occupied by military persons, provided with tied housing before their enrollment, is retained by them during the first five years of their contract service (regardless of the period of education in military educational establishments of military training). They may not be excluded from the lists of persons, registered as needing improvement of living conditions at the place of their residence before call (enrollment) to military service.

Military persons, provided with tied housing for the whole period of military service, upon reaching the total length of military service equal to 20 years and more, and in case of dismissal from military service in connection with reaching the military service age-limit, health condition or conduct of organizational and staff measures, whose the total length of service equal to 10 years and more, according to their choice are provided with housing in the permanent place of residence in the order, determined by federal laws and other legal acts. Military persons, not mentioned in the present paragraph, in case of dismissal from military service should vacate tied housing in the order, determined by the Housing Code of the Russian Federation.

Military persons, provided with tied housing, conclude the housing contract with the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service). The mentioned contract should determine the order of provision of the tied housing, its maintenance and vacation. Terms and order of conclusion of the housing contract are determined by the Government of the Russian Federation.

Military persons, serving on a contract basis, according to their wish are granted either the right to enter house-building (housing) cooperatives or the right to receive plots of land for building individual residential houses.

Military persons, serving on a contract basis, during the period of service are entitled to improvement of their living condition with the account of norms, determined by federal laws and other legal acts of the Russian Federation.

2. Government authorities, institutions of local governments and organizations, carrying out residential construction works, should accept and timely use allocations, especially transferred from the federal budget for construction of housing for military persons and citizens, dismissed from the military service, as well as the means, allocated for these purposes by the Government of the Russian Federation and military direction authorities or sell them flats in individual residential houses on favorable conditions in the order, determined by the Government of the Russian Federation.

3. Military persons, serving on a contract basis, and their family members, who have arrived at the new place of military service of military persons, before receipt of housing in accordance with the norms, determined by federal laws and other legal acts of the Russian Federation, are registered at the place of their residence, including, at their request, at the addresses of military units. Before receiving housing the mentioned military persons and their family members are provided with tied housing, fit for temporary living, or premises in hostels.

In case of absence of the mentioned housing military units should rent living premises for providing to military persons and their family members, living together with them, or, according to the wish of military persons, should pay them monthly compensation of rent (sub-rent) of housing in the order and amount, determined by the Government of the Russian Federation.

Institutions of local governments should render military units assistance in letting out living premises, fit for temporary living of military persons and their family members.

4. Military persons, serving on a contract basis, who have residential houses (flats) in their property or who are the members of house-building (housing) cooperatives, as well as military persons, who according to federal laws and other legal acts of the Russian Federation, retain housing at the place of their residence prior to enrollment or have their housing reserved, in case of transfer to another locality are provided (together with their family members, living with them) with tied housing or premises in hostels for the period of military service in that locality. In case of absence of the mentioned housing the commander of the military unit acts according to Clause 3 of the present Article.

5. In case of vacating the housing, occupied by military persons and their family members, living together with them, the mentioned housing should be provided to other military persons and their family members.

6. According to federal laws and other legal acts military persons, as well as citizens, dismissed from military service, and their family members are entitled to free acquisition in their property of living premises, occupied by them, with the exception of tied housing and housing in closed cantonments.

7. Military persons, serving on a contract basis, who do not have housing for permanent residence or who are in need of improvement of living conditions, who entered house-building (housing) cooperatives or are building (buying) individual residential houses (flats) within the limits of social norms of the total area of housing, determined by the subjects of the Russian Federation, with the account of additional living premises, provided in accordance with federal laws and other legal acts of the Russian Federation to certain categories and their family members, living together with them, at the place of military service on the territory of the Russian Federation are granted subsidies in the form of gratuitous financial aid with the total length of military service in the following amount:

from 10 to 25 years - not less than 75 percent;

25 years and more- 100 percent of the cost of housing, belonging to house-building (housing) cooperatives or building (purchase) of individual residential houses (flats).

Citizens, dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, who do not have housing for permanent residence or who are in need of improvement of living conditions and are building (buying) individual residential houses (flats) are granted gratuitous financial aid in accordance with the total length of military service, specified by the present Clause.

The mentioned gratuitous financial aid is granted to:

military persons at the place of military service by the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service) from the federal budget;

citizens, dismissed from military service, at the permanent place of residence, chosen by them, either by executive authorities of the subjects of the Russian Federation and institutions of local governments from means, especially allocated from the federal budget for housing construction for the mentioned category or from means, allocated for these purposes by the Government of the Russian Federation.

8. Officers in the rank of a colonel, equal to it and higher, serving or dismissed from military service in connection of reaching the age-limit for military service, health conditions or in connection with conduct of organizational and staff measures, as well as military units commanders, military persons, having honorary titles of the Russian Federation, military lecturers of military educational establishments of vocational education, military chairs at governmental educational establishments of higher vocational education, military scientific researchers, having academic degrees or academic titles, are entitled to additional common living area equal to not less than 15 square meters and not exceeding 25 square meters.

9. Housing of military persons, serving on a contract basis, directed to serve beyond the territory of the Russian Federation, regions of the Far North, locations, equated to them, and other locations with unfavorable climatic and ecological conditions, occupied by them in the houses of the government or municipal housing stock, should be reserved for them, with the exception of tied housing, for the whole period of their stay beyond the territory of the Russian Federation or in the mentioned regions and localities.

10. Military persons, serving on a contract basis, and their family members, living together with them, as well as citizens, dismissed from military service in connection of reaching the age-limit for military service, health condition or in connection with conduct of organizational and staff measures, whose total length of military service is equal to 20 years and more, and with total length of military service, equal to 25 years and more regardless of the grounds for dismissal, and their family members, living together with them, pay 50 percent for the:

total area of housing, occupied by them (in communal flats - for living area). Besides, tenants pay 50 percent for maintenance of housing, repair and rent of housing, and owners of living premises and members of house-building (housing) cooperatives - for maintenance and repair of the objects of common usage in apartment-houses;

utilities (water -supply, sewage, garbage removal, gas-supply, electricity and heating) regardless of the type of the housing stock;

subscription fee for radio-translators and collective television antennas.

The mentioned persons, living in the houses, not equipped with the central heating, are granted a 50 percent discount on the price of fuel, purchased within the norms, determined for sale to the population, and its delivery.

Expenses, connected with granting privileges in respect of payment for living premises and utilities, fuel and its delivery, subscription fee for radio-translators and collective television antennas, are carried by:

In respect of the government housing stock, being in the federal property – at the expense of the federal budget in the order, specified by the Government of the Russian Federation;

In respect of another housing stock – at the expense of the budgets of the subjects of the Russian Federation. The order of reimbursement of the mentioned expenditures to the subjects of the Russian Federation is specified by the Government of the Russian Federation.

Military persons, as well as the citizens, mentioned in the first paragraph of the present Clause, are granted privileges regarding payment for installation of home telephones and subscription fee for using them equal to 50 percent of the fee. Expenditures, connected with provision of the mentioned privileges, are covered from the federal budget in the order, specified by the Government of the Russian Federation.

11. Military persons, serving on a call basis, are accommodated in accordance with the requirements of the General Army Regulations.

Housing, which was occupied by military persons, serving on a call basis, and students of military educational establishments of vocational education before they were called to service, are retained by them. They may not be excluded from the lists of persons in need of improvement of living conditions.

12. Military persons, serving on a contract basis, and citizens, dismissed from military service in connection with reaching the military service age-limit, health condition or conduct of organizational and staff measures, whose total length of service is equal to 10 years and more, as well as those serving in the regions of the Far North, locations, equated to them, and other locations with unfavorable climatic or ecological conditions, should have priority in granting by the institutions of local governments the right to enter house-building (housing) cooperatives or provision of plots of land for building individual residential houses.

13. Military persons, serving on a contract basis, whose total length of service is equal to 20 years and more, and who by the moment of dismissal from military service were not provided with housing, without their consent may not be excluded from the lists of persons waiting for acquisition of housing (improvement of living conditions) at the last place of military service before their dismissal and should be provided with housing in accordance with provisions of the present Federal Law.

The mentioned order of provision of housing covers also military persons, dismissed from military service in connection with reaching the military service age-limit, health condition or conduct of organizational and staff measures, whose total length of service is equal to 10 years and more.

Not later than three years before dismissal from military service in connection with reaching the military service age-limit or within one year in case of dismissal from military service in connection health condition or conduct of organizational and staff measures, military persons, serving on a contract basis, upon application of commanders of military units are

included by institutions of local governments of the place, chosen for permanent residence, in lists of citizens, dismissed from military service, who are in need of acquisition of housing, or in lists of members of house-building (housing) cooperatives.

About adopted decision institutions of local governments should in writing within three months inform corresponding commanders of military units and guarantee provision of housing within three months upon arrival of citizens, dismissed from military service, to the place of residence.

Information on registration is entered in personal files of military persons.

14. Military persons, whose total length of military service is equal to 10 years and more, dismissed from the military service in connection with reaching the military service age-limit, health condition or conduct of organizational and staff measures, and their family members in case of change of the place of residence not later than within a period of three months from arrival to the chosen place of residence should be provided by institutions of local governments with housing according to established norms, including at the expense of government housing certificates for acquisition of housing, secured by the federal budget, as well as non-budgetary sources of financing. Right to provision of housing is granted to the mentioned citizens once. Documents on surrender of housing to the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service) and removal from the register at the former place of residence are submitted by the mentioned citizens and their family members, living together with them, at the time of acquisition of the housing at the chosen place of residence.

In case of the impossibility of providing housing according to established norms within a period of three months institutions of local governments should accommodate citizens until its provision for those dismissed from military service and their family members in other housing and pay them a monthly financial compensation at the expense of the federal budget in the order and amount determined by the Government of the Russian Federation.

The order of provision of housing to military persons, living in closed cantonments, at the time of their dismissal from military service is determined by federal laws and other legal acts of the Russian Federation.

The order of granting privileges and reimbursement of expenditures, connected with granting privileges, specified in the present Clause, are determined by the Government of the Russian Federation.

**Article 16. Right to Health Protection and Medical Aid**

1. Health protection of military persons is secured by creation of favorable conditions of military service, living conditions and a system of measures, aimed at limitation of dangerous factors of military service, implemented by commanders in collaboration with government authorities.

Care about health of military persons and its improvement is an obligation of commanders. They are responsible for observing security requirements during conduct of military exercises, other measures, aimed at combat readiness, carrying out other military service duties.

2. Military persons and citizens, called to military preparations, are entitled to free medical aid, including manufacture and repair of dentures (excluding dentures, made of precious metals and other expensive materials), free provision with medicines, other medical goods according to prescriptions of doctors of military-medical divisions, units and institutions (hereinafter called "military-medical institutions"). In case of absence at the place of the military service or place of residence of military persons of military-medical institutions, or corresponding departments in them or specialized medical equipment, as well as in emergency cases medical aid is rendered by institutions of government or municipal health care systems. Expenses of the mentioned health care institutions, connected with rendering medical aid to military persons and citizens, called to military preparations, are reimbursed by the Ministry of Defense of the Russian Federation (another federal executive authority in which federal law stipulates military service).

Direction of military persons and their family members for medical treatment beyond the territory of the Russian Federation is performed on the same bases as those for other citizens in the order determined by the Government of the Russian Federation.

Military persons annually undergo a medical check-up and medical preventive measures. Military persons with symptoms of psychiatric disorders are sent for a medical check-up and examination at a hospital according to the Federal Law of the Russian Federation "On Psychiatric Aid and Guarantees of the Rights of the Citizens During its Rendering".

3. Family members of military persons are entitled to receiving medical aid in institutions of government or municipal health care systems and should be covered by obligatory medical insurance on the same bases as those for other citizens.

Family members of officers (spouse, underage children, children above 18 years of age, who became disabled before reaching the age of 18 years, children in the age of up to 23 years, who are full-time students of educational establishments), as well as dependents, living together with the officers, are entitled to free medical aid in military-medical institutions. Out-patients

receive medicines at retail prices, excluding cases, when according to federal laws and other legal acts of the Russian Federation they are provided free of charge.

Unless it is otherwise specified by federal laws and other legal acts of the Russian Federation manufacturing and repairing of dentures for the family members of the officers in military-medical institutions is carried out on the same bases as are established for other citizens in institutions of government or municipal health care systems.

4. Military persons, serving on a contract basis (excluding students of military educational establishments of vocational education) and their family members during their leave, but not more than once a year, are provided with sanatorium and resort treatment and organized rest in sanatoriums, rest-homes, holiday hotels, children recreational camps, tourist bases of the Ministry of Defense of the Russian Federation (another federal executive authority in which military service is stipulated by federal law). The mentioned military persons reimburse 25 percent and their family members - 50 percent of the price of the pass, excluding cases, when other terms of payment are established according to federal laws and other legal acts of the Russian Federation. In this case the mentioned military persons annually are paid money compensation equal to 600 rubles for the military person himself and 300 rubles for the spouse and every underage child regardless of the fact of acquisition of the pass. Money compensation for the child, alimony to who is paid by a military person, is paid to the person, who receives alimony. When sent to sanatoriums for continuation of hospital treatment according to conclusion of the military-medical commission the mentioned military persons and their family members receive passes free of charge.

Military persons, who became mutilated (wounded, traumatized, contused) or became ill at the time of carrying out their military service duties, after hospital treatment are entitled to priority in acquisition of passes to sanatorium, resort and recreational institutions of the Ministry of Defense of the Russian Federation (another federal executive authority in which military service is stipulated by federal law).

5. Rights and privileges of military persons and their family members, specified in Clauses 2-4 of the present Article, are granted to officers, dismissed from military service in connection with reaching military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of military service, calculated on favorable terms is equal to 20 years and more, and in case of total length of military service, equal to 25 years and more regardless of the grounds for dismissal, and their family members, as well as ensigns and warrant officers, dismissed from military service in connection with reaching military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of military service is equal to 20 years or more.

Military persons and citizens dismissed from military service in connection with reaching military service age-limit, health condition or in connection with conduct of organizational and staff measures, - participants of war have the primary right to medical aid and sanatorium and resort treatment.

Citizens, dismissed from the military service, are entitled to medical aid in institutions of government and municipal health-care systems and should be covered by obligatory medical insurance according to federal laws and legal acts of the Russian Federation.

Citizens, dismissed from military service in connection mutilation (wound, trauma, contusion) or illness, acquired at the time of carrying out their military service duties, family members of military persons, serving on a contract basis, as well as citizens, dismissed from military service in connection with specific illnesses, acquired during the period of military service, may undergo examination and receive treatment in military-medical institutions in the order, determined by the Ministry of Defense of the Russian Federation (another federal executive authority, in which military service is stipulated by federal law) without prejudice to citizens, entitled to medical aid, in accordance with federal laws and other legal acts of the Russian Federation.

6. Military persons serving on a call basis and students of military educational establishments of vocational education are provided with free sanatorium and resort treatment according to the conclusion of the military-medical commission.

The mentioned military persons at the time of departure on a sick-leave are granted subsidy for treatment, equal to 400 rubles.

Students of military educational establishments of vocational education, students of educational establishments of secondary (complete) general education having additional training program, aimed at military preparation of under-age citizens, reimburse not more than 30 percent of the price of the pass to military tourist bases.

7. The order of financing expenses, connected with provision of medical aid, sanatorium and resort treatment and rest on favorable conditions, payment for passes and payment of compensations to military persons and other citizens, listed in Clauses 2-6 of the present Article, is determined by the Government of the Russian Federation.

Mutual payments for provision of medical aid to military persons between military-medical institutions of the Ministry of Defense of the Russian Federation and other federal executive authorities, in which military service is stipulated by federal law are carried out according to the order, specified by the Government of the Russian Federation.

**Article 17. Property Right. Tax Privileges**

1. The government guarantees military persons, citizens, dismissed from military service, and their family members equally with other citizens' receipt of their share of the state property in case of its privatization.

2. Military persons, serving on a contract basis, whose total length of military service is equal to 10 years and more, according to their wish are granted free of charge property right or life-long inherited ownership right to plots of land for individual housing building, maintenance of personal auxiliary farms, country cottages or individual (collective) gardening at the place of their military service.

Military persons, serving on a contract basis, whose total length of military service is equal to 15 years and more, three years prior to their dismissal from military service in connection with reaching the military service age-limit, as well as citizens, dismissed from military service in connection with reaching military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of military service is equal to 15 years and more, at the place of their military service or place, chosen for residence are free of charge granted property right to plots of land for individual housing building, personal auxiliary farming, country cottages or individual (collective) gardening (according to their wish).

Plots of land are provided by government authorities and institutions of local governments in the order, determined by federal laws and other legal acts of the Russian Federation from lands, being in the government or municipal property:

for individual housing building, personal auxiliary farming, country cottages or individual (collective) gardening - according to the norms, specified by institutions of local governments, but not less than 0,10 hectare in towns and town-like settlements and not less than 0,25 hectare in the country locality;

for farming after dismissal from military service - according to the norms, determined by laws and other legal acts of the subjects of the Russian Federation.

3. Military persons and citizens, dismissed from military service, whose total length of military service is equal to 20 years and more, are entitled to acquisition of released military equipment at established prices with regard for wear and tear and privileges, granted by the tax legislation of the Russian Federation.

4. Income tax is not levied from money allowance, money remuneration and other pays of military persons, received by them in connection with carrying out military service duties, land tax and taxes on personal property of physical persons are also not collected from them.

Land tax and taxes on personal property of physical persons are not collected from citizens, dismissed from military service in connection with reaching military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of military service is equal to 20 years and more.

5. Local taxes and charges may be levied in full or in part from military persons as well as citizens, dismissed from military service in connection with reaching military service age-limit, health condition or in connection with conduct of organizational and staff measures, and their family members.

**Article 18.** *Insurance Guarantees of Military Persons. Right to Reimbursement of Damage*

1. Military persons and citizens, called to military preparations, are liable to obligatory personal government insurance at the expense of the federal budget. Grounds, conditions and order of obligatory personal government insurance of the mentioned military persons and citizens are specified by federal laws and other legal acts of the Russian Federation.

2. In case of death of military persons or citizens, called to military preparations, which happened in consequence of mutilation (wound, trauma, contusion) or illness, suffered by them during carrying out military service duties within one year from the day of dismissal from military service (military preparations), extraordinary allowance in equal shares is paid to:

family members of dead military persons, who served of a contract basis, including officers, called to military service according to the Decree of the President of the Russian Federation, citizens, called to military preparations as officers, ensigns and warrant officers - in the amount, equal to 120 money allowance pays as per the day of payment of the allowance;

family members of dead military persons, who served on a call basis, citizens, called to military preparations as soldiers, sailors, sergeants and sergeant-majors - in the amount, equal to 120 minimal monthly pays as per military post according to the first tariff category, established for military persons, serving on a call basis on posts, which should be filled by soldiers, sailors, sergeants and sergeant-majors, established as per the day of payment of the allowance, or in another amount, determined by the federal law.

The following family members are entitled to receiving an extraordinary allowance for the dead military person (citizen, called to military preparations):

spouse, being officially registered as such by the day of death of the military person or citizen, called to military preparations;

parents of the military person;

children beyond 18 years of age or older, if they became disabled prior to reaching 18 years, as well as children, studying in full-time educational establishments, before finishing education, but not older than 23 years of age.

3. In case of ahead of time dismissal of military persons (citizens, called to military preparations) in connection of recognizing them as unfit for military service in consequence of mutilation (wound, trauma, contusion), suffered by them during carrying out military service duties, they are paid extraordinary allowance in the following amounts:

military persons, serving on a contract basis, - 60 money allowance pays, established as per the day of payment of the allowance;

military persons, serving on a call basis, citizens, called to military preparations, - 60 minimal monthly pays as per military post according to the first tariff category, established for military persons, serving on a contract basis on posts, which should be filled by soldiers, sailors, sergeants and sergeant-majors, established as per the day of payment of the allowance, or in another amount, determined by the federal law.

4. Damages, caused to military persons, carrying out their military duties, should be reimbursed at the expense of the federal budget in the order, determined by the Government of the Russian Federation.

5. Reimbursement of moral damage, caused to military persons by government authorities and institutions of local governments, is carried out according to federal laws and other legal acts of the Russian Federation.

6. Reimbursement of damage and legal and social security guarantees of military persons, dismissed from military service, who suffered in consequence of the catastrophe on Chernobyl AES, as a result of nuclear weapons tests, operation of nuclear plants and liquidation of accidents, which happened on them, as well as while serving in the territories with nuclear contamination, are specified by federal laws and other legal acts of the Russian Federation.

7. Guarantees regarding burial of dead military persons, citizens, called to military preparations, and citizens, dismissed from military service in connection with reaching military service age-limit, health condition or in connection with conduct of organizational and staff measures are specified by federal laws and other legal acts of the Russian Federation.

The order of paying military honors at the time of burial is determined by the General Army Regulations.

**Article 19.** *Right to Education and Rights in the Field of Arts*

1. Military persons are entitled to study at military educational establishments of vocational education (including receiving post-graduate education) and at courses (faculties) for training, improving and upgrading qualification of military persons.

The order of enrollment of military persons in the mentioned educational establishments and their studying at them is determined by federal laws and other legal acts of the Russian Federation.

Military educational establishments of higher and secondary vocational education simultaneously with the specialized educational program conduct educational programs for training specialists in related (adjacent) civil fields and issue graduates corresponding documents on education, if the education of this level is acquired by the military person for the first time.

Military persons, studying in military educational establishments of higher and secondary vocational education, may be attracted to carrying out tasks, connected with implementation of vocational programs, only according to the resolution of the President of the Russian Federation or Chairman of the Government of the Russian Federation.

Citizens, who graduated from military educational establishments of higher vocational education and enrolled for work in the capacity of lecturers in educational establishments are equated in respect of their education and salary with citizens, who graduated from higher pedagogical educational establishments.

2. Military persons, serving on a contract basis, are entitled to studying at civil educational establishments of higher vocational education and preparation departments (courses) of the mentioned educational establishments having part-time and remote forms of teaching educational programs.

3. Military persons, serving on a call basis, are not permitted to study at civil educational establishments of higher vocational education.

4. Military persons, serving on a contract basis, whose total length of military service is equal to five years and more (not including the period of study at military educational establishments of higher and secondary vocational education) in the year of dismissal from military service in connection with reaching the military service age-limit, termination of the period of military service or health condition are entitled to vocational additional training in one of the civil specialities without paying education fee with reservation of all types of allowances in the order and on conditions, determined by the Ministry of Defense of the Russian Federation (another federal executive authority, in which military service is stipulated by federal law) with duration of up to three months, and in case of dismissal from military service in connection with

conduct of organizational and staff measures - up to six months. In case of dismissal of the mentioned military persons from military service during the period of their studies, they are entitled to finishing their studies free of charge.

Expenses, related to carrying out vocational additional training of the mentioned military persons in one of civil specialities, are reimbursed in the order, determined by the Government of the Russian Federation from means, allocated for additional training of the personnel.

5. When dismissed from military service military persons, called to military service during the period of studying at government educational establishments of vocational education, retain the right to continue education in the same educational establishment, where they were studying before being called to the military service.

Citizens, dismissed from military service, have the priority right to enrollment in government educational establishments of higher and secondary vocational education and preparatory departments of educational establishments of higher vocational education.

Citizens, dismissed from military service and entering the government educational establishments of higher and secondary vocational education upon recommendation of commanders have the right to priority enrollment on condition of acquiring positive marks during the entrance examinations. The Guidance on the Order of Recommending Military Persons, Dismissed from Military Service, and Citizens, Dismissed from Military Service from the Specialized Objects of Service at the President of the Russian Federation, for Priority Enrollment in Government Educational Establishments of Higher and Secondary Vocational Education was approved by the Order No. 3 of the Head of the Central Board of Specialized Programs of the President of the Russian Federation dated January 18, 2000.

Citizens, serving on a contract basis and dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of administrative and staff measures, are entitled to:

free of charge priority acquisition of training, additional training and qualification upgrading in case of nomination by the Federal Service for Employment of the Population and at its expense, those, entitled to pension - to acquire vocational training in case of nomination by organizations, in which they were given employment, and at their expense, with payment of the full salary for the period of training;

priority enrollment in government educational establishments of primary vocational education and in training courses in corresponding specialities;

enrollment in government educational establishments of primary vocational education without taking entrance examinations:

to the first and following courses of government educational establishments of secondary vocational education - persons, who finished secondary military educational establishments;

to the first course of government educational establishments of secondary vocational education - with the educational level, not lower than the basic general education;

to the first and following courses of government educational establishments of higher vocational education - persons, having unfinished higher or higher military vocational education;

to preparatory courses of government educational establishments of higher vocational education - persons, who finished general educational establishments of secondary (complete) general education or secondary vocational education.

The same right to entering government educational establishments of vocational education is granted to military persons, serving on a contract basis, and whose total length of military service is equal to 15 years and more.

Enrollment of the mentioned citizens in government educational establishments of vocational education is conducted throughout the year, including additional enrollment in enrollment plans, determined by the educational establishment.

Citizens, having secondary military and higher military vocational education study at government educational establishments of higher vocational education free of charge.

Citizens, having secondary and higher civil vocational education, the type of training in which is related to that in the military speciality, during the period of the military service in this speciality are equated with regard for education with military persons, who finished corresponding higher and secondary military educational establishments of vocational education.

6. In case of change of the place of military service of military persons, serving on a contract basis, as well as in case of dismissal from military service in connection with reaching the military service age-limit, health condition or in connection with organizational and staff measures, their family members, studying (brought up) at government educational establishments are entitled to be transferred (enrolled) in educational establishments, closest to the new place of military service or place of residence.

At the place of residence of their families children of military persons in the first turn are provided with places in general educational and pre-school establishments and summer recreational camps regardless of the form of property. Difference between the cost of keeping children of military persons in educational establishments of pre-school education and price, collected from their parents according to federal laws and other legal acts of the Russian Federation is reimbursed at the expense of the Ministry of Defense of the Russian Federation (another federal executive authority, in which military service is stipulated by federal law).

Children of military persons, serving on a contract basis, whose total length of military service is equal to 20 years and more, children of citizens, dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with organizational and staff measures, whose total length of military service is equal to 20 years and more, children of military persons, who died while carrying out military service duties or in consequence of mutilation (wound, trauma, contusion) or illness, suffered by them while carrying out military service duties, are entitled to hors concours enrollment to Suvorov Military, Nahimov Naval Colleges and Cadet Corps and in case of entering military educational establishments of higher and secondary vocational education are granted preference right on condition of successfully passing examinations and correspondence to other specified requirements.

7. Military persons equally with other citizens are granted rights and freedoms in the sphere of culture.

Military persons, serving on a call basis, students of military educational establishments of vocational education, pupils of educational establishments of secondary (complete) general education with additional educational program, aimed at military training of underage citizens, are granted privileges when attending charged cultural events, organized by cultural and sport establishments. The mentioned privileges are specified by institutions of local governments.

8. In places of disposition of military units military persons free of charge enjoy services of libraries and reading halls, use cultural and educational property, sport installations and equipment, watch motion and video films.

9. Commanders should develop and implement a system of measures aimed at patriotic, moral and esthetic education of military persons, impart to them esteem to military traditions, create conditions for developing amateur talent activities.

#### **Article 20. Use of Transport. Postal Sending**

1. Military persons are entitled to free:

traveling by railway, air, water and automobile transport (excluding taxi) on service trips, in connection with transfer to a new place of military service, to places of use of the main (vocational) leave (once a year), additional leaves, leaves for treatment and back, to the chosen place of residence after dismissal from military service;

use of city, suburban and local public transport (excluding taxi). In case of transfer to a new place of service and in case of dismissal from military service military persons, serving on a contract basis, are entitled to free of charge railway transportation of up to 20 tons of personal goods in containers from the previous place of residence to the new one, and in case of absence of the railway transport - by other kinds of transport (excluding air transport). In case of

transportation of personal goods in a separate railway car, by luggage van and small dispatches, their actual expenses are reimbursed in the amount, not exceeding the cost of transportation in the 20 ton container;

going by trucks and passenger buses of a military unit, provided for carrying out organized transportation of military persons to the place of the military service and back..

2. Family members of a military person, serving on a contract basis, mentioned in paragraphs 6-10 of Clause 5 of Article 2 are entitled to free traveling on the bases, specified for military persons:

from the place of residence to the place of service of the military person in connection with his transfer to the new place of military service;

once a year - to the place of use of the leave and back;

for treatment to medical institutions according to conclusion of the military-medical commission and back;

in case of dismissal of a military person from military service, as well as in case of death of a military person - to the chosen place of residence.

When moving to a chosen place of residence in connection with death of a military person family members of the military person are entitled to free of charge railway transportation of up to 20 tons of personal goods in containers from the previous place of residence to the new one , and in case of absence of the railway transport - by other kinds of transport (excluding air transport). In case of transportation of personal goods in a separate railway car, by luggage van and small dispatches, their actual expenses are reimbursed in the amount, not exceeding the cost of transportation in the 20 ton container.

In case of death of a military person his family members (but not more than three persons) are entitled to free of charge travel to the place of burial and back. One of the family members of the dead military person, buried on the territory of the Russian Federation, once a year is entitled to free of charge travel to the place of burial and back.

3. A person, accompanying a military person, going to medical, sanatorium or resort institution, on sick leave, to the chosen place of residence in case of dismissal from military service, or family members of military persons, serving on a contract basis, going to medical, sanatorium or resort institution, if necessity of such accompaniment was recognized by military-medical commission, is entitled to free of charge travel from the place of his residence to the place, where the sick person is located, and back on the bases, specified for a military person, once during the period of illness.

5. Officers, dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff

measures, whose total length of service, calculated on favorable terms is equal to 20 years and more, and with the total length of service, equal to 25 years and more regardless of the bases for dismissal, are entitled to free of charge travel by railway, air, water and automobile transport (excluding taxi) for hospital treatment according to conclusion of military-medical commission or to sanatorium, resort and recreational institutions and back (once a year). Family members of the mentioned military persons when traveling to sanatorium, resort and recreational institutions, as well as ensigns and warrant officers, dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of service is equal to 20 years and more, are also entitled to the same right.

6. Military person is entitled to priority in acquisition of travel documents for himself and his family members when going on a service trip, to the new place of service, as well as when going to the place of his leave and back. In this case a military person, serving on a contract basis, directed to the service trip, is entitled to booking and priority in acquisition of the place in the hotel according to his credentials.

7. Military persons, serving on a contract basis, using personal transport for service purposes, are paid money reimbursement in the order and amount, determined by the Government of the Russian Federation.

8. Military persons, serving on a call basis, are entitled to free of charge dispatch of letters, sent by military units. Letters, addressed to military persons, serving on a call up basis, at the place of their military service, are sent free of charge, no charge is collected for sending on and returning parcels, addressed to them. Garments of citizens, called to military service, should be posted by parcels free of charge.

9. Expenses, connected with transportation of military persons, citizens, dismissed from military service, their family members and transportation of their personal goods by railway, air, water and automobile transport (excluding taxi) booking places in hotels when directing military persons on service trips, are reimbursed from the means of the Ministry of Defense of the Russian Federation (another federal executive authority, in which military service is stipulated by federal law) in the order, determined by the Government of the Russian Federation.

Expenses, connected with transportation of military persons by all kinds of city, suburban and local public transport (excluding taxi), granting military persons privileges on postal dispatches on the territory of the Russian Federation, mentioned in the present Article, are reimbursed from the means of the Ministry of Defense of the Russian Federation (another federal executive authority, in which military service is stipulated by federal law).

**Article 21.** *Right of a Military Person to Appeal against Illegal Actions*

1. Military persons are entitled to defending their rights and legal interests by going to court in the order, specified by federal laws and other legal acts of the Russian Federation.

Military persons, serving on a call basis, are relieved from charges for lodging a complaint with the court about matters, connected with the military service.

2. Illegal resolutions and actions (inaction) of military direction authorities and commanders may be appealed by military persons in the order, specified by federal laws and other legal acts of the Russian Federation and the General Army Regulations.

**Article 22.** *Legal Proceedings against Military Persons and Right to Legal Aid. Conduct of Notary Actions with Participation of Military Persons and their Family Members.*

1. Legal proceedings with participation of military persons, serving on the territory of the Russian Federation, are carried out in accordance with federal laws, and with participation of military persons, serving beyond territory of the Russian Federation, besides it, with respect for generally recognized principles and norms of the international law and international treaties of the Russian Federation.

2. Military persons are granted right to defense in the order, specified by federal laws and other legal acts of the Russian Federation.

3. Judicial aid is provided free of charge:

by military direction authorities and military justice authorities within their functional (official) duties – to all military persons, citizens, dismissed from military service, and their family members on matters, connected with the military service;

by preliminary investigation authorities, procurator and court, who carry out proceedings on the criminal case.

Legal Consultation and College of Barristers render judicial assistance to military persons, serving on a call basis, on matters, related to military service, as well as on other grounds, determined by federal laws, free of charge.

4. Military units commanders as officials of executive authorities carry out notarial actions with participation of military persons and citizens, called (enrolled) to military service, their family members in cases and in the order, specified by federal laws and other legal acts of the Russian Federation.

**Article 23.** *Dismissal of Citizens from the Military Service and Right to Employment*

1. Military persons, serving on a contract basis, who have not reached the military service age-limit, may not be dismissed from the military service without their consent prior to acquisition by them the right to long-service pension excluding cases of dismissal on the bases, specified by the Law of the Russian Federation “On Military Duty and Military Service”. Military persons, whose total length of military service is equal to ten years and more, and who are in need of improvement of their housing conditions according to norms, determined by federal laws and other legal acts of the Russian Federation, without their consent may not be dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures without provision of housing to them. In case of desire of the mentioned military persons to receive housing in a place, different from that of their dismissal from military service, they are provided with housing at the place, chosen for permanent residence, in the order, specified by Clauses 13 and 14 of Article 15 of the present Federal Law.

To military persons, whose total length of military service is equal to 10 years and more, and who are to be dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, within the last year of their military service the Ministry of Defense of the Russian Federation (another federal executive authority, in which military service is stipulated by federal law) according to the desire of the military person should issue the government housing certificate for acquisition of a new housing for the family at the place, chosen for permanent residence after dismissal from military service.

2. In case of ungrounded dismissal from military service of military persons, serving on a contract basis, damage, delivered to them in this connection, should be reimbursed in full volume upon decision of court according to the desire of the military person. The mentioned military persons should be reinstated in the military service in the previous (and in case of their consent - equal or lower) post and should be provided with all types of allowances, not received by them in consequence of ungrounded dismissal. This period is included in the total length of military service and the term, determined for conferring the next military rank.

Reinstatement in military service of groundlessly dismissed from military service military persons is carried out in accordance with the Regulation on the Order of Military Service.

3. When dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures military persons are paid extraordinary allowance in case of the total length of military service equal to:

- less than 10 years - in the amount of 5 money allowance pays;
- from 10 to 15 years - in the amount of 10 money allowance pays;
- from 15 to 20 years - in the amount of 15 money allowance pays;
- 20 years and more - in the amount of 20 money allowance pays.

The amount and order of payment of the extraordinary allowance, mentioned in the present Clause, to citizens, dismissed from military service on other grounds, are determined by the Government of the Russian Federation.

The amount of the extraordinary allowance of military persons, who during their period of military service were decorated with a state order (orders) or conferred honorary titles of the USSR of the Russian Federation, is increased by two money allowance pays.

When dismissed from military service military persons, who served on a call basis, are paid an extraordinary allowance, equal to 100 rubles; extraordinary allowance equal to 500 rubles is paid to the mentioned persons if they are orphans or children, left without care of the parents.

4. Military persons, who served on a contract basis, whose total length of military service is from 15 to 20 years and who were dismissed from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures without right to pension, during five years should be paid social allowance in the amount:

in case of the total length of military service equal to 15 years - 40 percent of the amount of the money allowance pay;

for every year above 15 years - 3 percent of the amount of the money allowance pay.

For military persons, dismissed on the same grounds and having the total length of military service less than 15 years, payment of military post pay is reserved for one year after dismissal.

5. The following additional rights to employment and social security are introduced for citizens, dismissed from military service, and their family members:

priority in provision by government population employment service authorities of work with regard for their speciality in government organizations;

where citizens before call (enrollment) to military service worked in government organizations, the right to work in the same organizations is reserved for them within three months after dismissal from military service; the right to the post, not lower than the one,

occupied before call to military service, is also reserved for those, who served on call (including officers, called to military service according to the Decree of the President of the Russian Federation);

inclusion of the period of military service in the continuous length of service according to Article 10 of the present Federal Law, considered when paying social insurance allowance, extraordinary long-service bonus, percent increment to salary, granting of privileges, connected with the length of service, if the interval between the day of dismissal from military service and the day of admittance to work (enrollment in educational establishment) does not exceed one year, and for veterans of combat actions on territories of other states, veterans, who served under the state of emergency conditions and during armed conflicts, and citizens, whose total length of military service, calculated on favorable terms is equal to 25 years and more, - regardless of the duration of the interval;

priority right to staying at work, to which they were admitted for the first time, in case of reduction or cut down of the number of the staff;

granting to military persons, dismissed from military service with the right to pension, in connection with health condition or in connection with conduct of organizational and staff measures, free of charge acquisition of vocational education without receipt of a scholarship during the period of study;

granting to citizens, dismissed after military service on call and admitted to the previous place of work, pecuniary aid for settlement, determined by the Government of the Russian Federation;

not later, than within one month from application of citizens, dismissed from military service, provision of places in general educational establishments and pre-school educational establishments and summer recreational camps, regardless of the form of property, for their children;

inclusion of the period of military service in the length of civil service of a civil servant in case of his admission to work in government authorities, which is considered when paying extraordinary long -service bonus, increment in percent to their salary, granting other privileges, connected with the length of civil service regardless of the time of dismissal from military service and admittance to civil service.

Single mothers of military persons, serving on a call basis, are granted a priority right to being left at work in case of staff reduction.

Citizens, who became disabled in consequence of mutilation (wound, trauma, contusion) or illness, suffered by them during the period of military service, are entitled to an interest-free

loan for building a residential house and acquisition of durable consumer goods in the order and amount, which are determined by the Government of the Russian Federation.

6. Structures for employment and vocational training of citizens, dismissed from military service, and their family members, should be created within the system of the government population employment service with the purpose of providing employment to the mentioned persons.

**Article 24. Social Security of Family Members of Military Persons in case of Loss of a Bread-Winner**

1. Family members of military persons, who lost their bread-winner, may not be moved out of the housing, occupied by them, without being provided free of charge with another comfortable housing in case of termination of labor relations between the family members and corresponding organizations, after death of a military person the right to improvement of housing conditions is retained by them according to federal laws and other legal acts of the Russian Federation.

Family members of military persons, who lost their bread-winner, have the priority right to acquisition of plots of land for individual housing building, admittance to gardening partnerships (cooperatives). They are granted favorable credits for building individual residential houses, construction, repair of garden cottages and organization of gardens in the order, determined by the Government of the Russian Federation.

Institutions of local governments carry out capital repairs of individual residential houses, belonging to family members of military persons, who lost their bread-winner, at the expense of the federal budget.

3. Family members of military persons, who lost their bread-winner, are relieved of paying personal property tax, transport means tax, inherited by them, as well as from payment of land tax.

Aggregate income, received by family members of a dead military person, who served on a contract basis, for the taxation period is reduced by the income amount, which for every complete month, during which this income was acquired, does not exceed the amount of a triple minimal wage, determined by the federal law.

4. Family members of military persons, who died during the period of military service, and family members of citizens, who served on a contract basis and died after dismissal from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, and whose total length of military service was equal to 20 years and more, excluding cases of remarriage of widows (widowers) of these military persons and citizens, dismissed from military service, keep the right to receiving

housing, privileges regarding payment for housing, utilities, installation of home telephones, subscription fee for using them, radio translators and collective television antennas, which they possessed by the day of death of the military person (citizen), regardless of the form of property to and belonging of the occupied housing, and in case of their living in houses without central heating - also to gain priority in granting a 50 percent discount for payment for fuel, purchased within the norms, established for population, and its delivery.

When calculating payment for the total area of the housing and utilities by the families of dead military persons, living in the houses of the government housing stock, as well as in privatized dwellings, the total living area within the social norm per one person should be excluded from the area of the living premises.

Expenditures, connected with privileges, regarding payment for the total area of living premises, utilities, installation of home telephones, subscription fee for using them, radio translators and collective television antennas, provision and delivery of fuel, should be reimbursed at the expense of the means, mentioned in Clause 10 of Article 15 of the present Federal Law.

Family members of military persons, who lost their bread-winner, parents, who reached retirement age, and disabled parents of senior and supreme officers, who died during military service, as well as senior and supreme officers, who died after dismissal from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of military service is equal to 20 years and more, retain the right to privileges regarding provision of medical aid, sanatorium and resort treatment, travel to the place of this treatment and back, which they enjoyed when the military person was alive.

Parents, spouses and underage children of military persons, who died during carrying out their military service duties, are entitled to free medical aid and priority right to social service in the government system of social services.

5. Unless it is otherwise determined by federal laws and other legal acts of the Russian Federation family members of military persons, who died during military service, and family members of citizens, who served on a contract basis and died after dismissal from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, within one year from the date of death of the bread-winner retain privileges, guarantees and compensations, which they enjoyed when the mentioned military persons (citizens) were alive, excluding privileges, guarantees and compensations, mentioned in Clauses 2-4 of the present Article.

6. Family members of military persons, who died during carrying out their military service duties, besides privileges, guarantees and compensations, specified by the present Article federal laws and other legal acts of the Russian Federation, enjoy additional privileges, guarantees and compensations.

Widows (widowers) of military persons, who died during military service on a contract basis or after dismissal from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of military service was equal to 20 years and more, retain privileges, guarantees and compensations, mentioned in Clauses 2-4 of the present Article, till they remarry.

**Article 25.** *Additional Privileges, Guarantees and Compensations, Granted to Military Persons, Carrying out Military Service Duties Under the State of Emergency Conditions and during Armed Conflicts, and Their Family Members*

1. Military persons, permanently or temporarily fulfilling tasks under the state of emergency conditions and armed conflicts, are entitled to additional privileges, guarantees and compensations, determined by federal laws and other legal acts of the Russian Federation.

2. Family members of military persons, who died during carrying out tasks under the state of emergency conditions and armed conflicts, enjoy privileges, guarantees and compensations, effective in respect of family members of military persons, who died during the Great Patriotic War.

### CHAPTER III - DUTIES AND RESPONSIBILITIES OF MILITARY PERSONS

**Article 26.** *General Duties*

Defense of the state sovereignty and territorial integrity of the Russian Federation, safeguarding state security, rejection of armed attack, as well as fulfillment of tasks according to international obligations of the Russian Federation comprise the essence of the military duty, which obliges military persons to:

be faithful to the oath of allegiance, selflessly serve their people, with fortitude and skillfully defend their Fatherland;

strictly observe the Constitution of the Russian Federation and laws of the Russian Federation, requirements of General Army Regulations, implicitly fulfill orders of commanders;

value honor and military glory of defenders of their people, military rank honor and army solidarity;

improve combat skills, keep in permanent combat readiness weapons and military equipment, preserve military stores;

be disciplined, vigilant, keep state and military secrets;  
observe generally accepted principles and norms of the international law and international treaties of the Russian federation.

A military person is considered carrying out military service duties in cases, specified by the Law of the Russian Federation "On Military Duty and Military Service".

#### **Article 27. Official and Special Duties**

1. Official duties of military persons and the order of their carrying out are determined by federal laws, other legal acts of the Russian Federation and General Army Regulations.

2. Commanders are solitary chiefs and in peacetime and wartime are responsible for constant combat and mobilization readiness, successful fulfillment of combat tasks, education, military discipline, law and order, moral and psychological condition of military personnel, and safety of military service, condition and safety of military equipment and military stocks, pecuniary, technical, financial, every-day maintenance and medical service.

3. Military persons, being on combat duty (combat service), twenty-four hours and garrison duty, attracted for liquidating consequences of natural calamities, as well during other state of emergency conditions carry out special duties. Special duties and the order of their fulfillment are determined by federal laws, other legal acts of the Russian Federation and General Army Regulations.

For carrying out special duties military persons may be granted additional rights (to use weapons, force, put forward requirements, obligatory for implementation, subordination strictly to certain persons, etc.), which are determined by federal laws, other legal acts of the Russian Federation and General Army Regulations.

#### **Article 28. Responsibility of Military Persons for Infringements of the Law**

1. Depending on the nature and heaviness of committed infringement of the law military persons bear disciplinary, administrative, material, civil and criminal responsibilities.

2. For misdemeanors, connected with violation of the army discipline or public order, military persons bear disciplinary responsibility on the grounds and in the order, determined by the General Army Regulations.

Commanders do not bear disciplinary responsibility for infringements of the law, committed by their subordinates, excluding cases of hiding crimes by the commanders, as well as if they within their competence did not undertake necessary measures for preventing and averting the mentioned infringements of the law, making answerable delinquent persons for it.

3. For administrative infringements of the law (violation of the traffic rules, hunting, fishing and fishing stock protection rules, customs rules) military persons bear responsibility on general bases, but administrative penalties, such as fine, deprivation of the right to drive, corrective works and administrative arrest may not be administered in respect of them. For all other administrative infringements of the law military persons bear disciplinary responsibility in the order, determined by the General Army Regulations.

4. For material damage, delivered to the state during carrying out military service duties, military persons bear material responsibility according to federal law on material responsibility of military persons.

5. For failure to fulfill or improper fulfillment of duties, specified by federal laws and other legal acts of the Russian Federation, for losses and moral damage, delivered by military persons being off duty to the state, physical persons and legal entities, as well as in other cases, specified by federal laws and other legal acts of the Russian Federation, military persons bear civil responsibility.

6. For committed crimes military persons bear criminal responsibility according to federal laws and other legal acts of the Russian Federation.

#### **Article 29.** *Enactment of the Present Federal Law*

1. The present Federal Law comes into force from January 1, 1998, excluding paragraph 3 of Clause 2 of Article 12 in the part regarding increase of the money allowance pay, which comes into force during 1998 according to the Resolution of the Government of the Russian Federation.

2. Propose the President of the Russian Federation and order the Government of the Russian Federation to bring its legal acts into correspondence with the present Federal Law.

3. Order the Government of the Russian Federation to organize annual monitoring of social, economical and legal conditions of military persons, dismissed from the military service, and their family members not later than within six months from the date of enactment of the present Federal Law.

#### **Article 30.** *On Declaring Void Several Legal Acts in Connection with Adoption of the Present Federal Law*

In connection with adoption of the present Federal Law the following acts are declares void:

Law of the Russian Federation "On Status of Military Persons" (Records of the Congress of People's Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, 1993, No. 6, page 188);

Federal Law "On Introduction of Amendments and Additions to Articles 15 and 23 of the Law of the Russian Federation "On Status of Military Persons" (Collection of Legal Acts of the Russian Federation, 1995, No. 48, page 4560);

Decree of the Supreme Soviet of the Russian Federation "On the Order of Enactment of the Law of the Russian Federation "On Status of Military Persons" (Records of the Congress of People's Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, 1993, No. 6, page 189);

Decree of the Supreme Soviet of the Russian Federation "On Repeated Consideration of the Law of the Russian Federation "On Status of Military Persons, Legal and Social Guarantees of Citizens, Dismissed from Military Service and their Family Members" (Records of the Congress of People's Deputies of the Russian Federation and Supreme Soviet of the Russian Federation, 1993, No. 6, page 190).

