



Cybercrime legislation – country profile

Russian Federation

This profile has been prepared within the framework of the Council of Europe's Project on Cybercrime in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

Comments may be sent to:

Alexander Seger
Economic Crime Division
Directorate General of Human Rights and Legal Affairs
Council of Europe, Strasbourg, France

Tel: +33-3-9021-4506
Fax: +33-3-9021-5650
Email: alexander.seger@coe.int
www.coe.int/cybercrime

Country:	Russia
Signature of Convention:	no
Ratification/accession:	no
Provisions of the Convention	
<i>Chapter I - Use of terms</i>	
Article 1 - "Computer system", "computer data", "service provider", "traffic data"	
<i>Chapter II - Measures to be taken at the national level</i>	
<i>Section 1 - Substantive criminal law</i>	
Article 2 - Illegal access	Art. 272 of Criminal Code of Russian Federation
Article 3 - Illegal interception	
Article 4 - Data interference	Art. 273 of Criminal Code of Russian Federation
Article 5 - System interference	Partially see Art. 273 of Criminal Code of Russian Federation
Article 6 - Misuse of devices	For Art. 6 (1/a/i) – Partially see Art. 273 of Criminal Code of Russian Federation
Article 7 - Computer-related forgery	Partially see Art. 274 of Criminal Code of Russian Federation
Article 8 - Computer-related fraud	
Article 9 - Offences related to child	Art. 242, 242.1 of Criminal Code of Russian Federation

pornography	
Title 4 - Offences related to infringements of copyright and related rights	
Article 10 - Offences related to infringements of copyright and related rights	Art. 146, 147 of Criminal Code of Russian Federation
Article 11 - Attempt and aiding or abetting	Art. 15, 32-36 of Criminal Code of Russian Federation
Article 12 - Corporate liability	
Article 13 - Sanctions and measures	Art. 272-274, 146, 147 of Criminal Code of Russian Federation
<i>Section 2 - Procedural law</i>	
Article 14 - Scope of procedural provisions	
Article 15 - Conditions and safeguards	Art. 2 of the Constitution of Russian Federation, Art. 2 of the Code of Criminal Procedure of Russian Federation
Article 16 - Expedited preservation of stored computer data	
Article 17 - Expedited preservation and partial disclosure of traffic data	
Article 18 - Production order	
Article 19 - Search and seizure of stored computer data	Art. 182, 183 of Code of Criminal Procedure of Russian Federation
Article 20 - Real-time collection of traffic data	
Article 21 - Interception of content data	
<i>Section 3 - Jurisdiction</i>	
Article 22 - Jurisdiction	Art. 2 of Code of Criminal Procedure Of Russian Federation, Art. 11, 12 of Criminal Code of Russian Federation
Article 23 - General principles relating to international co-operation	Partially see Art. 1 of Code of Criminal Procedure Of Russian Federation
<i>Chapter III - International co-operation</i>	
Article 24 - Extradition	Art. 13 of Criminal Code of Russian Federation
Article 25 - General principles relating to mutual assistance	
Article 26 - Spontaneous information	
Article 27 - Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	
Article 28 - Confidentiality and limitation on use	

Article 29 - Expedited preservation of stored computer data	
Article 30 - Expedited disclosure of preserved traffic data	
Article 31 - Mutual assistance regarding accessing of stored computer data	
Article 32 - Trans-border access to stored computer data with consent or where publicly available	
Article 33 - Mutual assistance regarding the real-time collection of traffic data	
Article 35 - 24/7 Network	
Article 42 - Reservations	

Appendix: Solutions in national legislation

THE CONSTITUTION OF THE RUSSIAN FEDERATION

Adopted at National Voting on December 12, 1993

Chapter 1. The Fundamentals of the Constitutional System

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.

THE CRIMINAL CODE OF RUSSIAN FEDERATION

Adopted by the State Duma on May 24, 1996

Adopted by the Federation Council on June 5, 1996

Federal Law No. 64-FZ of June 13, 1996 on the Enforcement of the Criminal Code of the Russian Federation

Chapter 2. The Operation of a Criminal Law in Time and Space

Article 11. The Operation of Criminal Law in Respect of Persons Who Have Committed Crimes in the Territory of the Russian Federation

1. Any person who has committed a crime in the territory of the Russian Federation shall be brought to criminal responsibility under this Code.
2. Crimes committed within the limits of the territorial waters or the air space of the Russian Federation shall be deemed to have been performed in the territory of the Russian Federation. The validity of this Code shall also be extended to offences committed on the continental shelf and in the exclusive economic zone of the Russian Federation.
3. A person who has committed a crime on board a ship registered in a port of the Russian Federation and to or on one on the open sea or in the air space outside the confines of the Russian Federation shall be brought to criminal responsibility under this Code, unless otherwise stipulated by an international agreement of the Russian Federation. Under this Code, criminal responsibility shall also be borne by a person who has committed an offence on board a warship or in a military aircraft of the Russian Federation, regardless of the place of their location.
4. Question of the criminal responsibility of diplomatic representatives of foreign States and other individuals who enjoy immunity shall be settled in conformity with the standards of international law, if these persons have committed crimes in the territory of the Russian Federation.