President of the Russian Federation

B. Yeltsin

## **25. DRAFT OF FEDERAL LAW OF THE RUSSIAN FEDERATION ON ALTERNATIVE CIVIL SERVICE**

### Summary:

*This federal law regulates the constitutional right of citizens to perform an alternative to military service. The law specifies those who may opt for this form of service, the means of applying to do so, and those who are exempt from alternative forms of service. The places where service is to be performed and the duration of service are also detailed.*

*The federal bodies with the power to organise alternative service and the regulations applying to their so doing (and liability for any violations) are defined. The financing of service is outlined. The rubric of organising a citizen's induction to, participation in and discharge from alternative service is detailed.*

*The law elaborates in detail the process of applying for alternative service, the assessment of the application, medical examination, and the despatch of the individual to the allotted place of service.*

*The rights, duties and responsibilities of citizens performing military service are outlined, along with limitations on rights and liberties during the performance of service. Payments during service and social insurance and pension provision during and after service are discussed.*

### **CHARTER I- GENERAL PROVISIONS**

#### **Article 1. Alternative Civil Service**

1. Alternative civil service is a special type of labor activity in the interests of the society and state that is performed by the citizens of the Russian Federation (hereinafter referred to as the citizens) instead of military service on call.

2. The legal basis of alternative civil service is the Constitution of the Russian Federation, this Federal Law, other federal laws, and other legal regulation acts of the Russian Federation in this sphere, generally acknowledged principles and standards of International Law and International Treaties of the Russian Federation.

3. Citizens who are performing alternative civil service shall have the status defined according to the Constitution of the Russian Federation by this Federal Law.

The labor of citizens who are performing alternative civil service shall be regulated by the Labor Code of the Russian Federation with the view to peculiarities foreseen by this Federal Law.

**Article 2.** *The Right of a Citizen to Replace Military Service on Call with Alternative Civil Service*

A citizen shall have a right to replace military service on call with alternative civil service in the following cases:

if military service contradicts his beliefs and religion;

if he belongs to native minorities who have a traditional way of life and who are engaged in branches of a traditional economy and traditional trade.

**Article 3.** *Citizens Who Are to Be Sent to Alternative Civil Service*

1. The following individuals shall be sent to alternative civil service: male citizens aged from 18 to 27 years old who are not in the reserve, who have the right according to Article 2 of this Federal Law to replace military service on call with alternative civil service, who have personally submitted, in the order envisaged by this Federal Law, an Application Form to the Military Commissariat about their desire to replace military service on call with alternative civil service and in relation to whom a relevant decision was taken by the Military Draft Commission that is established in every district, every city without district division, any other municipal (administrative and territorial) formation upon the resolution of the local self-government body (hereinafter referred to as the Military Draft Commission) in accordance with this Federal Law.

2. The following citizens shall not be sent to alternative civil service, according to the Federal Law on Military Duty and Military Service:

citizens who have grounds to be released from military service;

citizens who shall not be called to military service;

citizens who have the right to a delay in military service.

**Article 4.** *Place of Performing Alternative Civil Service by Citizens*

1. Citizens shall perform alternative civil service on the territory where they permanently reside or outside the boundaries of the territory, individually or in groups or formations:

in organizations and establishments that are subordinate to Federal bodies of executive power;

in organizations and establishments that are subordinate to executive authorities of the bodies of the Russian Federation;

as civil personnel in establishments and organizations of the Armed Forces of the Russian Federation, other troops and military formations.

2. Citizens who belong to native minorities shall be sent to alternative civil service in establishments and organizations of branches of traditional economy and traditional trade.

3. The list of types of jobs and positions (professions) and establishments and organizations (hereinafter referred to as organizations) where alternative service is to be performed by the citizens, shall be defined by the Government of the Russian Federation.

4. While determining the place of alternative civil service for a citizen, the following shall be taken into consideration: education, profession, qualification, work experience, health and the need of an organization in labor resources.

The place of performing alternative civil service may not, as a rule, be determined to be the organization where a citizen had worked before he was sent to the above mentioned service.

5. The use of labor of citizens, who are performing alternative civil service, shall not block recruitment of other individuals to the organization.

#### **Article 5. *The Term of Alternative Civil Service***

1. The term of alternative civil service shall be fixed as twice as much as for military service on call as defined by the Federal Law on Military Duty and Military Service and shall be:  
for citizens—48 months;  
for citizens who graduated from state, municipal or having state accreditation in relevant spheres of training (professions) non-state educational institutions of higher professional education—24 months.

2. The term of alternative civil service for citizens who are performing the said service in organizations of the Armed Forces of the Russian Federation, other troops and military formations, shall be set one and a half time longer than the term of military service on call envisaged by the Federal Law on Military Duty and Military Service, and shall constitute:  
for citizens—36 months;  
for citizens who graduated from state, municipal, or non-state educational institutions of higher professional education having state accreditation in relevant spheres of training (professions) — 18 months.

3. The beginning of the term of citizen's alternative civil service shall be the day of his departure for the place of performing alternative civil service, defined by the instruction of the Military Commissariat.

4.The end of citizen's alternative civil service shall be the day when the employer terminates the fixed term labor contract with a citizen upon his discharge from alternative civil service. At this time the fixed term labor contract shall be terminated, in relation to the citizen who is performing alternative civil service, by the employer on the day when the term of citizen's alternative civil service is over.

5.The following shall not be included in the term:  
absence, including absence from the place of work without reasonable grounds for more than 4 hours continuously during the working day;  
the time of being on additional leaves that are granted to students of educational institutions;  
the time of serving criminal or administrative punishment in the form of an arrest.

### **Article 6.** *Organization of Alternative Civil Service*

1.Organization of alternative civil service shall be established under this Federal Law by the Regulations on the Order of Performing Alternative Civil Service, as well as other legal regulation acts of the Russian Federation.

2.Organization of alternative civil service shall be executed by specially authorized Federal bodies of executive power, defined by the President of the Russian Federation and the Government of the Russian Federation within their powers.  
Within their competence and according to this Federal Law, the President of the Russian Federation and the Government of the Russian Federation shall entrust to special representative bodies of executive power the execution of corresponding standard regulation, as well as organizational control and other functions in the sphere of organization of alternative civil service.

3.On the grounds of, and in order to observe, the Constitution of the Russian Federation the Government of the Russian Federation shall adopt Regulations on the Order of Performing Alternative Civil Service, issue other legal regulation acts in the sphere of organization of alternative service and provide for their execution.

4.The following bodies shall be engaged in the organization of alternative civil service: Federal bodies of executive power, defined by the President of the Russian Federation and the Government of the Russian Federation within their competence, and executive authorities of the bodies of the Russian Federation that have subordinate organizations where alternative civil service is to be performed by the citizens, as well as these subordinate organizations.  
Functions of Federal bodies of executive power that have subordinate organizations where alternative civil service is to be performed by the citizens, related to organization of alternative

service shall be determined by the President of the Russian Federation and the Government of the Russian Federation within their competence and in accordance with this Federal Law.

The executive authorities of the bodies of the Russian Federation that have subordinate organizations where the citizens are to perform alternative civil service, shall:

submit to specially authorized Federal bodies of executive power suggestions on the lists of jobs and positions (professions), as well as subordinate organizations, where it is suggested to envisage that alternative civil service is performed by the citizens;

keep records of subordinate organizations where it is envisaged that alternative civil service is performed by the citizens;

forward to specially authorized Federal bodies of executive power necessary information about citizens who have arrived to perform alternative civil service in subordinate organizations;

keep records of the citizens performing alternative civil service in subordinate organizations, organize their stationing and communal services;

control how subordinate organizations, where citizens perform alternative civil service, execute the legislation of the Russian Federation on labor;

provide, within their competence, for the observation of provisions of this Federal Law, take measures in order to realize rights of citizens who are performing alternative civil service and their social protection.

Organizations where it is envisaged that alternative civil service is performed by citizens, shall:

submit to a Federal body of executive power or to executive authority of the body of the Russian Federation, that have subordinate organizations, suggestions on the lists of jobs and positions (professions) in which it may be envisaged that alternative civil service is performed by citizens;

recruit for a job citizens who are sent to perform alternative civil service and cancel their job contract;

control how citizens perform their working duties and if a citizen dodges alternative civil service take measures in order to make him answer according to the legislation of the Russian Federation;

provide, within their competence, for the observation of provisions of this Federal Law, take measures in order to realize rights of citizens who are performing alternative civil service and their social protection.

5. The bodies of local self-government shall participate in organizing alternative civil service according to this Federal Law.

**Article 7.** Responsibility of Officials for Violating this Federal Law

Members of Military Draft Commissions, Officials of Federal bodies of state power, state authorities of the bodies of the Russian Federation, bodies of local self-government and organizations that contribute by their actions, that citizens are illegally sent to alternative civil service or that citizens dodge alternative civil service (performance of duties of alternative civil service), and that prevent citizens from performing their duties of alternative civil service and that do not fulfil duties connected with organization of alternative civil service and determined by legislative and other legal regulation acts of the Russian Federation, shall be made to answer as envisaged by the legislation of the Russian Federation.

**Article 8.** *Financing of Measures Connected with Organization of Alternative Civil Service*

Financing of measures connected with organization of alternative civil service and granting rights and social guarantees to citizens who are performing alternative civil service shall be done with the money of the Federal budget, budgets of the bodies of the Russian Federation, budgets of organizations and non-budget sources in the order envisaged by the legislation of the Russian Federation.

**Article 9.** *Organization and Performance of Alternative Civil Service at the Time of Mobilization, Martial Law and at War Time*

Organization and performance of alternative civil service at the time of mobilization, Martial Law, and in war time shall be determined by Federal Constitutional Laws, Federal laws, and other legal regulation acts of the Russian Federation.

**CHAPTER II- ORGANIZATION OF SENDING CITIZENS TO  
ALTERNATIVE CIVIL SERVICE**

**Article 10.** *Sending Citizens to Alternative Civil Service*

1. Sending citizens to alternative civil service shall comprise the following:  
a citizen shall submit an application form on the replacement of military service on call with alternative civil service;

the application form submitted by a citizen shall be examined at the meeting of the Military Draft Commission and the Military Draft Commission shall issue a Resolution on replacing military service on call with alternative civil service for a citizen or on refusal to replace it;

a citizen shall appear for a medical examination and shall be present at the meeting of the Military Draft Commission in order to take a decision on sending him to alternative civil service; a citizen shall appear before the Military Commissariat and shall receive an instruction to depart for the place where he will perform alternative civil service.

2. Sending citizens to alternative civil service shall be organized by the Head of the local self-government body together with the Military Commissioner and shall be effectuated by the Military Draft Commission according to the Federal Law on Military Duty and Military Service.

3. Citizens shall be summoned by the Military Commissariat for taking measures connected with sending of citizens to alternative civil service.

4. The order of sending of citizens to alternative civil service shall be defined by this Federal Law, other Federal laws, orders of the President of the Russian Federation, Regulations on the Order of Performing Alternative Civil Service and other legal regulation acts of the Russian Federation.

5. Citizens who belong to native minorities shall be sent to perform alternative civil service as defined by the Regulations on the Order of Performing Alternative Civil Service.

**Article 11.** *Submission by Citizens Application Forms on Replacing Military Service on Call with Alternative Civil Service*

1. Citizens have the right to submit an application form on replacing military service on call with alternative civil service to the Military Commissariat where they are registered in military books:

until April, 11—citizens who shall be called to military service in October–December of the current year;

until October, 1—citizens who shall be called to military service in April–June of the next year.

Citizens who use delays from military service expiration dates of which are due after the regular call-up to military service is over and if the grounds for the delay were eliminated before time, shall be entitled to submit application form on replacing military service on call with alternative civil service after April 1 and October 1 within 10 days from the day when the grounds for the delay were eliminated.

Citizens who use delays from call to military service expiration dates of which are due after April 1, and October 1 but not later than the term of regular call-up to military service is over shall

submit an application form for replacing military service on call with alternative civil service on common grounds.

Citizens who express their desire to replace military service with alternative civil service shall give proof that military service contradicts their beliefs or religion.

2. In the application form for replacing military service on call with alternative civil service, a citizen shall indicate the reasons and circumstances that made him request alternative civil service.

The following documents shall be enclosed to the application form: autobiography, characteristics from the place of work or studies of a citizen (for those who are working (have worked) and/or studying (have studied)). A citizen has the right to attach any other documents to the application form.

In his application form a citizen has the right to indicate individuals who agree to confirm the truthfulness of his reasons that military service contradicts his beliefs or religion.

3. The Military Commissariat shall issue a citizen a document that confirms that his application form is registered.

**Article 12.** *Examination of Citizen's Application Form on Replacing Military Service on Call with Alternative Civil Service*

1. A citizen's Application form for replacing military service on call with alternative civil service shall be submitted for examination at a meeting of the Military Draft Commission.

At the meeting a citizen who has submitted an application form on replacing military service on call with alternative civil service, and individuals who have agreed to testify that military service contradicts the beliefs and religion of a citizen, shall be heard.

The Military Draft Commission shall consider citizen's Application forms on replacing military service on call with alternative civil service only in the presence of a citizen. The citizen shall be informed about the date and time of the meeting of the Military Draft Commission beforehand.

2. The Military Draft Commission shall evaluate the reasons of a citizen that military service contradicts his beliefs and religion on the following grounds:

A Citizen who has submitted an Application form on replacing military service on call with alternative civil service, and individuals who have agreed to testify that military service contradicts beliefs and religion of a citizen, shall make speeches at the Meeting of the Military Draft Commission;

Documents submitted by a citizen shall be analyzed;

Documents that characterize the citizen and that were received by the Military Draft Commission shall be analyzed;

Individual interviews shall be held with a citizen who has submitted an Application form for replacing military service on call with alternative civil service; his parents (other legal representatives), representatives of organizations (teachers of an educational institution), where he is working (has worked) and/or studying (has studied); and individuals who have agreed to testify circumstances and reasons that made the citizen apply for replacement of military service on call with alternative civil service.

3. Upon the results of examination of the Application form, the Military Draft Commission shall take a decision to replace military service on call with alternative civil service for the citizen or to refuse this replacement.

The decision to replace military service on call with alternative civil service for the citizen or to refuse this replacement shall be taken by the Military Draft Commission within a period of one month from the expiration date for submitting Application form to the Military Commissariat as envisaged by paragraph 1 Article 11 of this Federal Law.

If it is necessary to request additional documents, the term within which the decision is to be taken may be prolonged by the Chairman of the Military Draft Commission, but not for more than one month.

The decision shall be taken by the simple majority of votes on the condition that not less than two thirds of Members of the Military Draft Commission were present and shall be announced to the citizen in relation to whom the decision was taken.

4. A citizen may be refused to replace military service on call with alternative civil service on the following grounds:

If the citizen broke the terms and/or the order of submitting the Application form on replacing military service on call with alternative civil service that are defined by Article 11 of this Federal Law and Regulations on the Order of Performing alternative civil service;

If the Military Draft Commission did not consider the reasons of the citizen to be sufficient to prove that military service contradicts beliefs and religion of a citizen;

If there is false information in the Application form on replacing military service on call with alternative civil service and in the documents attached to it;

If the citizen was summoned twice at the meeting of the Military Draft Commission and did not appear without good reason;

If the citizen was given a possibility of performing alternative civil service and he evaded it.

5. Good reasons that the citizen did not appear at the meeting of the Military Draft Commission shall be the following if they are confirmed in writing:

illness or injury (mutilation) of a citizen resulted in the loss of ability to work;  
grave state of health of Citizen's Father, Mother, wife, son, daughter, brother, sister, grandfather,  
grandmother, or a person who adopted him, or if a citizen is present at a funeral;  
other reasons that are considered to be sufficient by the Military Draft Commission.

6. The following documents shall be issued to the citizen in relation to whom the Military Draft Commission has taken a decision to replace military service on call with alternative civil service: a copy of resolution, summons where the date of medical examination is indicated and the date of the meeting of the Military Draft Commission in order to take a decision on sending him to alternative civil service.

7. The citizen, in respect of whom the Military Draft Commission has taken a decision to refuse the replacement of military service on call with alternative civil service shall be called to military service in accordance with the Federal Law on Military Duty and Military Service. A copy of the decision of the Military Draft Commission shall be given to a citizen at his request within 3 days from the day it was adopted.

**Article 13.** *Medical Examination of the Citizen and Adoption of a Decision to Send Him to Alternative Service*

1. The citizen, in relation to whom the Military Draft Commission has taken a decision to replace military service on call with alternative civil service, shall have a medical examination within the terms fixed by the Military Commissariat and shall appear at a meeting of the Military Draft Commission in order to decide the question of sending him to alternative civil service.

2. Medical Examination of the citizens who are to be sent to alternative civil service shall be made in the order foreseen by the Federal Law on Military Duty and Military Service for citizens who are to be called to military service.

3. The Decision on sending a citizen to alternative civil service shall be taken by the Military Draft Commission in accordance with the decision to replace military service on call with alternative civil service if there are no reasons for release from or delay in calling to military service.

The decision to send a citizen to alternative civil service may be taken only when the citizen has reached the age of 18 years old.

4. In the case in which a citizen does not appear at the meeting of the Military Draft Commission without good reasons defined by paragraph 5 Article 12 of this Federal Law, the citizen shall be called to military service according to the Federal Law on Military Duty and Military Service.

**Article 14.** *Sending of Citizens to the Place of Performing Alternative Civil Service*

1. The citizen shall be sent to the place of performing alternative civil service by the Military Commissioner according to the plan of a specially authorized Federal body of executive power.

2. A citizen who is sent to perform alternative civil service shall come to the Military Commissariat on the date indicated in the summons of the Military Commissariat and shall receive instructions in order to depart for the place of performing alternative civil service. The citizen shall depart for the place of performing alternative civil service and arrive at it within the terms indicated in the instruction.

**Article 15.** *Settlement of Disputes Connected with Sending of Citizens to Alternative Civil Service*

The decision of the Military Draft Commission to refuse the replacement of military service on call with alternative civil service may be appealed by the citizen in court in the order envisaged by the legislation of the Russian Federation.

### CHAPTER III - PERFORMANCE OF ALTERNATIVE CIVIL SERVICE

**Article 16.** *The Order of Performing Alternative Civil Service*

1. The order of performing alternative civil service is defined by this Federal law, other Federal laws, the Regulations on the Order of Performing Alternative Civil Service and other legal regulation acts of the Russian Federation.

2. The employer to whom a citizen has arrived from the Military Commissariat to perform alternative civil service shall conclude a fixed-term labor contract with him for the period of performing alternative civil service in this organization and give within three days an appropriate notice to the Military Commissariat that has sent the citizen to perform alternative civil service, as well as to the Federal body of executive power or the executive authority of the body of the Russian Federation this organization is subordinated to.

3. On the grounds and in the order determined by the Regulations on the Order of Performing Alternative Civil Service, the citizen performing the alternative civil service is transferred to another organization, where the performance of the alternative civil service is envisaged.

4. Upon the decision of the Federal bodies of executive power or the executive authorities of the body of the Russian Federation within their competence, the citizens performing alternative civil service in the organizations subordinated to these bodies can be enlisted to eliminate the effects of natural disasters, catastrophes or other emergency cases on the territory of the Russian Federation.

**Article 17.** *The Leave of the Citizen, who is performing the Alternative Civil Service*

1. The organization where the citizen is performing alternative civil service grants leaves in the order established by the Labor Code of the Russian Federation.

2. The duration of the annual paid leave and unpaid leave shall increase by the number of days needed for a return travel to the place, where the citizen spends his leave.

**CHAPTER IV - RIGHTS, DUTIES, AND RESPONSIBILITY OF CITIZENS WHO ARE PERFORMING ALTERNATIVE CIVIL SERVICE**

**Article 18.** *The Status of the Citizens Who Are Performing Alternative Civil Service*

1. The status of citizens who are performing alternative civil service is a collection of rights and liberties guaranteed by the State as well as of their duties and the responsibility established by Federal constitutional laws, this Federal law, Federal laws and other legal regulation acts of the Russian Federation.

2. Citizens acquire the status of individuals performing alternative civil service with the beginning of alternative civil service and lose it with the ending of alternative civil service.

3. In the order determined by the Regulations on the Order of Performing Alternative Civil Service, documents confirming the performance of alternative civil service shall be issued to the citizens performing alternative civil service.

**Article 19.** *Rights of the Citizens Who are Performing Alternative Civil Service, Privileges, Guarantees and Compensations Granted to Them*

1. The citizens performing alternative civil service have the human and civil rights and liberties with some restrictions established by Federal Constitutional laws, this Federal law and Federal laws.

The citizens performing alternative civil service are granted privileges, guarantees and compensations owing to the special mode of their labor activity.

2. The period of performing alternative civil service is included in the total and continuous record of service and the professional record of service.

The period of performing alternative civil service in the country's extreme north or areas equated to it as well as in areas with local salary coefficients and rated increases is included in the record of service acquired in these areas.

The period of performing alternative civil service at positions and by occupations related to the execution of hard work and work with harmful and dangerous work conditions is included in the record of service and gives the right to receive privileges and compensations for work under these conditions in the order established by the legislation of the Russian Federation.

3. The citizen who is performing alternative civil service keeps the housing space he has occupied before being sent to the alternative civil service. He can not be excluded from the list of people who need better housing.

4. Within three months after the discharge from alternative civil service the citizen, who has worked in state and municipal organizations before being sent to alternative civil service, reserves the right to be employed at the same organization at the same position or at another equal position (if the first one is absent) at the same or at another organization if the employee gives his consent to it.

5. After discharge from alternative civil service the citizen sent to perform the alternative civil service at the time of his studies at an educational institution reserves the right to be put on the students' list at the same educational institution and to enter the same year where he has been studying before being sent to alternative civil service.

6. At non-working time the citizens performing alternative civil service are entitled to study at educational institutions part-time or by correspondence.

The citizens mentioned in this clause are granted guarantees and compensations envisaged by the Labor Code of the Russian Federation for part-time students. Nevertheless, they cannot be assigned a decreased working week (decreased working time).

7. The right to health protection and medical aid is secured for the citizens performing alternative civil service.

Medical aid is rendered to the citizens performing alternative civil service at state or municipal medical institutions at the place of performing alternative civil service.

8. The citizens performing alternative civil service are entitled to free travel by rail, air, water, and motor (except for taxi) to the place of performing alternative civil service because of the transfer to a new place of performing the alternative civil service, to a free return travel to the place of residence where they spend their annual paid leaves (once a year), to a free travel to the place of residence after the discharge from alternative civil service.

In the order determined by the Government of the Russian Federation, the expenditures connected with the citizens' right to a free travel to the place of performing alternative civil service, not excluding the transfer to a new place of performing the alternative civil service and to the place of residence after the discharge from alternative civil service, shall be paid from the Federal Budget. In the order determined by the Government of the Russian Federation the employer bears expenditure connected with the right of the citizens who are performing alternative civil service to a free return travel to the place of residence where they spend their annual paid leaves.

**Article 20.** *Work and Payment Conditions, Social Insurance and Pension Provision of Citizens, who are Performing Alternative Civil Service*

1. The working time of the citizens who are performing alternative civil service have labor protection regulations, safety standards and industrial sanitation rules laid down in accordance with the labor legislation and other legal regulation acts containing labor law standards.

The citizen shall fulfil his labor duties without limitation of the total weekly working time when he is taking part in activities the list of which is defined by the Head of the Federal body of executive power or by the Head of the executive authority of the body of the Russian Federation the organization, where the citizen is performing alternative civil service, is subordinated to. The order and conditions of granting a leave to compensate the citizen his participation in the activities mentioned above are determined by the order of performing alternative civil service.

2. The work of the citizen who is performing alternative civil service is paid by the organization in accordance with the internal scale of payment.

3. The organizations where the performance of alternative civil service is envisaged provide the citizens with accommodation if they are performing alternative civil service outside the area of their permanent residence.

The citizens who are performing the alternative civil service at the organizations of the Armed Forces of the Russian Federation, other troops and military formations shall not be accommodated together with the soldiers performing military service on call.

4. Provision with special clothes and any material support of the citizens who are performing alternative civil service shall be carried out by the organizations in the order, according to the standards and on the terms established by the legislation of the Russian Federation for a certain kind of work.

5. In accordance with the legislation of the Russian Federation and other legal regulations acts of the Russian Federation, the citizens who are performing alternative civil service shall be socially insured and provided with a pension in case of disability by the State.

**Article 21.** *Duties of the Citizens Who Are Performing Alternative Civil Service, and Limitation of their Rights and Liberties*

1. The citizens who are performing alternative civil service shall:  
observe the Constitution of the Russian Federation, Federal Constitutional laws and Federal laws, meet the requirements established by this Federal law, the Regulations on the Order of Performing Alternative Civil Service, rules established by the departmental by-laws and Regulations on discipline or by internal labor regulations valid at the place of performing alternative civil service;  
depart for the place of the performing alternative civil service and arrive there on the terms mentioned in the order;  
observe labor discipline, conscientiously fulfil labor duties imposed on them according to the labor contract.

2. The citizens who are performing alternative civil service are not entitled:  
to deny the conclusion of the labor contract as well as the fulfilment of the labor duties imposed on them according to the labor contract;  
to fill a managing position;  
to take part in strikes and other forms of suspending the organization's activity;  
to combine alternative civil service with work for other organizations as well as to practice any other paid activity;  
to carry on business personally or via trustees as well as to render assistance to any natural and juridical persons in their business, to acquire payment for it and to enjoy privileges;  
to leave without the consent of the employer's representative the location of the organization where they are performing the alternative civil service;  
to terminate (cancel) the fixed-term labor contract by their own wish;  
to leave the work place and the organization where they are performing alternative civil service during the working time established by the internal labor regulations and the shift schedule.

**Article 22.** *The Responsibility of the Citizens Who Are performing the Alternative Civil Service*

The citizens performing the alternative civil service bear disciplinary, administrative, material, civil and criminal responsibility in accordance with the legislation of the Russian Federation with view to the peculiarities related to performance of alternative civil service.

## CHAPTER V- DISCHARGE FROM ALTERNATIVE CIVIL SERVICE

### **Article 23.** *The Grounds and Order for Discharge from Alternative Civil Service*

1.The grounds upon which the citizen shall be discharged from alternative civil service shall be:

- a) the term of alternative civil service has expired;
- b) the Military Medical Commission has considered the citizen to be unfit for military service or partially fit for military service;
- c) the citizen performs the duties of a member of the Federation Council of the Federal Assembly of the Russian Federation, if a citizen is elected to be deputy of the State Duma of the Federal Assembly of the Russian Federation, deputy of the legislative (representative) state authority of the body of the Russian Federation, Head of the executive authority of state power of the body of the Russian Federation, deputy of representative bodies of local self-government, chief of municipal formation and if he performs permanently the abovementioned powers;
- d) if the Judgement of the Court on punishment in the form of deprivation of liberty of a citizen has entered into force.

2.The citizen has a right to be discharged before time from alternative civil service if there are grounds permitting the citizen who has no military rank of an Officer and who is performing military service on call to be discharged from military service before time in accordance with the Federal Law on Military Duty and Military Service.

3.The order of discharging a citizen from alternative civil service shall be determined by this Federal Law and Regulations on the Order of performing alternative civil service.

4.The decision to discharge a citizen from alternative civil service shall be taken by Officials appointed by the Head of the Federal body of executive power or by the Head of executive authority of the body of the Russian Federation that have subordinate organization where the citizen is performing alternative civil service.

The decision taken by an Official of the Federal body of executive power or by an Official of executive authority of the body of the Russian Federation shall be a ground for termination by the employer of a fixed term labor contract with a citizen who is performing alternative civil service.

5.After the fixed term labor contract was terminated with the citizen who is performing alternative civil service, the employer shall inform within three days the Federal body of executive power or executive authority of the body of the Russian Federation that have a subordinate organization.

**Article 24.** *Enrollment of a Citizen who has Performed Alternative Civil Service into Reserve*

1. Citizens who have performed alternative civil service shall be enrolled into reserve of the Armed Forces of the Russian Federation.

2. Citizens who have performed alternative civil service shall not be called to military training camps.

3. A citizen who has performed alternative civil service may be enlisted in the order envisaged by the Government of the Russian Federation for carrying out jobs connected with liquidation of natural disasters, catastrophes and other emergency situations on the territory of the Russian Federation for the term not more than twelve months of the whole period of being in reserve with reservation of their working place.

The duration of each enlistment shall not exceed two months.

**CHAPTER VI - CLOSING PROVISION**

**Article 25.**

Entry into Force of this Federal Law

This Federal Law shall enter into force from January 1, 2004.

President of the Russian Federation

## **26. ON THE MILITARY-TECHNICAL COOPERATION OF THE RUSSIAN FEDERATION WITH FOREIGN STATES**

Adopted by the State Duma July 3, 1998

Approved by the Federation Council July 9, 1998

### Summary:

*This federal law regulates military-technical cooperation between Russian manufacturers and foreign states and specifies the managerial responsibilities of government and executive bodies.*

*The law specifies the aims of military-technical cooperation from the state's perspective, addressing economic interests but also specifying the restrictions on trade including observance of international treaties, domestic law, and domestic security interests. The means for ensuring a state monopoly for activities in this sphere are described, including the details of the export control structure.*

*The president's power to prohibit trade activity, the role of the government, and the right to pursue foreign trade activities are also discussed.*

The present Federal Law establishes the principles of the state policy in the sphere of military-technical cooperation of the Russian Federation with foreign states, the legal and organizational fundamentals for the activities of the bodies of state power of the Russian Federation, the state regulation and financing of works in the sphere of military-technical cooperation, sets out a procedure for the participation in the implementation of military-technical cooperation of developers, manufacturers of military-purpose products and other entities operating in the sphere of the military-technical cooperation and defines the rights thereof in this sphere.

### **Article 1. Basic Terms**

The following terms are used for the purposes of the present Federal Law:

"military-technical cooperation" are the activities in the sphere of international relations relating to the exports and imports including delivery or purchase of military-purpose products as well as to the manufacturing of military-purpose products;

"military-purpose products" are weaponry, materiel, works, services, the results of intellectual activities including exclusive rights to them (intellectual property) and military-technical information;

the following are deemed to be military-purpose products:

"weaponry and materiel" are the complexes of various kinds of weapons and the combat support thereof including carriers, guidance, launch, control systems and other special technical means intended for equipping the armed forces, ammunition and components thereof, spare parts, instruments and components thereof, training weapons (mock-ups, training equipment, simulators of the various kinds of weaponry and materiel);

communications systems and systems of controlling troops, weapons and materiel;

explosives, explosion objects and devices, powder (excluding hunting powder), combat missile fuels, special-purpose materials and special equipment for the manufacture thereof;

engineering structures, equipment for combat use of weaponry and materiel;

special equipment and know-how for the manufacturing, repairing, upgrading and/or demolition (disposal) of weaponry and materiel;

manufacturing, operating, repairing, upgrading and/or demolishing (disposing) facilities for weaponry and materiel;

armed forces personnel support systems, special equipment and materials for the manufacturing thereof;

collective and individual protection means against mass destruction weapons, means for preventing and treating the consequences of mass destruction weapon application;

special logistic equipment, military uniforms and attributed parts;

technical documentation (regulatory technical, engineering, design, technological, operating, program, instructive/methodological) governing the creation, manufacturing, operation, combat use, upgrading, repair and demolition (disposal) of military-purpose products;

scientific and technological (regulatory technical) documentation governing safety including environmental safety of the manufacturing of military-purpose products;

safety standards for the human being and environment;

the results of research and development works for the creation, upgrading and/or demolition (disposal) of weaponry and materiel;

scientific and technological information on material carriers as well as inventions, useful models and industrial design and other results of intellectual activities having military, military-technical purpose;

special software/mathematical support for automated systems intended for controlling troops, weapons and materials, military-purpose research and development works;

training in the development, manufacturing, operation, combat use, repair, upgrading and maintenance of weaponry and materiel;

the creation, additional equipment and upgrading of the facilities intended for the

manufacturing, deployment, repair, operation and combat use and/or demolition (disposal) of weaponry and materiel as well as providing for the functioning of these facilities;

training and educating of military and military-technical cadres of foreign states;

the transfer (sales) of licenses, design, engineering and research and development documentation for the creation, manufacturing, upgrading, operation, combat use, repair and/or demolition (disposal) of weaponry and materiel and providing technical assistance in the organization of these works;

conducting and/or taking part in research and development works intended for the creation, upgrading and/or demolition (disposal) of military-purpose products, means and techniques for protection against mass destruction and conventional weaponry;

providing means of transportation including military ones for the delivery and carriage of military-purpose products;

the transfer of military-purpose products to foreign states under lease (leasing) or for the purpose of testing;

conducting on the request of foreign states of exercises, shooting range exercises, weaponry and materiel testing on a testing ground in the Russian Federation;

demonstration and exhibitions of military-purpose product prototypes on the territory of the Russian Federation and abroad;

the services of investment, marketing, advertising and other nature in the sphere of military-technical cooperation;

setting up organizations with foreign investments for the purpose of developing and manufacturing products, conducting works and providing services intended for military purposes;

research and testing, certification, the prolongation of the operation term of weaponry and materiel, calibration against a primary standard of monitoring and metering instruments;

the repair of weaponry and materiel;

consultations on the issues of armed forces organization and buildup, the combat use of weaponry and materiel as well as on other military and military-technical matters;

other activities in the sphere of military-technical cooperation as not being in conflict with the legislation of the Russian Federation;

"the exports of military-purpose products" is the carriage of military-purpose products out of the territory of the Russian Federation;

"the imports of military-purpose products" is the carriage of military-purpose products to the territory of the Russian Federation;

"military-technical assistance" is providing military-purpose products to foreign states free of charge or on other privileged terms under the international obligations of the Russian

Federation, that require payment out of the federal budget resources;

"the entities engaged in military-technical cooperation" is Russian organizations that have obtained the right to pursue foreign trade activities in respect to military-purpose products;

"the manufacturers of military-purpose products" is Russian legal entities that have manufacturing facilities required to manufacture military-purpose products (perform military-purpose works, services) and that have obtained licenses for the pursuance of the kind of activities specified in the licenses;

"the developers of military-purpose products" is Russian legal entities (scientific research organizations) carrying on the elaboration and upgrading weaponry and materiel prototypes, having appropriate scientific research personnel and experimental facilities required for such a purpose and having obtained licenses for the pursuance of the kinds of activities specified in the licenses;

"the foreign entities engaged in military-technical cooperation" is foreign legal entities and natural persons having the right to implement military-technical cooperation under the legislation of their states.

### ***Article 2. Legal Regulation in the Sphere of Military-Technical Cooperation***

The military-technical cooperation of the Russian Federation with foreign states is governed by the present Federal Law, other federal laws, other regulatory legal acts of the Russian Federation as well as international treaties of the Russian Federation.

All issues connected with the military-technical cooperation of the Russian Federation with foreign states are within the exclusive competence of the bodies of state power of the Russian Federation.

### ***Article 3. The Goals of the Military-Technical Cooperation of the Russian Federation with Foreign States***

The main goals of the military-technical cooperation of the Russian Federation with foreign states are as follows:

strengthening the military and political position of the Russian Federation in the various regions of the world;

upkeeping the export potential of the Russian Federation on the necessary level in the sphere of conventional weaponry and materiel;

developing scientific and technological as well as experimental base of the defense branches of the industry, their research and development institutions and organizations;

obtaining foreign currency resources for state needs, development of military production, conversion, demolition (disposal) of weaponry and materiel and restructuring defense manufacturing enterprises;

providing social protection for the personnel of the organizations developing and manufacturing weaponry, military and special materiel and articles.

**Article 4.** *The Principles of the State Policy in the Sphere of the Military-Technical Cooperation of the Russian Federation with Foreign States*

1. The basic principles of the state policy in the pursuance of military-technical cooperation with foreign states are as follows:

the priority of the interests of the Russian Federation in the pursuance of military-technical cooperation;

state monopoly for activities in the sphere of military-technical cooperation;

the observance of the international treaties on the non-proliferation of nuclear weapons, reduction of weapons and disarmament, prohibition and destruction of chemical, biological and other kinds of mass destruction weapons;

the observance of the international obligations of the Russian Federation in the sphere of control over the exports or military-purpose products, dual-purpose goods and know-how;

the state protection of the rights and lawful interests of the legal entities connected with the development, manufacturing and sales of military-purpose products;

the state protectionism in the sphere of military-technical cooperation;

the inadmissibility of a loss being inflicted to the defensive capability and security of the Russian Federation in the course of implementation of military-technical cooperation;

the safeguarding and maintaining of the political, economic and military interests of the Russian Federation;

the observance of mutually beneficial military-political and economic interests in the sphere of military-technical cooperation with foreign states on the terms acceptable for the Russian Federation;

providing equal conditions for participation in the implementation of military-technical cooperation to military-technical cooperation entities;

the monitorability and accountability of the federal bodies of executive power and all the Russian legal entities taking part in military-technical cooperation.

2. The state monopoly for activities in the sphere of military-technical cooperation shall be ensured through:

administering exclusive powers of the bodies of state power of the Russian Federation in the

sphere of military-technical cooperation;

introducing a permission procedure for the exports and imports of military-purpose products;

regulating military-technical cooperation in accordance with the military and political as well as economic interests of the Russian Federation;

pursuing a uniform state policy in the sphere of shaping up foreign trade prices for military-purpose products;

providing budget financing for the exports and imports of military-purpose products carried on as the fulfillment of the international obligations of the Russian Federation.

**Article 5.** *The Methods of State Regulation and the Implementation of State Monopoly in the Sphere of Military-Technical Cooperation*

The basic methods of state regulation and the implementation of state monopoly in the sphere of military-technical cooperation are as follows:

the methods being in compliance with the principles of state monopoly in the sphere of military-technical cooperation and based on the licensing of the development, manufacturing of military-purpose products, setting out a procedure for the exports and imports, sales and/or purchases of military-purpose products, a permission procedure for activities in the sphere of military-economic cooperation, the legal and organizational regulation of the activities;

an exports control system applicable in foreign trade activities in respect to military-purpose products as aimed at ensuring defense, security and economic stability of the Russian Federation, protecting its domestic market, maintaining and strengthening its political and strategic positions, observing the international obligations concerning the reduction and destruction of weapons as well as the non-proliferation of mass destruction weapons;

the determination of a procedure for granting the right to pursue foreign economic activities in respect to military-purpose products to Russian organizations;

the licensing of the imports and exports of military-purpose products;

the prevention of the monopoly of a military-technical cooperation entity in the Russian Federation;

the prevention of the participation of Russian organizations not holding the rights to pursue foreign trade activities in respect of military-purpose products in military-technical cooperation;

the prevention of the competition of several Russian military-technical cooperation entities in foreign market by means of separating the spheres of activities thereof;

the customs regulation of the imports and exports of military-purpose products including exports/imports transactions in the sphere of military-technical cooperation;

the coordination of activities in the sphere of military-technical cooperation and proper monitoring of these activities by the bodies of state power of the Russian Federation.

**Article 6.** *Limitations on the Implementation of Military-Technical Cooperation of the Russian Federation with Foreign States*

1. On the proposal of the Government of the Russian Federation the President of the Russian Federation shall endorse a list of military-purpose products permitted to be transferred to foreign customers.

The exports of military-purpose products not included in the said list may be effected exclusively pursuant to decisions of the President of the Russian Federation.

2. On the proposal of the Government of the Russian Federation the President of the Russian Federation shall endorse a list of the states to which it is permitted to transfer the military-purpose products specified in the list of military-purpose products permitted to be transferred to foreign customers.

The transfer of specific kinds of military-purpose products to the specific states included in the said list may be limited by decisions of the President of the Russian Federation.

The exports of military-purpose products to the states not included in the said list may be effected exclusively pursuant to decisions of the President of the Russian Federation.

3. Decisions of the President of the Russian Federation shall prohibit or limit the exports of military-purpose products to specific states for the purpose of ensuring the fulfillment of decisions of the Security Council of the United Nations Organization on the measures aimed at maintaining or restoring international peace and security as well as for the purpose of protecting the national interests of the Russian Federation.

4. Foreign trade activities in respect to military-purpose products are prohibited to the Russian organizations not holding in due course the right to pursue such activities as well as Russian natural persons.

**Article 7.** *State Control over the Implementation of Military-technical Cooperation*

1. State control over activities in the sphere of military-technical cooperation shall be exercised by the bodies of state power of the Russian Federation within the competence thereof provided in the Constitution of the Russian Federation and federal laws for the purposes of ensuring the observance of the provisions of the present Federal Law.

2. State control shall be exercised in respect of:

the compliance of the activities of the federal bodies of executive power in charge of the

issues of the military-technical cooperation of the Russian Federation with foreign states and of the entities engaged in military-technical cooperation with the legislation of the Russian Federation, the goals and principles of the state policy of the Russian Federation in the sphere of military-technical cooperation;

the effectiveness of the system of state regulation in the sphere of military-technical cooperation;

the observance of the international obligations of the Russian Federation in the sphere of military-technical cooperation;

the effectiveness of the use of the budget resources allocated to finance the military-technical cooperation of the Russian Federation with foreign states;

the effectiveness of the use of federal property by the entities engaged in military-technical cooperation;

the pricing for military-purpose exported products with due regard to the economic interests of the Russian Federation; the receipt, flow and use of the earnings from the exports of military-purpose products;

the use of the regulatory legal acts governing military-technical cooperation.

**Article 8.** *The Military-Technical Accompaniment of the Deliveries of Military-Purpose Products*

For the purpose of preventing a loss being inflicted on the defensive capability of the Russian Federation the federal bodies of executive power shall perform the military-technical accompaniment of the deliveries of military-purpose products intended to be transferred to foreign customers.

In the course of the military-technical accompaniment of the deliveries of military-purpose products the federal bodies of executive power shall monitor the development, manufacturing and deliveries of military-purpose products in accordance with the procedure defined by the Government of the Russian Federation.

**Article 9.** *The Powers of the President of the Russian Federation in the Sphere of Military-Technical Cooperation*

The President of the Russian Federation shall:

carry on the leadership of the state policy in the sphere of the military-technical cooperation of the Russian Federation with foreign states;

define in the annual address to the Federal Assembly the major guidelines for activities in the sphere of military-technical cooperation;

make decisions on establishing military-technical cooperation with foreign states as well as decisions on the suspension, termination, and resumption of such cooperation;

establish limitations and restrictions in the sphere of military-technical cooperation;

designate the federal bodies of executive power in charge of coordinating, monitoring in the sphere of military-technical cooperation and resolving other tasks of the state regulation in this sphere as well as set up, if necessary, consultative bodies for the issues of military-technical cooperation;

set out a procedure for implementing the military-technical cooperation of the Russian Federation with foreign states precluding the infliction of a loss on the defensive capability and security of the Russian Federation as well as unjustified interference of the state bodies in the foreign trade activities of the Russian entities engaged in military-technical cooperation whereby their competitive abilities in respect to foreign military-purpose product manufacturers might be limited;

make decisions as to the setting up in due course of specialized federal state unitary enterprises base on the right of economic control which are acting as state intermediaries in the implementation of foreign trade activities in respect to military-purpose products;

establish a procedure for granting the right to pursue foreign economic activities in respect to military-purpose products to Russian organizations;

define a procedure for the licensing in the Russian Federation of the imports and exports of the military-purpose products of which the exports and imports are subject to control and are performed under a license. The said licensing procedure provides for applications being considered and decisions being made in respect to them within one month;

make decision on the issue of providing military-technical aid to foreign states;

make decisions on the issues concerning cooperation with foreign states in the sphere of military-purpose product development;

make decision as to the transfer of licenses for the manufacturing of military-purpose products to foreign customers;

make other decisions within his competence.

**Article 10.** *The Powers of the Government of the Russian Federation in the Sphere of Military-Technical Cooperation*

The Government of the Russian Federation shall:

ensure the implementation of the state policy in the sphere of the military-technical cooperation of the Russian Federation with foreign states and shall issue within its competence regulatory legal acts on the matters relating to the development, manufacturing, imports and

exports of military-purpose products;

conclude international treaties on the issues of the military-technical cooperation of the Russian Federation with foreign states;

set up bi-lateral and multi-lateral intergovernmental commissions for military technical cooperation;

initiate the adoption of legislative acts establishing tax, customs and other privileges as well as the adoption of measures aimed at providing state incentives for the activities of Russian legal entities in the sphere of military-technical cooperation;

perform the state regulation of domestic and foreign pricing in respect to military-purpose products;

define a procedure for settlements between the manufacturers and developers of military-purpose products when they are delivered for export;

define a procedure for indemnifying the entities engaged in military-technical cooperation for possible losses (compensation payments) in the event that a decision is taken in due course to suspend or terminate military-technical cooperation with foreign states;

designate a state customer in the sphere of military-technical cooperation;

administer other powers in the sphere of the state regulation of military-technical cooperation in accordance with the legislation of the Russian Federation.

**Article 11.** *The Powers of the Federal Bodies of Executive Power in the Sphere of Military-Technical Cooperation*

The federal bodies of executive power in charge of the issues of the military-technical cooperation of the Russian Federation with foreign states shall effect the implementation of the decisions of the President of the Russian Federation, the Government of the Russian Federation concerning the issues of regulating and monitoring activities in the sphere of military-technical cooperation and the implementation of the provisions in the sphere of military-technical cooperation.

**Article 12.** *The Right to Participate in Military-Technical Cooperation*

1. Organizations participating in the implementation of military-technical cooperation are state intermediaries being specialized federal state unitary enterprises set up pursuant to a decision of the President of the Russian Federation as well as Russian organizations being the developers and manufacturers of military-purpose products that have acquired in due course the right to pursue foreign trade activities in respect to military-purpose products.

2. The right to pursue foreign trade activities in respect of military-purpose products shall have organizations being the developer and manufacturers of military-purpose products, provided at least 51 per cent of the shares (stakes) thereof are under federal ownership with the rest of the shares (stakes) being placed among Russian legal entities and natural persons. The sale and other means of alienating the shares (stakes) of such organizations as well as pledging thereof or transfer thereof in trust to foreign states, international organizations, foreign natural persons, foreign legal entities and equally to the Russian natural persons and Russian legal entities in relation to which the aforesaid persons/entities are affiliated bodies is prohibited.

3. The procedure for granting the right to pursue foreign trade activities in respect to military-purpose products to Russian organizations shall be determined by the President of the Russian Federation with due regard to an opportunity of their implementing the goals and principles of military-technical cooperation.

**Article 13.** *The Fundamentals of the Financial Policy Pursued in the Implementation of Military-Technical Cooperation*

1. Financing of the activities in the sphere of military-technical cooperation shall be provided in keeping with the following provisions:

the inadmissibility of an economic loss being inflicted to the Russian Federation and decline in the federal budget expenditures towards the national defense;

the mandatory way and pro rata terms of profit distribution among all the organizations participating in the implementation of military-technical cooperation with due regard to their contribution in the development, manufacturing and sale of the military-technical products;

the observance of the state pricing policy applicable to military-purpose products whereby a possibility of an export price for the military-purpose products being set below the price effective for a Russian consumer;

a rational use of the earnings received from military-technical cooperation, through their being allocated to cover the expenses towards the elaboration, manufacturing of the military-purpose products, upgrading and improving weaponry and materiel as well as social welfare of the employees of the organizations being the developers and manufacturers of the military-purpose products.

2. Financing shall be provided for activities in the sphere of military-technical cooperation out of the federal budget resources and also at the expense of non-budget funding.

3. Financing shall be provided for settlements in the sphere of military-technical cooperation in compliance with the legislation of the Russian Federation and it shall not be to the detriment of the interests of the developers and manufacturers of the military-purpose products.

**Article 14.** *On the International Treaties of the Russian Federation in the Sphere of Military-Technical Cooperation*

1. The President of the Russian Federation shall make decisions on holding negotiations for the conclusion of international treaties of the Russian Federation in the sphere of military-technical cooperation on the proposal of the Government of the Russian Federation.

Decisions to sign the international treaties of the Russian Federation in the sphere of military-technical cooperation shall be adopted by the Government of the Russian Federation.

2. The international treaties of the Russian Federation in the sphere of military-technical cooperation shall be subject to ratification in accordance with the procedure established by the legislation of the Russian Federation.

3. The military-technical cooperation of the Russian Federation with foreign states shall also be implemented pursuant to the international treaties to which the Russian Federation is a party a the successor state to the USSR.

4. International agreements of departmental nature concerning the issues of military-technical cooperation shall be signed as aimed at implementing the international treaties of the Russian Federation in the sphere of military-technical cooperation if a possibility of concluding such agreements is provided in the international treaties of the Russian Federation in the sphere of military-technical cooperation.

Decisions on holding negotiations and signing international agreements of interdepartmental nature on the issues of military-technical cooperation shall be made by the Government of the Russian Federation.

**Article 15.** *Accountability for Violation of the Legislation of the Russian Federation on Military-Technical Cooperation*

Persons who have violated the legislation of the Russian Federation on military-technical cooperation shall be accountable under civil, administrative and criminal law in accordance with the legislation of the Russian Federation.

**Article 16.** *On Bringing Into Force the Present Federal Law*

The present Federal Law shall come into force from the date of the official publication thereof.

President  
of the Russian Federation  
Moscow, The Kremlin

B. Yeltsin

## 27. ON THE FIGHT AGAINST TERRORISM

Adopted by the State Duma on July 3, 1998

Approved by the Council of Federation on July 9, 1998

The present Federal Law defines legal and organizational fundamentals of the fight against terrorism in the Russian Federation, procedure of coordinating the activity of the Federal executive authorities, exercising the fight against terrorism, Federal executive authorities of the constituents of the Russian Federation, public associations and organizations regardless of property forms, officials and individual citizens, as well as the rights, obligations and guarantees of citizens in connection with implementation of the fight against terrorism.

### Summary:

*This law represents a detailed effort by the Russian authorities to articulate a coherent approach to the terrorist threat, especially the one then emanating from Chechnya in the aftermath of the first Chechen war, horizontally across all Russian governmental institutions and vertically down to the individual citizen.*

*The law defines terrorists, terrorist action and terrorist activity. The principles of “the fight against terrorism” are outlined, as are the Russian government’s domestic and international implications and obligations. The institutions concerned are outlined as are the mechanics of the transfer of responsibility between agencies in given circumstances. The legal basis for government agencies’ action are established.*

*Lines of responsibility in terms of the control of operations from the government to the Federal Security Service or Internal Ministry, by region and local characteristics through to the manager on the ground are defined, as are the related issues of the operational management of different units, the establishment and functioning of operational headquarters, and the responsibilities of a leader of an operation.*

*The legal powers of those conducting an operation vis-à-vis property, citizens, the right to impair freedom of movement, appropriate property, communications, vehicles, and to restrict media access are outlined.*

*In that vein the principles underlying negotiation with terrorists and those underlying the selective disclosure of information to any third parties from citizens to media are also detailed, as are the circumstances in which executive agencies, local authorities and private citizens are to render assistance as and when necessary.*

*The law also deals with the rights of the parties involved in counter terrorist activities to compensation and other benefits.*

<u>Chapter I.</u>	General provision	(Articles 1-4)
<u>Chapter II.</u>	Fundamentals of fighting against terrorism	(Articles 5-9)
<u>Chapter III.</u>	Performance of counter-terrorist operations	(Articles 10-16)
<u>Chapter IV.</u>	Reimbursement of damage caused by a terrorist action and social rehabilitation of the persons, suffered in the result of a terrorist action	(Articles 17,18)
<u>Chapter V.</u>	Legal and social security of persons, participating in the fight against terrorism	(Articles 19-22)
<u>Chapter VI.</u>	Responsibility for participation in the terrorist activity	(Articles 23-25)
<u>Chapter VII.</u>	Control and supervision over legitimacy of implementation of the fight against terrorism	(Articles 26,27)
<u>Chapter VIII.</u>	Closing provisions	(Articles 28,29)

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *Legal Fundamentals of the Fight against Terrorism*

The Constitution of the Russian Federation, the Criminal Code of the Russian Federation, the present Federal Law, other Federal laws, generally recognized principles and norms of the international law, international treaties of the Russian Federation, decrees and orders of the President of the Russian Federation, resolutions and orders of the Government of the Russian Federation, as well as other legal acts of the Federal authorities of the State power, adopted in compliance with the listed documents.

**Article 2. Underlying Principles of the Fight against Terrorism**

The fight against terrorism in the Russian Federation shall be based on the following principles:

- 1) legitimacy;
- 2) priority of terrorism prevention measures;
- 3) inevitability of punishment for implementation of the terrorist activity;
- 4) combination of public and secret methods of the fight against terrorism;
- 5) complex use of prophylactic legal, political, social-economic and propagandist measures;
- 6) priority in protecting the rights of the persons, running risk in the result of a terrorist action;
- 7) minimal compromises to a terrorist;
- 8) one-man command in the management of the attracted forces and means in the course of counter-terrorist operations;
- 9) minimal publicity of technical methods and tactics in the course of the counter-terrorist operations, as well as of the membership of the participants of the mentioned operations;

**Article 3. Basic Concepts**

The basic concepts, used for the purposes of the present Federal Law, are the following ones:

- terrorism;
- violence or a threat of its application regarding physical persons or entities, as well as elimination (damage) or a threat of destruction (damage) of property and other material objects, creating a risk of human death, cause of major property damage or occurrence of other socially dangerous consequences, exercised for the purposes of breaching social security, threatening of population, or exertion of impact on taking authorities' decisions, beneficial for terrorists, or satisfaction of their illegal property and (or) other interests; infringement on the life of a State or public figure, made for the purposes of his/her termination of the State or other political activity, or as revenge for such activity;
- attack on a representative of a foreign State or a collaborator of an international organization, enjoying international protection, as well as on the office premises or transport vehicles of the persons, enjoying international protection, if this action was committed for the purposes of war provocation or aggravation of international relations;

- the terrorist activity is the activity, which includes the following:
  1. organization, planning, preparation and realization of a terrorist action;
  2. incendiarism to a terrorist action, violence over physical persons or entities, destruction of material objects for the terrorist purposes;
  3. organization of illegal armed formation, criminal community (criminal organization), organized group for committing a terrorist action, as well as participation in such action;
  4. recruitment, arming, training and use of terrorists;
  5. financing of the known terrorist organization or a terrorist group or other assistance to them;
- international terrorist activity, exercised by:
  1. terrorist or terrorist organization in the territory of more than one State or causing damage to the interests of more than one State;
  2. citizens of one State in relation to citizens of the other State or in the territory of the other State;
  3. in case, when both the terrorist and the victim of terrorism are the citizens of the same State or different States, but the crime has been committed outside the territories of these States;
- a terrorist action is an immediate commitment of a crime of a terrorist character in the form of an explosion, arson, use or a threat of use of nuclear explosive devices, radioactive, chemical, biological, explosive, toxic, poison, and strong substances;
- destruction, damage or capture of transport vehicles or other objects;
- infringement on the life of a State or public figure, representative of national, ethnic, religious or other groups of population; hostage taking, abduction;
- creation of danger of causing damage to life, health or property of an indefinite circle of people by creation of conditions for accidents and catastrophes of technogenic character or a real threat of creating such danger;
- dissemination of threats in any form and with any means;
- other actions, creating danger of human death, infliction of major material damage or occurrence of other socially dangerous consequences;
- crimes of a terrorist character are the crimes envisaged with Articles 205-208, 277 and 360 of the Criminal Code of the Russian Federation. The crimes of a terrorist character may also include other crimes, envisaged with the Criminal Code of the Russian Federation, if they were committed for the terrorist objectives. Responsibility for committing such crimes occurs in compliance with the Criminal Code of the Russian Federation.
- a terrorist is a person, participating in the realization of terrorist activity in any form;

-a terrorist group is a group of persons united for the purposes of realization of terrorist activity;

-a terrorist organization is an organization created for the purposes of implementation of terrorist activity or admitting an opportunity of using terrorism in its activity. An organization shall be admitted a terrorist one, if at least one of its structural subdivisions exercises terrorist activity with the consent of at least one governing body out of the governing bodies of this organization;

-the fight against terrorism shall be the activity on prevention, identification, suppression, minimization of consequences of terrorist activity;

-a counter-terrorist operation shall represent special measures, targeted at suppression of a terrorist action, provision of security of physical persons, neutralization of terrorists, as well as at minimization of a terrorist action consequences;

-the area of a counter-terrorist operation shall represent individual areas of locality or water body, a transport vehicle, building, construction, structure, premise or their adjacent territory or water bodies, within which the mentioned operation is performed;

-a hostage is a physical person, captured and (or) detained for the purposes of forcing a State, an organization or individuals to perform some action as a condition of the detained person release.

**Article 4.** *International Cooperation of the Russian Federation in the Sphere of the Fight against Terrorism*

1. In compliance with the international treaties the Russian Federation in the sphere of the fight against terrorism shall cooperate with foreign States, their law machinery and special services, as well as with the international organizations, exercising the fight against terrorism.

2. Being guided with the interests of providing the security of an individual, society and the State the Russian Federation shall pursue in its territory the persons, involved in the terrorist activity, including the cases, when the terrorist actions were planned or committed outside the Russian Federation, but cause damage to the Russian Federation and in other cases, envisaged with the international treaties of the Russian Federation.

## CHAPTER II - FUNDAMENTALS OF FIGHTING AGAINST TERRORISM

**Article 5.** *Targets of the Fight against Terrorism*

The fight against terrorism in the Russian Federation shall be exercised for the following purposes:

- 1) protection of an individual, society and the State against terrorism;
- 2) prevention, identification, suppression of terrorist activity, and minimization of its consequences;
- 3) identification and elimination of reasons and conditions, promoting realization of the terrorist activity.

**Article 6.** *Constituents, Implementing the Fight against Terrorism*

1. The Government of the Russian Federation shall be the major constituent of the management of the fight against terrorism and its support with the required forces, means and resources.

2. The Federal executive authorities shall participate in the fight against terrorism within their competence, fixed by the Federal laws and other legal acts of the Russian Federation.

3. The constituents, immediately exercising the fight against terrorism within their competence, shall be the following ones:

- Federal Security Service of the Russian Federation;
- Ministry of the Internal Affairs of the Russian Federation;
- Foreign Intelligence Service of the Russian Federation;
- Federal Safe Custody of the Russian Federation;
- Ministry of Defense of the Russian Federation;
- Federal Frontier Service of the Russian Federation.

4. The Federal executive authorities, the list of which shall be defined by the Government of the Russian Federation, shall represent the constituents, participating in prevention, identification, and suppression of terrorist activity within their competence.

5. In case of liquidation, reorganization or renaming the Federal executive authorities, listed in the present Article, their functions in the sphere of the fight against terrorism shall pass to their successors.

6. To coordinate activity of the constituents, implementing the fight against terrorism in compliance with decisions of the President of the Russian Federation, or decisions of the Government of the Russian Federation, there may be created Anti-Terrorist Commissions on the Federal and regional level.

The Federal Anti-Terrorist Commission shall accomplish the following major tasks:

development of the fundamentals of the State policy in the sphere of the fight against terrorism in the Russian Federation and recommendations, targeted at enhancing the effectiveness of the work on identification and elimination of reasons and conditions, promoting occurrence of terrorism and realization of terrorist activity;

gathering and analysis of the information on the condition and tendencies of the terrorism in the territory of the Russian Federation;

coordination of the activity of the Federal executive authorities, implementing the fight against terrorism, targeted at achieving coordination of their actions on prevention, identification, and suppression of terrorist actions, as well as on identification and elimination of reasons and conditions, promoting preparation and realization of terrorist actions;

participation in preparation of the international treaties in the Russian Federation in the sphere of the fight against terrorism; elaborates proposals on perfection of the Legislation of the Russian Federation in the sphere of the fight against terrorism.

**Article 7. Competence of the Constituents Implementing the Fight against Terrorism**

1. The constituents, implementing the fight against terrorism, shall be guided in their activity with the present Federal Law, other Federal laws, generally recognized principles and norms of the international law, international treaties of the Russian Federation, as well as with other legal acts (including the inter-departmental ones) published on their basis and governing this activity.

2. The Federal Security Service of the Russian Federation and its territorial bodies in the constituents of the Russian Federation shall exercise the fight against terrorism by prevention, identification, and suppression of the crimes of a terrorist character, including the crimes, pursuing political ends, as well as by prevention, identification, and suppression of the international terrorist activity in compliance with the Criminal Procedural Legislation they shall carry out preliminary investigation on the criminal cases on such crimes.

3. The Ministry of Internal Affairs shall exercise the fight against terrorism by prevention, identification, and suppression of the crimes of a terrorist character, pursuing selfish ends.

4. The Foreign Intelligence Service of the Russian Federation shall exercise the fight against terrorism by providing security of the institutions of the Russian Federation, located outside the territory of the Russian Federation, their employees and family members of the mentioned employees, as well as implement gathering of information on the activity of the foreign and international terrorist organizations;

5. The Federal Safe Custody of the Russian Federation shall exercise the fight against terrorism by providing security of the State safe custody facilities and protection of the guarded facilities;

6. The Ministry of Defense of the Russian Federation shall provide protection of the available weapons of mass destruction, missile and shooting weapons, ammunitions and explosives, protection of military facilities, as well as take part in providing security of the National sea navigation, and air space of the Russian Federation in the course of counter-terrorist operations.

7. The Federal Frontier Service of the Russian Federation shall exercise the fight against terrorism by prevention, identification, and suppression of attempts of crossing the State border of the Russian Federation, as well as on unlawful relocation across the State frontier of the Russian Federation of weapons, explosive, poison, radioactive substances and other things which may be used as the means of committing crimes of terrorist character, take part in providing security of the National sea navigation within the territorial waters, exclusive economic zone of the Russian Federation and in the course of the counter-terrorist operations.

**Article 8.** *Basic Functions of the Constituents, Involved in the Fight against Terrorism*

The Federal executive authorities, listed in Article 6 of the present Federal Law, and their territorial bodies in the constituents of the Russian Federation participate in the fight against terrorism within their terms of reference by development and implementation of preventive, regime, organizational, educational and other measures of prevention, identification and suppression of the terrorist activity; creation and maintenance of the required availability of the departmental systems of opposition to commitment of terrorist crimes; rendering of material-technical and financial means, information, vehicles and communication means, medical equipment and medications, as well as in other forms, proceeding from the needs in the sphere of the fight against terrorism. The procedure of rendering the material-technical and financial means, information, vehicles and communication means, medical equipment and medications shall be fixed by the Government of the Russian Federation.

**Article 9.** *Assistance to the Bodies, Implementing the Fight against Terrorism*

1. The Federal executive authorities of the constituents of the Russian Federation, bodies of the local self-government, public associations and organization regardless of their forms of property, officials shall render assistance to the bodies, exercising the fight against terrorism.

2. Informing of the law-enforcement bodies on the terrorist activity and any other circumstances learnt by citizens, information of which may promote prevention, identification and suppression of the terrorist activity, as well as minimization of its consequences is the civil obligation of everybody.

## CHAPTER III - PERFORMANCE OF COUNTER-TERRORIST OPERATIONS

### **Article 10.** *Counter-Terrorist Operation Control*

1. For immediate control of the counter-terrorist operation in compliance with the resolution of the Government of the Russian Federation Ministry there is created an Operational Headquarters, headed by a representative of the Federal Security Service of the Russian Federation or the Ministry of Internal Affairs of the Russian Federation, subject to predomination of competence of such Federal executive authority during carrying out of the counter-terrorist operation.

2. In the constituents of the Russian Federation and regions of the Russian Federation there may be created Operational Headquarters in the quantities and membership pending on the specificity of local conditions and character of the possible terrorist actions in the territories of the constituents (regions) of the Russian Federation.

3. The Operational Headquarters on control of the counter-terrorist operations in the constituent (region) of the Russian Federation shall be headed with a manager of the territorial body (subdivision) of the department, whose competence will be predominating in the course of the specific counter-terrorist operation. In case the character of the counter-terrorist operation changes, the head of the counter-terrorist operation may be replaced in compliance with the resolution of the Chairman of the corresponding inter-departmental Anti-Terrorist Commission.

4. The activity procedure of the Operational Headquarters on control of the counter-terrorist operation shall be defined by the provision, approved by the Chairman of the corresponding inter-departmental Anti-Terrorist Commission. The Provision on the Operational Headquarters on control of the counter-terrorist operation shall be developed on the basis of the Model Provision, approved by the Federal Anti-Terrorist Commission.

### **Article 11.** *Forces and Means for Performance of a Counter-Terrorist Operation*

For carrying-out a counter-terrorist operation the Operational Headquarters on control of the counter-terrorist operation shall be entitled for attracting the required forces and funds of those Federal executive authorities, which take part in the fight against terrorism in compliance

with Article 6 of the present Federal Law. The Federal executive authorities and the Federal executive authorities of the constituents of the Russian Federation shall assign the weapons and special means, vehicles and means of communication, other material-technical means, required for carrying-out the counter-terrorist operation.

### **Article 12. Counter-Terrorist Operation Management**

1. All military personnel, employees and specialists, attracted for performance of a counter-terrorist operation from the moment of the start of the mentioned operation shall be subordinated to the Head of the Operational Headquarters on control of the counter-terrorist operation;

2. Pending on the scale and extent of public danger due to the expected negative consequences of a terrorist action a representative of the Federal Anti-Terrorist Commission can be nominated as a Head of the counter-terrorist operation. In compliance with the resolution of the President of the Russian Federation a Federal executive authority manager can be nominated as the Head of the Operational Headquarters on control of the counter-terrorist operation.

3. The Head of the Operational Headquarters on control of the counter-terrorist operation shall define the borders of the performance area of the counter-terrorist operation, take decisions on the use of the forces and means necessary for carrying out the given operation. Interference of any other person regardless of the position occupied shall not be permitted in the operational management of the counter-terrorist operation. [Table of Contents].

### **Article 13. Legal Regime in the Performance Area of Counter-Terrorist Operation**

1. In the counter-terrorist operation performance area the persons carrying-out the mentioned operation, shall be entitled to:

1) take measures upon requirement on temporary restriction or prohibition of movement of transport vehicles and pedestrians in the streets and roads, on non-admission of transport vehicles, including the transport vehicles of diplomatic representations and consular institutions, and citizens to the individual parts of the locality and facilities, or on removal of citizens from the individual parts of the locality and facilities, as well as on towing of transport vehicles;

2) check the citizens' and officials' identity documents and detaining the mentioned persons in case of lack of such documents to identify them;

3) detain and deliver to the bodies of the Ministry of Internal Affairs of the Russian Federation the persons, committed or committing law violations or other actions, targeted at obstruction to the legal requirements of the persons, carrying-out a counter-terrorist operation, as

well as the actions associated with unofficial penetration or an attempt to penetrate in the area of the counter-terrorist operation;

4) freely enter (penetrate) in the living premises and other areas, owned by citizens and on the land plots in their possession, in the territories and into premises of the organizations regardless of the forms of property, in the transport vehicles at suppression of a counter-terrorist operation, at pursuit of the persons, suspected in commitment of a terrorist action, if the delay may create a real danger to the life and health of people;

5) make personal examination of the people, examination of their belongings, available with them, examination of transport vehicles and the stuff carried in them, including the examinations with application of technical means during entry (driving-in) in the counter-terrorist operation area and at the exit (driving out) of the mentioned area;

6) use for the service purposes the means of communication, including the special ones, belonging to citizens and organizations regardless of the forms of property;

7) using for the service purposes the transport vehicles, belonging to organizations regardless of the forms of property, excluding the transport vehicles of diplomatic, consular and other representations of foreign States and international organizations, and in emergency cases also using the transport vehicles in possession of citizens for prevention of a terrorist action, for pursuit and detainment of the persons, committed a terrorist action, or to deliver the persons in need for emergency medical assistance to a treatment institution, as well as for the drive to the place of incident.

2. in the area of the counter-terrorist operation the activity of the mass media shall be governed with the Head of the Operational Headquarters on control of the counter-terrorist operation, unless otherwise envisaged with the Federal Law. [Table of Contents].

#### **Article 14.** *Negotiating with Terrorists*

1. Negotiating with terrorists shall be permitted in the course of the counter-terrorist operation for the purpose of preserving human life and health, material values, as well as for examining the opportunity of suppressing the terrorist action without the use of force. Only the persons, specially authorized for the purpose by the Head of the Operational Headquarters on control of the counter-terrorist operation, shall be permitted to negotiate with the terrorists.

2. No delivery of whatever persons to the terrorists, handing over of weapons or of object of any means to them, which may create a threat to life and health of people, is permitted; issuing a fulfillment of the political demands of the terrorists shall be regarded as negotiating with terrorists.

3. Negotiation with terrorists may not serve as the basis or a condition of their release from responsibility for the actions committed.

**Article 15. *Informing of Community on a Terrorist Action***

1. At performance of a counter-terrorist operation the information of the public on the terrorist action shall be exercised in the forms and the scope, defined by the Head of the Operational Headquarters on control of the counter-terrorist operation or by the representative of the mentioned Headquarters, in charge of public relations.

2. The information, which shall not be subject to circulation, is of the following types:

1) that which discloses special technical ways and the tactics of performance of the counter-terrorist operation;

2) that which is capable of complicating the performance of the counter-terrorist operation and creating a threat to the life and health of the persons in the area of the counter-terrorist operation or outside the mentioned area;

3) the which may serve as propaganda or justification of terrorism and extremism;

4) on the employees of the special subdivisions, members of the Operational Headquarters on control of the counter-terrorist operation during its performance, as well as on the persons, assisting in the performance of the mentioned operation.

**Article 16. *Conclusion of a Counter-Terrorist Operation***

1. The counter-terrorist operation shall be regarded as concluded when the terrorist action has been suppressed (stopped) and the threat to the life and health of the persons in the area of the counter-terrorist operation has been liquidated.

2. Decision on declaring the counter-terrorist operation concluded shall be taken by the Head of the Operational Headquarters on control of the counter-terrorist operation.

**CHAPTER IV - REIMBURSEMENT OF DAMAGE CAUSED BY A  
TERRORIST ACTION AND SOCIAL REHABILITATION OF THE PERSONS,  
SUFFERED IN THE RESULT OF A TERRORIST ACTION**

**Article 17. *Reimbursement of Damage Caused by a Terrorist Action***

1. Reimbursement of damage caused in the result of a terrorist action shall be made out of the budgetary funds of the Russian Federation constituent, in the territory of which this terrorist action was committed with subsequent collection of the sums of this reimbursement from the damage maker under the procedure, fixed by the Civil Procedural Legislation.

2. Reimbursement of damage caused in the result of a terrorist action, committed in the territories of several constituents of the Russian Federation, as well as compensation of the damage caused to one constituent of the Russian Federation and exceeding the opportunities of compensation out of the budget of this constituent of the Russian Federation, shall be made out of the Federal Budget funds with subsequent collection of the sums of this reimbursement from the damage maker under the procedure, fixed by the Civil Procedural Legislation.

3. Reimbursement of damage caused to foreign citizens in the result of a terrorist action, committed in the territory of the Russian Federation, shall be made out of the Federal Budget funds with subsequent collection of the sums of this reimbursement from the damage maker.

4. Reimbursement of damage caused to an organization in the result of a terrorist action shall be made under the procedure fixed by the Civil Code of the Russian Federation.

**Article 18.** *Social Rehabilitation of the Persons, Suffered in the Result of a Terrorist Action*

1. Social rehabilitation of the persons suffering as the result of a terrorist action, shall be carried out for the purposes of their returning to normal life, including legal assistance to the mentioned persons, their psychological, medical and professional rehabilitation, employment up to their reassignment at work, assignment of accommodation to the persons.

2. Social rehabilitation of the persons, suffered in the result of a terrorist action, as well as of the persons, listed in Article 19 of the present Federal Law, shall be made out of the Federal Budget funds and the budgetary funds of the constituent of the Russian Federation, in the territory of which this terrorist action was committed.

3. The implementation procedure of the social rehabilitation of the persons, suffered in the result of a terrorist action shall be defined by the Government of the Russian Federation.

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**CHAPTER V - LEGAL AND SOCIAL SECURITY OF PERSONS,  
PARTICIPATING IN THE FIGHT AGAINST TERRORISM**

**Article 19.** *Persons, Participating in the Fight against Terrorism and Subject to Legal and Social Security*

1. The persons, participating in the fight against terrorism shall be protected by the State. The persons, which shall be subject to legal and social security, shall be the following ones:

1) military personnel, employees and specialists of the Federal executive authorities and the Federal executive authorities of the constituents of the Russian Federation, immediately participating (or having participated) in the fight against terrorism;

2) The persons, assisting on the temporary or permanent basis to the State bodies, exercising the fight against criminality, in prevention, identification, suppression of the terrorist activity and minimization of its consequences;

3) The family members of the persons, listed in Sub-clauses 1 and 2 of Clause 1 of the given Article, if the need in providing their security occurred in the result of the participation of the mentioned persons in the fight against terrorism.

2. The social security of the persons attracted to the fight against terrorism shall be implemented with account of the legal status of such persons, fixed by the Federal laws and other legal acts in compliance with the procedure, fixed by the Government of the Russian Federation.

**Article 20.** *Indemnification to the Persons, Participating in the Fight against Terrorism*

1. The damage caused to the health or property of the persons, listed in Article 19 of the present Federal Law, in connection with their participation in the fight against terrorism, shall be reimbursed under the procedure, defined by the Legislation of the Russian Federation.

2. In case of a death of a person, taking part in the fight against terrorism in the course of the counter-terrorist operation, the family members of the deceased and the persons, which were dependent on the deceased, shall be paid a lump-sum allowance of one thousand amounts of the minimum labor remuneration; the family members of the deceased and the persons, which were dependent on the deceased shall be nominated a pension due to the loss of the provider, as well as they shall enjoy all benefits regarding receipt of accommodation and payment of municipal services, if the deceased had such benefits.

3. If the person, taken part in the fight against terrorism, received a severe injury in the course of a counter-terrorist operation, entailing occurrence of the disability, this person shall be paid a lump-sum allowance of five hundred amounts of the minimum labor remuneration and nominated a pension in compliance with the Legislation of the Russian Federation.

4. If the person, taken part in the fight against terrorism, received a wound in the course of a counter-terrorist operation, not entailing disability, then this person shall be paid a lump-sum allowance of one hundred amounts of the minimum labor remuneration.

**Article 21.** *Exemption from Responsibility for the Damage Caused*

Enforced trespass to the life, health and property of terrorists, as well as to other legally protected interests shall be admitted in the course of a counter-terrorist operation on the basis and within the

legal frames. At the same time the military personnel, specialists and other persons, participating in the fight against terrorism, shall be released from responsibility for the damage caused in the course of the counter-terrorist operation, in compliance with the Legislation of the Russian Federation.

**Article 22.** *Beneficial Computation of the Long Service*

For fixing a pension the long service of the military personnel and employees of the Federal executive authorities, passing (passed) the service in the sub-units, immediately performing (performed) the fight against terrorism shall be computed as follows: one day of service shall be numbered as one day and a half, and three days for one day of service in case of participation in the counter-terrorist operation (unless more beneficial computation of the long service is envisaged with the Legislation of the Russian Federation).

**CHAPTER VI - RESPONSIBILITY FOR PARTICIPATION IN THE  
TERRORIST ACTIVITY**

**Article 23.** *Responsibility for Participation in the Terrorist Activity*

The persons guilty in the terrorist activity shall bear responsibility, envisaged with the Legislation of the Russian Federation.

**Article 24.** *Particulars of the Criminal and Civil Legal Proceedings on the Terrorist Activity Cases*

The cases on the crimes of a terrorist character, as well as the cases on reimbursement of the damage caused in the result of a terrorist action by the court judgment may be examined during the closed court sittings with observance of all rules of the court procedure.

**Article 25.** *Responsibility of an Organization for Terrorist Activity*

1. An organization shall be admitted a terrorist one and shall be subject to liquidation on the basis of the Court order. At liquidation of the organization admitted as a terrorist one, the property in its possession shall be confiscated and converted to the income of the State.

2. In case if the Court of the Russian Federation admits an international organization (its division, branch, representation), registered outside the Russian Federation, to be a terrorist one, the activity of this organization in the territory of the Russian Federation, its Russian division (branch, representation) is liquidated and the property possessed by it and the property of the

mentioned international organization, located in the territory of the Russian Federation, shall be confiscated and converted in the income of the State.

3. Application on bringing the organization to responsibility for the terrorist activity shall be forwarded to the Court by the General Prosecutor of the Russian Federation or by the Prosecutors subordinated to the General Prosecutor.

## CHAPTER VII- CONTROL AND SUPERVISION OVER LEGITIMACY OF IMPLEMENTATION OF THE FIGHT AGAINST TERRORISM

### **Article 26.** *Control over Implementation of the Fight against Terrorism*

Control over implementation of the fight against terrorism of the Russian Federation shall be exercised by the President of the Russian Federation and the Government of the Russian Federation.

### **Article 27.** *Supervision over Legitimacy of Implementation of the Fight against Terrorism*

1. Supervision over execution of laws during implementation of the fight against terrorism shall be exercised by the General Prosecutor of the Russian Federation and by the Prosecutors subordinated to the General Prosecutor.

2. The Prosecutor's office of the Russian Federation within its terms of reference shall also exercise measures on prevention of the terrorist activity in compliance with the Criminal Procedural Legislation of the Russian Federation, perform a preliminary investigation, exercise supervision over investigation of the criminal cases, connected with terrorist activity, support the State prosecution on such cases in the courts, as well as take other measures in compliance with the Legislation of the Russian Federation.

## CHAPTER VIII. CLOSING PROVISIONS

### **Article 28.** *Adjustment of Legal Acts in Compliance with the Present Federal Law*

The Federal laws and other legal acts shall be subject to adjustment in compliance with the present Federal Law within a three-month term from the date of its enforcement.

### **Article 29.** *Enforcement of the Present Federal Law*

The present Federal Law shall be effective from the date of its official publication.

President  
of the Russian Federation.

B. Yeltsin.

City of Moscow, Kremlin  
July 25, 1998

## 28. ON MATERIAL LIABILITY OF MILITARY PERSONS

Adopted by the State Duma on June 22, 1999.

Approved by the Council of the Federation on June 25, 1999.

### Summary:

*This federal law concerns the liability of military personnel for wilful damage done to state property in the absence of a direct order .A three year statute of limitations for any damage done is specified.*

*The penalties for damage, which include both financial fines and additional service, and of damage to different property types, are detailed for both contract and conscript personnel including. Additional categories of liability for contract personnel are also described, as are the various crimes that can be committed by commanders.*

*The full material liability of personnel is outlined in the event of actions and inaction in several scenarios, including plunder, executing or failing to prevent a crime, or intoxication.*

*The law also specifies the determination of damage and the corresponding levels of compensation, the conduct of the investigation, the procedures relating to reimbursement.*

Chapter I. General Provisions	(Articles 1-3).
Chapter II. Material Liability of Military Persons	(Articles 4-5).
Chapter III. Determination of the Extent of Delivered Damage and the Order of its Reimbursement	(Articles 6-12).
Chapter IV. Conclusive Provisions	(Articles 13-14).

### CHAPTER I - GENERAL PROVISIONS

#### **Article 1.** *The Subject of Regulation and the Field of Application of the Present Federal Law*

1. The present Federal Law specifies conditions and the amount of material liability of military persons and citizens called to military preparations (hereinafter called "military persons") in respect of damage delivered by them during carrying out military service duties to stores being

federal property, allotted to military units, as well as determining the order of reimbursement of delivered damage.

2. The present Federal Law is applied to military persons serving both on a call and on a contract basis in the Armed Forces of the Russian Federation, as well as in other troops, military formations and authorities, in which military service is stipulated by the legislation of the Russian Federation.

### **Article 2.** *Main Terms Used in the Present Federal Law*

The following main terms are used for the purposes of the present Federal Law:

military units—military direction authorities, units, formations, military units, ships, organizations, military educational establishments of vocational education, in which according to the legislation of the Russian Federation military persons should carry out military service;

commanders (chiefs)—commanders (chiefs) of military units, their deputies, commanders (chiefs) of structural divisions of military units and their deputies;

military unit stores (hereinafter called "stores")—all types of weapons, military equipment, ammunition, fuel and lubricating materials, food, clothing and other types of military stores, buildings, constructions, monies and securities, other assets, being federal property and allotted to a military unit;

actual damage (hereinafter also called "damage")—loss or damage of stores of a military unit, expenses, carried by a military unit or expenses, which are to be carried in order to restore or acquire lost or damaged stores, as well as extra money payments, made by a military unit.

### **Article 3.** *Conditions of Material Liability of Military Persons for Delivered Damage*

1. Military persons bear material liability only for actual damage, delivered as result of their fault.

2. Military persons who delivered damage while not carrying out military service duties bear material liability in accordance with the Civil legislation of the Russian Federation.

3. Military persons should not be made materially answerable for damage delivered in connection with fulfilment of an order of a commander (chief), as well as in consequence of legal actions, justified service risk and force major situation.

4. Military persons may be made materially answerable in accordance with the present Federal Law within three years from discovery of the damage.

## CHAPTER II - MATERIAL LIABILITY OF MILITARY PERSONS

### **Article 4.** *Limited Material Liability of Military Persons*

1. Military persons serving on a contract basis, and citizens called to military preparations, bear material liability for damage delivered as a result of carelessness in the amount of damage delivered by them, but not exceeding one monthly money allowance pay and one monthly service length increment; military persons, serving on a call basis—not exceeding two monthly money allowance payments excluding cases, when the present Federal Law and other legal acts of the Russian Federation specify other amounts of material liability for military persons.

2. Military persons serving on a contract basis, guilty of delivering damage, connected with payment of fines by a military unit for demurrage of containers, railway cars, vessels and automobiles, overstating volumes of carried out works, untimely payment of taxes to corresponding budgets and other mandatory payments, bear material liability in the amount of delivered damage, but not exceeding two monthly money allowance payments and two monthly service length increments.

3. Commanders (chiefs) who by their orders (instructions) violated the established order of registering, keeping, usage, spending, transportation of stores and who did not undertake necessary measures to prevent its plunder, destruction, damage, spoilage, unnecessary money payments, that caused delivery of damage, or who did not undertake necessary measures to make guilty persons reimburse damage, delivered to the military unit, bear material liability in the amount of delivered damage, but not exceeding one monthly money allowance pay and one monthly service length increment.

4. Commanders (chiefs) of military units guilty of illegal dismissal of a military person (civil personnel member) from military service (work), illegal transfer of a civil personnel member to another work, illegal appointment of a military person (civil personnel member) to a post not stipulated by the staff (staff schedule) of the military unit, or to a post which is higher paid for than the post, actually occupied, bear material liability for unnecessary money payments, made in consequence of illegal dismissal of a military person (civil personnel member), illegal transfer of a civil personnel member to another work, illegal appointment of a military person (civil personnel member) to a post in the amount of delivered damage, but not exceeding three monthly money allowance payments and three monthly service length increments.

### **Article 5.** *Full Material Liability of Military Persons*

Military persons bear material liability in a full amount of damage when the damage was delivered:

by a military person to whom the accountable stores were given for keeping, transportation, distribution, using and other purposes;

by actions (inaction) of a military person, containing indications of a crime, specified by the Criminal legislation of the Russian Federation;

as a result of a plunder, intentional destruction, damage, spoilage, illegal spending or usage of stores or other intentional actions (inaction) regardless of their containing indications of a crime, specified by the Criminal legislation of the Russian Federation;

by intentional actions of military persons, which caused expenditures related to treatment in military-medical institutions and health care institutions of military persons who suffered as a consequence of such actions;

by military persons who became voluntarily intoxicated with drugs, toxic or alcohol substances.

### CHAPTER III – DETERMINATION OF THE EXTENT OF DELIVERED DAMAGE AND ORDER OF ITS REIMBURSEMENT

#### **Article 6.** *Determination of the Extent of Delivered Damage*

1. The extent of delivered damage is determined according to actual losses on the grounds of the registering data on a military unit stores and proceeding from prices, effective in the concrete locality (for military units, distributed beyond the territory of the Russian Federation—in the country of distribution) as per the day of discovering the damage.

Authorized government bodies determine prices for weapons, military equipment, ammunition and other stores provided to military units in a centralized way.

2. The extent of delivered damage is determined with regard for wear and tear of the stores as per the day of discovering the damage according to the norms, but in the amount not less than the cost of scrap of these stores.

3. In case of illegal appointment of a military person (civil personnel member) to a post, not stipulated by staff (staff-schedule) of the military unit, the damage is determined by the amount of money allowance (paid salary), paid to the military person (civil personnel member), and in the case of illegal appointment to a post, which is higher paid than the post actually occupied by the military person (civil personnel member)—by the difference between the paid

money allowance (paid salary) and the money allowance (salary) in respect of the post actually occupied.

4. The extent of damage delivered in the case specified in paragraph five of Article 5 of the present Federal Law, is determined by actual expenditures for treatment of military persons who suffered as a consequence of intentional actions of other military persons in military-medical institutions and health care institutions.

5. The extent of reimbursable damage, delivered through guilt of several military persons, for each of them is determined with regard to the degree of guilt and type of material liability.

6. In the case of making a military person materially liable, the amount of the monthly money allowance pay and monthly length of service increment are determined as per the day of issuance of an order by the commander (chief) of the military unit or adoption of a court resolution on reimbursement of the damage.

**Article 7.** *Conduct of Administrative Investigation in case of Discovering Damage*

1. In the case of discovering damage, a commander (chief) of a military unit should order an administrative investigation to determine its causes, extent and the guilty persons. Administrative investigation should be finished within one month from the date of discovering the damage.

In necessary cases this term may be prolonged by the next higher commander (chief) for a period, not exceeding one month.

2. Administrative investigation may not be conducted if the causes of damage, its extent, and the guilty persons have been determined by the court or as the result of audit, control, inquiry or investigation.

**Article 8.** *Reimbursement of Damage by Military Persons*

Resolution of the Constitutional Court of the Russian Federation, dated April 10, 2001, declared part one of point 1 of Article 8 of the present Federal Law not contradicting the Constitution of the Russian Federation.

1. Reimbursement of damage, the extent of which does not exceed one monthly money allowance pay of a military person and one monthly length of service increment is made at the order of a commander (chief) of a military unit by way of deduction from the money allowance of a military person, who delivered the damage.

The next higher commander (chief) of a military unit issues order on reimbursement of the damage, delivered by a commander (chief) of a military unit.

The matter of reimbursement of damage, the extent of which exceeds one monthly money allowance pay of a military person and one monthly length of service increment is considered by the court according to a legal action of a commander (chief) of a military unit. Legal action on reimbursement of damage, delivered by a commander (chief) of a military unit, is brought in by the next higher commander (chief) of a military unit.

2. An order of a corresponding commander (chief) of a military unit relating reimbursement of damage, should be issued within a period of two weeks from the date of termination of the administrative investigation or arrival of the court resolution or materials of audit, control, inquiry or investigation, announced to the military person against his signature, and implemented within seven days after it has been announced to the military person.

If the order relating reimbursement of damage has not been issued within a period of two weeks, the issue regarding making a military person materially answerable is decided by court according to a legal action of a commander (chief) of a military unit.

3. Military persons serving beyond the territory of the Russian Federation should reimburse delivered damage in the currency of the country of their stay. In the case of impossibility of reimbursing the damage in the currency of the country of stay (including the case of departure of a military person to the territory of the Russian Federation), the amount of the damage should be converted into rubles according to the official exchange rate, established by the Central Bank of the Russian Federation as per the day of discovering the damage.

4. The order of the commander (chief) of the military unit regarding reimbursement of the damage may be appealed by the military person to the next higher commander and (or) in court. Appealing against an order regarding reimbursement of the damage does not interrupt deduction of monies from the money allowance of the military person. In case of revocation of the order regarding reimbursement of the damage, deducted monies should be returned to the military person.

5. The damage should be reimbursed regardless of bringing the military person to disciplinary, administrative or criminal liability for actions (inaction) which delivered the damage.

6. A military person may voluntarily reimburse completely or in part delivered damage in the monetary form.

7. Deductions from the money allowance of a military person according to a resolution of the court are made against the act of execution issued by the court.

8. Any difference between the extent of delivered damage and amount of deductions from the money allowance of the military person, determined by the order of the commander (chief) of the military unit or resolution of the court, by the decision of the commander (chief), taken within his powers, is covered from the means transferred from the federal budget to the corresponding federal executive authority, under jurisdiction of which is the mentioned military unit.

**Article 9. Reimbursement of Damage in Case of Dismissal of a Military Person from Military Service or His Transfer to a New Place of Service**

1. If a military person (citizen, called to military preparations) made materially answerable, by the date of dismissal from military service (termination of military preparations) has not reimbursed delivered damage, his debt should be recovered according to the rules of execution procedure specified by the legislation of the Russian Federation.

2. If a military person (citizen, called to military preparations) who delivered damage was dismissed from military service (left military preparations as a result of their termination) without having been made materially answerable, recovery of the damage from him is carried out by court according to legal action, brought in by the commander (chief) of the military unit in the amount, specified by the present Federal Law. In this case the amount of a monthly money allowance pay and the amount of a monthly length of service pay increment are determined as per the day of dismissal of a military person (citizen, called to military preparations) from military service (termination of military preparations).

3. In the case of transfer to a new place of service, damage delivered by a military person who was made materially answerable and did not reimburse the delivered damage is reimbursed at the new place of service on the basis of records in pay book or monetary certificate of the military person.

If the decision on making the military person who delivered damage materially answerable has not been adopted before his transfer to a new place of military service, the commander (chief) of the military unit within fifteen days from the date of termination of the administrative investigation, audit, control, inquiry, arrival of investigation materials or court resolution should send necessary materials to the new place of military service of the military person for making him materially answerable.

In this case the damage is reimbursed at the new place of service of the military person in the order, determined by Article 8 of the present Federal Law. The order of the commander (chief) of the military unit regarding reimbursement of the damage should be issued within a period of two weeks from the date of arrival of materials, mentioned in the present point, from the previous place of service of the military person.

**Article 10.** *Reimbursement of Damage Delivered by Military Persons to Third Persons*

Military persons who delivered damage to third persons which, according to the legislation of the Russian Federation was reimbursed by the military unit, should reimburse the military unit delivered damage in the order and extent specified by the present Federal Law.

**Article 11.** *Conditions of Decreasing the Extent of Damage to be Reimbursed*

The amount of the monies to be recovered from a military person in order to reimburse the delivered damage may be decreased by the commander (chief) of the military unit upon permission of the higher commander (chief), as well as by the court with regard for concrete obstacles, degree of guilt and material conditions of the military person, excluding cases, specified by paragraph four of Article 5 of the present Federal Law.

**Article 12.** *Order of Making Money Deductions*

1. Monthly money deductions for reimbursing damage delivered by military persons should be made in the amount equal to 20 percent of the monthly money allowance, and in order to reimburse the damage delivered in cases specified by paragraph four of Article 5 of the present Federal Law—in the amount equal to 50 percent of the monthly money allowance of a military person.

2. If other money deductions specified by the legislation of the Russian Federation are made from the money allowance of a military person, their total amount may not exceed 50 percent of a monthly money allowance of the military person. In this case the priority of the mentioned deductions is determined by the legislation of the Russian Federation.

**CHAPTER IV- CONCLUSIVE PROVISIONS**

**Article 13.** *Bringing Legal Acts in Conformity with the Present Federal Law*

1. The President of the Russian Federation and the Government of the Russian Federation should bring their legal acts in conformity with the present Federal Law.

2. Declare void on the territory of the Russian Federation the Decree of the Presidium of the Supreme Soviet of the USSR No. 10661-X dated January 13, 1984 ‘On Material Liability of

Military Persons Regarding Damage, Delivered to the State' (Records of the Supreme Soviet of the USSR, 1984, No. 3, page 61).

**Article 14.** *Enforcement of the Present Federal Law*

The present Federal Law comes into force from the date of its official publication.

The President of the Russian Federation

B. Yeltsin

Moscow, The Kremlin

July 12, 1999

No. 161-Φ3

## **29. ON FINANCING OF THE STATE DEFENCE ORDER FOR THE STRATEGIC NUCLEAR FORCES OF THE RUSSIAN FEDERATION**

Adopted by the State Duma on June 23, 1999

Approved by the Council of Federation on July 02, 1999

### Summary:

*This brief federal law details the procedures for financing orders of materiel for the Russian strategic nuclear forces. The law details the financing, accounting and payment procedures for services and products procured. Control over financing is specified, as are the anticipated events which would amend the current law.*

The present Federal Law shall fix the legal norms defining the composition of the State Defence Order for the strategic nuclear forces of the Russian Federation, as well as the minimally required scopes and procedure of its financing for the period from 2000 up to 2010 inclusively.

### **Article 1.** *Basic Concepts Applied for the Purposes of the Present Federal Law*

The basic concepts used for the purposes of the given Federal Law are the following:

the strategic nuclear forces of the Russian Federation (hereinafter referred to as SNF) shall include the large troop formations, military formations, and units of the Missile Strategic Arm, Navy and Air Forces, armed with combat nuclear means with strategic purpose, means of anti-missile defence, as well as with information control systems, providing their functioning and application, being functionally united with the operational control system of the SNF;

the State defence order for the SNF (hereinafter referred to as Defence Order) is a component part of the State Defence Order.

### **Article 2.** *Composition of the Defence Order*

1. The Defence Order whose minimum required financing scopes shall be fixed by the present Federal Law shall include the following:

development, supply (procurement), repair and modernization of armaments and military equipment (missile complexes with intercontinental ballistic missiles; strategic cruise missiles;

means of anti-missile defence; other missile equipment of the SNF; space systems and complexes of the SNF communication and operational control; missile attack alert and outer space control; aviation equipment of the aviation SNF; missile submarine cruisers of the strategic purpose; the SNF operational control communication means and systems);

capital construction, modernization and repair of the SNF special facilities;

preparation of the full-scale production of the SNF systems and complexes.

2. The financing scopes for the supplies of products (work, services) by the Defence Order, including the ones for utilization and liquidation of armaments and military equipment, not specified in Clause 1 of the present Article, shall be defined in accordance with the plans of the SNF construction (development), as well as in compliance with the international treaties of the Russian Federation under the procedure, established by the Federal Law “On the State Defence Order” and other legal acts.

### **Article 3.** *Minimum Financing Scopes of the Defence Order*

(Confidential)

### **Article 4.** *Financing Procedure of the Defence Order*

1. Financing of the Defence Order shall be implemented in compliance with the Budgetary Legislation of the Russian Federation, as well as with account of the following provisions:

1) The Government of the Russian Federation shall envisage the costs for financing the supply of products (work, services) by the Defence Order, specified in Clause 1 Article 2 hereof, in the draft Federal Law on the Federal Budget for the successive fiscal year, in the scopes no less than those fixed in Article 3 hereof with account of the inflation index for the corresponding period, fixed by the Government of the Russian Federation, the costs covering the actual demand in financing the Defence Order.

2) the Defence Order financing costs regarding the supplies of products (work, services), specified in Clause 1 Article 2 hereof, expressed in the State Defence Order basic indices shall be stated separately. The most important (priority) supplies of the products (work, services) and the scopes of their financing can be stated in the basic indices of the State Defence Order by individual lines. Preliminary coordination of their list and scopes of financing shall be made prior to consideration of the draft Federal Law on the Federal Budget for the successive fiscal year by the State Duma of the Federal Assembly of the Russian Federation;

3) on consideration of the draft Federal Law on the Federal Budget for the successive year or the draft Federal Law on introduction of amendments and additions in the draft Federal Law on the Federal Budget for the current year the costs on financing the Defence Order shall not be subject to reduction or re-distribution without agreement with the Government of the Russian Federation.