Article 12. The Operation of Criminal Law in Respect of Persons Who Have Committed Offences Outside the Boundaries of the Russian Federation

1. Citizens of the Russian Federation and stateless persons who permanently reside in the Russian Federation and who have committed crimes outside the boundaries of the Russian Federation shall be brought to criminal responsibility under this Code, if their deeds have been recognized as crimes in the State on whose territory they were committed, and unless these persons have been convicted in the foreign State. In case of conviction of said persons, the punishments may not exceed the upper limit of the sanction provided for by the laws of the foreign State on whose territory the crimes have been committed.

2. Servicemen of the military units of the Russian Federation located beyond the confines of the Russian Federation shall bear criminal responsibility for their crimes committed in the territories of foreign states under this Code, unless otherwise stipulated by international agreements of the Russian Federation.

3. Foreign nationals and stateless persons who do not reside permanently in the Russian Federation and who have committed their crimes outside the boundaries of the Russian Federation shall be brought to criminal responsibility under this Code in cases, if the crimes run counter to the interests of the Russian Federation, and in cases provided for by international agreement of the Russian Federation, and unless they have been convicted in a foreign state and are brought to criminal responsibility in the territory of the Russian Federation.

Article 13. The Extradition of Persons Who Have Committed Crimes

1. Citizens of the Russian Federation who have committed crimes in foreign states shall not be subject to extradition to these states.

2. Foreign nationals and stateless persons who have committed offences outside the boundaries of the Russian Federation and who are to be found in the territory of the Russian Federation may be extradited to a foreign state for bringing to be brought to criminal responsibility or to serve their sentences in conformity with international agreement of the Russian Federation.

Chapter 3. The Concept of Crime and the Types of Crime

Article 15. Categories of Crimes

1. Depending on the nature and degree of social danger, the deeds provided for by this Code shall be divided into crimes of little gravity, crimes of average gravity, grave crimes, and especially grave crimes.

2. Intentional and careless acts, for the commission of which the maximum penalty stipulated by this Code does not exceed two years deprivation of liberty, shall be recognized as crimes of little gravity.

3. Qualified as the medium-gravity crimes shall be deliberate offences for whose commitment the maximum punishment stipulated by the present Code does not exceed five years of the deprivation of freedom, and careless crimes for whose commitment the maximum punishment stipulated by the present Code exceeds two years of the deprivation of freedom.

4. Intentional acts, for the commission of which the maximum penalty stipulated by this Code does not exceed 10 years deprivation of liberty, shall be recognized as grave crimes.

5. Intentional acts, for the commission of which this Code provides a penalty in the form of deprivation of liberty for a term exceeding 10 years, or a more severe punishment, shall be recognized as especially grave crimes.

Chapter 7. Complicity in a Crime

Article 32. The Concept of Complicity in a Crime

The intentional joint participation of two or more persons in the commission of a deliberate crime shall be deemed to be complicity in a crime.

Article 33. Types of Accomplices of a Crime

1. In addition to the perpetrator, organizers, instigators, and accessories shall be deemed accomplices.

2. A person who has actually committed a crime or who directly participated in its commission together with other persons (co-perpetrators), and also a person who has committed a crime by using other persons who are not subject to criminal responsibility by reason of age, insanity, or other circumstances provided for by this Code, shall be deemed to be a perpetrator.
3. A person who has organized the commission of a crime or has directed its commission, and also a person who has created an organized group or a criminal community (criminal organization) or has guided them, shall be deemed an organizer.
4. A person who has abetted another person in committing a crime by persuasion, bribery, threat, or by any other method shall be deemed an instigator.
5. A person who has assisted in the commission of a crime by advice, instructions on committing the crime, or removal obstacles to it, and also a person who has promised beforehand to conceal the criminal, means and instruments of commission of the crime, traces of the crime, or objects obtained criminally, and equally a person who has promised beforehand to acquire such objects, shall be deemed to be an accessory.

Article 34. The Responsibility of Accomplices in a Crime

1. The responsibility of accomplices in a crime shall be determined by the character and the degree of the actual participation of each of them in the commission of the crime.
2. Co-perpetrators shall be answerable under the Article of the Special Part of this Code for a crime committed by them jointly, without reference to Article 33 of this Code.
3. The criminal responsibility of an organizer, instigator, and accessory shall ensue under the Article that provides for punishment for the crime committed, with reference to Article 33 of this Code, except for in cases when they simultaneously were co-perpetrators of the crime.
4. A person who is not a participant in a crime specially indicated in the respective Article of the Special Part of this Code and who has taken part in the commission of the crime, stipulated by this Article, shall bear criminal responsibility for the given offence as its organizer, instigator, or accessory.
5. If the perpetrator of a crime fails to carry out this crime owing to circumstances beyond his control, then the rest of the co-perpetrators shall bear criminal responsibility for preparations for a crime or attempted crime. A person who has not managed to abet other persons in committing a crime owing to circumstances, beyond his control shall also bear criminal responsibility for preparations for the crime.