4) the funds fixed by the Federal Law on the Federal Budget for the current fiscal year as those for financing the supplies of products (work, services) specified in Clause 1 Article 2 hereof, shall not be used for other purposes, as well as for clearing liability on financing the Defence Order for the previous years;

5) if, by force of objective circumstances, the Defence Order for the current fiscal year has not been completely fulfilled and no financing of the corresponding supply of products (work, services) has been carried out, then the funds not spent for this reason shall be forwarded for financing the uncompleted supply of products (work, services) within the successive year in case the demand in them retains;

6) in the case in which the Federal Law on the Federal Budget for the successive fiscal year does not come into effect by the start of the fiscal year, the financing of the Defence Order shall be exercised in the financing scopes of the Defence Order for the corresponding period of the preceding fiscal year with account of the inflation index for the past year.

Within two weeks from the validity date of the Federal Law on the Federal Budget for the successive fiscal year the Ministry for Finance of the Russian Federation shall redeem the difference between the financing scope of the Defence Order, which is to be carried out within this period in compliance with the Federal Law on the Federal Budget for the successive fiscal year and the scope of the actually implemented financing. The Ministry for Defence of the Russian Federation shall distribute the allocated funds under the established procedure within one week from the date of redemption of the mentioned difference.

**Article 5.** *Introduction of Amendments and Additions in the Present Federal Law*

Introduction of amendments and additions in the present Federal Law on the composition and the scope of financing of the Defence Order shall be carried out in 2005 upon updating of the State Program on Development, Creation and Production of Armaments and Military Equipment for the Period from 2006 up to 2010 inclusively as well as upon requirement in the following cases:

- 1) updating of the State Program on Development, Creation and Production of Armaments and Military Equipment for the period up to 2005;
- 2) modification of the SNF composition;

- 3) conclusion of international treaties, termination or suspension of their effect by the Russian Federation;
- 4) amendments of the financing scopes of the Defence Order, fixed in Article 3 hereof in compliance with the inflation index for the past period.

**Article 6.** *Control over Financing of the Defence Order*

Control over financing of the Defence Order shall be exercised in compliance with the Budgetary Legislation of the Russian Federation.

The Government of the Russian Federation shall quarterly inform the Federal Assembly of the Russian Federation on the condition of financing the Defence Order.

**Article 7.** *Enforcement of the Present Federal Law*

The present Federal Law shall be effective from the date of its official publication.

President of the Russian Federation

B. Yeltsin.

City of Moscow, The Kremlin

July 17, 1999

№ 174-FZ

## **30. ON THE BORDER GUARD SERVICE OF THE RUSSIAN FEDERATION**

Adopted by the State Duma on April 7, 2000  
Approved by the Council of the Federation on April 19, 2000

*This federal law defines the main tasks, responsibilities, composition, management and control of the Border Guard service. The main areas of activity are detailed along with the tasks of control and enforcement. The scope of action open to the service is outlined, specifying the rights of the service to use materiel and measures necessary for border security.*

*The service's activities are guided by the president; the government coordinates the services' activities with those of other federal executive bodies. The management is entrusted to the head of the service who is appointed by the president. The forces and resources are specified, as are organisational and recruiting tasks and right to use force. The wherewithal for the support of Border Guard activity is detailed in terms of supply, ownership rights, construction and other activities, as is the financing of the service.*

Chapter I. General Provisions	(Articles 1–3)
Chapter II. Fundamentals of the Activities of the Border Guard Service	(Articles 4–6)
Chapter III. Fundamentals of the Organization of Activities of the Border Guard Service	(Article 7)
Chapter IV. Forces and Resources of the Border Guard Service	(Articles 8–13)
Chapter V. Fundamentals of Providing for the Activities of the Border Guard Service	(Articles 14–16)
Chapter VI. Control and Enforcement of the Activities of the Border Guard Service	(Articles 17–18)
Chapter VII. Final Provisions	(Articles 19–20)

The present Federal Law defines the main tasks and sphere of responsibility, general composition of the Border Guard Service of the Russian Federation, fundamentals of guidance and management of the Border Guard Service of the Russian Federation, as well the procedure for executing control and enforcement of its activities.

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *The Border Guard Service of the Russian Federation*

The Border Guard Service of the Russian Federation (hereinafter, the Border Guard Service) is a state military organization forming the basis of the system of ensuring the security of the person, the society and the state in the sphere of protecting and safeguarding the state border of the Russian Federation (hereinafter, the state border), protection of internal sea waters, the territorial sea, exclusive economic zone, continental shelf of the Russian Federation and their natural resources.

### **Article 2.** *Composition of the Border Guard Service*

The Border Guard Service consists of the specially authorized federal body of executive power in charge of the Border Guard Service, forces, bodies and other organizations of the Border Guard Service.

### **Article 3.** *Main Tasks of the Border Guard Service*

1. The main tasks of the Border Guard Service are:

protecting and safeguarding the state border to prevent an illegal change in the configuration of the state border, providing for the observation by natural persons and legal entities of the regime of the state border, regime on adjacent territories and the transfer regime through the state border;

protection of internal sea waters, the territorial sea, exclusive economic zone and continental shelf of the Russian Federation and their natural resources for the purposes of their preservation, protection and rational use, as well as for the purposes of protection of the marine environment, economic and other legal interests of the Russian Federation;

coordination of activities of the federal bodies of executive power in charge of protecting and safeguarding the state border, as well as the use of the forces and resources of the federal bodies of executive power engaged in safeguarding the internal sea waters, the territorial sea, exclusive economic zone and the continental shelf of the Russian Federation and their natural resources;

providing state control in the sphere of protection of marine biological resources.

2. The Border Guard Service fulfils other tasks vested in it by federal laws, as well as the

tasks in the framework of respective international treaties of the Russian Federation.

## CHAPTER II - FUNDAMENTALS OF THE ACTIVITIES OF THE BORDER GUARD SERVICE

### **Article 4.** *Legal Regulation of Activities of the Border Guard Service*

The Border Guard Service carries out its activities in compliance with the Constitution of the Russian Federation, federal constitutional laws, the present federal law, other federal laws and other normative legal acts of the Russian Federation, as well as the generally accepted principles and norms of international law and international treaties of the Russian Federation.

### **Article 5.** *Main Principles behind the Activities of the Border Guard Service*

The Border Guard Service carries out its activities on the basis of the following main principles:

- observation of laws;
- humanitarianism;
- respect for and observation of the rights and liberties of man and citizen;
- respect for the sovereignty and territorial integrity of states and stability of their borders;
- peaceful resolution of border disputes;
- mutually-beneficial multi-faceted cooperation with the bodies of foreign states fulfilling similar tasks;
- combination of open and secret forms and methods of work;
- unified management and centralized control.

### **Article 6.** *Sphere of Reference of the Border Guard Service*

The Border Guard Service, within its sphere of responsibility, shall:

- 1) organize and carry out the activities in revealing, preventing, and stopping crimes and administrative violations in the cases qualified by federal legislation as within the sphere of reference of the Border Guard Service;
- 2) arrest persons having committed crimes or administrative violations in those cases identified by federal legislation as the sphere of reference of the Border Guard Service;
- 3) carry out, in compliance with federal legislation, reconnaissance, intelligence and

counter-intelligence work, operative investigation and other activities;

4) implement, in compliance with federal legislation, cooperation with the bodies of foreign states fulfilling similar tasks, conclude international treaties of an interagency nature, take part in the drawing up of the state border in international legal documents and fixing it in treaties;

5) use on a free basis, while executing their service duties, the water and air space of the Russian Federation, territories (water areas) of airports, air fields, (landing sites) sea, river ports regardless of their organizational and legal forms and forms of ownership; enjoy on a free basis while executing their service duties flight and navigation support;

6) request and obtain on a free basis from state bodies, bodies of local government, organizations regardless of the forms of ownership, public associations and citizens of the Russian Federation, foreign citizens and stateless persons, necessary information (including navigational, meteorological, hydrographic, radioelectronic, space and other), except for cases in which the federal legislation sets forth a special procedure for obtaining the information;

7) obtain and use free of charge when fulfilling service duties the channels and means of communication owned by state bodies, bodies of local government, organizations regardless of the forms of ownership and public associations (except for diplomatic representation offices and consular institutions of foreign states and international organizations) and, if necessary, by the citizens of the Russian Federation, foreign citizens and stateless persons while compensating, at their demand, the expenses according to the procedure specified in federal legislation;

8) obtain from the citizens of the Russian Federation, foreign citizens and stateless persons explanations of the circumstances of crimes or administrative violations known to them in the cases identified by federal legislation as with the sphere of responsibility of the Border Guard Service;

9) use on a free basis in compliance with federal legislation mass media to transmit operative information;

10) present, according to established procedure, to state bodies, bodies of local government, organizations regardless of the form of ownership, public associations or officials, statements obligatory for execution to eliminate the causes and conditions contributing to crimes or administrative violations in the cases identified by federal legislation as within the sphere of responsibility of the Border Guard Service;

11) attract on a voluntary basis for execution of the tasks of the Border Guard Service the citizens of the Russian Federation united in public associations as freelance workers of the Border Guard Service and in other forms according to the procedure specified by the Government of the Russian Federation;

12) use armaments, special devices, combat, special and other equipment, physical force

and service dogs according to the procedure specified by the Government of the Russian Federation;

13) carry out according to federal legislation registration of people, statistics and other data;

14) create and use information systems in compliance with federal legislation;

15) arrange encryption and agency networks of encoded communication, take part in the creation and operation of interstate and interagency networks of encoded communication;

16) take part, in compliance with federal legislation, in ensuring the security of protected state objects;

17) take necessary measures to ensure their own security;

18) take part in guarding diplomatic representation offices and consular institutions of the Russian Federation in foreign states;

19) take part, in compliance with federal legislation, in the fulfilling of tasks on the territories adjacent to the border, pertaining to the maintaining of an emergency regime, elimination of illegal armed formations and elimination of the consequences of emergency situations of natural and technical origin;

20) assume other authority in compliance with federal legislation.

### CHAPTER III - FUNDAMENTALS OF THE ORGANIZATION OF THE ACTIVITIES OF THE BORDER GUARD SERVICE

#### **Article 7.** *Guidance and Management of the Border Guard Service*

1. The guidance of the activities of the Border Guard Service shall be vested in the President of the Russian Federation.

2. The Government of the Russian Federation shall coordinate, within their sphere of responsibility, the activities of the specially designated federal body of executive power for the Border Guard Service with the activities of other federal bodies of executive power.

3. The management of the Border Guard Service shall be carried out by the head of the specially designated federal body of executive power in charge of the Border Guard Service through the specially designated federal body of executive power for the Border Guard Service and its territorial bodies. The head of the specially designated federal body of executive power in charge of the Border Guard Service shall be assigned to his position and dismissed from it by the President of the Russian Federation at the presentation of the Government of the Russian Federation.

4. The regulation on the specially designated federal body of executive power in charge of

the Border Guard Service shall be endorsed by the President of the Russian Federation at the presentation of the Chairman of the Government of the Russian Federation.

## CHAPTER IV- FORCES AND RESOURCES OF THE BORDER GUARD SERVICE

### **Article 8.** *The Forces of the Border Guard Service*

1. The forces of the Border Guard Service shall provide for the protection and safeguarding of the state border, as well as reveal, prevent and stop crimes and administrative violations in the sphere of protection and safeguarding of the state border.

The forces of the Border Guard Service shall also take part in the solving of the tasks vested in the bodies of the Border Guard Service.

2. According to federal legislation, the forces of the Border Guard Service take part, together with the Armed Forces of the Russian Federation, in the repulsion of aggression against the Russian Federation, as well as being involved in solving other problems in the sphere of state defence.

3. The charter of the forces of the Federal Border Guard Service of the Russian Federation shall be endorsed by the head of the specially designated federal body of executive power in charge of the Border Guard Service.

### **Article 9.** *Bodies of the Border Guard Service*

1. The bodies of the Border Guard Service shall provide for:

state control over observation of the regime on the state border, the regime on the territories adjacent to the border, regime at points of transfer through the state border;

revealing, prevention, and stopping crimes and administrative violations infringing the state border regime, regime of adjacent territories, regime at the points of transfer through the state border;

transfer through the state border of people, transport vehicles, cargo, commodities and animals together with other specially designated state control bodies;

within its sphere of responsibility, state control over observation of the federal legislation on internal sea waters, territorial sea, exclusive economic zone and the continental shelf of the Russian Federation, as well as on the use and protection of fauna and the environment;

revealing, prevention, and stopping crimes and administrative violations in the sphere of the federal legislation on internal sea waters, the territorial sea, the exclusive economic zone and on

the continental shelf of the Russian Federation, as well as on the use and protection of fauna and the environment;

together with other specially designated state control bodies, protection of the biological resources of internal sea waters, territorial sea, exclusive economic zone and the continental shelf of the Russian Federation, protection outside the exclusive economic zone of the Russian Federation the reserves of anadromous fish forming in the rivers of the Russian Federation;

other functions of the Border Guard Service set forth in federal legislation.

The bodies of the Border Guard Service shall also take part in the execution of the tasks vested in the forces of the Border Guard Service and provide for the activities of the mentioned forces.

2. The bodies of the Border Guard Service shall execute individual tasks in the sphere of defence in compliance with federal legislation.

3. Regulations of the bodies of the Border Guard Service shall be endorsed by the head of the specially designated federal body of executive power in charge of the Border Guard Service.

#### **Article 10.** *Organizations of the Border Guard Service*

Enterprises, educational institutions of professional education, research, expert, military medical organizations, study centres, special training centres and other organizations of the Border Guard Service are intended to provide for the activities of the Border Guard Service and implement the aforementioned activities in compliance with federal legislation.

#### **Article 11.** *Recruiting in the Border Guard Service*

1. The manpower of the Border Guard Service includes servicemen and civilian personnel of the Border Guard Service.

2. Recruiting for the Border Guard Service is carried out in compliance with federal legislation:

1) servicemen—by entering citizens of the Russian Federation in the military service on a contractual basis and by draft using the extra-territorial principle;

2) civilian personnel—by voluntary admission to work.

3. The servicemen of the Border Guard Service (except for draftees), as well as citizens of the Russian Federation assigned to positions as servicemen of the Border Guard Service, positions as state inspectors of the bodies of marine guards and inspectors of the bodies of the border guards of the Border Guard Service form the personnel of the Border Guard Service.

4. The personnel of the Border Guard Service are issued service identification documents of the type specified by the specially designated federal body of executive power in charge of the Border Guard Service.

5. The manpower of the servicemen of the Border Guard Service shall be endorsed by the President of the Russian Federation and the manpower of the civilian personnel of the Border Guard Service shall be endorsed by the Government of the Russian Federation.

**Article 12.** *Particulars of the Legal Status of the Personnel of the Border Guard Service and Draftee Servicemen*

1. The personnel of the Border Guard Service and the draftee servicemen of the Border Guard Service are protected by the state. Nobody may interfere in their service activities except for the persons authorized to do so by federal legislation.

2. The demands of the personnel of the Border Guard Service and the draftee servicemen within their authority are obligatory for execution by the citizens of the Russian Federation, foreign citizens, and stateless persons.

3. The personnel of the Border Guard Service and the draftee servicemen of the Border Guard Service do not bear responsibility for any damage caused to life, health and property of violators, as well as for the moral damage suffered by such because of the use, in cases envisaged in legislation, of arms, special devices, combat, special and other equipment, physical force and service dogs if the limits of necessary force were not exceeded, or in cases of extreme emergency.

**Article 13.** *Use of Arms, Special Devices, Physical Force and Service Dogs*

1. The personnel of the Border Guard Service are permitted to keep and carry arms and special devices.

2. The personnel of the Border Guard Service and draftee servicemen of the Border Guard Service shall use, in compliance with federal legislation, arms, special devices, physical force, including combat methods, as well as service dogs according to the procedure defined by the Government of the Russian Federation.

**CHAPTER V - FUNDAMENTALS OF PROVIDING FOR THE ACTIVITIES OF THE BORDER GUARD SERVICE**

**Article 14.** *Material and Technical Support of the Activities of the Border Guard Service*

1. The property of the Border Guard Service includes the dwelling houses, buildings and

structures of the management bodies of the Border Guard Service, military residential settlements of the military units and divisions, organizations and educational institutions of professional education of the Border Guard Service, equipment, educational objects, material basis and technical educational aids available, as well as arms, military and special equipment, engineering structures and barriers, other material and technical equipment used by the Border Guard Service to fulfil the tasks vested in it by federal legislation.

2. The property of the Border Guard Service is federally owned and belongs to the Border Guard Service on the terms of the economic or operative management. Qualification of the property of the Border Guard Service as withdrawn from circulation or property restricted in circulation is done in compliance with federal legislation.

3. Material and technical support of the Border Guard Service and the creation of infrastructure for the Border Guard Service is provided at the expense of resources of the federal budget, as well as non-budgetary resources in cases envisaged in federal legislation.

4. The norms of supply with the main types (systems, complexes) of armaments, military and special equipment, the norms of consumption of motor resources and fuels, as well as the procedure for adoption for military use, purchase, registration, storage, issue, repair and writing off of types (systems, complexes) of armaments, military and special equipment, procedure of training servicemen and civilian personnel of the Border Guard Service to be ready for actions pertaining to the use of the types (systems, complexes) of armaments, military and special equipment shall be fixed by the specially authorized federal body of executive power in charge of the Border Guard Service in compliance with the list of the main types (systems, complexes) of armaments, military and special equipment, norms and procedure of material and technical supplies of the Border Guard Service endorsed by the Government of the Russian Federation.

5. Construction, reconstruction or providing objects intended for accommodation of the military units and divisions of the Border Guard Service shall be arranged in compliance with the procedure and norms set forth by the Government of the Russian Federation for the servicemen of the Armed Forces of the Russian Federation (taking into account the particulars defined by the head of the specially authorized federal body of executive power in charge of the Border Guard Service) at the expense of the resources of the federal budget, as well as at the expense of the resources of the budgets of the subjects of the Russian Federation, resources of the federal bodies of executive power that initiated the construction or reconstruction.

6. The Border Guard Service shall be entitled to accept, according to established procedure, in possession and for use from the federal bodies of executive power, bodies of executive power of the subjects of the Russian Federation, bodies of local government, organizations regardless of the form of ownership, public associations, citizens of the Russian Federation, transport vehicles,

other machinery and property necessary for the fulfilment of the tasks vested in the Border Guard Service by federal legislation. The procedure for use of the mentioned property shall be defined by the head of the specially authorized federal body of executive power in charge of the Border Guard Service.

**Article 15.** *Financial Support of the Activities of the Border Guard Service*

Financial support of the activities of the Border Guard Service is provided at the expense of resources of the federal budget, as well as non-budgetary resources in the cases envisaged by federal legislation.

**Article 16.** *Procedure for the Use of Land and Other Natural Resources*

1. The land for deployment and permanent activities of the management bodies of the Border Guard Service, military units and divisions, organizations and educational institutions of professional education of the Border Guard Service shall be provided to them on a free basis for permanent or temporary use by the appropriate state bodies and bodies of local government within their authority.

2. The land and other natural resources provided to the Border Guard Service are used by the Border Guard Service in compliance with federal legislation.

**CHAPTER VI - CONTROL AND ENFORCEMENT OF ACTIVITIES OF THE  
BORDER GUARD SERVICE**

**Article 17.** *Control over the Activities of the Border Guard Service*

Control over the activities of the Border Guard Service shall be vested in the President of the Russian Federation, the Government of the Russian Federation, courts and other bodies within their authority as defined in federal legislation.

**Article 18.** *Procurator's Enforcement of the Activities of the Border Guard Service*

Enforcement of the observation of federal legislation regulating the activities of the Border Guard Service and observation of legal practices in the activities of the Border Guard Service shall be vested in the Procurator General of the Russian Federation and his authorized procurators in compliance with federal legislation.

## CHAPTER VII - FINAL PROVISIONS

**Article 19.** *Bringing Normative Legal Acts into Compliance with the Present Federal Law*

The President of the Russian Federation is recommended and the Government of the Russian Federation is required to bring their normative legal acts in compliance with the present Federal Law.

**Article 20.** *Entering into Force of the Present Federal Law*

The present Federal Law shall enter into force from the day of its official publication.

Acting President  
of the Russian Federation  
Moscow, The Kremlin

V. Putin

## **31. ON RATIFICATION OF THE TREATY BETWEEN THE RUSSIAN FEDERATION AND THE UNITED STATES OF AMERICA ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE WEAPONS**

Adopted by the State Duma on April 14, 2000

Approved by the Council of Federation on April 19, 2000

### Summary:

*This law concerns the ratification of SNF-2 treaty originally signed in 1993. The treaty outlines the reduction of warheads and heavy bombers, the protocols governing the liquidation of ICBM's, and the associated inspection regime.*

*The circumstances allowing withdrawal from the treaty, the measures required to effect such a move, and the measures to be taken if Russian interests are endangered are also specified.*

*The responsibilities of the Russian President to consult and update the Federal Assembly are elaborated as are the presidency's responsibilities in the arena of strategic forces. The treaty details the terms on which the limitations will be effected and the terms of compliance. The roles of the different branches of the Russian government are specified.*

### **Article 1**

To ratify the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of the Strategic Offensive Arms, signed in the city of Moscow on January 03, 1993, hereinafter referred to as Treaty SNF-2, including the documents, constituting its integral part, i.e.:

Memorandum of Understanding on numbering the war heads and heavy bombers data in connection with the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, signed in the city of Moscow on January 03, 1993;

Protocol on the procedures governing the liquidation of the heavy intercontinental ballistic missiles (ICBMs), governing re-equipment of the shaft launch installations of the heavy intercontinental ballistic missiles in connection with the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, signed in the city of Moscow on January 03, 1993;

Protocol on demonstrations and inspections of the heavy bombers in connection with the Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, signed in the city of Moscow on January 03, 1993;

Protocol to the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms, dated January 03, 1993, signed in the city of New York on September 26, 1997.

## **Article 2**

The exclusive circumstances, entitling in compliance with Article VI of Treaty SNF-2 the Russian Federation for withdrawal from this Treaty under the procedure of implementation of its State sovereignty along with other ones include the below circumstances:

- 1) Breach of Treaty SNF-2 on the part of the United States of America, capable to lead to occurrence of a threat to the National security of the Russian Federation;
- 2) Withdrawal of the United States of America from the Treaty between the Union of Soviet Socialist Republics and the United States of America on Limitation of Anti-Ballistic Missile Systems, signed in the city of Moscow on May 26 1972, hereinafter referred to as the Anti-Missile Defense Treaty, or breach of the Anti-Missile Defense Treaty and its associated agreements;
- 3) Build-up of strategic offensive arms by the States, not parties to the Treaty SNF-2 the way it will create a threat to the national security of the Russian Federation;
- 4) Adoption and implementation by the United States of America, other States or unions of States, including the North-Atlantic Treaty Organization, of such decisions in the sphere of the military construction, which will create a threat to the national security of the Russian Federation, including placement of nuclear weapons in the territories of the States, which became members of the North-Atlantic Treaty Organization after signing Treaty SNF-2;
- 5) Deployment by the United States of America, other States or unions of States of the armaments, preventing from functioning of the Russian alert system on a missile attack;
- 6) Occurrence of extraordinary circumstances, including the ones of the economic or technogenic character, making impossible the compliance of the Russian Federation with Treaty SNF-2 or capable to lead to an occurrence of a threat to the environmental security of the Russian Federation.

## **Article 3**

1. At exclusive circumstances specified in Article 2 of the present Federal Law, as well as at other exclusive circumstances, endangering the supreme interests of the Russian Federation, the President of the Russian Federation shall:

- a) take political, diplomatic and other measures for the purposes of eliminating the exclusive circumstances or neutralization of their consequences;
- b) Provide immediate consultations with the Chambers of the Federal Assembly of the Russian Federation and with account of the results of such consultations take the decisions related to Treaty SNF-2, including making of the proposals, envisaged with the Federal Law “On International Treaties of the Russian Federation” as required.

2. The Chambers of the Federal Assembly of the Russian Federation in case they consider that there have occurred the circumstances, referred to the category of the exclusive ones in the meaning of Article VI of Treaty SNF-2, shall forward to the President of the Russian Federation a proposal on carrying-out consultations or express their recommendations to the President of the Russian Federation or take other actions, envisaged with the Federal Law “On International Treaties of the Russian Federation”.

#### **Article 4**

The President of the Russian Federation shall provide realization of the consultations with the Chambers of the Federal Assembly of the Russian Federation and with account of the results of such consultations shall take the decisions related to Treaty SNF-2, including making of the proposals, envisaged with Section V of the Federal Law “On International Treaties of the Russian Federation” as required, in case no new Treaty Between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms is signed till December 31 2003, providing the following:

- 1) maintenance and further strengthening of the strategic stability at reduced levels of the strategic offensive arms of the Russian Federation and the United States of America;
- 2) maintenance for the Russian Federation of an opportunity of the multi-variant approach to the build of its strategic nuclear forces, including their structure and composition of armaments, providing the National security of the Russian Federation with account of the existing economic conditions;
- 3) exclusion of the opportunity of rapid build-up of the quantity of the nuclear warheads on the carriers of all types of deployment;
- 4) granting of equal rights and opportunities to the Treaty Parties at liquidation and utilization of nuclear war heads;
- 5) economically optimal use of the existing infrastructure of the strategic nuclear forces of the Russian Federation, substantial cut of the costs on realization of the liquidation and utilization programs of the strategic offensive arms, as well as expansion of the opportunities to

use the reduced components of the strategic nuclear forces of the Russian Federation and their infrastructure in the interests of development of the domestic economy;

- 6) Record of all types and systems of the strategic arms.

### **Article 5**

Realization of Treaty SNF-2 shall be performed on the basis of the following:

- 1) reservation of the potential of the strategic nuclear forces of the Russian Federation at the level, necessary for providing the National security of the Russian Federation;
- 2) priority financing of the strategic nuclear forces of the Russian Federation, as well as the activities on the safe liquidation and utilization of the strategic offensive arms;
- 3) observance by the United States of America of the Treaty on Reduction and Limitation of the Strategic Offensive Arms, signed in the city of Moscow on July 31 1991, hereinafter referred to as Treaty SNF-1;
- 4) Reduction of the strategic offensive arms of the Russian Federation, falling under effect of SNF-2 Treaty with account of their operational periods;
- 5) Maintenance of the combat availability of the strategic nuclear forces of the Russian Federation at any variants of development of the strategic situation, maintenance of the required laboratory-test base and production facilities;
- 6) Assurance of safety of operation, storage, liquidation and utilization of the strategic offensive arms;
- 7) Assurance of equality of rights and opportunities of the Parties to SNF-2 in implementation of inspections and control activities, as well as maintenance and perfection of the National technical monitoring means of the Russian Federation over compliance by the United States of America with the Treaty SNF-1, Treaty SNF-2 and the Treaty of Anti-Missile Defense.

### **Article 6**

The compliance of the Russian Federation with the obligations under Treaty SNF-2 shall be exercised with observance of the present Federal Law, as well as of other legislative and legal acts of the Russian Federation, governing the actions and procedures, the necessity in which occurs at realization of SNF-2.

The financial support of the strategic nuclear forces of the Russian Federation, as well as production, operation, liquidation and utilization of the nuclear weapons shall be exercised in compliance with the Federal laws.

Within two months after enforcement of the present Federal Law the President of the Russian Federation shall approve the Federal program of development of the strategic nuclear

forces of the Russian Federation and forward it to the Chambers of the Federal Assembly of the Russian Federation.

The Government of the Russian Federation within three months upon enforcement of the present Federal Law shall work out and present to the President of the Russian Federation for approval the Federal Target program of liquidation and utilization of weapons and equipment of the strategic nuclear forces of the Russian Federation, providing the opportunity to use the reduced components and infrastructure in the interests of developing the domestic economy.

## **Article 7**

In the course of performance of Treaty SNF-2:

1. The President of the Russian Federation shall:

a) define the main lines of the State policy in the sphere of development of the strategic nuclear forces of the Russian Federation and nuclear disarmament, procedure and dates of fulfilling the activities on realization of Treaty SNF-2, providing along with this reservation of the potential of the strategic nuclear forces of the Russian Federation and maintenance of their combat availability at the level, required for guaranteed retention of aggression against the Russian Federation and its allies;

b) take decisions on the dates and procedure of withdrawal out of the combat structure and deactivation of the strategic offensive arms, subject to reduction under Treaty SNF-2, as well as on introduction into the combat structure of new samples of the strategic offensive arms;

c) Define the Russian conception of further international negotiations in the sphere of the strategic offensive arms and anti-missile defense holds consultations and negotiations with the Heads of other States for the purposes of strengthening the strategic stability and assurance of the National security of the Russian Federation.

1. the Government of the Russian Federation shall:

a) provide in compliance with the Federal laws and the Federal target programs the priority financing of the strategic nuclear forces of the Russian Federation, activities on the safe liquidation and utilization of the strategic offensive arms, as well as the measures on performance of Treaty SNF-1 and Treaty SNF-2;

b) provide maintenance and development of the laboratory-test base and production facilities, required for maintenance of the nuclear potential and combat availability of the strategic nuclear forces of the Russian Federation;

c) regularly forward to the Chambers of the Federal Assembly of the Russian Federation the report on condition of the strategic nuclear forces of the Russian Federation and the progress of performance of Treaty SNF-1, Treaty SNF-2 and Anti-Missile Defense Treaty in compliance with Article 8 of the present Federal Law;

d) submit to the Chambers of the Federal Assembly of the Russian Federation the data, envisaged with the Memorandum of Understanding on numbering the war heads and the data on heavy bombers in connection with Treaty SNF-2;

e) provide effective utilization of the National technical control means over observance of the provisions of Treaty SNF-1, Treaty SNF-2 and Anti-Missile Defense Treaty, their technical perfection, as well as performance of the control procedures, envisaged with the mentioned Treaties;

f) take measures on assurance of safety during operation, storage, liquidation and utilization of the strategic offensive arms, nuclear war heads and missile fuel, as well as on exclusion of unofficial access to the nuclear war heads;

g) take measures on utilization of the economically viable methods and the techniques of liquidation and utilization of the strategic offensive arms;

h) exercise foreign-policy activities in the domain of reduction and limitation of the strategic offensive arms and non-proliferation of nuclear arms upon commission of the President of the Russian Federation;

i) Invite (upon coordination) representatives of the Chambers of the Federal Assembly of the Russian Federation to participate in consideration of the negotiation progress in the domain of reduction and limitation of the strategic offensive arms and anti-missile defense.

3. The Chambers of the Federal Assembly of the Russian Federation shall:

a) Participate at the annual examination of the draft Federal law on the Federal Budget of the Russian Federation in taking of decisions on the size of financing the scientific-research and pilot-design activities in the sphere of the strategic offensive arms, procurement of the strategic offensive arms, construction (repair, modernization) of the main deployment facilities of the strategic nuclear arms of the Russian Federation and their control, as well as activities on the safe liquidation and utilization of the strategic offensive arms and the activities on performance of Treaty SNF-1 and Treaty SNF-2;

b) Participate in drawing-up of Federal laws and the Federal Target programs, adopt Federal laws, necessary for maintenance of the strategic nuclear forces of the Russian Federation at the level, ensuring the National security of the Russian Federation, as well as for fulfillment of the activities in the sphere of reduction of the nuclear arms;

- c) consider the annual report of the Government of the Russian Federation on the condition of the strategic nuclear forces of the Russian Federation and the performance progress of Treaty SNF-1, Treaty SNF-2 and the Anti-Missile Defense Treaty and take the appropriate decisions;
- d) Commission the Returning Chamber of the Russian Federation on carrying-out the audits of consumption of the funds, allocated for performance of Treaty SNF-1 and Treaty SNF-2, when required;
- e) Take measures in accordance with Section V of the Federal Law “On International Treaties of the Russian Federation” in necessary cases.

### **Article 8**

Upon enforcement of Treaty SNF-2 no later than October 1 the Government of the Russian Federation shall annually forward to the Chambers of the Federal Assembly of the Russian Federation a report on the condition of the strategic nuclear forces of the Russian Federation and the progress of performance of Treaty SNF-1, Treaty SNF-2 and Anti-Missile Defense Treaty, containing the information on the following points:

- 1) changes in the composition and structure of the strategic nuclear forces of the Russian Federation, their financial support and the results of the fulfilled work on maintenance of their potential and operational availability;
- 2) compliance of the Russian Federation and the United States of America with the obligations under Treaty SNF-1, Treaty SNF-2 and Anti-Missile Defense Treaty;
- 3) liquidation and utilization progress of the strategic offensive arms of the Russian Federation, withdrawn out of the operational system, condition of financing the activities on performance of Treaty SNF-1 and Treaty SNF-2, including use of international assistance;
- 4) environmental condition in the storage, liquidation and utilization locations of the strategic offensive arms, first of all in the locations of the nuclear war heads and missile fuel;
- 5) progress of negotiations on conclusion of new agreements in the sphere of reduction and limitation of the strategic offensive arms, as well as in the sphere of the anti-missile defense;
- 6) Condition of work in the sphere of the strategic offensive arms and anti-missile defense, situation in the domain of non-proliferation of nuclear weapons, missiles and missile technologies in the United States of America, other States and Unions of States.

### **Article 9**

The exchange of Deeds on ratification of Treaty SNF-2 by the Russian Federation shall be made upon completion of the procedure on ratification of Treaty CNF-2 by the United States of America, including the Protocol thereto, signed in the city of New York on September 26 1997, as well as the Memorandum of Understanding in relation to the Anti-Missile Defense Treaty, signed in the city of New York on September 26 1997, the First Coordinated Declaration in relation to the Anti-Missile Defense Treaty, signed in the city of New York on September 26 1997, the Second Coordinated Declaration in relation to the Anti-Missile Defense Treaty, signed in the city of New York on September 26 1997, Agreement on Strengthening the Confidence Measures in relation to the systems of fight against ballistic missiles, which are not the strategic ballistic missiles, signed in the city of New York on September 26, 1997.

### **Article 10**

The present Federal Law shall be effective from the date of its official publication.

Acting President  
of the Russian Federation

V.Putin

City of Moscow, Kremlin  
May 04, 2000

## **32. ON RATIFICATION OF THE COMPREHENSIVE NUCLEAR TEST BAN TREATY**

Adopted by the State Duma on April 21, 2000

Approved by the Council of Federation on May 17, 2000

### Summary:

*This federal law ratifies the Comprehensive Test Ban Treaty originally signed in 1996. The law specifies the terms on which the treaty is implemented. The responsibilities of the president, government, and federal bodies within the terms of the treaty are described. The terms on which Russia may withdraw from the treaty are specified.*

### **Article 1**

Ratify the Comprehensive Nuclear Test Ban Treaty, signed on behalf of the Russian Federation in the city of New York on September 24 1996 (hereinafter referred to as the Treaty).

### **Article 2**

*Realization of the Treaty shall be implemented on the basis of the following:*

- 1) maintenance of operational availability, reliability and security of the nuclear arsenal of the Russian Federation at the level, ensuring the national security of the Russian Federation;
- 2) support of the Federal nuclear centers, enterprises and organizations, included in the nuclear arms complex of the Russian Federation and realization of the programs in the sphere of theoretical and applied researches and technological developments for the purposes of providing the required scientific-technical and production potential in the sphere of nuclear weapons, experimental-test base, qualification level of scientists, designers, workers, employees and other specialists, employed in the nuclear arms complex of the Russian Federation, as well as the level of their social security;
- 3) reservation and development of the nuclear arms technologies at all stages of development and production of nuclear charges and nuclear ammunition, modernization of the technical base of the nuclear arms complex of the Russian Federation;
- 4) maintenance of the base potential for possible re-activation of the test nuclear activity in the case in which the Russian Federation withdraws from the Treaty; maintenance of the Central Range of the Russian Federation in availability for the full-scale tests and its adaptation to work on nuclear charges and ammunition not prohibited by the Treaty;
- 5) perfection of opportunities of the National system of control over the nuclear tests abroad;

6) further perfection of information analytical means, including the reconnaissance, to provide receipt of reliable and timely data on the nuclear arsenals, possible hidden developments of nuclear weapons or other activities of other countries having value for the purposes of nuclear weapons;

7) guaranteed and priority financing of the State programs on maintenance of the nuclear arms complex of the Russian Federation, perfection of the national system of control over the nuclear tests abroad, as well as other work and measures associated with realisation of the Treaty, including creation and functioning support of the Russian segment of the Global Communication System under the Treaty and the National Data Centre;

### **Article 3**

In the course of the Treaty's performance:

1. The President of the Russian Federation shall:

exercise the State governing of the activities in the sphere of supporting the maintenance of the nuclear arsenal, reliability and security of the nuclear weapons;

approve the structure of the State guidance of the activity in the sphere of nuclear weapons;

approve Federal programs in the sphere of nuclear weapons and control over the nuclear tests;

take other decisions, associated with realization of the Treaty.

2. The Government of the Russian Federation shall

manage the development of the corresponding activity programs on ensuring the nuclear arsenal maintenance, reliability and security of the nuclear weapons, as well as other work and measures associated with perfection of the National system of control over the nuclear tests abroad and compliance of the Russian Federation with the obligations under the Treaty, exercise guaranteed and priority financing of these programs, work and measures;

define the functions of the Federal executive authorities on realization of the Treaty;

take decisions within its terms of reference on signing agreements with authorized bodies of the Treaty Organization (with the Preparatory Commission until enforcement of the Treaty) on the matters of creation and functioning of the international monitoring system in the territory of the Russian Federation, as well as upon requirement on other matters of interaction with the Treaty Organization, associated with its realization;

appoint or institute the Treaty National Body;

submit to the President of the Russian Federation an annual report on the condition of reliability and security of the nuclear weapons and opportunities of the Russian Federation on reproduction of the nuclear ammunition without carrying out full-scale nuclear tests;

elaborate and provide fulfilment of the complex of measures on protection of information during realization of the Treaty;

exercise contribution of the annual fee of the Russian Federation in the Treaty Organization budget;

exercise foreign-policy measures associated with realization of the Treaty, upon commission of the President of the Russian Federation.

3. The Chambers of the Federal Assembly of the Russian Federation shall:

take part in decision-making on the financing scopes, measures, required for realization of the Treaty at the annual consideration of the draft Federal Law on the Federal Budget;

take part in elaboration of federal laws, adopt federal laws, required for compliance of the Russian Federation with the obligations under the Treaty;

consider the annual information of the Government of the Russian Federation, forwarded in compliance with Article 5 of the present Federal Law, and take the appropriate decisions;

take measures, envisaged with Section V of the Federal Law “On the International Treaties of the Russian Federation” upon requirement.

#### **Article 4**

Prior to the enforcement of the Treaty the Preparatory Commission, instituted for the purposes of making required preparations for the effective implementation of the Treaty, as well as its personnel and the delegates of the States, signed the Treaty, shall accordingly enjoy in the territory of the Russian Federation such legal capacity, privileges and immunities, required for the mentioned personnel and delegates to independently implement their functions in connection with the Preparatory Commission.

## **Article 5**

In one year after enforcement of the Treaty and annually further on the Government of the Russian Federation shall forward to the Chambers of the Federal Assembly of the Russian Federation information on the following matters:

compliance of the Russian Federation with the obligations under the Treaty;

on the condition of the National Control System over the nuclear tests abroad;

on the activity of the Treaty Organization and on involvement of the Russian Federation in the activity of this Organization;

compliance of other States with the obligations under the Treaty;

on the implementation progress of the Program on Development of the Nuclear Arms Complex of the Russian Federation.

## **Article 6**

1. At exclusive events associated with the content of the Treaty, putting under threat the supreme interests of the Russian Federation and entitling the Russian Federation for withdrawal from the Treaty under the procedure of implementation of its State sovereignty as per Article IX of the Treaty, the President of the Russian Federation, shall:

take political, diplomatic and other measures for the purposes of eliminating the exclusive events or neutralization of their consequences;

provide conduct of immediate consultations with the Chambers of the Federal Assembly and with account of the results of such consultations take the decision, relating to the Treaty, including introduction of proposals, envisaged with the Federal Law 'On the International Treaties of the Russian Federation' upon requirement.

2. Believing in the occurrence of the circumstances relating to the category of the exclusive ones in the meaning of Article IX of the Treaty, each of the Chambers of the Federal Assembly of the Russian Federation shall forward to the President of the Russian Federation a proposal on conduct of consultations, or its recommendations, or undertake other actions, envisaged with the Federal Law 'On the International Treaties of the Russian Federation'.

**Article 7**

Should the Russian Federation withdraw from the Treaty, nuclear tests shall be implemented upon sanction of the President of the Russian Federation.

**Article 8**

The present Federal Law shall be effective from the date of its official publication.

of the Russian Federation

Acting President

V.  
Putin

City of Moscow, The Kremlin

May 27, 2000

# 72-Φ3

### **33. DRAFT ON INTRODUCTION OF AMENDMENTS TO SOME LEGAL ACTS OF THE RUSSIAN FEDERATION REGARDING MATTERS OF MONEY ALLOWANCE OF MILITARY PERSONS AND PROVISION TO THEM OF CERTAIN PRIVILEGES**

#### Summary:

*This draft law contains a detailed list of amendments to existing legislation promulgated from 1993 through to 2001. Among the proposals is the correspondence of back pay to those employed in related federal civil service roles. The formula for calculating a bonus is outlined. Amendments to income tax and housing rights are detailed. The role of the government is outlined in terms of determining post pay and other issues.*

#### **Article 1.**

From July 1, 2002 introduce the following amendments to the legal acts of the Russian Federation:

1. In Article 43 of the Law of the Russian Federation No. 4468-I, dated February 12, 1993 "On Pension Maintenance of Persons, Who Carried Out Military Service, Served in Home Affairs Authorities, Institutions and Authorities of the Criminal-Penitentiary System, and Their Families" (Records of the Congress of the People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, 1993, No. 9, page 328; Collection of Legislative Acts of the Russian Federation, 1995, No. 49, page 4693; 1996, No. 1, page 4; 1997, No. 51, Page 5719; 1998, No. 30, page 3613; 1999, No. 23, page 2813; 2000, No. 50, page 4864; 2001, No. 17, page 1646) substitute the sentence "For calculation of their pension money allowance monthly cost of a corresponding ration, issued to military persons, rank and file and commanders is also included" with the sentence: "For calculation of pensions of persons, mentioned in Article 1 of the present Law (excluding persons, who carried out military service and their families), money allowance includes also monthly cost of ration, issued to them".

2. In Article 18 of the Federal Law No. 40-Φ3, dated April 3, 1995 "On the Federal Security Service Authorities in the Russian Federation" (Collection of Legislative Acts of the Russian Federation, 1995, No. 15, page 1269; 2000, No. 1, page 9; No. 46, page 4537):

give part three in the following wording:

"Post pays (tariff rates) of civil personnel of the Federal Security Service authorities are established with increment by 25 percent for working in the Federal Security Service authorities."  
declare part four void.

3. Declare paragraph four of point 2 of Article 20 of the Federal Law of the Russian Federation No. 57-ΦЗ, dated May 27, 1996 "On State Security" (Collection of Legislative Acts of the Russian Federation, 1996, No. 22, page 2594; 1997, No. 29, page 3502; 2000, No. 46, page 4537) void.

4. Declare part one of Article 48 of the Federal Law of the Russian Federation No. 27-ΦЗ, dated February 6, 1997 "On Home Troops of the Ministry of Home Affairs of the Russian Federation" (Collection of Legislative Acts of the Russian Federation, 1997, No. 6, page 711; 2000, No. 26, page 2730; No. 46, page 4537) void.

5. In the Federal Law of the Russian Federation No. 76-ΦЗ, dated May 27, 1998 "On the Status of Military Persons"" (Collection of Legislative Acts of the Russian Federation, 1998, No. 22, page 2331; 2000, No. 1, page 12; No. 26, page 2729; No. 33, page 3348):

1). give point 2 of Article 12 in the following wording:

"2. Amounts of model military post pays of military persons, military rank pays of military persons, serving on a contract basis, and additional payments are determined by the Government of the Russian Federation upon application of the Ministry of Defense of the Russian Federation (another federal executive authority, in which military service is stipulated) with observance of the condition of uniformity of the main norms of money allowance of military persons.

In this case amounts of model military post pays of military persons and military rank pays of military persons, serving on a contract basis, are established in the amount, not lower than amounts of post pays and monthly increments to post pays for qualification category of corresponding categories of federal civil servants of federal executive authorities.

Correspondence of model military posts of military persons and military ranks of military persons, serving on a contract basis, to civil posts of federal civil service and qualification categories of corresponding categories of federal civil servants of federal executive authorities is approved by the President of the Russian Federation.

Pays for other (non-model) military posts of military persons are determined by the Minister of Defense of the Russian Federation (head of another federal executive authority, in which military service is stipulated) in correspondence with model military post pays of military persons, determined by the Government of the Russian Federation according to the present point.

Amounts of money pays of military persons, serving on a contract basis, are indexed or increased in order and terms, specified for indexing or increasing post pays and monthly increments to post pays for qualification category of federal civil servants.

Foreign currency is paid to military persons, temporarily serving beyond the territory of the Russian Federation, according to the norms and in the order, determined by the Government of the Russian Federation.";

2). In Article 13:

give paragraphs one and two of point 1 in the following wording:

"1. Military persons, serving on a contract basis, honestly carrying out their military service duties, according to the results of the calendar (academic) year at the decision of a military unit commander may be paid an extraordinary pecuniary bonus in the amount, determined by the Government of the Russian Federation, but equal to not less than three military post pays.

Military persons, serving on a contract basis, are paid bonus for immaculately carrying out military service duty in the amount equal to up to three military post pays, they are also provided with pecuniary aid in the amount equal to up to two military post pays in the order, determined by the Government of the Russian Federation.";

declare point 8 void;

3). declare point 10 of Article 15 void;

4). Exclude words "from paying income tax from money allowance, pecuniary bonuses and other payments, received in connection with carrying out military service duties, as well as" from paragraph one of point 4 of Article 17;

5). In Article 24:

declare paragraph two of point 3 void;

give paragraph one of point 1 in the following wording:

"4. Family members of military persons, who died during the period of military service, and family members of citizens, who served on a contract basis and died after dismissal from military service in connection with reaching the military service age-limit, health condition or in connection with conduct of organizational and staff measures, whose total length of service is equal to 20 years and more, excluding cases of remarriage of the widows (widowers) of these military persons or citizens, retain their right to acquisition of housing.";

declare paragraphs two and three of point 4 void.

**Article 2.**

To suggest the President of the Russian Federation to bring his legal acts in conformity with the present Federal Law.

**Article 3.**

To suggest the Government of the Russian Federation:

according to the present Federal Law to determine amounts of military post pay of military persons from July 1, 2002 and amounts of military ranks pay of military persons, serving on a contract basis, from January 1, 2004;

to bring its legal acts in conformity with the present Federal Law;

beginning from the year 2002 at the time of working out draft federal law on the federal budget for the corresponding financial year to ensure appropriations for implementation of the present Federal Law.

**Article 4.**

The present Federal Law comes into force from the date of its official publication.

President of the Russian Federation

### **34. ON PENSION PROVISION OF PERSONS WHO SERVED IN THE ARMED FORCES, INTERNAL AFFAIRS BODIES, PENITENTIARY FACILITIES AND BODIES, AND OF THEIR FAMILIES**

Amended on November 28, December 27, 1995, December 19, 1997, July 21, 1998, June 1, 1999, December 6, 2000, April 17, 2001

#### Summary:

*This federal law deals with the applicability of pension rights to armed forces and internal ministry personnel and their families. The law specifies: the types of pension; the right to exercise the provision; the right of individuals to select a pension when holding a right to different government pensions; pension provision for those serving in particular circumstances (including exposure to radiation); the management of payment allowances; the management of funds for payment; designation of federal bodies responsible for pension provision; and other social aid available to pensioners.*

*The law also details: the right to a long service pension; the amounts of different pensions; minimum amounts; calculation of increases in long service pensions; calculation of bonuses; the estimation of service years for the purposes of pension calculation; and the rights to disability pensions. The right of family members to a pension, in circumstances where an individual dies after their service is finished, is also described.*

Section I.	General provisions	(Articles 1–12)
Section II.	Long-service pension	(Articles 13–18)
Section III.	Disability pension	(Articles 19–27)
Section IV.	Survivor’s pension	(Articles 28–42)
Section V.	Calculation of pensions	(Articles 43–49)
Section VI.	Granting and payment of pensions	(Articles 50–65)

Resolution of the Armed Forces of the Russian Federation ‘On Procedure for Putting the Law of the Russian Federation ‘On Pension Provision of Persons Who Served in the Armed Forces, Internal Affairs Bodies, Penitentiary Facilities and Bodies, and of Their Families’ under No. 4469-I dated February 12, 1993, into effect’.

## SECTION I – GENERAL PROVISIONS

### **Article 1.** *Persons to whom the present Law applies*

The terms, standards, and procedure of pension provision, stipulated by the present Law, apply:

a) to residents of the Russian Federation:

to the persons who served in the armed forces as officers, ensigns and warrant officers, or to those who were in military service under contract as soldiers, sailors, sergeants, and master sergeants in the Armed Forces of the Russian Federation and in the Joint Armed Forces of the Commonwealth of Independent States, in the Federal Frontier-Security Service and frontier service bodies of the Russian Federation, in internal and railway troops, in the federal bodies of governmental communication and information bodies, in civil defense troops, in the bodies of federal security service (counter-intelligence), in those of external intelligence service, other military formations of the Russian Federation established in accordance with the legislation of the Russian Federation, and to the families of these persons;

to the officers, ensigns and warrant officers who served in the Armed Forces, in the troops and bodies of the State Security Committee, in internal and railway troops, other military formations of the former Union of SSR, and to the families of these persons;

to the persons of the ranks and commanding personnel who served in the internal affairs bodies of the Russian Federation, the former Union of SSR and in the penitentiary facilities and bodies and to the families of these persons;

to the persons indicated in Article 4 of the present Law who served in the internal affairs bodies and in the penitentiary faculties and bodies in other countries, and to the families of these persons, provided that social security treaties (agreements) that have been concluded by the Russian Federation or the former Union of SSR with other countries lay down their pension provision according to the legislation of the country they reside;

b) to the persons who served in the armed forces as officers, ensigns and warrant officers, or were in military service under contract as soldiers, sailors, sergeants, and master sergeants in the Armed Forces, the Federal Frontier-Security Service and in frontier service bodies of the Russian Federation, in internal and railway troops, in the federal bodies of governmental communication and information, in civil defense troops, in the bodies of federal security service (counter-intelligence), in those of external intelligence service, other military formations of the Russian Federation and the former Union of SSR, and in the penitentiary faculties and bodies, which were established in accordance with the legislation, in the Joint Armed Forces of the Commonwealth of Independent States, to the persons of the ranks and commanding personnel who served in the

internal affairs bodies of the Russian Federation and the former Union of SSR and in the penitentiary facilities and bodies, and to the families of these persons who reside in the countries, the former republics of the USSR, that are not the participants of the Commonwealth of Independent States if the legislation of these countries does not lay down their pension provision on the grounds established for the persons who served in the armed forces and in the internal affairs bodies, and for their families.

**Article 2.** *Granting of pensions to the persons who served in the armed forces, internal affairs bodies, and penitentiary facilities and bodies and to their families on the grounds established by the Law of the Russian Federation 'On Government Pensions in the Russian Federation'*

Pension provision of the persons who served in the armed forces resulting from conscription as soldiers, sailors, sergeants, and master sergeants (formerly active statutory military service) in the armed forces and in the military formations laid down in Clause 'a', Article 1 of the present Law, and of the families of these persons shall be effected in accordance with the Law of the Russian Federation 'On Government Pensions in the Russian Federation'.

On the terms and according to the standards established by the Law of the Russian Federation 'On Government Pensions in the Russian Federation', pensions may be granted to the persons residing in the Russian Federation, as indicated in Article 1 of the present Law and to the families of these persons as they wish.

Pensions shall be also granted to the former military persons and commanding personnel of internal affairs bodies and penitentiary facilities and bodies who were reduced to military or special ranks according to the procedure established by the legislation, and their families on the grounds established by the Law of the Russian Federation 'On Government Pensions in the Russian Federation', if they have the right to pension provision in accordance with the above Law.

**Article 3.** *Persons equated in pension provision to those who served in the armed forces as officers or who served under contract, and their families*

Pensions shall be granted to the persons who held the commanding posts corresponding to those replaced by officers in the Soviet partisan detachments and formations during the Great Patriotic War, and to their families on the grounds stipulated by the present Law for the persons who served in the armed forces and for their families. Pensions shall be granted to the former military persons of statutory service who held the posts corresponding to those replaced by officers in military units, headquarters, and in the institutions of the active army during the Great Patriotic War and to their families on the same grounds.

Pensions shall be granted to the persons who were re-engaged after completion of statutory military service (the former extended-service persons), to the women who served in the armed forces of their own accord as soldiers, sailors, sergeants, and master sergeants (the former military women), and to their families on the grounds laid down by the present Law for those who were in military service under contract as soldiers, sailors, sergeants, and master sergeants and for their families.

**Article 4.** *Pension provision of the persons who served in the armed forces, internal affairs bodies, and penitentiary faculties and bodies in other countries, and that of their families*

Pension provision of the persons residing in the Russian Federation who served in the armed forces as officers, ensigns and warrant officers, and extended-service persons or were in military service under contract as soldiers, sailors, sergeants, and master sergeants in the armed forces (armies, troops), in security service bodies or other military formations established in accordance with the legislation or of those who served in the internal affairs bodies and penitentiary faculties and bodies in other countries that are participants of the Commonwealth of Independent States and that are not participants of the Commonwealth of Independent States with which the Russian Federation or the former Union of SSR have concluded pension provision treaties (agreements), and the provision of the families of the above persons shall be effected in accordance with the procedure stipulated by these treaties (agreements).

**Article 5.** *Types of pensions*

The persons indicated in Article 1 of the present Law shall acquire a right to:

- a) a long-service pension if they have the length of service, provided in the present Law, in the armed forces, internal affairs bodies, and/or penitentiary faculties and bodies;
- b) a disability pension if they have become disabled under the conditions laid down by the present Law.

In the case of death of the persons mentioned in Article 1 of the present Law, their families shall acquire a right to a survivor's pension if the conditions stipulated by the present Law are satisfied.

The families of deceased pensioners of the persons mentioned in Article 1 of the present Law have the right to a survivor's pension on the same common grounds as do those of persons who died during their service.

**Article 6.** *Exercising the right to pension provision*

The persons indicated in Article 1 of the present Law who have the right to pension provision shall be granted and paid pensions after their discharge from service. Disability pensions shall be granted to these persons and survivor's pensions to their families irrespective of the length of their service.

On entering the military service and the service in the internal affairs bodies or penitentiary facilities and bodies (including that in any other countries), pensioners of the persons mentioned in Article 1 of the present Law shall not be paid the granted pensions during their service.

#### **Article 7.** *Option of pension*

The persons indicated in Article 1 of the present Law and their families who have simultaneously the right to different government pensions shall be granted one pension at their option (by taking into account the exclusions established by Parts Two and Three of the present Article).

The wives of the persons indicated in Article 1 of the present Law who were killed during the war with Finland during the Great Patriotic War and the war with Japan, if they have not remarried, shall have the right to a survivor's pension for their deceased husband irrespective of whether they receive another pension.

The parents of the persons indicated in Article 1 of the present Law who died (were killed) from the causes listed in Clause «a», Article 21 of the present Law (except the cases when the death of the above persons occurred due to their illegal actions) shall have the right to receive two pensions. They may be granted an old-age pension (a disability pension, a long-service pension, or a social pension) in accordance with the Law of the Russian Federation 'On Government Pensions in the Russian Federation' and a survivor's pension owed to their breadwinner's death (Article 30 of the present Law).

#### **Article 8.** *Pension provision of the persons, who served in the armed forces, in the internal affairs bodies and penitentiary facilities and bodies and who were exposed to radiation, and their families*

The persons indicated in Article 1 of the present Law who were exposed to radiation during explosions and nuclear testing or as the result of accidents of civil and military nuclear objects, and during liquidation of the consequences of these accidents, and the families of these persons shall be given additionally easy terms for granting pensions, paid bonuses to their pensions, allowances, and compensations in accordance with the legislation of the Russian Federation on social security of the citizens exposed to radiation.

**Article 9.** *Payment of allowances*

The persons indicated in Article 1 of the present Law, discharged from service, disabled pensioners of these persons, and the members of deceased pensioners' families shall be paid allowances according to the procedure and in the amounts determined by the legislation of the Russian Federation and normative acts of the Government of the Russian Federation.

**Article 10.** *Funds for pension payment*

Payment of pensions to the persons indicated in Article 1 of the present Law and to their families shall be provided at the expense of the federal budget. In doing so, expenses on pension payment shall be financed in the centralized order.

The pensions stipulated by the Law of the Russian Federation 'On Government Pensions in the Russian Federation' shall be paid to military persons and to the citizens equated to them in pension provision and their families in accordance with the Law of the Russian Federation «On Government Pensions in the Russian Federation».

**Article 11.** Federal executive bodies effecting pension provision

Pension provision of the persons indicated in Article 1 of the present Law and that of their families shall be effected depending on their last occupation place:

a) by the Ministry of Defense of the Russian Federation as to the military persons discharged from the Joint Armed Forces of the Commonwealth of Independent States, from the Armed Forces of the Russian Federation, from railway troops and other military formations of the Russian Federation, formed in accordance with the legislation of the Russian Federation (except for the formations listed in Clauses 'b' and 'c' of the present Article), as to the persons mentioned in Part One, Article 3 of the present Law, and as to their families;

b) by the Ministry of Internal Affairs of the Russian Federation as to the military persons discharged from the internal troops and militarized fire safety service, as to the persons of the ranks and commanding personnel discharged from the internal affairs bodies of the Russian Federation, and as to their families;

c) by the Federal Security Service of the Russian Federation as to the military persons discharged from the bodies of the federal security (counter-intelligence) service, from those of external intelligence service, from the Federal Frontier-Security Service and from the bodies of the frontier service of the Russian Federation, from the federal bodies of governmental communication and information, from the Main Guard Board of the Russian Federation, from the

Russian Federation President's Security Service, and from the Russian Federation President's Service of Special Objects, and as to their families;

d) by the Ministry of Justice of the Russian Federation as to the officials discharged from the penitentiary facilities and bodies and as to the members of their families.

Pension provision of the relevant categories of discharged military persons, the persons of the ranks and commanding personnel of the internal affairs bodies and penitentiary faculties and bodies of the former Union of SSR, other countries, and that of their families indicated in Paragraphs Three and Five, Clause 'a' and in Clause 'b' of Article 1 of the present Law shall be effected in accordance with the ministerial affiliation laid down by the present Article.

#### **Article 12.** *Social aid to pensioners*

The bodies of state power and administration of the republics as part of the Russian Federation, the autonomic region, autonomic districts, territories, regions, the cities Moscow and Saint Petersburg, local authorities within the limits of their granted powers have the right to establish extra charges to the pensions granted in accordance with the present Law, additional types of tangible security and privileges to the pensioners of the persons indicated in Clause 'a', Article 1 of the present Law, and to the members of their families at the expenses of the republican budgets of the republics as part of the Russian Federation, at that of the regional budget of the autonomic region, at that of the district budgets of autonomic districts, at that of the regional budgets of territories and regions, at that of city budgets of the cities Moscow and Saint Petersburg, at that of district budgets of districts, at that of town budgets of towns, at that of district budgets of districts in the cities, and at that of local budgets.

## SECTION II - LONG-SERVICE PENSION

#### **Article 13.** *The terms defining the right to a long-service pension*

The persons who have the right to a long-service pension are as follows:

- a) those indicated in Article 1 of the present Law who have a 20-year or more length of military service and/or service in the internal affairs bodies and/or in the penitentiary faculties and bodies on the date of their discharge from service;
- b) those indicated in Article 1 of the present Law who were discharged from service upon their reaching the maximum length of service owing to their health status or owing to regular organizational measures and who are 45 years old on the date of their dismissal, who have a total length of service amounting to 25 calendar years or more, of which the military service and/or

service in the internal affairs bodies and/or the service in the penitentiary faculties and bodies shall account for 12 years and six months.

**Article 14.** *Amounts of the pension*

The long-service pension shall be established in the following amounts:

a) to the persons indicated in Article 1 of the present Law who have a 20-year or more length of service: in the amount of 50 percent of the appropriate sums of the up-keeping stipulated by Article 43 of the present Law for 20-year service; 3 percent of the above sums of the up-keeping for each year above 20-year length of service, but a total being not more than 85 percent of these sums;

b) to those indicated in Article 1 of the present Law who have a total service of 25 calendar years or more, of which the military service and/or service in the internal affairs bodies and/or the service in the penitentiary faculties and bodies shall account for at least 12 years and six months, in the amount of 50 percent of the appropriate sums of the up-keeping stipulated by Article 43 of the present Law for a total service of 25 years; 1 percent of the above sums of the up-keeping for each year above 25-years length of service.

In the case of reappointment of those persons who are indicated in the present article and who have received a pension to military service and/or service in the internal affairs bodies and/or in the penitentiary faculties and bodies, the payment of a pension shall be resumed on their following discharge from service by taking into account of the length of their military service and that of their total service on the date of their last discharge.

**Article 15.** *The minimum amount of the pension*

The long-service pension granted in accordance with the present Law may not be lower than the minimum amount of an old-age pension, established by the legislation of the Russian Federation, as laid down in Part One, Article 48 of the present Law.

**Article 16.** *Increase in a long-service pension to some categories of disabled persons*

The long-service pensions granted to the persons indicated in Article 1 of the present Law who are disabled shall be increased:

a) to the persons who became disabled as a result of military trauma in the minimum amount of a disability pension, as laid down by Clause 'a', Article 23 of the present Law for disabled persons of these persons according to the appropriate disability group;

b) to those who became disabled owing to a somatic disease, job-associated mutilation, and other reasons (except for the persons whose disability occurred as a result of their illegal actions) and who are participants of the Great Patriotic War (Subclauses 'a' to 'ж', Clause 1, Part Two, Article 2 of the Federal Law 'On Veterans') in the minimum amount of a disability pension, as laid down by Clause 'b', Article 23 of the present Law, for disabled persons of these persons according to the appropriate disability group provided that they are not given a bonus to their pension in a larger amount pursuant to Clause 'c', Article 17 of the present Law.

**Article 17.** *Bonuses to a long-service pension*

The following bonuses to the long-service pensions granted to the persons indicated in Article 1 of the present Law (including those to the pension calculated at the minimum amount) shall be charged to:

a) to the pensioners who are Group 1 disabled persons or aged 80 years for his/her care in the amount of 100 percent of the minimum amount of an old-age pension, established by the federal law, as laid down in Part One, Article 46 of the present Law, and to the pensioners who need other person's constant care (assistance, supervision) but are under the age of 80, in the amount of two thirds of the above minimum old-age pension;

b) to the unemployed pensioners who are 55 years old or disabled, who keep disabled members of their family, as mentioned Articles 29, 31, 33, and 34 of the present Law, in the amount of two thirds and a half of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law, for each disabled member of their family and for a disabled member of their family who is a Group III invalid, respectively. The bonus shall be calculated only for the members of their family who do not receive a retirement or social pension. Having simultaneously the right to a social pension and a pension bonus for a disabled member of a family, one of the members of the family may be granted a social pension or given a pension bonus for this member of the family.

c) to the pensioners, the participants of the Great Patriotic War (Subclauses 'a' to 'ж', Clause 1, Part Two, Article 2 of the Federal Law 'On Veterans'), in the amount of 100 percent of the minimum old-age pension, established by the federal law, as laid down in Part One, Article 46 of the present Law, and to the persons who are 80 years old or Group I and II Group invalids in the amount of 200 percent of the minimum old-age pension established by the federal law. The pension bonus laid down by the present Clause shall be granted if a pensioner has no right to an increase in his/her pension in a larger amount in accordance with Article 16 of the present Law.

**Article 18.** *Estimation of service years for pension granting*

The length of service for pension granting pursuant to Clause 'a', Article 13 of the present Law shall include: the tenure of military service, that of service in the internal affairs bodies as the ranks and commanding personnel, in the penitentiary facilities and bodies, in the Soviet partisan detachments and formations; the tenures of work in the state power and administration bodies, at civil ministries, departments, and organizations as a left military person or a regular military person in the system the Ministry of Internal Affairs of the Russian Federation, in the penitentiary facilities and bodies, that in the State Fire-Fighting Service System of the Ministry of Internal Affairs of the Russian Federation (the fire-control service of the Ministry of Internal Affairs, the fire-fighting and accident-rescue services of the Ministry of Internal Affairs), just preceding their appointment to the posts replaced by those of the rank and commanding personnel, and by military persons of the State Fire-Fighting Service System of the Ministry of Internal Affairs of the Russian Federation; the time of being captured if the capture was not voluntary and, when captured, the military person had committed no crime against the Motherland; the period during which military persons, soldiers, and officers against whom criminal proceedings were groundlessly instituted or who were repressed and subsequently rehabilitated served their sentence and being kept under arrest. The length of service for granting a pension to officers and commanders of internal affairs bodies may also include the time of their study before entering into service (but no more than five years) at a rate of one year per six months of service.

The time of service under special conditions is to be included into the length of service for granting a pension to the persons indicated in Article 1 of the present Law on easy terms.

The procedure for estimating the length of service for granting a pension to the persons indicated in Article 1 of the present Law shall be determined by the Government of the Russian Federation.

### SECTION III - DISABILITY PENSION

**Article 19.** *The terms defining the right to a disability pension*

The persons indicated in Article 1 of the present Law who have become disabled have the right to a disability pension if the disability occurred during their service or not later than 3 months after their discharge from service or if it occurred later than this time but owing to a wound, contusion, severe injury, or disease received during the service.

**Article 20.** *Establishment of disability*

The group and causes of disability, as well as the time when it occurred shall be established by medical-and-labour examination commissions (MLEC) that act up to the provision approved in accordance with the procedure determined by the Government of the Russian Federation.

According to the degree of incapacity, the invalids are divided into three groups.

**Article 21.** *Category of invalids*

According to the cause of disability, the invalids among the persons indicated in Article 1 of the present Law are divided into the following categories:

a) invalids owing to military trauma are those persons who became disabled as a result of a wound, contusion, injury, or disease received by defending the Motherland, including those received by fighting at the front, during service in foreign countries where combat operations were under way or by performing other duties of military service (official duties). The invalids owing to military trauma also include former military persons who became invalids owing to a wound, contusion, injury or disease received in captivity (by observing the terms stipulated by Part One, Article 18 of the present Law) or during service in the active army as cadets and sea cadets;

b) invalids owing to a disease received during military service are those persons who became disabled as a result of a severe injury received as a result of an accident unassociated with the performance of the duties of military service (official duties) or owing to a disease unassociated with the performance of the duties of military service (official duties). To elucidate and to provide evidence that there is no relation of the injury or disease to the performance of the duties of military service (official duties) are the duties of military medical commissions whose conclusions may be appealed against in court.

**Article 22.** *Amounts of the pension*

The disability pension to the persons indicated in Article 1 of the present Law shall be established in the following amounts:

a) to Groups I and II invalids resulting from military trauma in the amount of 85 percent of, to Group III invalids in the amount of 50 percent of the appropriate sums of the up-keeping stipulated by Article 43 of the present Law;

b) to Groups I and II invalids resulting from a disease received during military service in the amount of 75 percent of, to Group III invalids in the amount of 30 percent of the appropriate sums of the up-keeping stipulated by Article 43 of the present Law.

**Article 23.** *The minimum amount of the pension*

The disability pension granted to the persons indicated in Article 1 of the present Law may not be less than:

a) to Groups I and II invalids as a result of military trauma in the amount of 300 percent of, to Group III invalids in the amount of 150 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law;

b) to Groups I and II invalids as the result of a disease received during military service in the amount of 130 percent of, to Group III invalids in the amount of 100 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law.

**Article 24.** *Bonuses to the disability pension*

Bonuses shall be charged to those persons indicated in Article 1 of the present Law who are found to be Group I invalids or aged 80 years or need another person's constant care (assistance, supervision) in accordance with the conclusion of a health care facility, as well as to the unemployed Group I and II invalids, who keep disabled members of their family, to their granted disability pension (including that calculated in the minimum amount), according to the procedure and in the amounts laid down in Clauses 'a' and 'b', Article 17 of the present Law, respectively.

Bonuses shall be charged in the amount of 100 percent of the minimum old-age pension established by the Federal Law, as laid down in Part One, Article 46 of the present Law, to the persons, indicated in Article 1 of the present Law—the participants of the Great Patriotic War (Subclauses 'a' to 'ж', Clause 1, Part Two, Article 2 of the Federal Law 'On Veterans'), and in the amount of 200 percent of the minimum old-age pension established by the Federal Law to those who are aged 80 years or Groups I and II invalids.

**Article 25.** *Disability pension period*

The disability pension shall be granted to the persons indicated in Article 1 of the present Law for a period of the disability established by the MLEC and to male invalids above 60 years and to female ones above 55 years for life—by re-examining these invalids only upon their application.

If the pensioner who is under the age indicated in the present Article is recognized as disabled, the pension shall be paid till the end of the month in which he is recognized able-bodied, but not longer than until the day before the disability was established.

**Article 26.** *Change in the amount of the pension on revising a disability group*

On revision of a disability group, the amount of the pension shall be accordingly changed. If military trauma-induced disability increases in a pensioner as a result of his somatic disease, industrial injury, or occupational disease, the pension shall be recalculated in accordance with a new disability group by preserving its former cause.

**Article 27.** *Suspension and renewal of pension payment on missing a re-examination*

If an invalid among the persons mentioned in Article 1 of the present Law has missed a re-examination at the MLEC, the granted pension shall be suspended from the date up to which disability was established and if he is again recognized as disabled, the pension shall be renewed from the date of re-establishment of his disability.

If an invalid has missed a re-examination with good excuse and the MLEC has established his disability, for the past time the pension shall be renewed from the date when he was recognized as disabled. If a re-examination established another disability group (higher or lower) in a pensioner, he shall be paid the former disability group pension for the past time preceding the date of the re-examination.

#### SECTION IV - SURVIVOR'S PENSION

**Article 28.** *The terms defining the right to a survivor's pension*

The survivor's pension shall be granted to the families of the persons indicated in Article 1 of the present Law if the bread-winner died (was killed) during his/her service or not later than three months after discharge from service or no later than this period, but as a result of a wound, contusion, severe or disease received during his service and to the families of pensioners among these persons if the bread-winner died during his/her pension period or not later than five years after ceasing the payment of the pension to him/her. In doing so, the families of former military persons who died in captivity (by observing the term laid down in Part One, Article 18 of the present Law) and the families of military persons missing in action shall be equated to the those of persons killed at the front.

**Article 29.** *The members of the family who have the right to the pension*

The disabled members of a family of the deceased (killed) persons indicated in Article 1 of the present Law who were their dependants have the right to a survivor's pension.

Irrespective of whether they are the breadwinner's dependants, the pension shall be granted to his/her disabled children; his/her disabled parents and his/her spouse if after the breadwinner's death they have lost a source of livelihood; to the disabled parents and spouses of the persons who died as a result of the causes laid down in Clause 'a' of Article 21 of the present Law; to the spouse, to one of the parents or to another member of the family, who are indicated in Clause 'a' of the present Article.

The disabled members of the family shall be considered to be:

a) children, brothers, sisters, and grandchildren whose age is under 18 years or above this age if they became disabled before the age of 18 years and those who study at educational institutions with work being discontinued (except for those whose students are deemed to be in military service or in service in internal affairs bodies) until the completion of their study, but no later than the age of 23 years. Brothers, sisters, and grandchildren have the right to a pension if they have no able-bodied parents;

b) the father, mother and spouse if they are aged: 60 years (males) and 55 years (females) or they are invalids;

c) the spouse or one of the parents or the grandfather, grandmother, brother or sister irrespective of the age and working ability if he (she) is engaged in care of the deceased breadwinner's children, brothers, sisters or grandchildren who are aged under 14 years or unemployed;

d) the grandfather and grandmother if there are no persons who are to keep according to the law.

**Article 30.** *The right to the pension on favorable terms*

The wives of the persons indicated in Article 1 of the present Law who died owing to the causes listed in Clause 'a', Article 21 of the present Law have the right to a survivor's pension when they are 50 years old and those engaged in care of deceased persons' children under the age of 8 years have the right to the above pension regardless of their age and working ability, and of whether they are employed or unemployed.

The parents of the persons indicated in Article 1 of the present Law who died (were killed) owing to the causes listed in Clause 'a', Article 21 of the present Law (except for the cases when the above persons' death occurred with illegal actions) have the right to a survivor's pension

when they (males and females) are 55 and 50 years, respectively irrespective of whether they were the deceased (killed) persons' dependants. With this, the pension shall be established for each of their parents in the amount stipulated by the present Law.

**Article 31.** *The members of a deceased person's family who are considered to be dependants*

The members of the family of a deceased person shall be considered to have been his/her dependant if they were fully supported by him/her or received an assistance that was a constant and basic source of livelihood for them.

The members of the family of a deceased person, for whom his/her assistance was a constant and basic source of livelihood, but who themselves received any pension may be granted a survivor's pension.

**Article 32.** *Payment of a survivor's pension to children fully supported by the government*

The children who have lost both parents and the children of a deceased single mother who are fully supported by the government shall be paid 50 percent of the granted pension and other children fully supported by the government shall be paid 25 percent of the granted pension.

**Article 33.** *The right of adoptive and adopted persons to the pension*

Adoptive persons have the right to a survivor's pension equally with the parents and adopted persons have equally with the children.

Those under age have the right to a survivor's pension shall reserve this right when they are adopted.

**Article 34.** *The right of a stepfather and a stepmother, a stepson, and a stepdaughter to the pension*

The stepfather and stepmother have the right to a survivor's pension equally with the father and mother provided that they brought up or kept a deceased stepson or stepdaughter at least five years.

The stepson and stepdaughter have the right to a survivor's pension equally with the children.

**Article 35.** *Pension retention on remarrying*

The survivor's pension granted to the spouse of a deceased person shall be retained on remarrying.

**Article 36.** *Amounts of the pension*

The survivor's pension shall be established in the following amounts:

a) to the families of the persons indicated in Article 1 of the present Law who died owing to the causes listed in Clause 'a', Article 21 of the present Law in the amount of 40% of the appropriate sums of their breadwinner's up-keeping stipulated by Article 43 of the present Law for each disabled member of his/her family. Irrespective of the cause of the breadwinner's death, the pension shall be established at the same rate to the families of the deceased pensioners who were disabled on the day of their death as a result of military trauma for the children who lost both parents and for those of their deceased single mother;

b) to the families of the persons indicated in Article 1 of the present Law who died due to the causes listed in Clause 'B', Article 21 of the present Law in the amount of 30% of the appropriate sums of their breadwinner's up-keeping stipulated by Article 43 of the present Law for each disabled member of his/her family.

**Article 37.** *The minimum amount of the pension*

The survivor's pension granted to the families of the persons indicated in Article 1 of the present Law calculated for each disabled member of the family may not be less than:

a) in the amount of 150 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law, while calculating the pension pursuant to Clause «a» of Article 46 of the present Law;

b) in the amount of 100 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law, while calculating the pension pursuant to Clause «b» of Article 46 of the present Law.

**Article 38.** *Bonuses to the survivor's pension*

A bonus shall be charged for a care of the pensioner in the amount laid down in Clause 'a', Article 17 of the present Law, to their granted survivor's pension (including to that estimated in the minimum amount to the members of the family who are Group I invalids or aged 80 years, as well as other members of the family who need other person's constant care (assistance, supervision) in accordance with the conclusion of a health care facility.

A bonus shall be charged in the amount of 100 percent of the minimum old-age pension established by the Federal Law, as laid down in Part One, Article 46 of the present Law, to the survivor's pension (including to that estimated in the minimum amount) granted to disabled

children and to Groups I and II childhood invalids who have lost both parents or to the aforesaid children of a deceased single mother.

**Article 39.** *Disability pension period*

The survivor's pension shall be granted throughout the period during which the member of a deceased family shall be considered to be disabled in accordance with Article 29 of the present Law and to the family's members who are aged 60 years (males) or 55 years (females) for life.

**Article 40.** *Allocation of a pension portion*

Upon the application of the member of the family, his due portion of a survivor's pension shall be allocated and paid separately. The portion shall be allocated by taking into account the rates of estimation which are laid down in the present Law for the family's member who has applied for its allocation.

The pension portion shall be allocated from the first day of the month following the month of application.

**Article 41.** *Suspension of payment of the survivor's pension on its forfeit*

If in the composition of the family to which the survivor's pension has been granted there is a change that makes some members of the family or the family lose their right to the pension, the amount of the pension shall be reduced or its pension shall be suspended from the first day of the month following the month of this change.

**Article 42.** *The procedure and terms of disability establishment in the members of a deceased person's family*

When there are interruptions in examinations at the MLEC, the rules of the procedure and terms of disability establishment and pension payment, which are laid down in Articles 20, 25, and 27 of the present Law shall be applied to the members of a family who are invalids.

## SECTION V - CALCULATION OF PENSIONS

**Article 43.** *Up-keeping for calculation of pensions*

The pensions granted to the persons indicated in Article 1 of the present Law and to their families shall be calculated from the up-keeping of military persons, the ranks and commissioned staff of internal affairs bodies, that of persons who are in service in penitentiary facilities and bodies. The calculation of their pension shall consider the salaries by their post, military or special rank (without taking into account increases in the salaries for service in remote, high-altitude areas and under other special conditions) and a makeup percentage for the length of service, including payments arising from up-keeping indexation according to the procedure established by the Government of the Russian Federation. For calculation of their pensions the up-keeping should also include the monthly cost of an appropriate ration given to military persons, the ranks, and commissioned staff.

**Article 44.** *Calculation of pensions to pensioners' families*

The survivor's pension shall be estimated from the up-keeping of a breadwinner from which his/her pension was calculated (recalculated) or subject to recalculation.

**Article 45.** *Increase in pensions to some categories of pensioners*

The long-service, disability, and survivor's pensions granted in accordance with the present Law shall be increased:

a) by 50 percent of the amount of a pension, but by not less than 100 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law, to the Heroes of the Soviet Union, to the Heroes of the Russian Federation, to the Heroes of Socialist Labour, and to the persons decorated with the Order of Glory of three degrees. At the same time, the pension shall be increased in the above order accordingly to each title acquired to the persons repeatedly conferred the title of Hero of the Soviet Union, Hero of the Russian Federation, or Hero of Socialist Labour;

b) by 15% of the amount of a pension to the persons decorated with the Order of Labour Glory of three degrees or with the Order «For Service of the Motherland in the USSR Armed Forces» of three degrees;

c) by 100 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law, to the participants of the Great Patriotic War and other combat operations to defend the Motherland among the military persons who served in the active army, and to partisans; to the participants of the Great Patriotic War among the civilians, cadets, and sea cadets of the active army; to the participants of combat operations abroad among the military persons, the ranks, and commissioned staff of internal affairs bodies, to the officials of the penitentiary system;

d) by 50 percent of the minimum old-age pension established by the legislation, as laid down in Part One, Article 46 of the present Law, to the persons who were in military service for at least six months in the period of June 22, 1941, to September 3, 1945 (except for those who were members of the active army), as well as to the persons who worked during the Great Patriotic War (from June 22, 1941, to May 9, 1945) for at least six months, except the time of work in the areas temporarily occupied by the enemy, or to those decorated with the USSR orders and medals for selfless labour and irreproachable military service on the home front during the years of the Great Patriotic War; with the same time, the pension shall be increased pursuant with the present clause to the persons born up to December 31, 1931, without demanding the documents confirming the length of work (military service) during the Great Patriotic War;

e) by 100 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law, to the former minor prisoners of fascist concentration camps, ghettos, and other forced confinement places created by the German fascists and their allies during the Second World War;

f) by 50 percent of the minimum old-age pension established by the legislation of the Russian Federation, as laid down in Part One, Article 46 of the present Law, to the persons groundlessly repressed on political grounds and subsequently rehabilitated;

g) by 100 percent of the minimum old-age pension established by the legislation, as laid down in Part One, Article 46 of the present Law, to the persons decorated with the medal «For Defense of Leningrad» or with the badge ‘To a Resident of Blockaded Leningrad’;

h) by 100 percent of the minimum old-age pension established by the legislation, as laid down in Part One, Article 46 of the present Law, childhood invalids as a result of a wound, contusion, or injury associated with combat operations during the Great Patriotic War or with their consequences.

**Article 46.** *Regulations on the use of the minimum pensions, on the charging pension bonuses, and on the increase of pensions*

The minimum pensions, bonuses to pensions, increases in them, which are stipulated by the present Law shall be determined from the minimum old-age pension established by the legislation of the Russian Federation, without increasing it for the length of service above the required rate for granting a full pension.

The pensions with bonuses and increases shall not be limited by their maximum amounts.

If in the family there are two unemployed pensioners or more per each disabled member of the family who are their common dependants, a pension bonus shall be charged only to one of the pensioners at their choice.

The increases stipulated by Clauses ‘a’ and ‘b’, Article 45 of the present Law shall be charged to the pension calculated without bonuses and other increases. On granting a survivor's pension to several disabled members of a family, the above increases shall be charged to the pension due to each family member who has the right to the increase.

**Article 47.** *Augmentation of in the minimum pensions, pension bonuses, increases*

The minimum pensions, bonuses to pensions, increases in them, which are determined from the minimum old-age pension established by the legislation, as laid down in Part One, Article 46 of the present Law shall be augmented when the minimum amount of an old-age pension is increased.

**Article 48.** *Use of regional pension coefficients*

The pensions granted in accordance with the present Law, bonuses to these pensions and increases, except those stipulated by Article 45 of the present Law, to the pensioners of the persons indicated in Article 1 of the present Law and the members of their families, who reside in the areas where regional wage coefficients are applied shall be estimated by using the appropriate regional coefficient fixed in this area for workers and employees of non-productive fields.

If the pensioners among the persons indicated in Article 1 of the present Law who served in the Arctic regions and equated for at least 15 and 20 calendar years, respectively, for whom their pension (including bonuses and increases, except for those laid down in Article 45 of the present Law) was estimated by applying Part One of the present Article leave these regions and areas for a new place of residence, the amount of the pension calculated by using the appropriate regional coefficient shall be retained according to the procedure established by the Government of the Russian Federation.

**Article 49.** *Revision of pensions, their bonuses and rises, and increases in pensions owing to higher living cost and labour payment*

The pensions granted to the persons indicated in Article 1 of the present Law and to their families, as well as pension bonuses, rises, and increases are to be revised:

- a) when the cost of living and the payment for labour are increased—in accordance with the legislation of the Russian Federation on the indexation of the population's incomes and savings;
- b) when the up-keeping of military persons, the ranks, and commissioned staff of internal affairs bodies, penitentiary officials in service is increased, the pensions are made higher by

proceeding from the increase in the up-keeping of the appropriate categories of military persons, the ranks and commissioned staff, that is taken into account simultaneously with its increase;

c) when the minimum old-age pension established by the federal legislation is increased;

There are concurrently two grounds indicated in Clauses 'a' and 'b' of the present Article for revising the granted pensions; recalculation may be effected only on one of the grounds. The procedure for revising the pensions on each of the grounds laid down in the present Article shall be established by the Government of the Russian Federation.

## SECTION VI - GRANTING AND PAYMENT OF PENSIONS

### **Article 50.** *Organization of pension provision work*

Work on the pension provision of the persons indicated in Article 1 of the present Law and their families shall be done by the Ministry of Defense of the Russian Federation, by the Ministry of Internal Affairs of the Russian Federation, by the Ministry of Justice of the Russian Federation, and by the Federal Security Service of the Russian Federation by applying the procedure of granting and paying pensions, as established by legislative and other normative acts for social protection bodies.

### **Article 51.** *Application for pension granting*

The persons indicated in Article 1 of the present Law and the members of their families (except for those laid down in Part Two, Article 2) shall apply for their pension to the pension offices of the Ministry of Defense of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Ministry of Justice of the Russian Federation, and the Federal Security Service of the Russian Federation.

In accordance with the Law of the Russian Federation 'On government Pensions in the Russian Federation' the persons indicated in Article 2 of the present Law and the members of their families shall apply for pensions to the district (town) pension offices of the social protection system where they reside.

The pension applications together with the relevant documents required to solve this matter shall be submitted to the pension offices (population's social protective organs).

### **Article 52.** *Examination of pension applications*

The applications and accompanying documents for granting pensions to the persons indicated in Article 1 of the present Law and to their families shall be examined by the pension offices no

later than ten days after the date of application or no later than ten days after the date of receipt of the missing documents not submitted while presenting the application.

**Article 53.** *Pension granting periods*

In accordance with the present Law pensions shall be granted:

a) to the persons indicated in Article 1 of the present Law from the date of their discharge from service but not earlier than the date before which they were paid up-keeping on their discharge, except for the following cases of their pension granting from later periods:

on establishing disability upon expiration of three months after the date of discharge or as a result of an accident or disease received after discharge—from the date of disability establishment;

on discharging from service owing to conviction—from the date of application for pension after release from imprisonment places;

b) to the families of the persons indicated in Article 1 of the present Law and to pensioners among these persons—from the date of their breadwinner's death, but not earlier than the date before which he/she was paid his/her up-keeping or pension, except for the following cases of their pension granting from later periods:

to the members of a family who have acquired the right to a pension after their breadwinner's death because they have achieved the pension or their disability established—from the date of achievement of this age or disability establishment;

to the parents or couple who have acquired the right to a pension due to the fact that they have lost a source of livelihood.

On applying untimely, the pension for the past time shall be granted from the date of the right to a pension, but no more than for 12 months preceding the date of application.

**Article 54.** *The day of application for pension granting*

The day of application for pension granting shall be considered the date when an application for a pension and all necessary documents were submitted to the appropriate pension office and the date of sending the application and documents by mail.

When not all the documents required to solve this matter are attached to the pension application, the applicant shall have it explained what additional documents he/she is to submit. When the applicant presented these documents prior to the expiration of three months after the date of receiving the above explanation, the day of application for a pension shall be considered the date of application submission or the date of sending the documents by mail, as laid down in Part One of the present Article.

**Article 55.** *Time for recalculation of granted pensions*

When circumstances occur that entail a change in the amounts of the pensions granted to the persons, indicated in Article 1 of the present Law, and to their families the pensions shall be recalculated from the first day of the month following after the month when the above circumstances occurred. If the pensioner has acquired the right to an increase in his/her pension, the difference between the new and former amounts of the pension on his/her untimely application may be paid for the past time, but for no more than 12 months preceding the day of application for pension recalculation.

**Article 56.** *General procedure for payment of pensions and their payment bodies*

The pensions granted to the persons indicated in Article 1 of the present Law and to their families shall be paid to pensioners' residence by the pension offices of the Ministry of Defense of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Ministry of Justice of the Russian Federation, and the Ministry of Security of the Russian Federation through the appropriate institutions (subsidiaries) of the Saving Bank of the Russian Federation by placing the sums of pensions to their deposits or through the post offices home by delivering them home. Transfer of a pension by mail and its home delivery shall be effected at the expense of the state. Pensions shall be paid for the current month in the periods fixed by the pension offices, as agreed by the institutions of the Saving Bank and post offices.

By the decision of the appropriate federal executive body, as agreed by the Ministry of Finances of the Russian Federation, the pensions granted by the pension offices by this Ministry may be paid as otherwise laid down in Part One of the present Article (including by the appropriate institutions and organizations on a contract basis).

The procedure for paying pensions to pensioners among the persons indicated in Clause 'b', Article 1 of the present Law, and to the members of their families who reside in the states, the former republics of the USSR which are not participants of the Commonwealth of Independent States, including those in the currency of the relevant state shall be established by the Council of Ministers of the Russian Federation on the basis of the agreements concluded with these states.

**Article 57.** *Payment of pensions to pensioners who have a wage or another income*

The pensions granted in accordance with the present Law shall be fully paid irrespective of whether pensioners have a wage or another income. The pensioners who have taken a job or have

an income from business shall not be paid only pension bonuses stipulated for unemployed pensioners by Clause 'b', Article 17, and by Article 24 of the present Law.

**Article 58.** *Payment of the pension not received by a pensioner in due time*

The pension charged to a pensioner among the persons indicated in Article 1 of the present Law and among the members of their families, but not demanded by them in due time shall be paid for the past time, but for no more than three years before the date of application for its receipt.

The pension not received by a pensioner in due time through the fault of a body that has not granted or paid a pension shall be paid for the past time without restriction to any period.

**Article 59.** *Payment of pensions to the pensioners residing in boarding houses (old people's homes)*

Pensioners among the persons indicated in Article 1 of the present Law and the members of their families who reside in the boarding houses for the elderly and invalids shall be paid a difference between the sum of their pension and the cost of maintenance in the boarding houses, but at least 20 percent, but those who are invalids owing to military trauma or who are war participants or those who were groundlessly repressed on political grounds and subsequently rehabilitated, as laid down in Clause 'a', Article 21, in Clauses 'd' and 'g', Article 45 of the present Law shall be paid at least 25 percent of the amount of the granted pension.

If the pensioner residing in the boarding house for the elderly and invalids has disabled family members who are his/her dependents, his/her granted pension shall be paid in the following order: a fourth of the granted pension shall be paid for one member of his/her family, its third for two members, and its half to three members or more, the remaining part of the pension after deduction of the cost of his/her maintenance in the boarding house, but at least 20 percent shall be paid to the pensioner himself/herself, if the pensioner is a disabled person owing to military trauma or a war participant or a person groundlessly repressed on political grounds and subsequently rehabilitated shall receive at least 25 percent of the pension.

**Article 60.** *Payment of pensions during inpatient treatment*

During in-patient treatment (at hospital, clinic, leprosarium, and other health care facilities), the pensioners among the persons indicated in Article 1 of the present Law and the members of their families shall be paid a granted pension on common grounds.

**Article 61.** *Suspension of pension payment during a pensioner's imprisonment*

If the pensioner is imprisoned, payment of his pension shall be suspended.

**Article 62.** *Deductions from a pension*

Deductions from the pension paid in accordance with the present Law shall be made by judicial decisions, judgments, rulings, and sentences (as to property claims), inscriptions of notary offices, and other decisions and resolutions which are in accordance with the legislation carried out according to the procedure established for executing judicial decisions. The sum of a pension or an allowance overpaid to a pensioner owing to his/her abuse may be monthly deducted from the pension by the decision of an appropriate pension office in the amount greater than 20 percent of the pension to be paid, besides withholdings on other grounds. In all cases of claims to a pension, the pension reserves the right to at least 50 percent of his/her due pension.

If pension payment is suspended until the backlogs of overpaid amounts of a pension or an allowance are repaid, the remaining debts shall be recovered in court.

**Article 63.** *Pension payment in case of a pensioner's death*

The sum of a pension, which is due to a pensioner amongst the persons indicated in Article 1 of the present Law and amongst the members of their families, and the remaining sum received less owing to his/her death shall be paid to the members of the deceased pensioner's family if they have been engaged in his/her funerals without including these sums as part of inheritance. In other cases, the pension received by the pensioner less owing to his/her death shall be paid to his/her heirs on the general grounds established by the civil legislation of the Russian Federation.

**Article 64.** *Pension provision on going abroad*

The pension provision of the persons indicated in Article 1 of the present Law and the members of their families who have left for residence in foreign countries shall be settled in accordance with the legislation of the Russian Federation and with the social security treaties (agreements) signed by the Russian Federation or the former Union of SSR with other countries.

**Article 65.** *Pension disputes*

Disputes that may arise in connection with the granting and payment of pensions to the persons indicated in Article 1 of the present Law and to their families, recovery of the overpaid sums of pensions and allowances shall be settled by the superior bodies of pension offices of the Ministry of Defense of the Russian Federation, the Ministry of Internal Affairs of the Russian

Federation, the Ministry of Justice of the Russian Federation, or the Federal Security Service of the Russian Federation in the subordination order or in court in accordance with the legislation of the Russian Federation.

President of the Russian Federation

B. Yeltsin

Moscow, House of Councils of Russia

February 12, 1993

No. 4468-1

## **35. LAW OF THE RUSSIAN FEDERATION ON THE STATE BORDER OF THE RUSSIAN FEDERATION**

As amended on August 10, 1994, November 29, 1996, July 19, 1997,  
July 24, 31, 1998, May 31, 1999, August 5, December 7, 2000, March 24,  
December 30, 2001

### Summary:

*The law defines all aspects related to the security of the state border. First promulgated in 1993, the law has been amended several times up to 2001.*

*The law begins with a definition of the state border, the principles governing the border and any changes to it, the protection of the border, and the legislation relevant to establishing, changing, and marking the border.*

*The regimen for managing access to and maintenance of the border zone is outlined, as are: terms of access and prohibitions; terms of carriage for cargoes; the terms and conditions covering goods and persons crossing the border; the variations of policy relating to sea, air and land traffic and the prohibitions relating to each; relevant authorisations; the border fees and formalities for persons, vehicles, ships and related exemptions. Extraordinary events which may not be deemed a violation of crossing the state border are detailed.*

*The law details the inter-relationship between the various federal agencies with roles and interests overlapping on border security issues and the management of such relationships. Their relationship with federal and local government bodies is also outlined. Rules of engagement are specified as are prohibitions on the use of armed or other force.*

Part I.	General	(Articles 1 - 4)
Part II.	Establishing and Changing the Route of, Marking the State Border	(Articles 5 - 6)
Part III.	The Regimen of the State Border	(Articles 7 - 15)
Part IV.	The Border Regimen	(Articles 16 - 21)
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Part VI.	The Powers of the Bodies of State Power in the Sphere of Protection of the State Border	(Articles 27 - 29)
Part VII.	The Powers of the Bodies and Troops of the Federal Border Guard Service of the Russian Federation, the Air Defense Troops, the Navy, Other Troops and Military Formations of the Russian	(Articles 30 - 36)

	Federation in the Sphere of the Protection of the State Border	
Part VIII.	The Participation of the Bodies of Local Self-Government, Enterprises and Associations Thereof, Institutions, Organizations, Public Associations and Citizens in the Protection of the State Border	(Articles 37 - 38)
Part IX.	Legal and Social Protection of Military Servicemen and Other Citizens Taking Part in the Protection of the State Border	(Articles 39 - 42)
Part X.	Amenability for Legal Offences at the State Border	(Article 43)
Part XI.	Providing Resources for the Protection of the State Border	(Article 44 - 45)

The Decision of the Supreme Soviet of the Russian Federation No. 4731-I of April 1, 1993 on the Repeated Consideration of the Law of the Russian Federation on the State Border of the Russian Federation

The Decision of the Supreme Soviet of the Russian Federation No. 4732-I of April 1, 1993 on the Procedure for Putting Into Force the Law of the Russian Federation on the State Border of the Russian Federation

## PART I – GENERAL PROVISIONS

### **Article 1.** *The State Border of the Russian Federation*

The state border of the Russian Federation (hereinafter referred to as "the State Border") is a line and a vertical plane going along that line determining the limits of the state territory (land, water, mineral resources and air space) of the Russian Federation, i.e. the special limit of the effect of the state sovereignty of the Russian Federation.

### **Article 2.** *The Principles of Establishing and Changing the Route of the State Border, Establishing and Maintaining Legal Relations at the State Border*

The State border of the Russian Federation is the border of the RSFSR fixed by the effective international treaties and the legislative acts of the former USSR; the borders of the Russian Federation with the adjacent states not made formal in the international legal terms being subject to be fixed by treaties.

While establishing and changing the route of its State Border, establishing and maintaining relations with the states on the State Border as well as regulating legal relations in border areas (water areas) of the Russian Federation and on the international communications routes located on the territory of Russia the Russian Federation is governed by the following principles:

- providing the security of the Russian Federation as well as the international security;
- mutually beneficial comprehensive cooperation with foreign states;
- mutual respect of the sovereignty, territorial integrity of the states and the inviolability of the state borders;
- the peaceful resolution of border issues.

### **Article 3. *Protecting and Guarding the State Border***

The protection of the State Border as a part of the system for providing the security of the Russian Federation and the implementation of the state border policy of the Russian Federation lies in the coordinated activities of the federal bodies of state power, the bodies of state power of the subjects of the Russian Federation and the bodies of local self-government pursued by them within the limits of their authority by means of undertaking political, organisational and legal, diplomatic, economic, defense, border, intelligence, counter-intelligence, operative investigation, customs, environmental protection, sanitation and epidemiology, ecological and other measures.

Organizations and citizens may participate in these activities in accordance with the established procedure.

The measures for the protection of the State Border shall be taken in keeping with the status of the State Border as determined by the international treaties of the Russian Federation and the legislation of the Russian Federation.

The Russian Federation cooperates with foreign states in the sphere of the protection of the State Border on the basis of the generally recognized principles and norms of the international law and the international treaties of the Russian Federation.

The protection of the State Border shall cater for the vitally important interests of a person, society and state at the State Border within the border territory (border zone, the Russian part of the water area of border rivers, lakes and other water bodies, interior sea waters and territorial sea bodies of the Russian Federation where the border regimen is established, the state border check-points as well as the territories of administrative districts and cities/towns, sanatorium/resort zones, specially protected nature territories, facilities and other territories adjacent to the State Border, a border zone, the banks of border rivers, lakes and other bodies of water, sea coast or check-points) and it shall be carried on by all federal bodies of executive power in accordance with the powers thereof established by the legislation of the Russian Federation.

The guarding of the State Border shall be an integral part of the protection of the State Border and it shall be carried on by the bodies and troops of the Federal Border Guard Service of the Russian Federation within the boundaries of a border territory, by the Armed Forces of the Russian Federation in the air space and underwater medium and by the other forces (bodies) which provide the security of the Russian Federation in the events and in accordance with the procedure determined by the legislation of the Russian Federation. The guarding of the State Border shall be carried on for the purposes of preventing the unlawful alteration in the route of the State Border, making sure natural persons and legal entities observe the regimen of the State Border, the border regimen and the regimen at the state border check-points. The measures for guarding the State Border are considered for the purposes of the present Law as border measures.

The border measures are incorporated in the system of security measures implemented within the framework of a uniform state policy for providing security and corresponding to the menace to the vital interests of a person, the society and the state.

**Article 4.** *Legislation on the State Border*

Legislation of the State Border is based on the *Constitution* of the Russian Federation and the international treaties of the Russian Federation and is composed of the present law and the other federal laws adopted in accordance with this law, as well as other regulatory legal acts of the subjects of the Russian Federation.

Should an international treaty of the Russian Federation establish the rules other than those contained in the present law and the other legislative acts of the Russian Federation on the State Border, the rules of the international treaty shall be applicable.

**PART II – ESTABLISHING AND CHANGING THE ROUTE OF, MARKING  
THE STATE BORDER**

**Article 5.** *Establishing and Changing the Route of the State Border*

1. The route of the State Border shall be established and altered by the international treaties of the Russian Federation, the federal laws. The documents on the alterations, clarifications of the route of the State Border on the terrain effected as the verification of the State Border on the basis of the international treaties of the Russian Federation shall be put into force in accordance with the legislation of the Russian Federation.

2. Except as otherwise provided in the international treaties of the Russian Federation, the route of the State Border shall be established:

- a) on land by characteristic points, relief lines or clearly visible reference points;
- b) in the sea by of the outer border of the territorial sea of the Russian Federation;
- c) on the navigable rivers by the middle of the main fairway or thalweg of a river; on non-navigable rivers, creeks by the middle thereof or by the middle of the main branch of a river; on lakes and other bodies of water by the equidistant or middle, straight or another line connecting the outlets of the State Border to the banks of the lake or the other body of water. The State Border going through a river, creek, lake or another body of water shall not be moved as either the contour of the banks or the water level vary or the bed of the river or creek sways to either side;
- d) on the reservoirs of hydraulic stations or other artificial bodies of water in accordance with the State Border line going on the terrain prior to the flooding thereof;
- e) on bridges, dams and other structures crossing rivers, creeks, lakes and other bodies of water by the middle of these structures or by their technological axis no matter where the State Border goes on water.

**Article 6. *Marking the State Border***

On the terrain the State Border shall be marked with clearly visible border signs.

The description of and the procedure of the installation of the border signs shall be determined under the international treaties of the Russian Federation, the decisions of the Government of the Russian Federation.

**PART III – THE REGIMEN OF THE STATE BORDER**

**Article 7. *Maintaining and establishing the regimen of the State Border***

The regimen of the State Border shall include the rules for:

- maintaining the State Border;
- persons and vehicles crossing the State Border;
- cargos, goods and animals being carried across the State Border;
- letting persons, vehicles, cargos, goods and animals across the State Border;
- pursuing economic, fishing/procurement and other activities on the State Border or in the vicinity thereof on the territory of the Russian Federation;
- resolving, together with foreign states of the incidents relating to the breach of the said rules.

The regimen of the State Border shall be established by the present law, other federal laws, the international treaties of the Russian Federation.

With due regard to the mutual interests of the Russian Federation and adjacent states specific

rules of the regiment of the State Border may not be established and the nature of the established rules may be simplified.

**Article 8. *Maintaining the State Border***

The rules for maintaining the State Border shall regulate the procedure for the establishment, preservation and maintenance in proper condition of the border signs, the control inspections thereof, arrangement and maintenance of border forest cuttings, the conduct of the verification of the route of the State Border jointly with the adjacent state.

The documents of joint verification of the route of the State order which do not contain alterations of the border shall be endorsed by the Government of the Russian Federation.

In the best interests of proper maintenance of the State Border a strip of land going just along the State Border on land and, if necessary, on the shore of the Russian part of the waters of a border river, lake or another body of water shall be allocated to be used for an indefinite term (permanent use) to the bodies of the border guard service and the border troops of the Federal Border Guard Service of the Russian Federation (hereinafter referred to as "the bodies and troops of the Federal Border Guard Service of the Russian Federation") in accordance with the procedure established by the legislation of the Russian Federation at the rates established by the Government of the Russian Federation.

**Article 9. *Persons and vehicles crossing the State Border***

The crossing of the State Border by persons and vehicles shall be at the international railroad and motor vehicle routes or at the other places designated under the international treaties of the Russian Federation or the decisions of the Government of the Russian Federation. These acts may set the time for crossing the State Border, the procedure for traveling from the State Border to state border check-points and in reverse direction; no disembarkation of people, unloading of cargoes, goods, animals and receipt thereof on vehicles shall be permitted.

The "state border check-point" shall be understood as a territory within the boundaries of a railroad, motor vehicle terminal, station, sea, river port, airport, airfield open for international transport (international flights) as well as another, specially arranged place, where border control and, if necessary, other kinds of control as well as the passing of persons, motor vehicles, cargoes, goods and animals across the State Border are performed.

The bodies and troops of the Federal Border Guard Service of the Russian Federation are hereby granted the right to use on the approval of the authorities of the states adjacent to the Russian Federation another procedure for crossing the State Border for the military servicemen of these bodies and troops and other persons as they perform their duty of guarding the State Border.

Russian and foreign vessels, foreign navy ships and other state vessels operated for non-commercial purposes shall cross the State Border on the sea, river, lake and other body of water in compliance with the present Law, the international treaties of the Russian Federation, and Federal laws.

Shipping on border rivers, lakes and other bodies of water including the crossing of the State Border without calling at ports (roadsteads) of the Russian Federation and adjacent states shall be regulated by the treaties of the Russian Federation with the adjacent states.

Foreign vessels, foreign navy ships and other state vessels operated for non-commercial purposes, Russian vessels as they proceed from the State Border to state border check-points and backwards, while navigating in the Russian part of the waters of border rivers, lakes and other bodies of water without calling at ports (roadsteads) of the Russian Federation shall comply with the following requests of the bodies and troops of the Federal Border Guard Service of the Russian Federation:

show their flag if it failed to be shown due to some reason;

change their course if it leads to a navigation exclusion area or an area temporarily dangerous for navigation as well as to a safety area established around an artificial island, plant or structure;

inform the officials of the aim of the visit to the territory of the Russian Federation;

other requests as provided in the laws and other regulatory legal acts of the Russian Federation.

The vessels specified in Part 6 of the present Article, as they proceed from the State Border to state border check-points and backwards, are prohibited (excluding the cases stipulated by the international treaties of the Russian Federation, laws and other regulatory legal acts of the Russian Federation):

a) to call at the ports (roadsteads) of the Russian Federation that have not been opened by the Government of the Russian Federation for the calls of foreign vessels;

b) to enter a navigation exclusion area or an area temporarily dangerous for navigation as well as a safety area established around an artificial island, plant or structure if a public announcement has been made about such areas;

c) to stop, disembark (embark) people, unload (load) any cargoes, goods, currency, animals, put afloat or lift on board any floating craft, take-off, land or accept on board any aircraft, perform fishing, research, prospecting or another activity without an appropriate permission of the specifically authorized federal bodies of executive power in charge of the protection of interior sea waters and the territorial sea of the Russian Federation and the natural resources thereof, within the competence thereof, or with their permission but in breach of the provisions of

such a permission;

d) other activities prohibited under the legislation of the Russian Federation, international treaties of the Russian Federation.

Aircraft shall cross the State Border along allocated air corridors with the observance of the rules established by the Government of the Russian Federation and published in air navigation data documents. The crossing of the State Border beyond allocated air corridors is admissible only on the permission of the Government of the Russian Federation, except as in the cases specified in Part 12 of the present Article.

While they proceed from the State Border to state border check- points and backwards and also in case of a transit flight via the air space of the Russian Federation aircraft are prohibited (except in the cases provided by the present Law):

a) to land in the airports, airfields of the Russian Federation that have not been opened by the Government of the Russian Federation for international flights;

b) to take off from the airports, airfields of the Russian Federation that have not been opened by the Government of the Russian Federation for international flights. In some cases when special international flights are performed the take-off of aircraft from the Russian Federation and the landing of aircraft after their entry in the Russian Federation may be performed in airports, airfields of the Russian Federation not open for international flights only on the permission of the Ministry of Transportation of the Russian Federation or the Ministry of Defense of the Russian Federation on the approval of the Federal Security Service of the Russian Federation, the Federal Border Guard Service of the Russian Federation, the State Customs Committee of the Russian Federation and the Ministry of Public Health of the Russian Federation;

c) to enter flight exclusion areas about which public announcement has been made;

d) to perform other actions prohibited by the legislation of the Russian Federation, the international treaties of the Russian Federation.

In the interests of providing the security of the Russian Federation and on the request of foreign states the crossing of the State Border at specific sections thereof may be temporarily restricted or stopped by decision of the Government of the Russian Federation, with the authorities of states concerned being notified.

Should extraordinary situations of natural or non-natural character occur, emergency rescue, emergency relief formations (forces) shall cross the State Border to localize and eliminate such situations, in accordance with the procedure provided by the international treaties of the Russian Federation, the acts of the Government of the Russian Federation.

The following shall not be deemed violation of the rules of crossing the State Border: forced

crossing by the State Border by persons, vehicles on the ground, entry of foreign vessels, foreign navy ships and other state vessels operated for non-commercial purposes, into the territory of the Russian Federation forced flight into the air space of the Russian Federation of aircraft, as effected by the virtue of the below extraordinary circumstances:

a calamity;

an accident or natural disaster menacing the safety of a foreign vessel (including aircraft), foreign navy ship or another state vessel operated for non-commercial purposes;

a strong storm, ice drift or ice conditions menacing the safety of a foreign vessel, foreign navy ship or another state vessel operated for non-commercial purposes;

the towing of a damaged foreign vessel, foreign navy ship or another state vessel operated for non-commercial purposes;

the carriage of rescued people;

rendition of urgent medical assistance to a member of crew or passengers and also due to other extraordinary circumstances.

In the event of a forced crossing of the State Border or forced violation of the rules provided under the present Law for vessels/craft proceeding from the State Border to check-points across the State Border and backwards, the procedure for staying in the Russian part of border rivers, lakes and other bodies of water, in the interior sea waters, territorial sea and air space of the Russian Federation the captain of a vessel, commander of a navy ship, commander of an aircraft is to notify immediately about it the administration of the nearest Russian sea (river) port, a respective body of the air traffic unified system, which shall notify about such a crossing of the State Border the bodies and troops of the Federal Border Guard Service of the Russian Federation and the Armed Forces of the Russian Federation and is to act henceforth in compliance with their directions or the directions of a navy ship, captain of a sea, river vessel or the commander of an aircraft of the Russian Federation that would arrive to render assistance or clarify the circumstances of the occurrence.

**Article 10.** *The carriage of cargoes, goods and animals across the State Border*

The carriage of cargoes, goods and animals across the State Border shall per effected at the locations and in accordance with the procedure established under the international treaties of the Russian Federation, the legislation of the Russian Federation, the decisions of the Government of the Russian Federation.

**Article 11.** *Letting persons, means of transportation, cargoes, goods and animals across the State Border*

The letting of persons, means of transportation, cargoes, goods and animals across the State Border at the established state border check-points and it is constituted in recognizing as lawful the crossing of the State Border by the persons, means of transportation which have arrived in the territory of the Russian Federation, of the carriage across the State Border of cargoes, goods, animals to the territory of the Russian Federation or in permitting the persons, means of transportation leaving the Russian Federation to cross the State Border, permitting the carriage across the State Border of cargoes, goods, animals out of the Russian Federation.

Grounds for letting across the State Border persons, means of transportation, cargoes, goods and animals shall be the availability of effective documents for the right to enter the Russian Federation or exit from the Russian Federation, documents for the means of transportation, cargoes, goods and animals.

Not subject to be let across the State Border shall be foreign citizens or persons without citizenship to whom entry in the Russian Federation is not permitted in accordance with the legislation of the Russian Federation and also the persons in respect to whom a decision to prohibit exit from the Russian Federation has been adopted in accordance with the procedure established under the legislation of the Russian Federation.

A treaty of the Russian Federation with an adjacent state may establish a simplified procedure for letting citizens of the Russian Federation and the adjacent state across the State Border insofar as concerns the determination of the documents for the right to exit from the Russian Federation and enter in the Russian Federation.

Letting persons, means of transportation, cargoes, goods and animals across the State Border shall include the performance of border control (the verification of the grounds for being let across the State Border of the persons, means of transportation, cargoes, goods and animals, the inspection of the means of transportation, cargoes and goods for the purpose of discovering and apprehending the violators of the rules for the crossing of the State Border as well as the carried cargoes, goods and animals prohibited to be brought to the Russian Federation and taken out of the Russian Federation under the legislation of the Russian Federation) and, if necessary, also customs, immigration, sanitary/quarantine, veterinary, phytosanitation, transport and other kinds of control.

The contents, means and techniques of control, the procedure for the application thereof shall be established in conformity with the federal laws by the regulatory acts of respective federal bodies of executive power with the approval of the Ministry of Justice of the Russian Federation and, as far as providing the safety of human, animal or plant life and health is concerned, apart from that of the Ministry of Public Health of the Russian Federation and the other federal bodies of executive power concerned.

The letting across the State Border of the Russian aircraft performing special international flights from the airports, airfields not open for international flights as well as of the foreign and Russian aircraft performing forced landing in improper places shall be effected by the bodies of the Federal Security Service of the Russian Federation jointly with the administration of airports, airfields or the command of the air force units of the Armed Forces of the Russian Federation with subsequent notification of the bodies and troops of the Federal Border Guard Service of the Russian Federation and other bodies of the Russian Federation concerned.

**Article 11.1. Border Formalities Fee**

1. As border guard control is exercised in respect to exit from the Russian Federation a border formalities fee shall be collected as a mandatory payment throughout the whole of the territory of the Russian Federation.

The payment of the border formalities fee shall be a condition sine qua non of the completion of border formalities in case of exit from the Russian Federation.

2. The following shall be payers of the border formalities fee:

the natural persons crossing the State Border of the Russian Federation (excluding the natural persons being the owners of the motor vehicles moved across the State Border of the Russian Federation) (hereinafter referred to as "natural persons");

the natural persons and legal entities being the owners of motor vehicles moved across the State Border of the Russian Federation (hereinafter referred to as "the owners of motor vehicles").

Any person concerned is entitled to pay the border formalities fee for another person, except as otherwise established by the legislation of the Russian Federation.

3. The border formalities fee shall be collected at the following rates:

1) from natural persons: at a rate of 0.8 of the *minimal wage rate* as established under law;

2) from the owners of:

passenger motor vehicles: at a rate of double-fold minimal wage rate as established under law;

cargo motor vehicles and buses: at a rate of single minimal wage rate as established under law;

passenger aircraft with a capacity of up to 50 seats: at a rate of five-fold minimal wage rate as established under law;

passenger aircraft with a capacity of 50 to 100 seats: at a rate of seven-fold minimal wage rate as established under law;

passenger aircraft with a capacity of 100 seats and above: at a rate of ten-fold minimal wage rate as established under law;

cargo aircraft: at a rate of seven-fold minimal wage rate as established under law;

sea-going passenger vessels with a capacity of up to 100 seats: at a rate of seven-fold minimal wage rate as established under law;

sea-going passenger vessels with a capacity of 100 seats and above: at a rate of ten-fold minimal wage rate as established under law;

river-going passenger vessels: at a rate of double-fold minimal wage rate as established under law;

sea-going cargo vessels with dead weight of up to 100 tons: at a rate of three-fold minimal wage rate as established under law;

sea-going cargo vessels with dead weight of 100 to 1,000 tons: at a rate of five-fold minimal wage rate as established under law;

sea-going cargo vessels with dead weight of 1,000 tons and above: at a rate of seven-fold minimal wage rate as established under law;

river-going cargo vessels: at a rate of single minimal wage rate as established under law;

passenger railway trains: at a rate of ten-fold minimal wage rate as established under law;

railway cargo cars: at a rate of 0.2 *minimal wage rate* as established under law per car;

containers carried by railway: at a rate of 0.15 minimal wage rate as established under law per container.

4. Exempt from the duty to pay the border formalities fee shall be:

natural persons traveling to Kaliningrad Region from the rest of the territory of the Russian Federation and from Kaliningrad Region to the rest of the Russian Federation;

the owners of means of transportation traveling to Kaliningrad Region from the rest of the Territory of the Russian Federation and from Kaliningrad Region to the rest of the Russian Federation;

children under 14 years of age;

disabled persons, Group I and Group II as well as persons disabled since childhood of all the groups;

natural persons being the owners of passenger motor vehicles and being disabled persons, Group I and Group II as well as persons disabled since childhood of all the groups;

natural persons traveling as members of special teams for the purpose of rendering assistance in the elimination of the aftermath of emergencies of natural or man-made nature as well as the members of the means of transportation traveling as part of such teams;

natural persons from among military servicemen and civilian personnel of the Russian military force traveling to take part in peace-keeping activities as a part of multi-national forces or collective peace-keeping forces as well as the owners of the means of transportation traveling

as a part of the said forces;

the members of the crews, teams, drivers of Russian and foreign means of transportation while performing their service duties;

the employees of the diplomatic missions, consular institutions of the Russian Federation and the members of the families thereof as well as the employees of the diplomatic missions , consular institutions of foreign states in the Russian Federation and the members of the families thereof;

the owners of means of transportation being the diplomatic missions and consular institutions of the Russian Federation as well as the diplomatic missions and consular institutions of foreign states in the Russian Federation;

the owners of personal motor vehicles including the persons driving by proxy being employees of the diplomatic missions, consular institutions of the Russian Federation as well as the employees of the diplomatic missions , consular institutions of foreign states in the Russian Federation;

the natural persons being the employees of the United Nations Organization and of the specialized institutions thereof, the employees of the Council of Europe and other international organisations under the international treaties of the Russian Federation as well as the members of the official delegations of the said organisations traveling across the State Border of the Russian Federation along their lines;

the natural persons being members of the state, governmental and parliamentary delegations of the Russian Federation and foreign states as well as the owners of the means of transportation providing traveling facilities to the said delegations;

the natural persons being the holders of diplomatic passports as well as the owners of the means of transportation providing facilities for the travel of the said persons;

the citizens of the member states of the Commonwealth of Independent States and the owners of the means of transportation located on the territory of these states (excluding the citizens of the states that have introduced a border formalities fee in respect to the citizens of the Russian Federation and the owners of the means of transportation located on the territory of these states) while being on a trip within the territories of the member states of the Commonwealth of Independent States;

the natural persons crossing the State Border of the Russian Federation under the international treaties of the Russian Federation with adjacent states;

the owners of the means of transportation crossing the State Border of the Russian Federation under the international treaties of the Russian Federation with adjacent states;

the owners of the means of transportation performing regular carriage within border area;

the owners of the sea-going vessels engaged in sea fishing, research and other kinds of activities outside the territorial sea of the Russian Federation without calling at foreign ports;

the natural persons traveling in transit via the territory of the Russian Federation;

the owners of the means of transportation traveling in transit via the territory of the Russian Federation;

the natural persons including the owners of personal passenger motor vehicles being the participants of the Second World War who had been fighting on the side of the anti-Hitler coalition;

the natural persons including the owners of personal passenger motor vehicles being citizens of the Russian Federation who permanently reside on the territory of the Russian Federation and having real property on the territories of the states being former USSR territory and who travel to the location of the said property from the territory of the Russian Federation and back.

5. The procedure for collecting the border formalities fee shall be determined by the Government of the Russian Federation.

#### **Article 12.** *Opening state border check-points*

The state border check-points shall be established by the Government of the Russian Federation on the proposal of the federal bodies of executive power, the subjects of the Russian Federation as approved by the bodies and troops of the Federal Border Guard Service of the Russian Federation and the other federal bodies of executive power concerned with the account taken of the interests of adjacent and other foreign states. The opening of a state border check-point shall be done after the constructing, furnishing/equipping and commissioning by the federal body of executive power concerned, by the subject of the Russian Federation of respective buildings, premises, facilities per the design documentation approved by the bodies and troops of the Federal Border Guard Service of the Russian Federation as well as the customs and other bodies participating in the control exercised at the state border check-point. As the said design papers are elaborated, a provision shall be made for the premises and facilities needed for the organisation of border control and other kinds of control. The constructing and furnishing/equipping of the said facilities shall be performed at the expense of the resources of the federal budget, the budgets of the subjects of the Russian Federation, the resources of the federal bodies of executive power concerned which are customers in the construction.

At state border check-points, organisations, no matter the form of ownership thereof, may provide free of charge the service premises, structures, equipment needed to provide the activities of the bodies of border control and other kinds of control, the bodies of internal affairs taking part in the exercise of control over the observance of the regimen at state border check-points.

**Article 13.** *The pursuance of economic, fishing/procurement activities on the State Border*

The economic, fishing/procurement and other activities relating to the crossing of the State Border and in another way interfering with the interests of the Russian Federation or foreign states pursued by Russian and foreign legal entities and natural persons including joint activities, just on the State Border or in the vicinity thereof on the territory of the Russian Federation shall not:

inflict harm to the population's health, ecological and other safety of the Russian Federation, of adjacent foreign states and other foreign states or contain a threat of such a harm;

hinder the maintenance of the State Border and the performance of the tasks of the bodies and troops of the Federal Border Guard Service of the Russian Federation.

The activities specified under Part 1 of the present article shall be pursued in accordance with the international treaties of the Russian Federation or other agreements with foreign states, with the rules for the crossing of the State Border being observed and with the bodies and troops of the Federal Border Guard Service of the Russian Federation being notified of the places, time of the crossing of the State Border and the works performed, the number of participants, fishing and other vessels used, transportation and other means, mechanisms.

**Article 14.** *Resolving the incidents relating to a breach of the regimen of the State Border*

The procedure for resolving the incidents relating to a breach of the regimen of the State Border, the referral thereof to the competence of the border representatives of the Russian Federation, the Ministry of Defense of the Russian Federation or the Ministry of Foreign Affairs of the Russian Federation shall be governed by the treaties of the Russian Federation with adjacent states on the State Border and the regimen thereof, other international treaties of the Russian Federation, the present law, the decisions of the Government of the Russian Federation.

The persons, aircraft, Russian and foreign sea, river vessels and military ships, other means of transportation which crossed the State Border in breach of the rules established under the present law shall be deemed violators of the State Border.

The foreign citizens and persons without citizenship who have not the status of persons residing or staying on the territory of the Russian Federation and who crossed the State Border from the territory of a foreign state, should there be in their actions the attributes of a crime or administrative legal offence shall be held legally accountable under the legislation of the Russian Federation.

In the event when in respect to the violators of the State Border specified in Part 3 of the present article there are no grounds for commencing criminal actions or proceedings on

administrative legal offence cases and they do not enjoy the right to political asylum in accordance with the *Constitution* of the Russian Federation, the bodies and troops of the Federal Border Guard Service of the Russian Federation shall in accordance with the official procedure hand them over to the authorities of the state from the territory of which they have crossed the State Border. Should in the treaty of the Russian Federation with the state there is no provision for violators being handed over to the authorities of the state, the bodies and troops of the Federal Border Guard Service of the Russian Federation shall evict them out of the Russian Federation at the places designated by the bodies and troops of the Federal Border Guard Service of the Russian Federation. The authorities of the state to the territory (or via the territory) of which foreign citizens or persons without citizenship are evicted out of the Russian Federation from the state border check-points shall be notified of the eviction, should there be a provision for that in the treaty of the Russian Federation with the respective state. The same procedure shall be followed to evict out of the Russian Federation the violators of the State Border held accountable under the administrative law and in respect to whom decisions have been taken for the administrative eviction thereof.

The citizens of the Russian Federation who while staying abroad lost the documents for the right to enter in the territory of the Russian Federation and who have arrived in state border check-points shall be left at the check-points for a term needed for their personal identification, with this term not exceeding 30 days. The procedure and terms and conditions of their stay at the state border check-points shall be determined by the Government of the Russian Federation.

**Article 15.** *The border representatives of the Russian Federation*

For the purpose of resolving the issues of the observance of the regimen of the State Border, settling border incidents border representatives of the Russian Federation (border commissars, border authorized representatives and deputies thereof) shall be appointed to specific sections of the State Border by the head of the Federal Border Guard Service of the Russian Federation on the approval of the Ministry of Foreign Affairs of the Russian Federation in accordance with the international treaties of the Russian Federation.

In their activities the border representatives shall be governed by the present law, other federal laws, international treaties of the Russian Federation, the Regulations on the Border Representatives of the Russian Federation endorsed by the Government of the Russian Federation.

The settlement of the border incidents relating to the activities of Russian or foreign military aircraft and military ships, other military objects or servicemen (excluding the objects or servicemen of the bodies and troops of the Federal Border Guard Service of the Russian

Federation when the interests of preventing dangerous military activities are not concerned) shall be effected by the representatives of the Ministry of Defense of the Russian Federation, if necessary, with the participation of the border representatives of the Russian Federation.

The issues, incidents not regulated by the border representatives of the Russian Federation or the representatives of the Ministry of Defense of the Russian Federation shall be resolved via diplomatic channels.

## PART IV – THE BORDER REGIMEN

### **Article 16.** *The contents and establishment of the border regimen*

The border regimen shall serve exclusively the interests of the creation of the necessary conditions for the protection of the State Border and it shall include the rules:

- 1) in the border area:
  - of entry (passage), temporary stay, movement of persons and vehicles;
  - of economic, fishing/hunting and other activities, of holding mass public political, cultural and other events;
- 2) in the Russian part of the waters of border rivers, lakes and other bodies of water, in interior sea waters and the territorial sea of the Russian Federation:
  - of the registration and maintenance of Russian small-size self-propelled and non-self-propelled (surface and underwater) vessels (means) and means of transportation on ice, of the navigation thereof and movement on ice thereof;
  - of fishing/hunting, research, prospecting and other activities.

The establishment of other rules of border regimen shall not be admissible. Any limitation on citizens' rights and freedoms shall be admissible only on the basis and in accordance with the procedure provided under the law.

A border zone shall include the five kilometer-wide terrain zone along the State Border on land, sea coast of the Russian Federation, the Russian banks of border rivers, lakes and other bodies of water and the islands on the said bodies of water. It shall be possible for a border zone not to include the territories of inhabited localities, sanatoria, rest houses, other health rehabilitation institutions, culture institutions (facilities) as well as mass recreation, active water use, religious rite places as well as other places of traditional mass public gatherings.

Warning signs shall be installed at the entries to a border zone. Proceeding from the nature of the relations of the Russian Federation with an adjacent state it shall be possible not to establish a border zone at specific sections of the State Border.

The boundaries of a border zone shall be determined, warning signs installed by the

decision of the bodies of executive power of the subjects of the Russian Federation on the proposal of the senior officials of the bodies and troops of the Federal Border Guard Service of the Russian Federation on the territories of the subjects of the Russian Federation.

The same procedure shall be applicable for the purposes of determining the sections (areas) of the internal waters of the Russian Federation within which border regimen is established. The specific contents, special and temporal limits of the effect of the border regimen rules provided under the present law, the circle of the persons to whom any of the said rules are applicable shall be established by the decisions of the bodies of executive power of the subjects of the Russian Federation on the approval with the senior officials of the bodies and troops of the Federal Border Guard Service of the Russian Federation on the territories of the subjects of the Russian Federation and shall be subject to be published.

**Article 17.** *The entry (passage), temporary stay, movement of persons and means of transportation in a border zone*

The entry (passage) of persons and means of transportation in a border zone shall be effected per the personal identification documents, individual or collective permits issued by the bodies and troops of the Federal Border Guard Service of the Russian Federation on the personal applications of citizens or requests of enterprises and associations thereof, organisations, institutions and public associations. The locations of entries (passage) in the border zone shall be designated. There may be designated the time of entry (passage), the routes of movement, the duration and other conditions of the stay of persons and means of transportation in the border zone.

**Article 18.** *Economic, fishing/procurement and other activities, the conduct of mass public and political, cultural and other events in a border zone*

The economic, fishing/procurement and other activities relating to the use of land, forest, mineral resources, waters, the conduct of mass public and political, cultural and other events in a border zone shall be regulated by the federal laws, the laws and other regulatory legal acts of the subjects of the Russian Federation. Specific works, events shall be conducted on the permission of the bodies and troops of the Federal Border Guard Service of the Russian Federation.

The permission for the conduct of work, event shall include, apart from the issues stipulated in *Article 17* of the present law, the designation of the place, time, number of participants, the person in charge for the conduct thereof. For regular works, events permanent places may be designated.

**Article 19.** *Animal husbandry and grazing at the State Border*

For the purposes of preventing the transfer of contagious diseases across the State Border, prohibited or limited may be animal husbandry and grazing within the terrain strip (quarantine strip) along the State Border on land.

A quarantine strip, the width thereof, the procedure for its fencing, the veterinary regimen on the strip shall be established by the Ministry of Agriculture and Foodstuffs of the Russian Federation or on the instruction thereof by the veterinary supervision bodies of the subjects of the Russian Federation. As it is done animal husbandry and grazing shall be performed in a border zone also in accordance with the procedure provided in Articles 17 and 18 of the present law.

**Article 20.** *The registration, maintenance and use of Russian small-scale vessels (means) and the means of transportation on ice*

Russian small-scale self-propelled and non-self-propelled (surface and underwater) vessels (means) and the means of transportation on ice used in the Russian part of the waters of border rivers, lakes and other bodies of water, in the interior sea waters and territorial sea of the Russian Federation shall be subject to mandatory registration and storage at piers, moorings, other bases. There may be established the procedure for these vessels (means) getting out of their bases and returning back including the notification of the bodies and troops of the Federal Border Guard Service of the Russian Federation, limited the time of getting out, the period of being seaborne (iceborne), the distance of getting off their base or shores.

**Article 21.** *The Pursuance of Fishing/Hunting, Research, Prospecting and Other Activities in the Russian Part of the Waters of Border Rivers, Lakes and Other Bodies of Water, in the Interior Sea Waters and the Territorial Sea of the Russian Federation*

1. Fishing/hunting, research, prospecting and other activities shall be pursued in the Russian part of the waters of border rivers, lakes and other bodies of water, in the interior sea waters and territorial sea of the Russian Federation in compliance with the legislation of the Russian Federation.

2. For the purposes of protecting the State Border the activities specified under Item 1 of the present Article shall be pursued in the Russian part of the waters of border rivers, lakes and other bodies of water on the permission of the bodies and troops of the Federal Border Guard Service of the Russian Federation and in the interior sea waters and territorial sea of the Russian Federation with a notification of the bodies and troops of the Federal Border Guard Service of the Russian Federation. In such a case information shall be provided on the places, time of the pursuance of the fishing/hunting, research, prospecting or other activities, the number of

participants, the fishing/hunting and other vessels and other means used for the purpose.

3. Persons pursuing the activities specified under Item 1 of the present Article without notification (permission) of the bodies and troops of the Federal Border Guard Service of the Russian Federation as well as with notification thereof but in violation of the terms of such a notification (permission) shall be hold accountable under the legislation of the Russian Federation.

## PART V – THE REGIMEN AT THE STATE BORDER CHECK-POINTS

### **Article 22.** *The Contents and Establishment of the Regimen at the State Border Check-points*

The regimen at the state border check-points shall include the rules for entering in these check-points, staying and exiting from them for persons, means of transportation, bringing in, keeping and taking out for cargoes, goods and animals established exclusively in the interests of creating the necessary conditions for the performance of border, customs control and other kinds of control.

The regimen at the state border check-points shall be established by the transportation federal bodies of executive power in conformity with the provisions of the present law and the international treaties of the Russian Federation, the regulatory legal acts approved by the bodies and troops of the Federal Border Guard Service of the Russian Federation and the State Customs Committee of the Russian Federation.

Per the regulatory legal act of a federal transportation body of executive power the chief of an airport, airfield, sea port, river port, railroad terminal, automobile terminal, station, the chief of another transportation enterprise shall issue, with due regard to the local conditions, an order (instructions) approved by appropriate officials of the bodies and troops of the Federal Border Guard Service of the Russian Federation, the customs and other bodies performing control on the State Border, with such an order (instructions) establishing the regimen at the specific state border check-point.

The regimen at the state border check-points arranged outside of the transportation facilities specified in Part 3 of the present article shall be established by the bodies and troops of the Federal Border Guard Service of the Russian Federation in accordance with the requirements set forth in Part 2 of the present article, on the approval of the customs and other bodies performing the passage of persons, means of transportation, cargoes, goods and animals across the State Border at such check-points.

**Article 23.** *The procedure for the entry (exit) of persons, means of transportation, the bringing in (taking out) of cargoes, goods and animals at the state border check-points*

The entry in the state border check-points and exit out of them of persons and means of transportation, as well as the bringing in and taking out of cargoes, goods and animals shall be effected at the locations specially designated for these purposes per the permits issued by the administration of airports, airfields, sea ports, river ports, railroad, automobile terminals and stations, other transportation enterprises on the approval of the bodies and troops of the Federal Border Guard Service of the Russian Federation.

**Article 24.** *The stay of persons and means of transportation at the state border check-points*

The locations and duration of the stay of the international route means of transportation at the state border check-points shall be determined by the administration of airports, airfields, sea ports, river ports, railroad, automobile terminals and stations, other transportation enterprises on the approval of the bodies and troops of the Federal Border Guard Service of the Russian Federation and the customs bodies.

During customs control and other kinds of control access of persons to the means of transportation and on the international route means of transportation shall be limited and, if necessary, prohibited.

Passengers' embarkation on the means of transportation as they leave the Russian Federation and disembarkation upon the arrival in the Russian Federation as well as the loading (unloading) of luggage, mail and cargoes shall be effected on the permission of the bodies and troops of the Federal Border Guard Service of the Russian Federation and the customs bodies.

The officials of transportation enterprises, organisations, the owners of the means of transportation shall open up sealed railroad cars, automobiles, holds and other premises of the means of transportation and the cargoes carried therein, should the representatives of the bodies and troops of the Federal Border Guard Service of the Russian Federation so request.

The international route means of transportation may start moving to leave the territory of the Russian Federation or to travel inland on the territory of the Russian Federation and equally change the place of their stay only with the permission of the bodies and troops of the Federal Border Guard Service of the Russian Federation and the customs bodies.

The stay at the state border check-points of citizens of the Russian Federation without valid documents for the right to enter in the Russian Federation shall be regulated in accordance with the procedure provided in Part 5, *Article 14* of the present law.

**Article 26.** *Additional regimen rules at the state border check-points*

At the state border check-points there shall be designated the territories, premises where border control and other kinds of control are directly performed. At such places there shall be introduced additional regimen restrictions which shall be established within the limitations of the rules and in accordance with the procedure provided in *Articles 22, 23, 24 and 25* of the present law.

**PART VI – THE POWERS OF THE BODIES OF STATE POWER IN THE  
SPHERE OF THE PROTECTION OF THE STATE BORDER**

**Article 27.** *The powers of the bodies of state power of the Russian Federation*

The bodies of state power of the Russian Federation shall exercise the powers in the sphere of the protection of the State Border as provided in the *Constitution* of the Russian Federation and the present law.

The head (coordination) federal body of executive power in the sphere of the protection of the State Border shall be the Federal Border Guard Service of the Russian Federation. The Federal Border Guard Service of the Russian Federation shall head a unified centralized system including the bodies of border control; the body of external intelligence; the operative bodies carrying on intelligence, counter-intelligence, operative investigation activities as well as the activities for providing the own security of the system of the Federal Border Guard Service of the Russian Federation; the border guard and other bodies of border guard service; the border troops of the Federal Border Guard Service of the Russian Federation; the military vocational institutions as well as the enterprises, institutions and other organisations under the control of the Federal Border Guard Services of the Russian Federation in accordance with the legislation of the Russian Federation.

**Article 28.** *The powers of the federal bodies of executive power*

1. The Ministry of Foreign Affairs of the Russian Federation shall:

on the basis of the decisions of the bodies of state power of the Russian Federation conduct negotiations for establishing and fixing the State Border, establishing the regimen of the State Border, prepare the necessary documents and materials;

provide the foreign political and international legal backing for the protection of the State Border;

make, within its competence, the documents for the right to enter in the Russian Federation and exit from the Russian Federation for citizens of the Russian Federation, foreign citizens and persons without citizenship;

resolve the issues of the observance of the regimen of the State Border, incidents on the State Border not regulated by the border representatives of the Russian Federation or the Ministry of Defense of the Russian Federation.

2. The Federal Border Guard Service of the Russian Federation shall:

jointly with the federal bodies of executive power organize and provide, within the limits of its competence, the protection of the State Border on land, in seas, rivers, lakes and other bodies of water, at the state border check-points, intelligence, counterintelligence, operative investigation as well as the passage across the State Border of persons, means of transportation, cargoes, goods and animals;

organize and provide direction of the bodies and troops of the Federal Border Guard Service of the Russian Federation;

coordinate the activities of the federal bodies of executive power exercising on the State Border all kinds of control of the observance of the regimen of the State Border, the border regimen and the regimen at the state border check-points;

provide jointly with the Ministry of Defense of the Russian Federation the coordination by the bodies and troops of the Federal Border Guard Service of the Russian Federation the activities of the Air Defense Troops and the Navy in terms of protecting the State Border, jointly with the other competent federal bodies of executive power the coordination by the operative bodies of the Federal Border Guard Service of the Russian Federation of the actions of the bodies of the law enforcement system and the special services system of the Russian Federation on the spot in the interests of protecting the State Border;

take part in the preparation by the bodies of state power of the regulatory and other legal acts concerning the activities of legal entities and natural persons concerning the interests of the protection of the State Border;

take part in the delimitation, demarcation, redemarcation of the State Border, the elaboration of the regulatory legal acts establishing the regimen of the State Border;

perform on the authorization of the Government of the Russian Federation the direction of the activities of the border representatives of the Russian Federation;

provide the acquisition and processing of the information on the threats to the security of the Russian Federation in the sphere of the protection of the State Border, presenting it to the President of the Russian Federation, the Government of the Russian Federation, informing the federal bodies of executive power concerned in accordance with the procedure established by the

federal laws, the regulatory legal acts of the President of the Russian Federation;

interact, perform the contacts in the interests of protecting the State Border with the appropriate bodies of foreign states, international organisations;

provide the own security of the system of the Federal Border Guard Service of the Russian Federation;

jointly with the federal bodies of state security guard take part in providing security of the objects of state security guard on the State Border within the boundaries of the border territory.

3. The Ministry of Defense of the Russian Federation shall:

provide the protection of the State Border in the air space and under water;

provide for the participation of the Armed Forces of the Russian Federation in the protection of the State Border on land, in seas, border rivers, lakes and other bodies of water in the events and in accordance with the procedure stipulated by the present law, other federal laws;

resolve, within its competence, the incidents relating to the violation of the regimen of the State Border;

render assistance to the bodies and troops of the Federal Border Guard Service of the Russian Federation in providing resources, intelligence etc. for the protection of the State Border pursuant to the legislation of the Russian Federation and the inter-departmental agreements.

4. The federal bodies of executive power exercising customs, immigration, sanitary and quarantine, veterinary, phytosanitary, transport control and other kinds of control on the State Border shall:

organize and conduct the actions for the protection of the economic, ecological and other interests of a person, the society and the state on the State Border;

issue, within their competence, the regulatory acts binding on all legal entities and natural persons on the territory of the Russian Federation;

verify the observance by enterprises, organisations, institutions, public associations, citizens of the requirements set forth in the international treaties of the Russian Federation, the legislation of the Russian Federation concerning the issues within the competence thereof;

set up control bodies (check-points) at the state border check-points and organize the operation thereof, establish the means and ways of control in accordance with the requirements set forth in Part 6, *Article 11* of the present law;

interact between each other and render assistance to the bodies and troops of the Federal Border Guard Service of the Russian Federation in protecting the State Border;

cooperate in the protection of the State Border with the appropriate bodies of foreign states.

5. The Ministry of Internal Affairs of the Russian Federation shall: render assistance to the bodies and troops of the Federal Border Guard Service of the Russian Federation in the conduct

of the activities for the protection of the State Border, fight against illegal activities at the border, search for the persons who violated the regimen of the State Border, discovery and verification of the circumstances of the legal offences of the citizens detained in accordance with administrative or criminal procedure;

inform the bodies and troops of the Federal Border Guard Service of the Russian Federation on law enforcement situation in the border areas of the Russian Federation, offences discovered, the criminal groups and persons having criminal intents in respect to the State Border and the bodies and troops of the Federal Border Guard Service of the Russian Federation in respect to the protection of the State Border in the events and in accordance with the procedure provided in the present law;

make sure the bodies of internal affairs take part in the control of the observance of the border regimen and the regimen at the state border check-points;

provide, on the proposal of the bodies and troops of the Federal Border Guard Service of the Russian Federation, a temporary limitation or prohibition of the access of citizens to specific terrain areas or facilities in the vicinity of the State Border during the conduct of a border search or operation, as armed intrusions in the territory of the Russian Federation are countered or as mass illegal crossing of the State Border is stopped;

ensure public order as mass events of federal or international nature are held on the State Border or in the border areas of the Russian Federation;

ensure law and order in the border areas in the event of an emergency, the introduction of the state of emergency;

take part in legal upbringing of the population of the border areas of the Russian Federation, prevention jointly with the bodies and troops of the Federal Border Guard Service of the Russian Federation of offences on the State Border and at the state border check-points.

6. The Federal Security Service of the Russian Federation shall:

carry on, within its competence, the acquisition, processing and analysis of the information on the threats to the security of the Russian Federation in the sphere of the protection of the State Border;

in cooperation with the bodies and troops of the Federal Border Guard Service of the Russian Federation conduct counterintelligence and operative investigation activities in the interests of the protection of the State Border;

in cooperation with the State Customs Committee of the Russian Federation, the Federal Border Guard Service of the Russian Federation elaborate and implement the measures for fighting contraband;

provide counterintelligence backing for the entry in the territory of the Russian Federation

and exit from the Russian Federation of citizens of the Russian Federation, foreign citizens and persons without citizenship as well as the regimen of the stay of foreign citizens and persons without citizenship on the territory of the Russian Federation;

perform the cooperation with the federal bodies of executive power and public associations of the Russian Federation as well as with foreign special services and organisations in the interests of the protection of the State Border.

7. The Foreign Intelligence Service of the Russian Federation shall: in cooperation with the Federal Border Guard Service of the Russian Federation perform intelligence activities in the interests of the protection of the State Border.

**Article 29.** *The powers of the bodies of state power of the subjects of the Russian Federation*

The bodies of state power of the subjects of the Russian Federation shall:

create the conditions for the protection of the State Border by the troops and bodies authorized for the purposes, adopt for the purposes laws and other regulatory legal acts within the limitations set by the present law;

provide tracts of land in accordance with the legislation of the Russian Federation for the purposes of the protection of the State Border, carry on the verification of the use of the land and the observance of the legislation of the Russian Federation on the environmental protection on these tracts of land;

inform the bodies and troops of the Federal Border Guard Service of the Russian Federation on the issues concerning the situation in the border areas of the Russian Federation;

create the conditions for the voluntary participation of citizens in the protection of the State Border;

verify on their territories the observance by all bodies, enterprises, institutions, organisations, public associations and also by officials and citizens of the legislation of the Russian Federation on the State Border.

**PART VII – THE POWERS OF THE BODIES AND TROOPS OF THE  
FEDERAL BORDER GUARD SERVICE OF THE RUSSIAN FEDERATION,  
THE AIR DEFENSE TROOPS, THE NAVY, OTHER TROOPS AND  
MILITARY FORMATIONS OF THE RUSSIAN FEDERATION IN THE  
SPHERE OF THE PROTECTION OF THE STATE BORDER**

**Article 30.** *The powers of the bodies and troops of the Federal Border Guard Service of the Russian Federation*

The bodies and troops of the Federal Border Guard Service of the Russian Federation shall guard the State Border on land, seas, rivers, lakes and other bodies of water, at the state border check-points and also perform the passage across the State Border. For these purposes they shall:

provide all the necessary measures to prevent unlawful modification of the route of the State Border on the terrain;

perform the verification of the observance of the rules, having permission or notification nature, for the regimen of the State Border, the border regimen and the regimen at the state border check-points;

carry on troops, intelligence, counterintelligence, operative investigation, access restriction and military-technical activities;

carry on the proceedings in respect to administrative offence cases referred to their jurisdiction under the legislation of the Russian Federation, consider these cases within their competence and implement the rulings on these cases;

carry on the investigation in respect to the cases referred to their jurisdiction under the legislation of the Russian Federation;

perform the prevention of the legal offences the fight against which is within the competence of the bodies and troops of the Federal Border Guard Service of the Russian Federation;

participate in the activities of the border representatives of the Russian Federation;

carry on border searches and operations, when necessary.

Within the boundaries of the border territory the bodies and troops of the Federal Border Guard Service of the Russian Federation shall have the right to the following:

1) to erect the necessary engineering and technical structures, perform the construction of communications lines and utility lines, deploy and use materiel and armaments on the land provided under the legislation of the Russian Federation for use at the established rates for indefinite term (permanent use);

2) to be located at any parts of the terrain and move on them as they perform their service duties; to claim from the owners, users of tracts of land in the border zone the allocation of the places for border guard patrol movements, the arrangement and maintenance in proper state of passages through fences, passages through other obstacles; to accompany Russian and foreign vessels and other means of transportation and place border guard patrols on them; for the purpose of preventing and stopping violations of the regimen of the State Border, the border regimen, the regimen at the state border check-points to check up persons' necessary documents and the documents of the means of transportation, to carry out the search (inspection) of means of transportation and the cargoes they carry;

3) to perform by means of border guard patrols the detention and personal search of the persons in respect to whom there are grounds to suspect that they are in violation of the regimen of the State Border, the border regimen, the regimen at the state border check-points, bringing these persons to the premises of subunits, units of the bodies and troops of the Federal Border Guard Service of the Russian Federation or to other places for the purpose of finding out the circumstances of the violation; to halt, inspect and apprehend by means of border guard ships the Russian and foreign ships which committed violations of the said regimens and bring them (escort) them to the nearest Russian port for the purpose of finding out the circumstances of the violation. During the inspection and escorting of the vessel it shall be prohibited to the vessel to use its radio stations. A report shall be compiled for each case when a ship is inspected or apprehended. The ship's navigation and cargo documents seized from the captain shall be attached to the ship apprehension report;

4) to perform the administrative detention of the persons who committed a violation of the regimen of the State Border, the border regimen, the regimen at the state border check-points, for a term of up to three hours for the purpose of compiling a report and, if necessary, for the purpose of personal identification and finding out the circumstances of the offence for a term of up to three days with a written notification being forwarded to the procurator within twenty four hours from the moment of detention or for a term of up to 10 days as authorized by the procurator, should the offenders have no documents whereby their person is identified; to subject the detainees to a personal search and also to search and, if necessary, seize the things they have with them, the other things being in their ownership or possession and documents. A report shall be compiled for every case of administrative detention, personal search of a detainee, the search and seizure of the things held by him;

5) to detain, on the procurator's authority, foreign persons and persons without citizenship who committed the unlawful crossing of the State Border and in respect to whom decisions have been adopted on the grounds stipulated in Part 4, *Article 14* of the present law to pass them over to the authorities of the adjacent states or to evict them out of the Russian Federation or the rulings issued to effect administrative eviction out of the Russian Federation, for the period needed for the implementation of the decision, ruling;

6) to hold in custody the persons subjected to administrative detention on the premises of the bodies and troops of the Federal Border Guard Service of the Russian Federation specially furnished for such purposes, the persons detained in accordance with the criminal procedure on suspicion of having committed a crime and the suspects in respect to whom putting into custody has been selected as preventive punishment, in temporary custody isolators or on the premises of the bodies and troops of the Federal Border Guard Service of the Russian Federation specially

furnished for the custody of the persons subjected to administrative detention, in the necessary cases to place such persons in an investigation confinement facility, temporary confinement facility and other specially equipped premises of the bodies of internal affairs;

7) to invite persons to the subunits of the bodies and troops of the Federal Border Guard Service of the Russian Federation and get from them the explanations about the circumstances of an unlawful crossing of the State Border or another violation of the regimen of the State Border, the border regimen, the regimen at the state border check-points of which they are aware. If necessary, the getting of the explanations about the circumstances of the said violations may be effected in other places;

8) to enter appropriate notations in the documents for the right to cross the State Border and, if necessary, to seize temporarily such documents and also to seize invalid documents; to prolong the effective term of expired Russian visas for foreign citizens and persons without citizenship at the locations where there are no offices of the Department of Consular Service of the Ministry of Foreign Affairs of the Russian Federation. For the prolongation of Russian visas which expired up to ten days ago inclusive a pay shall be charged at a rate of ten-fold *minimal wage/salary rate*; for the prolongation of Russian visas which expired over ten days ago at a rate of 17-fold minimal wage/salary rate;

9) to transfer to the customs bodies, and in the absence thereof to apprehend contraband carried across the State Border and other goods, cargoes and means of transportation illegally carried across the State Border and discovered by the bodies and troops of the Federal Border Guard Service of the Russian Federation as they perform the duties of protecting the State Border they are charged with within the boundaries of the border territory;

10) to temporarily limit or prohibit the movement of persons and means of transportation including small-size vessels (means) and the means of transportation on ice and prevent the access of citizens to specific terrain areas, obligate them to stay there or leave these areas for the purposes of protecting the health and life of people as border searches and operations are conducted as well as other investigation activities and the actions on criminal cases and administrative offence cases;

11) as a threat arises to the interests of the Russian Federation on the State Border, to restrict the performance of various works together with the notification of the local self-government bodies, concerned enterprises, institutions, organisations, excluding the works having defense significance and the works relating to natural calamities or especially dangerous contagious diseases;

12) to enter at any time of the day in residential and other premises of citizens, in the territories and premises of enterprises, institutions, organisations excluding those having

diplomatic immunity and inspect them while pursuing the persons in respect to whom there are sufficient grounds to suspect that they violated the regimen of the State Border. Should the entry in residential premises be effected without the consent of the resident persons, notification thereof shall be made to the procurator within 24 hours;

13) to freely use for service purposes means of communications and while countering armed intrusions into the territory of the Russian Federation, stopping a mass illegal crossing of the State Border, carrying on search activities, carrying the persons suspected to have committed offences to freely use for service purposes the means of transportation owned by enterprises (no matter the form of the ownership of the enterprise), institutions, organisations, public associations and, when necessary, citizens, with the reimbursement made to the owners on the owners' request in accordance of the expenses or inflicted damage in accordance with the procedure established under the law. Excluded shall be the means of communication and transportation owned by diplomatic, consular and other missions of foreign states, international organisations as well as special-purpose means of transportation;

14) to inquire and receive free of charge from the state bodies, enterprises and the associations thereof, institutions, organisations and public associations the information required for the performance of the duties vested under the law in the bodies and troops of the Federal Border Guard Service of the Russian Federation excluding the cases when a special procedure, and also receive and use dactyloscopic information stored in information data bases of the bodies of the Ministry of Interior and the federal bodies of executive power in accordance with the legislation of the Russian Federation is established under the law for getting the information;

15) to perform the registration of persons and keep the record of actual data, statistics required to monitor the maintenance of the regimen of the State Border, the border regimen and the regimen at the state border check-points as well as to use for these purposes information systems in accordance with a procedure that does not contradict the federal law. The bodies of the Federal Border Guard Service of the Russian Federation shall quarterly and at the close of a year issue reference information on the number of persons who crossed the State Border including the indication of the citizenship, purpose of the visit (business, tourism etc.), balance between entry in the Russian Federation and exit from the Russian Federation of foreign citizens and citizens of the Russian Federation as well as persons without citizenship, shall keep record, jointly with the customs bodies, of the means of transportation, cargoes, goods and animals carried across the State Border including transit, shall issue quarterly and at the close of a year the reference information on the number of vehicles, cargoes and goods carried across the State Border;

16) to introduce to the state bodies, enterprises and the associations thereof, institutions, organisations, public associations the proposals on the elimination of the causes and conditions

assisting the commission of legal offences in respect to which the investigation and proceedings on cases are referred to the jurisdiction of the bodies and troops of the Federal Border Guard Service of the Russian Federation;

17) to invite and use citizens on voluntary basis to use the tasks in the sphere of the protection of the State Border within the boundaries of the border territory as members of public associations, part-time employees of the bodies of border guard service and in other forms and also to award the citizens distinguished while protecting the State Border;

18) to use weapons, materiel, special means, physical force and service dogs in accordance with the procedure and in the events provided under the present law;

19) in interior sea waters and territorial sea of the Russian Federation, the Russian part of border rivers, lakes and other bodies of water in respect to Russian and foreign vessels, apart from this:

to suggest that a vessel show up its flag if it is not up mast; to inquire the vessel about the purpose of its calling at these waters;

to offer to the vessel that it change its route, should it be heading towards an area where navigation is restricted or an area temporarily dangerous for navigation as well as the safety area established around an artificial island, plant or structure, provided a public announcement has been made of such areas, or it may entail another violation of the regimen of navigation;

to stop the vessel and inspect it, should it not put up its flag, not respond to the inquiry signals, not obey to the demand to change its route or violate the generally recognized principles and norms of the international law. According to the results of the inspection of the vessel it may be permitted to continue to navigate (stay) in the waters of the Russian Federation while observing the established rules or suggested to leave the waters of the Russian Federation or it may be apprehended in accordance with the requirements set forth in the present law;

to withdraw from a vessel and detain the persons who committed crimes and are criminally amenable under the legislation of the Russian Federation, to hand these persons to inquiry/investigation bodies except as otherwise provided in the international treaties of the Russian Federation;

to pursue and apprehend outside the territorial waters of the Russian Federation a vessel which violated the international treaties of the Russian Federation, the federal laws and other regulatory legal acts of the Russian Federation prior to this vessel coming to the territorial sea of its own country or a third state, should the pursuit was started in the waters or in an adjacent area of the Russian Federation after a visual or sound signal was sent about the situation from a distance that allowed to the vessel to see or hear this signal and should this pursuit be continuous.

20) to implement the measures for ensuring the own security of the system of the Federal

Border Guard Service of the Russian Federation in accordance with the Federal Law on Operative Investigation Activities;

21) in accordance with the legislation of the Russian Federation to impose a fine for the illegal carriage of persons across the State Border. (Note: The payment of the fine shall not hold the carriers relieved from the liability for the reimbursement of the actual expenses incurred through the shipping of foreign citizens or persons without citizenship who have been delivered to the Russian Federation without the documents required for exit, to the point where the foreign citizens or persons without citizenship commenced their journey or to any other place where they are allowed to enter as well as the actual expenses for their living and eviction out of the territory of the Russian Federation).

As border searches and operations on the territory of the Russian Federation are carried on the bodies and troops of the Federal Border Guard Service of the Russian Federation may use the rights granted to them also outside the limits established in Part 2 of the present article.

As ships and aircraft (helicopters) of the bodies and troops of the Federal Border Guard Service of the Russian Federation solve their service tasks the right shall be granted:

for the use free of charge of the water and air space of the Russian Federation, sea, river ports, airports, airfields (runways) on the Russian territory no matter to whom they belong and for what they are intended;

for obtaining free of charge of navigation, meteorological, hydrographical and other data;  
for the free of charge flight and shipping support.

Other rights may be granted to the bodies and troops of the Federal Border Guard Service of the Russian Federation only by federal laws.

The bodies and troops of the Federal Border Guard Service of the Russian Federation are not permitted to use their rights to solve the tasks which are not assigned to them by the federal laws.

### **Article 31.** *The powers of the Air Defense Troops*

The Air Defense Troops shall:

protect the State Border in the air space;  
perform the verification of the observance of the rules for the crossing of the State Border;  
stop the flights and take the measures for making the aircraft which have illegally crossed the State Border or violated the procedure for the use of the air space of the Russian Federation land on the territory of the Russian Federation;

render assistance to the aircraft which have illegally crossed the State Border under force majeure circumstances or non-deliberate actions of the crews of such aircraft, by means of

restoration of their orientation, guiding them to a landing airfield on the territory of the Russian Federation or guiding them off the air space of the Russian Federation.

The Air Defense Troops shall have the right:

1) to use the means they have in their disposal to recognize aircraft in the air space of the Russian Federation and the air space outside the boundaries of the territorial sea of the Russian Federation up to the borders of foreign states, should a threat of an illegal crossing or an illegal crossing of the State Border occur;

2) when necessary, to employ in accordance with the procedure established by the Government of the Russian Federation the forces and means of the other arms of the Armed Forces of the Russian Federation, the state bodies for the purposes of clarifying the situation in the air space and taking the measures for preventing or stopping an illegal crossing of the State Border in the air space;

3) to completely prohibit or restrict the flights of aircraft in specific parts of the air space of the Russian Federation, should a threat of an illegal crossing or an illegal crossing of the State Border in the air space occur;

4) to invite the crew members of the aircraft which illegally crossed the State Border, upon their landing on the territory of the Russian Federation, to the subunits of the Armed Forces of the Russian Federation or to other locations for the purposes of clarifying the circumstances of the illegal crossing and for the purposes of being handed over to inquiry/investigation bodies except as otherwise provided in the international treaties of the Russian Federation;

5) to use materiel and weapons in accordance with the present law.

### **Article 32. *The powers of the Navy***

The Navy shall carry on the protection of the State Border in the underwater medium.

The forces of the Navy in their zones of responsibility for maintaining the operative regimen on the military sea theatres:

shall control the crossing of the State Border;

shall perform anti-submarine including underwater sabotage defense in the interests of the security of the Russian Federation;

should underwater objects be discovered in interior sea waters and in territorial sea of the Russian Federation and outside their boundaries (in the event when a threat of these objects' illegal crossing of the State Border occurs), shall take the measures for stopping or preventing the activities of the discovered objects in accordance with the norms of the international law and the international treaties of the Russian Federation in the military sphere;

shall use materiel and weapons in accordance with the present law.

**Article 33.** *The participation of the Armed Forces of the Russian Federation, internal troops of the Ministry of Internal Affairs of the Russian Federation, other troops and military formations of the Russian Federation in the protection of the State Border by the bodies and troops of the Federal Border Guard Service of the Russian Federation*

The protection of the State Border at specific sections on land, sea coast, banks of border rivers, lakes and other bodies of water insofar as concerns the prohibition of illegal crossing of the border at the places where military installations are located, the garrisons of the Armed Forces of the Russian Federation, internal troops of the Ministry of Internal Affairs of the Russian Federation, other troops and military formations of the Russian Federation closed for the passage of alien persons, means of transportation is hereby vested in the commanding officers of the said military installations, garrisons. Such sections shall be designated jointly by the commanders of the border guard districts, the border guard troops groups of the Federal Border Guard Service of the Russian Federation and the commanders of the troops of military districts, fleets, flotillas, the troops of the internal troops districts, the commanders (chiefs) of other troops and military formations and shall be fixed in appropriate documents.

The Armed Forces of the Russian Federation, the internal troops of the Ministry of Internal Affairs of the Russian Federation, other troops and military formations of the Russian Federation shall allocate forces and means to the bodies and troops of the Federal Border Guard Service of the Russian Federation for the participation in border searches and operations in accordance with the procedure determined by joint decisions of appropriate federal bodies of executive power.

Other participation of the Armed Forces of the Russian Federation, the internal troops of the Ministry of Internal Affairs of the Russian Federation, other troops and military formations of the Russian Federation in the protection of the State Border shall be effected only pursuant to federal laws.

**Article 34.** Cooperation in the protection of the State Border

The bodies and troops of the Federal Border Guard Service of the Russian Federation, the Air Defense Troops, the Navy shall:

render assistance to each other as they perform the duties of protecting the State Border vested in them;

within the competence established by the present law, coordinate the activities of the state bodies performing the various kinds of control over the maintenance of the regimens on the State Border, without interfering into these activities;

organize directly on the State Border the cooperation of their forces and the state bodies, enterprises (no matter the form of ownership thereof), institutions, organisations, public

associations taking part in the protection of the State Border or pursuing the activities concerning the interests of the protection of the State Border. The head of the Federal Border Guard Service of the Russian Federation, the commanders-in-chief of the Air Defense Troops, the Navy shall issue within their competence the orders concerning the observance the regimens on the State Border, such orders being binding on all bodies, enterprises, institutions, organisations, public associations, officials and citizens on the territory of the Russian Federation;

perform the cooperation in protecting the State Border with the appropriate bodies, troops, fleets of foreign states in accordance with the procedure established by the international treaties of the Russian Federation including those of inter-departmental nature.

**Article 35.** *The Use of Weapons and Combat Materiel*

As they carry on the protection of the State Border within the boundaries of the border territory the bodies and troops of the Federal Border Guard Service of the Russian Federation, the Air Defense Troops and the forces of the Navy shall use the weapons and combat materiel for countering an armed intrusion into the territory of the Russian Federation, preventing the attempts at hijacking air, sea, river craft and vessels and other means of transportation having no passengers.

Weapons and combat materiel may also be used: against the persons, air, sea and river craft and vessels and other means of transportation which have crossed (which are crossing) the State Border in violation of the rules established under the present law, in response to their using force or in the events when the stopping of a violation or the detaining of the violators may not be effected by other means; for the protection of citizens from an assault threatening their life and health, for releasing hostages; for countering assaults against the servicemen, the persons performing service duties or public duties of protecting the State Border, the members of their families when their lives are under immediate threat; for countering an attack against the subunits and facilities of the bodies and troops of the Federal Border Guard Service of the Russian Federation, the Armed Forces of the Russian Federation, other troops and military formations of the Russian Federation taking part in the protection of the State Border including for the purpose of rendering assistance to ships (boats), aircraft and helicopters while countering an armed assault against them.

The use of weapons and combat materiel shall be preceded by an explicit warning of the intent to use them and warning shots.

Without a warning weapons and combat materiel may be used in countering an armed intrusion, sudden or armed assault against servicemen and other citizens, an assault with the use of combat materiel, air, sea, river craft and vessels and other means of transportation, armed

resistance, runaway detained persons with weapons, for the release of hostages.

Military servicemen shall have the right to use weapons for neutralizing animals threatening the life and health of military servicemen and other citizens and also for making alarm and rescue call signals.

It shall be prohibited to use weapons and combat materiel in respect to women and minors excluding the cases of armed assault on their part or of armed resistance on their part or a group assault threatening life; in respect to air, sea, river craft and vessels and other means of transportation with passengers; in respect to the persons who have illegally crossed or attempt to cross the State, should this be clearly by mere change or in relation to an accident, force majeure natural circumstances.

The procedure for the use of weapons and combat materiel shall be determined by the Government of the Russian Federation.

The servicemen of the other arms of the Armed Forces of the Russian Federation, other troops and military formations of the Russian Federation employed in the protection of the State Border may use weapons and combat materiel in accordance with the requirements set forth in the present article.

#### **Article 36. *The Use of Special Means***

As they perform the duties of protecting the State Border within the boundaries of the border territory and of ensuring the own security of the system of the Federal Border Guard Service of the Russian Federation servicemen shall use special means (hand-cuffs or the means on hand for the purpose of tying up, rubber batons, tear substances, light/sound distracting devices, the devices for the forced halting of vehicles), physical force including combat arts and service dogs in accordance with Part 3, Article 12 and Parts 4 and 5, Article 14 of the Law of the RSFSR on the Militia. A complete list of the special means being standard equipment of the bodies and troops of the Federal Border Guard Service of the Russian Federation, the grounds and rules for the application thereof by the servicemen of the bodies and troops of the Federal Border Guard Service of the Russian Federation as well as the servicemen of the Armed Forces of the Russian Federation, other troops and military formations of the Russian Federation in the protection of the State Border shall be established by the Government of the Russian Federation.

### **PART VIII – THE PARTICIPATION OF THE BODIES OF LOCAL SELF-GOVERNMENT, ENTERPRISES AND ASSOCIATIONS THEREOF, INSTITUTIONS, ORGANISATIONS, PUBLIC ASSOCIATIONS AND CITIZENS IN THE PROCESS OF THE STATE BORDER**

**Article 37.** *The powers of the bodies of local self-government, enterprises and the associations thereof, institutions, organisations, public associations of the Russian Federation in the sphere of the protection of the State Border*

The bodies of local self-government, enterprises and the associations thereof (no matter the form of ownership thereof), institutions, organisations, public associations and the officials thereof shall:

render assistance to the bodies and troops of the Federal Border Guard Service of the Russian Federation, the Air Defense Troops, the Navy, the state bodies exercising the various kinds of control on the State Border, perform their lawful prescriptions, provide the information required for their activities;

create the conditions of the participation of citizens on voluntary basis in the protection of the State Border within the boundaries of the border territory.

The by-laws of the municipal entities located completely or partially on a border territory may provide for the posts of local self-government officials in charge of the border matters.

**Article 38.** *The participation of citizens in the protection of the State Border*

Citizens shall participate voluntarily in the protection of the State Border within the boundaries of the border territory as members of public associations, voluntary people's patrols, off-staff personnel of the bodies and troops of the Federal Border Guard Service of the Russian Federation and in other forms. The procedure for the use of citizens in the protection of the State Border shall be determined by the Government of the Russian Federation.

**PART IX – THE LEGAL AND SOCIAL PROTECTION OF MILITARY  
SERVICEMEN AND OTHER CITIZENS TAKING PART IN THE  
PROTECTION OF THE STATE BORDER**

**Article 39.** *The legal protection of the military servicemen taking part in the protection of the State Border and the members of the families thereof*

The military servicemen directly participating in the protection of the State Border shall be attributed the status of the servicemen performing special duties as established by the Law of the Russian Federation on the Status of Servicemen. They shall be the representatives of the federal executive power and shall be under the protection of the state. Their lawful demands shall be binding on citizens and officials. Nobody except the persons specially authorized for that under a federal law shall interfere with their activities.

Hindering the performance of servicemen's duties of protecting the State Border, encroaching on the life, health, honor and dignity, property of a serviceman or the members of the family thereof relating to his performing his duties shall entail criminal or administrative amenability as provided under the legislation of the Russian Federation.

**Article 40.** *The legal protection of the citizens taking part in the protection of the State Border and the members of the families thereof*

Unlawful actions in respect to citizens and the members of the families thereof in connection with the citizens rendering assistance to the bodies and troops of the Federal Border Guard Service of the Russian Federation in protecting the State Border shall entail the amenability as established under the legislation of the Russian Federation.

**Article 41.** *The social protection of the military servicemen and other citizens taking part in the protection of the State Border*

The social protection of the military servicemen and other citizens directly participating in the protection of the State Border is guaranteed by the legislation of the Russian Federation.

**Article 42.** *The establishment of additional guarantees and compensations for the military servicemen and other citizens taking part in the protection of the State Border*

For the military servicemen and other citizens taking part in the protection of the State Border there may be established by the legislation of the Russian Federation, the decisions of the Government of the Russian Federation, the federal bodies of executive power (within the competence thereof) also other guarantees and compensations apart from those provided in the present law.

## **PART X – AMENABILITY FOR LEGAL OFFENCES ON THE STATE BORDER**

**Article 43.** *Amenability for Legal Offences on the State Border*

The persons guilty of the violation of the rules of the regimen of the State Border, the border regimen and the regimen at the state border check-points shall be held legally accountable under the federal criminal law or under the federal administrative law or the laws of the subjects of the Russian Federation.

## PART XI- PROVIDING RESOURCES FOR THE PROTECTION OF THE STATE BORDER

### **Article 44.** *Financing of the Protection of the State Border*

The financing of the protection of the State Border shall be provided at the expense of the resources of the federal budget and the target federal budgetary Fund for the Development of the Federal Border Guard Service of the Russian Federation generated in accordance with the legislation of the Russian Federation.

The following shall be entered in the Fund for the Development of the Federal Border Guard Service of the Russian Federation:

twenty five per cent of the sums collected as fines for the legal offences discovered by the bodies and troops of the Federal Border Guard Service of the Russian Federation and relating to a breach of the regimen of the State Border, the border regimen, the regimen at the state border check-points as well as the moneys earned from the sale of the property seized for such offences and the contraband discovered or apprehended in accordance with *Subitem 9, Part 2, Article 30* of the present law;

the resources received by the bodies and troops of the Federal Border Guard Service of the Russian Federation from the collection of fee for the prolongation of expired Russian visas for foreign citizens and persons without citizenship.

The resources of the Fund for the Development of the Federal Border Guard Service of the Russian Federation shall be an additional source of the funding of the activities of the system of the Federal Border Guard Service of the Russian Federation apart from the resources allocated from the federal budget for the maintenance thereof and they shall be subject to be used for improving the state border facilities and developing the system of the Federal Border Guard Service of the Russian Federation, improving the social benefits of the military servicemen, civilian personnel of the system of the Federal Border Guard Service of the Russian Federation and the members of their families in accordance with the procedure determined by the legislation of the Russian Federation.

The Regulations on the Fund for the Development of the Federal Border Guard Service of the Russian Federation shall be endorsed by the Government of the Russian Federation.

### **Article 45.** *Providing Logistics for the Protection of the State Border*

Logistics for the protection of the State Border shall be provided out of the state land, logistics and other funds of the Russian Federation.

The rates and procedure for providing logistics shall be established by the Government of

the Russian Federation.

President of the Russian Federation  
Moscow, the House of the Soviets of Russia

B. Yeltsin

## **36. ON ADDITIONAL GUARANTEES AND COMPENSATIONS FOR MILITARY PERSONS CARRYING OUT MILITARY SERVICE ON THE TERRITORIES OF THE CAUCASUS AND BALTIC STATES AND THE REPUBLIC OF TAJIKISTAN, AS WELL AS FULFILLING TASKS RELATED TO DEFENDING CONSTITUTIONAL RIGHTS OF CITIZENS UNDER THE STATE OF EMERGENCY CONDITIONS AND DURING ARMED CONFLICTS**

### Summary:

*This law is a response to the various engagements Russia almost unexpectedly became involved in the former Soviet space after independence in 1992. It reflects the need to underpin the benefits of military personnel in the ambiguous security situations of the time.*

*The law details the social and legal guarantees made to personnel involved in operations in Caucasus, Baltic States, Tajikistan, and other miscellaneous emergencies and conflicts.*

*Contract and non contract personnel receive similar benefits, including: additional half pay; additional pension benefits; rights to additional leave; housing rights; family travel benefits; and the right for families of fatalities to receive same the same benefits as those of the Great Patriotic War;*

*Significantly, other beneficial rights were extended to those serving in or vicinity of Chechnya before the first Chechen war, including: beneficial calculation of time served in theatre; medical rights; disability rights; and the rights of the children of serving personnel.*

The present Law establishes social and legal guarantees of defense of military persons, carrying out military service on the territories of the Caucasus and Baltic States and the Republic of Tajikistan, as well as fulfilling tasks under the state of emergency conditions and during armed conflicts.

### **Article 1**

For military persons, serving on a contract basis, as well as military persons - officers, ensigns, warrant-officers, military persons, who are serving on re-engagement and have not concluded a contract on military service (hereinafter for the purposes of the present Law - "military persons, serving on a contract basis"):

for carrying out military service on the territories of the Caucasus and Baltic States and the Republic of Tajikistan military post pays and military rank pays are established at the amount of half as much again;

for permanently or temporarily fulfilling tasks under the state of emergency conditions and during armed conflicts for a period of fulfilling these tasks military post pays and military rank pays are established at a double amount.

Military post pay of military persons, serving on a call basis under conditions, mentioned in paragraphs two and three of part one of the present Article, are established according to 1-4 tariff categories and monthly increments and money payments according to the norms, determined for military persons, serving on a contract basis on posts to be occupied by soldiers and sailors, sergeants and sergeant majors, and when dismissed from military service they are paid an extraordinary allowance equal to two military post pays.

## **Article 2**

In order to calculate pensions of military persons, serving on a contract basis on the territories of the Caucasus and Baltic States and the Republic of Tajikistan, according to the legislation on pension maintenance of military persons for determination of the length of military service one month of military service is recorded as one and a half months.

In order to calculate pensions of military persons, fulfilling tasks under the state of emergency conditions and during armed conflicts, for determination of the length of military service and service-length one month of military service is recorded as three months.

## **Article 3**

Family members of military persons, who perished while fulfilling tasks under the state of emergency conditions and during armed conflicts, enjoy privileges, guarantees and compensations, valid in respect of family members of military persons, who perished during the Great Patriotic War.

## **Article 4**

Military persons, carrying out military service on the territories of the Caucasus and Baltic States and the Republic of Tajikistan, are granted additional leave with duration of fifteen calendar days, and those, fulfilling tasks under the state of emergency conditions and during armed conflicts, - ten calendar days for every three months of military service. Time of travel to the place of spending the leave and back is not included in the period of the leave.

Upon termination of six months of military service on the territories of the Caucasus and Baltic States and the Republic of Tajikistan and fulfilling tasks under the state of emergency conditions and during armed conflicts military persons, serving on a call basis, are granted

additional short-term leave: sergeant-majors and sergeants – thirty calendar days, soldiers and sailors – twenty five calendar days. Time of travel to the place of spending the leave and back is not included in the period of the leave.

### **Article 5**

Military persons, carrying out military service on a contract basis on the territories of the Caucasus and Baltic States and the Republic of Tajikistan, besides guarantees and compensations, specified by Articles 1-4, are granted the following guarantees and compensations:

for the whole period of military service in the mentioned states their housing is reserved for them, and those, who do not have any housing, retain their order of priority for its acquisition at the former place of military service;

money compensation is paid for rent (sub-rent) of housing in places of residence of evacuated family members in the amount, specified in the agreement on renting (sub-renting), but not exceeding three established by the law minimal monthly wages with regard for the locality of residence and composition of the family;

cost of travel of family members, being dependents of the mentioned military persons, to the place of spending the regular leave and back is paid for on the same grounds, that are specified for these military persons;

cost of travel of family members of the mentioned military persons and transportation of their personal goods to the place of residence in case of evacuation is paid for, every evacuated family member is granted extraordinary pecuniary aid in the amount of one established by the law minimal monthly wage;

upon arrival from the mentioned states housing is provided in a priority order.

Military persons, who fulfilled tasks during an armed conflict of a non-international nature in the Chechen Republic and directly adjacent to it territories of the Northern Caucasus, included in the zone of the armed conflict, besides guarantees and compensations, specified by the present Law, are also granted the following rights and privileges:

for the mentioned military persons, who served on a call basis, amounts of extraordinary allowances, specified by points 2 and 3 of Article 18 of the Law of the Russian Federation "On Status of Military Persons", and insurance amounts of mandatory government insurance of military persons are determined proceeding from a monthly military post pay, determined as per the date of their payment for military persons, serving on a contract basis on corresponding military posts;

period of fulfilling tasks during an armed conflict of a non-international nature in the Chechen Republic and directly adjacent to it territories of the Northern Caucasus, included in the

zone of the armed conflict, is included in the period of military service of the mentioned military persons in the military rank on favorable conditions - one month of military service is equal to three months;

the mentioned military persons, who served on a call basis, are enrolled in military educational establishments of vocational education, chosen by them, including educational establishments of the Ministry of Home Affairs of the Russian Federation, without entrance examinations on condition of their meeting all other requirements of selection and enrollment in the mentioned educational establishments, and in civil educational establishments of vocational education - hors concours;

in case of medical indications, they have priority in acquisition passes to medical and recreational institutions of corresponding federal executive authorities. In case of failure to provide passes, the mentioned military persons are paid money compensation in the amount, equal to the cost of the pass;

the mentioned military persons, who became disabled due to wounding, contusion and illness, suffered while fulfilling tasks during an armed conflict of a non-international nature in the Chechen Republic and directly adjacent to it territories of the Northern Caucasus, included in the zone of the armed conflict, enjoy rights and privileges, established by the legislation of the Russian Federation for disabled veterans of the Great Patriotic War.

Federal executive authorities annually provide children of military persons, who have perished (died), gone missing, or become disabled in connection with fulfilling tasks during an armed conflict of a non-international nature in the Chechen Republic and directly adjacent to it territories of the Northern Caucasus, included in the zone of the armed conflict, with free passes to children's recreational institutions. In case of failure to provide passes, the mentioned military persons are paid money compensation in the amount, equal to the cost of the pass.

## **Article 6**

Federal executive authorities of the republics of the Russian Federation, territories, regions, autonomous region, autonomous districts, the Cities of Moscow and Saint-Petersburg provide military units and divisions, arriving at corresponding territories for fulfilling tasks under the state of emergency conditions and during armed conflicts at the expense of means, allocated from the republican budget of the Russian Federation, with housing for temporary quartering military persons, utilities, communications lines and channels, transportation means and fuel and lubricating materials, as well as additional meals for military persons.

## **Article 7**

The Government of the Russian Federation: determines the order of establishing the fact of fulfilling by military persons tasks under the state of emergency conditions and during armed conflicts;

determines maximal terms of continuous carrying out of military service on a contract basis by military persons on the territories of the Caucasus and Baltic States and the Republic of Tajikistan, as well as fulfilling by military persons, serving on a contract basis, tasks under the state of emergency conditions and during armed conflicts and the order of calculating these terms;

determines the order of granting additional guarantees and compensations, established by the present Law.

### **Article 8**

The present Law applies to rank and file and commanders, students of educational establishments of the Ministry of Home Affairs of the Russian Federation, fulfilling tasks under the state of emergency conditions and during armed conflicts.

President of the Russian Federation  
Moscow, the House of Soviets of Russia  
July 21, 1993 No. 5481-I

B. Yeltsin

## **37. ON CREATION AND APPLICATION OF SPACE MEANS IN THE INTERESTS OF DEFENSE AND SECURITY OF THE RUSSIAN FEDERATION**

### Summary:

*This draft law defines the legal basis of both military and dual-use space platforms in the context of increasing the security and defensive capacity of the Russian Federation.*

*The draft elaborates the basic concepts, legal principles, the goals and principles of both creating and applying military and dual use technologies, and also addresses applications for the armed forces.*

*The draft then deals with state regulation. State regulation includes: practical procedures such as arranging for the receipt and sharing of data feeds; control of the creation and application of military and dual use means; financing of space related activity; the certification of military and dual use means; the procedure for using land areas allocated for space-related infrastructure; ecological issues; ensuring compliance with relevant laws and enforcing those laws.*

The present Federal Law defines legal fundamentals of the national policy in the sphere of creation and application of military-oriented and dual-use space means for the purposes of strengthening the defensive capacity and security of the Russian Federation.

### **CHAPTER I - GENERAL PROVISION**

#### **Article 1. Basic Concepts**

The basic concepts used for the purposes of the present Federal Law are the following ones:

Military-oriented space means shall include the space-system equipment and weapons, specially created and used for accomplishing defensive and security tasks of the Russian Federation in outer space and from it;

dual-use space means shall include space systems, complexes and facilities to be used for the purposes of defense and security of the Russian Federation, as well as for scientific and (or) social-economic purposes and corresponding requirements impinging on military-oriented space means;

creation of military-oriented and dual-use space means for the purposes of defense and security of the Russian Federation (hereinafter referred to as creation of military-oriented and

dual-use space means) shall include the development, production, development verification and flight tests of preproduction models of military-oriented and dual-use space means and their acceptance in service; application of military-oriented and dual-use space means for the purposes of defense and security of the Russian Federation (hereinafter referred to as application of military-oriented and dual-use space means) shall imply intended utilization of military-oriented and dual-use means, including preparation, launching, functioning control, maintenance of the mentioned space means in the installed composition and condition and other activity related therewith.

**Article 2.** *Legal Governing of Relations in the Sphere of Creation and Application of Military-Oriented and Dual-Use Space Means*

The relations in the sphere of creation and application of military-oriented and dual-use space means for the purposes of defense and security of the Russian Federation (hereinafter referred to as creation and application of military-oriented and dual-use space means) shall be governed by the Constitution of the Russian Federation, by the generally recognized principles and norms of the international law, by the international treaties of the Russian Federation, by the given Federal Law, by other federal laws and different legal acts of the Russian Federation, as well as by the Military Doctrine of the Russian Federation.

**Article 3.** *Goals and Basic Principles of Creation and Application of Military-Oriented and Dual-Use Space Means*

1. In accordance with the generally recognized principles and norms of the international law, creation and application of military-oriented and dual-use space means shall be based on the inherent right of the Russian Federation to individual and collective self-defense if a foreign state is the first to have used armed force against the territorial integrity, political independence or sovereignty of the Russian Federation, or in some other way inconsistent with the United Nations Charter, as well as to ensure compliance of the Russian Federation with its obligations in the sphere of assuring defense and security in the face of the foreign states being the parties to the same corresponding international treaties as the Russian Federation.

2. Creation and application of military-oriented and dual-use space means shall be implemented for the following purposes:

enhancement of action efficiency of the Armed Forces of the Russian Federation, of other troops and military formations of the Russian Federation in the periods of war and peace;

accomplishment of tasks on prevention of potential use of armed force, when a foreign state is the first to have used armed force against territorial integrity, political independence or sovereignty of the Russian Federation or some other way inconsistent with the United Nations

Charter, as well as other in-space and space threats to the National interests of the Russian Federation;

control over fulfillment of the international treaties of the Russian Federation on restriction and reduction of armaments, including prevention of proliferation of the mass destructive weapons in outer space;

retention and strengthening of the Russian Federation positions, as one of the leading space powers in the geopolitical, economic and technological aspects.

3. The basic creation principles of military-oriented and dual-use space means include the following:

special development and production procedure of military-oriented space means, as well as the procedure of their acceptance as equipment, defined by the legal acts of the Government of the Russian Federation and Federal Executive Authority for Defense;

special procedure for development and production of dual-use space means, as well as their acceptance in service, defined by the legal acts of the Government of the Russian Federation, Federal Executive Authority for Defense and Federal Executive Authority for Space Activity;

assurance of reliability and efficiency levels of military-oriented and dual-use space means, their stability to various natural and artificial factors, life time capacity, recoverability and modernization potentials, set by the State customer;

predominant orientation to the promising technologies, domestic production and experimental test base.

4. The basic application principles of military-oriented and dual-use space means include the following ones:

centralization of planning and unified control over application of military-oriented and dual-use space means, exercised by the Federal Executive Authority for Defense;

advance deployment of space vehicles groups in the orbits and required ground space infrastructure, and their continuous maintenance in the installed composition and condition;

predominant multi-purpose application of military-oriented and dual-use space means in the interests of the Armed Forces of the Russian Federation, of other troops and military formations of the Russian Federation;

retention of the right of the Russian Federation to adequate response measures, if its National interests are threatened in the outer space;

provision of technical and technological independence in the creation and application of military-oriented and dual-use space means from foreign countries as well as adequacy of forces, funds and resources, required for defense of the State's interests;

maximum integration of military-oriented and dual-use space means with the armaments systems of the Armed Forces of the Russian Federation, of other troops and military formations of the Russian Federation;

exclusion of unofficial utilization of military-oriented and dual-use space means.

## CHAPTER II - PARTICULARS OF THE STATE REGULATION IN CREATION AND APPLICATION OF DUAL-USE AND MILITARY MEANS

### **Article 4.** *Characteristics of Development, Production and Service Acceptance of Military-Oriented and Dual-Use Space Means*

1. Military-oriented and dual-use space means shall be created within the framework of the State defense order on development, production and supply of armaments and military equipment in the course of scientific-research, scientific experimental and development work, test and serial production.

The dual-use space means shall be included in the Space Section of the Federal Program on Development, Creation and Production of Armaments and Military Equipment and in the Federal Space Program of the Russian Federation.

The critical indices of the military-oriented and dual-use space means shall be updated in the State defense order for development, production and supply of armaments and military equipment for the successive year.

2. Development, production and service acceptance of dual-use space means for accomplishment of the defensive and security tasks of the Russian Federation shall be exercised under the procedure for military-oriented space means fixed by the Government of the Russian Federation.

3. The list of developed, produced and used (operated) space systems, complexes and dual-use means for accomplishing defensive and security tasks of the Russian Federation shall be approved by the president of the Russian Federation as proposed by the Federal Executive Authority for Defense upon agreement with the Federal Executive Authority for Space Activity.

4. The list of dual-use space means, included in the Space Section of the Federal Program on Development, Creation and Production of Armaments and Military Equipment, shall be coordinated by the Federal Executive Authority for Defense with the Federal Executive Authority for Space Activity, and the list of dual-use space means, included in the Federal Space Program of the Russian Federation, shall be coordinated by the Federal Executive Authority for Space Activity with the Federal Executive Authority for Defense.

5. The state customers, specified in Clause 7 hereof, jointly with the Federal Executive Authority for Communication shall take measures on international legal protection of orbital frequency positions and frequency assignments to radio-electronic facilities during development, production and service acceptance of dual-use space means under the procedure, established pursuant to the legislation of the Russian Federation.

6. Attachment of dual-use status to the newly developed or accepted as equipment (for service) dual-use space means shall be exercised upon proposal of the Federal Executive Authority for Defense, coordinated with concerned federal executive authorities at making a decision on development or acceptance of this space means as equipment (in service).

7. The Federal Executive Authority for Defense shall be the State customer of military-oriented space means, as well as of the dual-use space means included in the Space Section of the Federal Program on Development, Creation and Production of Armaments and Military Equipment. The Federal Executive Authority for Space Activity shall be the State customer of dual-use space means included in the Federal Space Program.

8. Placement of the State order for development, production and supply of dual-use space means within the Federal Space Program of the Russian Federation shall be implemented by the Federal Executive Authority for Space Activity jointly with the Federal Executive Authority for Defense.

9. The Federal Executive Authority for Defense shall enjoy priority rights during placement of the dual-use space means supply order.

10. Formalization of the State order (contract) for development, production and supply of military-oriented and dual-use space means by the State customer with the prime performer of the State defense order shall be exercised pursuant to the Federal Laws “State Defense Order” and “Supplies of Products for the Federal State Needs”

11. The Federal Executive Authority shall exercise Service acceptance of military-oriented space means for Defense upon results of the State flight tests.

12. Service acceptance of dual-use space means shall be implemented by the Federal Executive Authority for Defense jointly with the Federal Executive Authority for Space Activity under the procedure fixed for military-oriented space means.

13. Quality control and service acceptance of dual-use space means shall be implemented by the Federal Executive Authority for Defense under the procedure established by the Government of the Russian Federation.

**Article 5.** *Procedure and Peculiarities of Preparation, Launching and Application of Military-Oriented and Dual-Use Means*

1. Application of military-oriented space means shall be planned, organized and implemented by the Federal Executive Authority for Defense. Application of dual-use space means shall be planned, organized and implemented by the Federal Executive Authority for Defense jointly with the Federal Executive Authority for Space Activity.

2. Preparation and launching of dual-use space means in the interests of the Federal Executive Authority for Defense with involvement of facilities being under the jurisdiction of the Federal Executive Authority for Space Activity, as well as preparation and launching of dual-use space means for the scientific and social-economic purposes with involvement of facilities, being under the jurisdiction of the Federal Executive Authority for Defense, shall be made under the procedure defined by the Government of the Russian Federation.

3. Planning of dual-use space means application shall be implemented by the Federal Executive Authority for Defense jointly with the Federal Executive Authority for Space Activity including distribution of the mentioned means resource endorsed by the Government of the Russian Federation. The tasks accomplished in the defensive and security interests of the Russian Federation shall underlie at that. Reception of information from the dual-use space viewing facilities, accepted as equipment, shall be exercised with the means of the Federal Executive Authority for Defense.

Attraction of other facilities for data receiving from the mentioned space means and its transfer to consumers shall be made upon agreement with the Federal Executive Authority for Defense.

Receipt, transfer and use of information from the dual-use space viewing facilities for the scientific and social-economic purposes shall be exercised under the procedure defined by the Government of the Russian Federation.

4. Required space means as well as facilities (elements) of the ground space infrastructure of the social-economic purpose can be attracted for accomplishing tasks in the defensive and security interests of the Russian Federation in the cases, envisaged by the legislation of the Russian Federation.

5. Application of dual-use space means shall be implemented by the Federal Executive Authority for Defense upon agreement with the Federal Executive Authority for Space Activity subject to specificity of the mentioned means, interaction of the parties, participating in their use, and rendered consumer services.

6. The military-oriented space means shall underly any application in comparison to the space means applied for the scientific and (or) social-economic purposes unless otherwise provided with the legal acts of the Government of the Russian Federation.

7. Application of military-oriented and dual-use space means and the relevant infrastructure for the scientific and social-economic purposes, as well as for the sake of the international cooperation in the cases not contradicting to the defensive targets of the Russian Federation, shall be exercised by the Federal Executive Authority for Defense in accordance with the plans and applications of the Federal Executive Authority for Space Activity as well as of other federal executive authorities, participating in the space activities.

8. Application of military-oriented and dual-use space means and the relevant ground space infrastructure, as well as the procedure of their use on behalf of foreign states shall be defined by the Government of the Russian Federation unless otherwise envisaged with the international treaty of the Russian Federation.

9. Application of dual-use space means for the scientific and social-economic purposes shall be exercised by the Federal Executive Authority for Space Activity upon agreement with the Federal Executive Authority for Defense; and at that the information on application and technical condition of the mentioned means in the agreed scope shall be passed to the Federal Executive Authority for Defense.

10. The Russian Federation shall exercise military cooperation with foreign states in the sphere of application of military-oriented and dual-use space means on the basis of widely recognized principles and norms of international law and international treaties of the Russian Federation.

11. Provision of dual-use space means resource (results of their application) to Russian and foreign consumers shall be exercised under the procedure envisaged with the legislation of the Russian Federation, governing the matters of foreign trade activity, military and technical cooperation of the Russian Federation with foreign states, non-proliferation of missile technologies and export control.

12. Assignment of consumers' acquired rights to enjoyment of dual-use space means resource (results of their application) to other parties shall be admitted exclusively upon consent of the Federal Executive Authority for Defense and the Federal Executive Authority for Space Activity on the basis of agreements (contracts) concluded under the established procedure. Assignment (transfer) of consumers' acquired rights to results of the intellectual activities in the sphere of space technologies, owned by the Russian Federation, shall be exercised under the procedure established by the Government of the Russian Federation.

13. Responsibility for mobilization availability of dual-use space means shall be born by the Federal Executive Authority for Defense and the Federal Executive Authority for Space Activity.

**Article 6.** *Control of Activities on Creation and Application of Military-Oriented and Dual-Use Means*

1. To provide immediate management and control of creation and application of military-oriented and dual-use space means there may be created relevant military formations in the composition of the Armed Forces of the Russian Federation based on the legal acts of the President of the Russian Federation. The structure, tasks and functions of the created military formations shall be defined by the legal acts of the President of the Russian Federation and by the Federal Executive Authority for Defense within its competence.

To accomplish individual tasks by the Federal Space Program and long-term space programs of the Russian Federation temporary there may be created military formations on the basis of the legal acts of the President of the Russian Federation.

2. Procedure for preparation, realization and provision of the carrier rockets launched with space vehicles for the defensive and security purposes of the Russian Federation and their flight control in the periods of war and peace shall be regulated by the guiding documents of the Federal Executive Authority for Defense.

3. On-line control of military-oriented space means shall be exercised by the Federal Executive Authority for Defense. On-line control of dual-use space means shall be exercised by the Federal Executive Authority for Defense and the Federal Executive Authority for Space Activity under the procedure defined by the Government of the Russian Federation.

4. Protection of intellectual activity results obtained in the course of development of dual-use space means or the results of the earlier performed scientific research, scientific experimental and development work of the military, special and dual purposes, utilized during development and production of dual-use space means, as well as disposal of the rights to the mentioned results in the process of the product's export, international co-operation in the sphere of research and use of the outer space, rendering of contract services in the sphere of space activities shall be exercised under the procedure defined by the legislation of the Russian Federation.

**Article 7.** *Financing Procedure of Creation of the Military-Oriented and Dual-Use Means*

1. Financing of development, production and utilization of military-oriented space means shall be exercised under the procedure, envisaged for the State defense order out of the Federal Budget funds, assigned to the Federal Executive Authority for Defense.

2. Financing of development, production and utilization of dual-use space means shall be exercised out of the Federal Budget funds, assigned to the Federal Executive Authority for

Defense, Federal Executive Authority for Space Activity and other concerned federal executive authorities, as well as out of the attracted off-budget funds including the funds of consumers of the services, rendered with use of the mentioned funds.

3. The total financing volume shall be defined by the Federal Budget of the corresponding year. The funds for creation of military-oriented and dual-use space means shall be distributed among the work performers pursuant to the State contracts.

4. In the course of creation of dual-use space means within the Federal Space Program there may be obtained other financing sources.

5. For the purposes of consolidating the efforts and resources, aimed at expediting the creation and improving the utilization efficiency of military-oriented and dual-use space means, the Federal Executive Authority for Defense jointly with other federal executive bodies may create off-budgetary foundations, as well as directorates for co-ordination of work by the particularly important space projects and programs and to attract other off-budgetary financing sources under the procedure, envisaged by the legislation of the Russian Federation.

6. The monetary funds, obtained due to disposal of the rights to the intellectual activities results, owned by the Russian Federation (in the part of the space activity), shall be forwarded to the Federal Executive Authority for Defense for implementation of creation and utilization of military-oriented and dual-use space means.

7. To finance the development, production and utilization of dual-use space means the Federal Executive Authority for Defense and the Federal Executive Authority for Space Activity may use the funds, received from military and technical cooperation in the sphere of space activities of the Russian Federation with foreign states, international cooperation in the sphere of research and use of space, rendering of contract services in the sphere of space activities, as well as the funds, obtained from other types of activities in this sphere under the procedure, established by the legislation of the Russian Federation.

**Article 8.** *Licensing of Space Activity for the Defensive and Security Purposes of the Russian Federation*

Licensing of space activity for the defensive and security purposes of the Russian Federation shall be exercised in accordance with the legislation of the Russian Federation and other legal acts of the Russian Federation.

**Article 9.** *Certification of Military-Oriented and Dual-Use Means and Other Facilities Applied for the Defensive and Security Purposes of the Russian Federation*

1. The space technology, equipment and devices, information and software products, used during their production, tests and application, systems of production quality assurance, space infrastructure facilities, applied for the defensive and security purposes of the Russian Federation, shall be subject to mandatory certification in accordance with the legislation of the Russian Federation.

2. Certification of military-oriented and dual-use space means shall be arranged by the State customer of these means in accordance with the legislation of the Russian Federation.

**Article 10.** *Procedure for Use of the Land Areas Allocated for Space Infrastructure Facilities and Used for Military-Oriented and Dual-Use Means*

1. The land areas, allocated for space infrastructure facilities and used for military-oriented and dual-use space means, including the adjacent alienation zones, as well as the land plots, allocated for assurance of security during fall of the carrier rocket separating parts, shall be in the Federal ownership and used by the Federal Executive Authority for Defense in accordance with the legislation of the Russian Federation.

2. Boundaries of the area landing grounds for the military-oriented and dual-use space means shall be defined by the Government of the Russian Federation, unless otherwise envisaged with the international treaty of the Russian Federation.

Use of these land areas shall be exercised under the procedure, established by the Government of the Russian Federation, unless otherwise envisaged with the international treaty of the Russian Federation.

3. As per the international treaties of the Russian Federation special security functioning regime of space infrastructure facilities, including establishment of the controlled and (or) closed prohibited areas along the boundaries of the grounds territory, restrictions on public entry (or exit) and other ones can be established in the territory of the grounds, located in the foreign state areas and used in the interests of the military-oriented and dual-use space means, unless otherwise provided with the international treaty of the Russian Federation.

4. In order to provide security of navigation and protect the interests of the Russian Federation at the launch of carrier rockets to carry military-oriented and dual-use space means into outer space from the water body of the world ocean, the Russian Federation may set the areas prohibited for navigation and the areas temporarily hazardous for navigation, where navigation and anchoring of all vessels and warships, flyby, hovering and landing (landing on water) of aircraft and other activity are totally prohibited or temporarily restricted.

Decision on setting the areas, prohibited for navigation and temporarily hazardous for navigation, their opening for navigation, as well as the rules for such areas shall be adopted by the Government of the Russian Federation upon representation of the Federal Executive Authority for Defense.

The mentioned decision of the Government of the Russian Federation shall become effective after its advance publication in “Messages to Navigators”. The boundaries of the areas, prohibited and temporarily hazardous for navigation, shall be displayed on the navigation maps, published by the Federal Executive Authority for Defense.

**Article 11.** *State Ecological Control at Creation and Application of Military-Oriented and Dual-Use Means*

1. The State ecological control of the creation and use of military-oriented and dual-use space means shall represent a system of measures targeted at prevention, identification and elimination of breaches of the applicable international norms and standards or laws, standards and rules of the Russian Federation or applicable international treaties of the Russian Federation, related to environmental protection.

2. The State ecological control shall be exercised by the Federal Executive Authority for Environmental Protection with involvement of other federal executive authorities under the procedure, defined by the legislation of the Russian Federation.

3. At occurrence of threat to security of population and environment in the course of creation and application of military-oriented and dual-use space means, the Federal Executive Authority for Defense and the Federal Executive Authority for Space Activity shall immediately inform the corresponding State authorities, as well as organizations and citizens about that.

4. In case, if the activity on creation and application of military-oriented and dual-use space means led to occurrence of an emergency situation, the information on measures taken by the Federal Executive Authority for Defense and the Federal Executive Authority for Space Activity shall be presented to the Federal Executive Authority for Environmental Protection, Federal Executive Authority for Civil Defense, Emergencies and Liquidation of Natural Disaster Consequences, as well as to the executive authorities of the corresponding subjects of the Russian Federation.

5. Investigation of ecological violations for the purposes of compensating the damage, caused on the environment, shall be exercised by the Federal Executive Authority for Environmental Protection, Federal Executive Authority for Defense, and the Federal Executive Authority for Space Activity within their competence.

### CHAPTER III - ASSURANCE OF COMPLIANCE WITH PROVISIONS OF THE PRESENT FEDERAL LAW

**Article 12.** *Responsibility for Breach of the Present Federal Law*

Officials of the federal executive authorities, executive bodies of the subjects of the Russian Federation, having caused or causing damage by their actions to the Russian Federation on creation and (or) application of military-oriented and (or) dual-use space means, shall be brought to administrative or criminal responsibility in compliance with the legislation of the Russian Federation, pending on the character of the violation, gravity of its consequences and size of the caused damage.

**Article 13.** *Adjustment of the Legal Acts in Compliance with the Present Federal Law*

The president of the Russian Federation shall be proposed and the Government of the Russian Federation shall be entrusted with adjustment of their legal acts in compliance with the present Federal Law.

**Article 14.** *Procedure of Enforcement of the Present Federal Law*

The present Federal Law shall be effective from the date of its official publication.

President of the Russian Federation

## **38. DRAFT AT THE SECOND READING**

### **ON PROVISION OF MILITARY PERSONS AND EQUATED SPECIAL USERS WITH AGRICULTURAL PRODUCTS, RAW MATERIALS, AND FOODSTUFFS**

(On Provision of Military persons and Equated Special Users with Foodstuffs)

#### Summary:

*The second draft law on the provision of food to military personnel and related special users is aimed at regulating the purchase and delivery of agricultural and related products to federal forces.*

*The circumstances in which purchases can be made without competitive tender are defined, as are the rubric in the more normative processes of participating in state orders, registering for participation in such orders, and the financing of state orders. The underlying concern is the prevention of corruption and reliable supply of foodstuffs to military units.*

The present Federal Law shall lay down the specific features of the formation, placement, and financing of a state order for provision of military persons and equated special users with agricultural products, raw materials, and foodstuffs.

#### **Article 1.** *Basic concepts used in the present Federal Law*

The present Federal Law uses the following basic concepts:

the state order for provision of military persons and equated special users with agricultural products, raw materials, and foodstuffs (hereinafter referred to as the state order) is a legal act that provides the purchase and delivery of agricultural products, raw materials, and foodstuffs, which are a part of the purchase and delivery for federal state needs, to provide military persons and equated special users;

the military persons and equated special users (hereinafter users) are military units, military groups, other troops, organs and organizations that are members of the state customer;

the state customer of agricultural products, raw materials, and foodstuffs for users (hereinafter referred to as the state customer) – the federal body of executive power, which includes troops and military groups and executes state orders at the expense of federal budgetary funds;

the executor of a state order is an agricultural, industrial, or other organization or an individual businessman which manufacture agricultural products, raw materials, and foodstuffs and have concluded the state order with the state customer.

### **Article 2. General provisions**

1. If certain kinds of agricultural products, raw materials, and foodstuffs are not manufactured in the Russian Federation or they are produced in limited amounts they are purchased and imported to the Russian Federation for provision of users according to the procedure established by the Government of the Russian Federation.

2. To make purchases and deliveries of agricultural products, raw materials, and foodstuffs without holding contest for the placement of a state order is allowed in an effort to ensure elimination of military conflicts, the consequences of dangerous natural phenomena, man-caused accidents, and catastrophes and, if required, to make research and development work under a special program without delay.

3. Purchases and deliveries of agricultural products, raw materials, and foodstuffs for provision of users shall be made at the prices laid down in a state contract.

4. The qualities of agricultural products, raw materials, and foodstuffs whose purchases and deliveries are made in accordance with the present Federal Law are to be in conformity with the state standards, specifications, biomedical, and sanitary standards, the special terms of state contracts and have certificates of conformance issued by the authorized federal executive body.

### **Article 3. Formation and placement of a state order**

1. A state order shall be formed by the Government of the Russian Federation on the basis of the needs identified by the state customer and users for agricultural products, raw materials, and foodstuffs.

2. The needs of users for agricultural products, raw materials, and foodstuffs shall be identified by using the standards established by the Government of the Russian Federation or its authorized federal executive body for food or rations given to the above users having the right to receive foodstuffs at the expense of federal budgetary funds.

3. The state order shall be placed by holding the appropriate contests according to the procedure established by the legislation of the Russian Federation.

4. The participants of contests for the placement of a state order may be the agricultural, industrial, and other organizations or individual businessmen which have been registered in the Russian Federation and make their activities in accordance with the legislation of the Russian Federation which have production capacities, equipment, manpower and financial resources

required to make activities dealing with the production, processing, storage, and deliveries of agricultural products, raw materials, and foodstuffs.

5. If it is impossible to place a state order in full at the location of users, the non-provided part of the state order shall be placed by holding a contest for the placement of the state order in a subject of the Russian Federation wherein the resources of agricultural products, raw materials, and foodstuffs are available.

**Article 4.** *Financing of the state order*

1. A state order shall be financed in accordance with the budgetary legislation of the Russian Federation.

2. In the draft federal law on the federal budget for the next financial year, the Government of the Russia Federation shall provide expenses on functioning the state order in the amount not less that those on the calculated needs.

3. The state order shall be financed by allocating budgetary funds to state consumers in accordance with the monthly financing schedule approved by the Government of the Russian Federation.

4. On concluding a state contract, the state customer has, within its commission and funds, the right to provide that the executor of the state order shall advance the manufacture of agricultural products, raw materials, and foodstuffs.

5. Charges for the execution of the state order shall be borne according to the procedure stimulated by the legislation of the Russian Federation.

**Article 5.** *Crediting the executors of a state order*

1. To credit the executors of a state order, the Government of the Russian Federation shall create a budgetary fund for crediting agriculture.

2. The budgetary fund for crediting agriculture shall be formed at not less than 50 percent of the funds laid down by the federal law on federal budget for the next financial years in order to purchase and deliver agricultural products, raw materials, and foodstuffs for the provision of users.

3. In the federal budget, the amount of the budgetary fund for crediting agriculture shall be indicated by an individual expense item in the subsection relating to agricultural production in the section of the functional classification of expenditures of the Russian Federation pertaining to those on agriculture.

4. The assets of the budgetary fund for crediting agriculture shall be formed at the bank that participates in the implementation of state purpose-oriented programmes for the development

of an agro-industrial complex in whose authorized capital only the Russian Federation has stocks or shares. The above assets are placed in the full volume stimulated by the budgetary legislation of the Russian Federation in the first quarter of a financial year.

5. The assets of the budgetary fund for crediting agriculture shall be provided by a bank to the executors of the state orders on the return, promptness, and payment bases laid down by a state contract.

The state order's executors which have concluded state contracts have the right to address the bank wherein the budgetary fund has been formed to credit agriculture by presenting their applications for credits in the amount and periods indicated in the state contracts. The bank shall give credits to the executors of the state order at the expense of the budgetary fund for crediting agriculture in accordance with the legislation of the Russian Federation.

6. The rate of interests on the amount of the credit given to the executors of the state order at the expense of the budgetary fund for crediting agriculture and the procedure for the use of the assets of the budgetary fund for crediting agriculture shall be determined by the Government of the Russian Federation.

7. The state contracts should provide the terms and conditions of crediting at the expense of the budgetary fund for crediting agriculture and the terms of transfer of sums to the users for the agricultural products, raw materials, and foodstuffs delivered under the state order primarily in order to repay the credits given at the expense of the budgetary fund for crediting agriculture.

**Article 6.** *Entry of the present Federal Law into force*

1. The present Federal Law shall enter into force from the date of its official publication.

2. The President of the Russian Federation and the Government of the Russian Federation shall bring their standard legal acts into line with the present Federal Law.

President of the Russian Federation

### **39. DRAFT OF THE FEDERAL LAW ON THE RELEASED AND DECOMMISSIONED MILITARY PROPERTY**

Summary:

*This draft law concerns the reuse of state property formerly used by the armed forces and associated institutions of the Russian armed forces. The law runs the full gamut of military property from veterinary assets through to missile armaments. The aims of decommissioning military property and the means of doing so are described, as are the relevant powers of Russian government and other state bodies in the process. The arrangement of the decommissioning work, accounting and payment processes for different types of property are detailed. Control and responsibility for the various elements of the work are also defined.*

The present Federal Law shall define the regulations on release and further use of the military property, assigned under the real-time management of the Armed Forces of the Russian Federation, other troops, military units, army formations and bodies. In the present Federal Law in compliance with the Legislation of the Russian Federation the terminology used shall imply the following: “other troops” – frontier troops of the Federal Frontier Service of the Russian Federation, internal troops of the Ministry of Internal Affairs of the Russian Federation, railway troops of the Russian Federation, troops of the Federal Agency of Governmental Communication and Information under the President of the Russian Federation, troops of civil defense;

-- “army formations” – engineering-technical and road-construction army formations under the Federal executive bodies;

- “bodies” – the service of foreign reconnaissance of the Russian Federation, bodies of the Federal Security Service of the Russian Federation, bodies of the Federal Frontier Service of the Russian Federation, Federal bodies of the governmental communication and information, Federal bodies of the State guard and the Federal body on provision of the mobilization training of the State authorities of the Russian Federation (hereinafter referred to as the Armed Forces of the Russian Federation and other troops), and also the Federal executive authorities being under the economic jurisdiction or real-time management of enterprises and organizations, providing for military service (hereinafter referred to as the Federal executive authorities, providing for military service). The Law shall define the powers and fix the legal and organizational fundamentals, as well as the principles of activity of the State authorities of the Russian Federation, State authorities of the constituents of the Russian Federation, local governmental bodies, legal entities and physical persons, participating in the work on realization, industrial utilization and liquidation of the decommissioned military property. The Law shall apply to all constituents of the Russian

Federation regardless of the organizational-legal forms and types of property. In relation to other countries the present Law shall be effective within the scope fixed by the corresponding international treaties and the Legislation of the Russian Federation.

## CHAPTER I - GENERAL PROVISIONS

### **Article 1.** *Basic Notions and Definitions Applied for the Purposes of the Present Law*

The military property shall imply the property staying with the Armed Forces of the Russian Federation and other troops under the rights of economic jurisdiction or real-time management. The military property shall be in Federal ownership. The military property shall include: all types of armaments and military equipment, fuel, food, survival, aviation, aviation-technical, automobile, armored, clothing, military-technical (chemical, communication and others), engineering, lodging, medical, crossing, naval stores, veterinary property and other material means, accommodation, warehousing, service stocks, production enterprises of the Armed Forces of the Russian Federation and other troops, as well as the one of the Federal executive authorities providing for military service.

The released military property shall imply the property reduced in compliance with the international treaties, as well as those going to excess, obsolete or physically worn, not used or found no application in the Armed Forces of the Russian Federation and other troops, as well as in the Federal executive authorities providing for military service, the property to be released by the decision of the balance holder.

Decommissioned military property shall imply the military property written off the books of the Balance Holders and conveyed in accordance with the established procedure to the Parties of the activity on its sales, industrial utilization and liquidation, obtained on the tender basis and in compliance with the contracts concluded the right to realization of these types of activity.

The “Balance Holder” shall imply the structure of the Armed Forces of the Russian Federation and other troops, as well as the one of the Federal executive bodies providing for military service, which have the military property assigned to them in accordance with the established procedure.

Participants of the activity on sales, industrial utilization, and liquidation of the decommissioned military property (hereinafter referred to as participants of the activity) shall imply the Federal executive authorities, defined by the State Customer for the relevant period and the legal entities—contractors fulfilling the work on sales, industrial utilization and liquidation of the decommissioned military property (hereinafter referred to as contractors).

Military equipment shall imply the technical means designed for combat, technical and base support of the troops' activity, as well as the equipment and apparatuses for control and testing of these means, constituents of these means and the components.

The military equipment shall include: missile equipment of military purpose, space equipment of military purpose, rocket-space equipment of military purpose, aviation equipment of military purpose, naval equipment, armored equipment, military automobile equipment, military communication equipment, equipment of military reconnaissance, military equipment of topographic and geodesic support, military equipment of radio-electronic struggle, military equipment of base support, military instrumentation, military equipment of environmental safety control.

Armaments (combat shooting, artillery, torpedo, bomb armaments and others) shall imply the means designed for destruction of living force, equipment, structures and other facilities of the enemy, constituent parts of these means and components.

Weapons shall imply part of the weapons designed for hitting a target or accomplishment of the tasks, promoting target hitting or obstructing the enemy's actions, and (or) providing delivery of the impact means to the target.

Ammunitions shall imply the semi-expendable items of military equipment, designed for hitting a target or accomplishment of the tasks promoting target hitting or obstructing the enemy's actions and containing bursting, dart, pyrotechnic, ejection charge or their combination.

Complex of military equipment (armaments, weapons) shall imply the totality of the functionally connected items of military equipment (armaments, weapons) and technical means, providing their use, combined for accomplishment of the tasks in compliance with their purpose, independently or within the system of military equipment (armaments, weapons).

System of military equipment (armaments, weapons) shall imply the totality of complexes of military equipment (armaments, weapons) and technical means, providing their use, combined with the unified organization of functioning and general control for accomplishment of the tasks, defined with its purpose.

Infrastructure shall imply the system of stationary facilities designed for providing training, deployment and active actions of the troops (control stations, missile positions, aerodromes, communication systems, warehouses, naval bases, ranges, pipelines, railways and highways, etc.).

Realization shall imply the process of sales or transfer in compliance with the Legislation of the Russian Federation of decommissioned military property to legal entities or physical persons of the Russian Federation, as well as of the other States.

Industrial utilization shall imply implementation of the complex of organizational-technical, scientific, economic, environmental, production and other activities, providing demilitarization,

diversification (re-profiling) and processing of the military equipment items withdrawn from the armory, worked out life time, obsolete or physically old equipment, including those reduced in compliance with the international treaties, for alteration of their purposeful destination, further use for production and business purposes, receipt of monetary funds, commercial products and raw stuff. Industrial utilization may also be carried out in the cases when continuation of storing the items of military equipment is connected with hazard to human life, environment, as well as no need in this military property exists and it is not foreseen in future. Industrial utilization shall also be carried out with mandatory account of environmental consequences.

Demilitarization shall imply conversion of the decommissioned military property into the condition, excluding any opportunity of its combat use.

Diversification shall imply providing the items of decommissioned military property, determined for industrial utilization, with new functions for use in the economic or other purposes.

Liquidation shall imply the process of destruction of the decommissioned military property, realized upon impossibility (infeasibility) of carrying-out the industrial utilization or in case if this technique is envisaged with the international treaties of the Russian Federation.

Use shall imply direct or after-industrial utilization (demilitarization, diversification) use of the decommissioned military property in the economic or other purposes.

Double-Use Products shall imply products designed for the economic supplies and needs of defense with unified requirements.

Industrial Utilization Products shall imply recycled resources (iron-and-steel scrap and non-ferrous scrap; wastes containing precious stones and precious metals; recovered explosives and other materials), constituent parts and components, general civil items, as well as demilitarized arms and military equipment not requiring industrial processing, destined for sales in accordance with the established procedure in the domestic and external market.

Safety of Industrial Utilization (Liquidation) of Military Property shall imply lack or minimization of hazard of damaging personnel, population, environment, and production structures in the process of their performance.

**Article 2.** *Legal Governing of Realization, Industrial Utilization and Liquidation of the Decommissioned Military Property*

Legal governing of realization, industrial utilization and liquidation of the decommissioned military property shall be effected in compliance with the Constitution of the Russian Federation, the present Federal Law, other Federal laws and the legal acts of the Russian Federation, including the Federal Target Program of the Industrial Utilization of Armaments and Military Equipment for the corresponding period (hereinafter referred to as Federal Program).

**Article 3. Aims of Realization, Industrial Utilization and Liquidation of the Decommissioned Military Property**

The main purposes of realization, industrial utilization and liquidation of the decommissioned military property shall be as follows:

- reduction of the explosive and fire hazard level, as well as the hazard of radioactive and chemical contamination of the environment in the places of storage (warehousing) of armaments and military equipment;
- rational use of the material resources obtained within the process of industrial utilization of the decommissioned military equipment for the economic or other purposes;
- receipt of funds for covering the expenses connected with fulfillment of the cost-is-no-object operations on industrial utilization (liquidation) of the decommissioned military equipment, as well as the work on creation and perfection of new technologies and scientific developments in these spheres;
- receipt of funds for carrying out of a military reform, settlement of the matters on social security of the military persons, as well as the citizens, discharged from the military service and members of their families;
- expansion of the military-technical cooperation domain on account of the activity on realization of the military property utilization products.

**Article 4. Basic Principles of Realization, Industrial Utilization and Liquidation of the Decommissioned Military Property**

1. The main principles of realization, industrial utilization and liquidation of the decommissioned military property shall be as follows:

- safety of the utilization and liquidation process for the health of the population and the personnel, as well as for the environment;
- economic efficiency of realization, industrial utilization, and liquidation;
- provision of the infrastructure re-profiling;
- mandatory realization of the double-use products;

2. Realization of the provisions stated in Part 1 of the present Article shall be achieved due to the following:

- arrangement of the industrial utilization (liquidation) of the decommissioned military property by the technologies providing its economically effective re-processing and resource-saving, as well as protection of the personnel and population health and environmental safety of the activities;

- normative-technical support of the processes of utilization and liquidation;
- creation of competitive and economically necessary products in the process of industrial utilization;
- provision of the contractors regardless of their organizational-legal forms and forms of property with equal opportunities on participation in industrial utilization and realization in the domestic and external markets of products, materials and items, obtained in the process of industrial utilization of the decommissioned military property on the basis of the State contracts concluded between the State Customers and Contractors in compliance with the Legislation of the Russian Federation;
- various financing sources of the activities on industrial utilization of the decommissioned military property, including the foreign ones;
- fulfillment of work on industrial utilization of the decommissioned armaments and military equipment along with inclusion in the structure of the State Defense Order and financing both out of the budgetary funds and attraction of off-budgetary funds;
- use of the funds received from realization of the decommissioned military property and products of utilization in compliance with the present Federal Law and legal acts of the Russian Federation.

3. The work on use of the decommissioned military property shall be of systematic character. The requirements of the most rational further use of military property shall be included by the designers in the engineering-technical documentation during creation of new items of military property and match with the Federal programs.

4. Safety, security and preparation towards realization, industrial utilization and liquidation of the released military property till the moment of its transfer to the Contractors, in compliance with contracts (agreements) shall be imposed on the Federal executive authorities providing for military service.

## CHAPTER II - POWERS OF THE RUSSIAN FEDERATION, CONSTITUENTS OF THE RUSSIAN FEDERATION AND LOCAL GOVERNMENTAL BODIES ON REALIZATION, INDUSTRIAL UTILIZATION AND LIQUIDATION OF THE DECOMMISSIONED MILITARY PROPERTY.

### **Article 5.** *Powers of the State Authorities of the Russian Federation*

The powers of the Russian Federation shall include:

- determination of the State policy, development, adoption and observance of the Federal laws, other legal acts, programs and plans in the domain of realization, industrial utilization and liquidation of the released and decommissioned military property:
- conclusion and compliance with the international treaties of the Russian Federation;
- coordination of the activities of the executive authorities of the constituents of the Russian Federation;
- forming and fulfillment of the State Defense Order;
- development together with the concerned Federal executive authorities of the proposals on the State support of the Contractors;
- development and realization of the measures on assistance in attraction of investments, including the foreign ones, for industrial utilization and liquidation of the decommissioned military property;
- licensing the Contractors' activities;
- monitoring of the environmental and industrial safety during carrying out of the activities on industrial utilization and liquidation of the decommissioned military property in compliance with the Federal Legislation, normative acts of the Russian Federation and international treaties concluded or ratified by the Russian Federation.

**Article 6. Powers of the State Authorities of the Constituents of the Russian Federation**

The powers of the constituents of the Russian Federation shall include:

- participation in determination of the State policy in the domain of realization, industrial utilization and liquidation of the released and decommissioned military property;
- development and adoption in compliance with the Federal Legislation of laws and other legal acts of the constituents of the Russian Federation;
- participation in development and realization of Federal programs and plans and their realization;
- solving the problems of location of Contractors' enterprises and organizations in the territory of the constituents of the Russian Federation;
- solving of environmental questions;
- establishment with the State authorities of the Russian Federation of common principles of economic stimulation, taxation, benefits and other types of stimulation.

**Article 7. Powers of the Local Governmental Bodies.**

The powers of the local governmental bodies shall include:

- coordination of the decisions on location of Contractors' specialized enterprises and organizations of local value in the dependent territory, their supply with all types of energy resources, local materials, raw stuff and human resources, as well as their provision with tax benefits and other types of support in compliance with the Legislation of the Russian Federation and the local legal acts:
- assessment of the environmental situation in the dependent territory and possible consequences from realization of the programs and plans on industrial utilization and liquidation of the decommissioned military property and participation in exercising control over safe conduct of work:
- information of the population on the safety level of the facilities and taking of measures on elimination of possible consequences from industrial utilization and liquidation of the decommissioned military property.

**CHAPTER III - ARRANGEMENT OF THE WORK ON RELEASE, AS WELL AS REALIZATION, INDUSTRIAL UTILIZATION, AND LIQUIDATION OF THE DECOMMISSIONED MILITARY PROPERTY**

**Article 8. Planning of the Nomenclature, Scopes and Dates of Military Property Release.**

1. The Balance Holders, from the results of inventory, shall annually forward to the Federal executive authorities providing for military service lists of military equipment subject to release.

2. The lists and scopes of the released military property subject to realization, industrial utilization and liquidation shall be planned by them on the basis of the:

- effective (concluded and ratified) Treaties of the Russian Federation with other countries on reduction (liquidation) of armaments, combat equipment, weapons, ammunitions and others;
- Federal programs;
- plans of re-armament and replacement of the out-of-date items of armaments and equipment;
- forecasted quantity of the staff of the Armed Forces of the Russian Federation and other troops;
- contents of the plans of combat, tactics-special and mobilization training, planned exercises and marches;

- data on availability and condition of the military property, including the adopted one and stored in the warehouses (storage bases and arsenals) ammunitions, explosives of all types, components of missile fuel and other highly toxic (explosive) substances;
- summary reports on the results of inventory and checks of military property;
- expected release as unnecessary of the accommodation, warehousing, and service stocks, military towns, ports and berths, aerodromes, facilities of the educational-material and production bases, ranges, shooting grounds, enterprises, storage bases, as well as the territories (land and water bodies), where they are located;
- plans of renewal (reinforcement) of mobilization reserves and resources;
- generalized information on the temporary free territories of ports and berths, railway access ways and rolling stock, warehousing premises and production areas, aerodromes, lines of communication, as well as opportunities of automobile units, military-transport aviation and the Navy on shipping operations for the economic purposes:
- requests received from other countries on procurements (deliveries) of military property, as well as the list of the countries restricted in trade (supplies).

3. On the basis of the aforementioned lists the Federal executive authorities providing for military service shall draw up summary lists of military property, subject to release under their established forms (as for the military immovable property—under the forms established by the Ministry of Privities of the Russian Federation).

4. In the summary lists of the military property subject to release on the basis of the expertise and assessments made by the specialists of the Federal executive authorities by each type (item) of the released military property there shall be reflected:

- quantity, reason (feasibility) of withdrawing the military property, its technical condition, remaining life, periods of operation and storage, actual complement and residual cost, defined by the Balance Holder in accordance with the established procedure with account of specific peculiarities of military-use products, its condition and market opportunities:
- proposals on its further use (realization, industrial utilization, liquidation), as well as the form of their implementation:
- presence in the released items of the information constituting the State secret;
- degree of urgency of carrying out utilization (liquidation).

5. Annually by the established date the summary lists of the military property, subject to release by the Federal executive authorities providing for military service, shall be forwarded to the Ministry of Privities of the Russian Federation.

6. The Ministry of Privities of the Russian Federation on the basis of the summary reports of the military property subject to release shall prepare a draft plan of realization, industrial

utilization (liquidation) of the decommissioned military property for the subsequent year (hereinafter referred to as Plan) and define the procedure of its further use.

7. The draft Plan upon its coordination with the Ministry of Finance of the Russian Federation in accordance with the established procedure (at the same time with the draft Federal Budget) shall be passed to the Government of the Russian Federation and after the consideration and approval in the Government of the Russian Federation they shall be forwarded to the Federal executive authorities for fulfillment.

8. The activities on utilization of armaments and military equipment included in the State Defense Order shall be effected in compliance with the Legislation of the Russian Federation on the State Defense Order;

9. Development of the first Plan shall be effected within the year following the year of adoption of the present Law.

**Article 9.** *Realization of the Decommissioned Military Immovable Property*

1. Realization of the decommissioned military immovable property shall be effected in compliance with the Legislation of the Russian Federation on privatization, Russian Foundation of Federal Property, its branches, as well as by the State Unitarian enterprises on realization of military property and authorized bodies of military management on the basis of agency contracts concluded with it.

2. Modification of the category of the land plots assigned for the facilities of the decommissioned military immovable property shall be effected by the Federal Service of the Land Cadastre of Russia after the State registration of the rights to the mentioned property.

3. The information on realization of the decommissioned immovable property shall be published by the Seller no later than 30 days prior to the realization of this property.

4. The Transfer to the Buyer of the decommissioned military property and its writing-off the books of the Balance Holder shall be effected only after transfer of monetary funds to the Seller or immediately after fulfillment of the tender (transaction) terms including the corresponding written notice of the Russian State Property Fund within a five-day period.

5. If the decommissioned military property has not been realized within six months after the tender then the Ministry of Privities of the Russian Federation shall take an appropriate decision on it.

**Article 10.** *Realization of the Decommissioned Movable Military Property.*

1. In order to settle the questions associated with realization of the decommissioned movable military property, the Federal executive authorities providing for military service shall define (create) an authorized body of military management, define on tender basis the organizations via which its realization shall be effected, elaborate the provision on the tender on selection of organizations, as well as develop the procedure of withdrawal from realization of the decommissioned movable military property and its further use.

The authorized body of military management shall conclude with organizations the contracts on realization of the decommissioned movable military property, which shall be effected:

- in the domestic market (movable military property under the list, annually established by the Government of the Russian Federation)—by the regulations of the sales of individual types of commodities, exchange, commission and retail trade, as well as on the conditions of the contract of barter or gift;
- in the foreign market—in compliance with the Legislation of the Russian Federation.

2. Upon permit of the Government of the Russian Federation it may be possible to realize by the Federal executive authorities of the decommissioned military property via the organizations, attracted on the tender basis and financed out of the part of the funds received as the result of realization of the decommissioned military property.

3. The Ministry of Defense of the Russian Federation shall be authorized to transfer in accordance with the established procedure some types (items) of military property with expiring operational dates to the organizations producing or have produced these types of products for the purposes of redemption of the indebtedness for the delivered products or fulfilled work (services) on modernization, repair and servicing of the military property.

The organizations in compliance with the Legislation of the Russian Federation shall implement their realization in the domestic or foreign market, use as a reserve property, as well as components in the new items of armaments and military equipment, industrial utilization and realization of the utilization products.

4. Realization of the decommissioned military property, located abroad, shall be made by the authorized body of military management in compliance with the Legislation of the Russian Federation with account of the norms of the international law and the Legislation of the State, where this property is located.

**Article 11.** *Arrangement of the Industrial Utilization (Liquidation) of the Decommissioned Military Property*

1. The Federal executive authorities providing for military service, on the basis of the summary lists of the military property subject to release shall arrange activities on its utilization (liquidation), including carrying out of tenders and participate in realization of licensing the activity of potential Contractors.

2. Solving of the questions connected with industrial utilization of the armaments and military equipment by the Federal executive authorities, providing for military service, shall be imposed on the authorized bodies of military management.

3. The work on the industrial utilization and liquidation of the decommissioned armaments, military equipment, special means of self-defense and ammunitions shall be effected in compliance with the Legislation of the Russian Federation within the State Defense Order.

4. The Contractors shall be passed the decommissioned armaments and military equipment in demilitarized form, in complement without removal of blocks, components and parts, containing precious and rare-earth metals and only upon carrying out of the necessary measures providing maintenance of the State secret.

5. The work on the industrial utilization (liquidation) of the decommissioned military property requiring no special permit (license) fulfilled outside the State Defense Order shall be done in compliance with contracts (agreements) concluded between the authorized bodies of military management and Contractors.

6. The contracts with Contractors shall be concluded at positive results of the financial check of the Contractors by the audit bodies accredited with the Federal executive authorities, providing for military service.

7. The Contractors on industrial utilization of the decommissioned military property shall be allowed to realize the utilization products under the procedure fixed by the Legislation of the Russian Federation for the corresponding type of product.

**Article 12.** *Principles of the Finance Policy at Observance of the Present Federal Law*

1. Financing of the work within the present Federal Law shall be effected out of the funds of the Federal Budget assigned for fulfillment of the State Defense Order; credits and loans, attracted under the State guarantees; funds of the Russian and foreign investors; funds given by the international currency-credit organizations, as well as the funds of other off-budgetary sources.

2. It shall be possible to finance the work out of the off-budgetary funds of the Federal executive bodies and commercial organizations created in accordance with the established procedure.

3. The monetary funds received from the products of utilization of armaments and military equipment, included in the State Defense Order less the Contractors' costs on carrying out of this work and their realization of the products, shall be fully accounted in the proceeds of the Federal Budget and forwarded for financing the work on utilization of the armaments and military equipment, carrying out of the military reform and solving of social questions within the Federal law "On the Status of the Military Persons" in compliance with the legal acts of the Government of the Russian Federation.

4. The monetary funds received from realization of the products of the industrial utilization of the decommissioned military property effected outside the State Defense Order shall be forwarded in compliance with the terms of the contract (agreement) to the Parties which concluded this contract (agreement) under the procedure established by the Government of the Russian Federation.

5. At compliance with the present Federal Law it shall not be admitted to impose economic, environmental and financial damage to the Russian Federation, diminishing of the National defense costs, damage of the State policy of military-use products price-formation, infringement of the interests of the activity participants.

**Article 13.** *Economic Stimulation of the Work on Industrial Utilization and Liquidation of the Decommissioned Military Property*

1. Economic stimulation of the work on industrial utilization and liquidation of the decommissioned military property included in the structure of the State Defense Order shall be effected in compliance with the Legislation of the Russian Federation on the State Defense Order.

2. For economic stimulation of the Contractors under the procedure and within the limits established by the Tax Legislation of the Russian Federation and the constituents of the Russian Federation there shall be envisaged: release from payment on part of the profit received from fulfillment of the work on industrial utilization (liquidation) of the decommissioned military property and forwarded to reconstruction and expansion of production;

- cut of the land tax on the land plots where are located the production complexes, warehouses, and storage sites of the decommissioned military property.

3. The procedure and sizes of the economic stimulation shall be defined by the Government of the Russian Federation during elaboration of the draft Federal Budget and passed to the State Duma of the Federal Assembly of the Russian Federation for consideration and

approval at the same time with the draft Federal Budget and the draft Plan of realization, industrial utilization and liquidation of the released military property for the subsequent year.

**Article 14.** Arrangement of Control and Responsibility for Fulfillment of the Present Federal Law

1. Control over fulfillment of the present Federal Law shall be effected by the Return Chamber of the Russian Federation, Federal executive authorities, providing for military service and the Ministry of Privities of the Russian Federation, as well as the Ministry of Finance of the Russian Federation and the State Customers on industrial utilization of armaments and military equipment in the part relating to them.

2. The executive authorities of the constituents of the Russian Federation and the local governmental bodies shall effect control over location of the industries, rational use of natural resources, environmental protection, social security of the population and interact with the authorized bodies of military management, organizations and enterprises on the issues associated with realization of the Federal program and the Plan within the powers and the rights provided with the Legislation of the Russian Federation.

3. The Government of the Russian Federation, Federal executive authorities and the executive authorities of the constituents of the Russian Federation shall bear responsibility for fulfillment of the Federal program and the Plan related to the tasks imposed on them.

4. In the case of non-fulfillment, improper fulfillment, or infringement of the Legislation of the Russian Federation, other legal acts or contractual obligations the Parties (persons) shall bear civil-legal, administrative or criminal responsibility in compliance with the Legislation of the Russian Federation.

## CHAPTER IV - FINAL PROVISIONS

**Article 15.** *Procedure of Enforcement of the Present Federal Law*

The present Federal Law shall become effective from the date of its official publication.

**Article 16.** *Adjustment of the Legal Acts of the Russian Federation in Compliance with the Present Federal Law*

1. The President of the Russian Federation shall be proposed and the Government of the Russian Federation shall be commissioned to adjust the legal acts issued by them in compliance with the present Federal Law.

2. The Government of the Russian Federation shall provide adjustment by the Federal executive authorities of their legal acts in compliance with the present Federal law, as well as to develop new normative documents required by them.

3. The legal acts of the Russian Federation and constituents of the Russian Federation until they are adjusted with the present Federal law shall be applied in the part not contradicting to the present Federal Law.

President of the Russian Federation

## **40. ON CIVILIAN CONTROL AND MANAGEMENT OF THE MILITARY ORGANISATION AND MILITARY ACTIVITY**

*Civilian control over military power structures is an absolute condition for the normal functioning of a civilized state, a vital necessity for the society, state and power structures. Its necessity, contents and forms are stated by the code, 'Concerning Military and Political Aspects of Security', adopted by member-states of the OSCE. After many years of long discussions, no open adversaries of this principle of democracy are left in the Russian Federation. However, it is the problem of civilian control, as well as the priorities in reforming military and civilian relationships, that are understood and interpreted in different ways. That is why it is important in principle to define objectives, organization and the order of functioning of the system of the civilian control over military sphere in the legislation. Legal regulation is one of the most important directions of legislative activity in the field of creating and improving the so-called 'military law packet'.*

Unfortunately, there is no such law in the Russian Federation, though several possible versions of this law, including the model law for CIS member states 'On Parliamentary Control over the Military Organization of the State' that was adopted by the Inter-Parliamentary Assembly, have already been elaborated by different organizations and establishments. Although the draft law that is presented in this issue is not irreproachable, it has some advantages over the others.

First of all, it clearly defines the object for control: the military organization and military activity in the Russian Federation. Moreover, a special article states in detail the points of civilian control: from the mechanism of forming military policy to the moral and psychological state of the troops. However, the authors did not have the right to combine control and management. In short commentaries one does not have an opportunity for detailed criticism of this provision. Let me restrict it to making only two remarks. 'Civilian management of military organization and activity' actually forces military professionals out of elaborating, adopting and putting into practice military and military political decisions. If we stipulate that it is possible, then the civilian control over civilian management becomes a senseless wording.

Meanwhile, this disadvantage is weakened to some extent by the goals, proclaimed by the draft law, and especially by the main tasks civilian control is meant to assist in maintaining: the national security of the state, and the enhancement of the reliability and efficiency of military organization and activity in the Russian Federation. But even in these articles the wordings that were proposed emphasize self-sufficiency of civilian control and management that have the following functions: adoption, elaboration, prevention, exclusion and other direct powerful and administrative actions.

The organizational side of the civilian control is revealed much better by the draft law. It includes a multi-channel, diversified system of regulations, state and civilian institutions and the measures that are taken by such institutions. This system provides legality and functional expediency of the military organization of the Russian Federation, compliance of its activity with the Constitution of the Russian Federation and Federal Laws. The draft law stipulates that civilian control is conducted by the control and supervising activity of special supra-departmental power bodies; by powerful and administrative powers of supreme state authorities; by justice; by supervising and informing society about the state of affairs in the sphere of the military organization and state activities by civilian society institutions; and by appeals, statements and complaints submitted by the citizens. In this vein, the draft law envisages in detail the competence and powers of different branches and levels of state authorities, local self-government, political parties and other public associations, mass media, enterprises and individuals in the sphere concerned. The institute of the Commissioner (Representative) on the Military Men's Affairs that is foreseen by the draft Law is undoubtedly interesting.

As stated above, the draft law that was presented is far from perfect. It does not offer legal solutions to a number of vital and disputable problems and it proposes disputable or inadmissible approaches to some of the problems. But it is not this that is used to appreciate its meaning. Offering their own version, the authors of the draft law stimulates thinking in the society, activates the search of legislative solution to acute problems of military construction, development and strengthening of military and civilian relationships in the Russian Federation.

## **41. ON THE LEGAL POSITION AND ON FINANCIAL AND ECONOMIC ACTIVITIES OF MILITARY ORGANIZATIONS**

*The establishment of market relations in Russia entails a deep reconstruction of all spheres of life in society, in the state, and for all entities involved in business, not only commercial ones. The rejection of the planned economy shifts the ground to areas which are in principle new: both the mechanisms of financing and material supply and the so-called budget enterprises and organizations, including force structures of the state like the Armed Forces, other troops and military formations. Their inclusion into the system of economic ties, which are being established, has been regulated to date by the legal acts and directives of the executive authorities. The absence of clear and strict order and rules defining the rights and duties of various links of military organization of the state in their economic activities and mutual relationship with other business entities acting in economic sphere creates is often problematic: particularly, on the one hand, when troop supplying is performed on the residual principle; and on the other hand due to the creation of the opportunity for various kinds of misuse of funds.*

In this context, it seems unconditionally necessary to legislatively determine the order in which the assets of military organizations are formed and utilized, as well as regulating their performance of financial and economic activities. The above is the precise designation of the Draft Law which has passed two readings in the State Duma. Without dwelling specially upon its paraphrased contents, I would like to emphasize that it should become an important instrument contributing to the integration between the Armed Forces and the civil society. Several points are considered to be especially important in it.

The bill provides for the opportunity of military organizations obtaining a legal status (which are understood as the bodies of military administration, amalgamations, formations, military units, institutions, including the military educational institutions of vocational training to all military and force structures). Besides, it is stipulated that the attachment of the status of legal person to a military organization shall be performed on the grounds of the resolution of the Government of the Russian Federation or the federal executive authority which manages any given military organization and exercises the rights of ownership of its property in the framework established by the civil legislation of the Russian Federation; the latter is applied also in relation to the deprivation of such status to a military organization.

Also defined by the Draft Law are the organizational and legal forms of military organizations as legal persons, the sources of their funds and the contents of their financial and economic activities. It is contemplated that the said activities will be performed within the framework of the valid legislation of the Russian Federation, including the Civil Code of the Federation, the Budget Code of the Russian Federation and other normative acts. In particular, the Draft Law binds the military organizations with maintenance of bookkeeping, statistical and operative accounting of

compliance with the expenditure estimates, registration of assets and liabilities, production of established financial, bookkeeping and statistical reports.

At the same time, the Draft Law takes in to consideration the specific nature of military organizations which is determined by their designation. As highlighted in the Draft Law, they are created for the purposes of ensuring the defense of the country and the security of the state. By virtue of this, the legal position of the military organizations which are also legal persons, the order of their foundation and registration have certain peculiarities. Thus, the bodies of military administration, amalgamations, formations, military units of the Armed Forces of the Russian Federation, the other troops and military formations and bodies may be created and may act only in the organizational and legal form of a federal state institution. The data on their state registration, on their actual names are produced for familiarization with taking into account the requirements of the Russian Federation legislation on the state secrecy.

Besides this, the Draft Law establishes the order, in compliance with which the financial and economic activities of the military organizations shall be under permanent control from the part of the bodies of the state power and governance – the Clearing House of the Russian Federation (the control and audit body to the President of the Russian Federation), the Ministry of Finance of the Russian Federation, bodies of the federal treasury, the federal executive authorities which manage military organizations, as well as other federal executive authorities within their competence.

Thus, the Draft Law under consideration proposes a legislative completion of protracted discussions on legal status of military organizations. Perhaps, not all aspects are stipulated in it in desirable form. For instance, it is difficult to agree that the legal status of the military organization is scrutinized – if not exclusively, but basically – through the prism of its financial and economic activities. In general terms, the sources of funding of military organizations are defined too. However, on the whole, the Draft Law is aimed at elimination of the existing gaps in legal regulation of military and civil relations, at development and enhancement of legality in vital activity of the Armed Forces, the other troops, military formations and bodies.

## **42. ON THE STATUS OF PARTICIPANTS OF COMBAT OPERATIONS**

The standing of the participants of combat operations in society and armed forces, the attitude of the state, its bodies, and officials are of special importance in the system of civil-military relations. On the one hand, concern of the state and society for those who defended their interests and values in the most violent and dangerous manner is a legal and moral duty and on the one hand, to create conditions providing them with a worthy life, active actions, honour, and respect in society is an important factor in shaping a reasoned attitude to the defense of the Fatherland as a constitutional duty in the population, primarily in young people, a key factor in bolstering the forces and strengthening the defense capacity of the state.

Therefore, it is difficult to overestimate the value of legislation defining the status of a participant of combat operations. The bill brought in by a group of deputies of the State Duma is the first attempt to describe the legal position on the matter. The value of this document is that it proposes a considered system of tangible measures of financial and medical support of the participants of combat operations and the members of their families, as well as privileges in their professional training. Its particularly humanistic orientation is traced primarily in a wide basket of these measures. It is evidenced by the standard according to which ‘the measures of social protection, previously established by the legislation of the USSR and by that of Russian Federation for the participants of combat operations participants and the members of their families, may not be cancelled without their equivalents’. At the same time, the law is presumed to apply to the citizens of the Russian Federation, to the foreign citizens and stateless persons who permanently live on its territory, and under international treaties of the Russian Federation, to those who temporarily live or stay on its territory.

It is thought that the measures provided by the bill in its aggregate form the substance of social protection. By definition, the protection suggests a shield from encroachments, hostilities, danger, actions against personnel or related persons. In the meanwhile, in this case we are dealing with the establishment of benefits, compensations, and privileges whose granting is (should) not be associated with the overcoming of resistance. So it should be more correct to say it is just about social backing, more accurately, about social care. However, this somewhat editorial remark does not reduce the value of the document which details additional rights of the participants of combat operations.

At the same time, there are issues that require further elaboration while discussing the bill. Firstly, the proposed text clearly writes the sources and procedure of financing of social

protective measures (social provision) of the participants of combat operations. However, it does not define what bodies and officials are specifically responsible for granting these or those guarantees. Its formula ‘State policy as to the participants of combat operations shall be carried out by the federal state authorities, the state authorities of the subjects of the Russian Federation, and local authorities’ is excessively common. Secondly, the status of a citizen in general and a participant of combat operations in particular is unjustifiably narrowed down. ‘Man shall not live on bread alone’. It is apparent that the bill may be supplemented by provisions on a system of state awards and decorations for participants of combat operations, on a system of celebration in their honor (from preferential service promotion to the introduction of state memorable dates and days), that of attraction to implement federal state programs, where possible, for example in the military and patriotic educational program.