Article 35. The Commission of a Crime by a Group of Persons, by a Group of Persons Under a Preliminary Conspiracy, and by an Organized Group of a Criminal Community (Criminal Organization)

1. A crime shall be deemed to be committed by a group of persons if two or more perpetrators have jointly participated in its commission without a preliminary conspiracy.
2. A crime shall be deemed to be committed by a group of persons in a preliminary conspiracy, if the persons took part in it after they had reached an agreement on the joint commission of a crime.
3. A crime shall be deemed to be committed by an organized group, if it has been committed by a stable group of persons who in advance united for the commission of one or more offences.
4. A crime shall be deemed to be committed by a criminal community (criminal organization), if it has been perpetrated by a united organized group (organization), set up to commit grave and especially grave crimes, or by an association of organized groups set up for these purposes.
5. A person who has created an organized group or a criminal community (criminal organization), or has directed them, shall be subject to criminal responsibility for their organization in cases, provided for by the respective Articles of the Special Part of this Code, and also for all the offences

committed by the organized group or the criminal community (criminal organization), if they have been embraced by his intent. Other participants in the organized group or criminal community (criminal organization) shall bear criminal responsibility for their participation in cases provided for by the relevant Articles of the Special Part of this Code, and also for the crimes, in the preparation and commission of which they have taken part.

6. The creation of an organized group in cases which are not envisaged by Articles of the Special Part of this Code shall involve criminal responsibility for preparations for those offences for which it was set up.

7. The commission of a crime by a group of persons, a group of persons in a preliminary conspiracy, by an organized group, or a criminal community (criminal organization) shall involve strict punishment on the ground and within the limits provided for by this Code.

Article 36. Excess Perpetration of Crimes

The commission of a crime that is not embraced by the intent of other accomplices shall be deemed to be an excess of the perpetrator. Other accomplices to the crime shall not be subject to criminal responsibility for the excess of the perpetrator.

Chapter 19. Crimes Against the Constitutional Rights and Freedoms of Man and Citizen

Article 146. Violation of Copyright and Neighboring Rights.

1. Appropriation of authorship (plagiarism), if this act has caused significant damage to the author or another possessor of right,-

shall be punishable with a fine in an amount up to 200 thousand rubles or in an amount of the wages or another income of the convicted person for a period up to 18 months, or with obligatory work for a period of one hundred and eighty to two hundred and forty hours, or with an arrest for a period of three to six months.

2. Illegal use of objects of copyright or neighboring rights, as well as the acquisition, storage or carriage of counterfeited copies of works or phonograms for the purpose of sale carried out on a large scale-

shall be punishable with a fine in an amount up to 200 thousand rubles or in an amount of the wages or another income of the convicted person for a period up to 18 months, or with obligatory work for a period of one hundred and eighty to two hundred and forty hours, or with deprivation of freedom for a period of up to two years.

3. Acts stipulated by Item two of this Article, if they have been committed:

- a) abolished
- b) By a group of persons in preliminary collusion or by an organized group;
- c) on an especially large scale;
- d) by a person with the use of his official position,-

shall be punishable with deprivation of freedom for a period up to five years with or without a fine in the amount up to 500 thousand rubles or in the amount of the wage or salary, or any other income of the convicted person for a period of up to three years.

Note. Acts stipulated by this Article shall be deemed to have been committed on a large scale if the value of the copies of the works or phonograms or the value of the rights for the use of the objects of copyright or neighboring rights exceed 50 thousand rubles, and on an especially large scale - 250 thousand rubles.

Article 147. Violation of Inventor's Rights and Patent Rights

1. Illegal use of an invention, useful model, or industrial design, disclosure of the essence of an invention, useful model, or industrial design, without the consent of its author or applicant and before the official publication of information about them, the illegal acquisition of authorship, or the compelling of co-authorship, if these acts have inflicted damage to a person,

shall be punishable by a fine in the amount up to 200 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to 18 months, or by compulsory works for a term of 180 to 240 hours, or by deprivation of liberty for a term of up to two years.

2. The same deeds committed by a group of persons under a preliminary conspiracy or by an organized group,

shall be punishable by a fine in the amount of 100 thousand to 300 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of four to eight months, or by arrest for a term of one to two years, or by deprivation of liberty for a term of up to five years.

Chapter 25. Crimes Against Human Health and Public Morality

Article 242. Illegal Distribution of Pornographic Materials or Objects

Illegal making for the purpose of distribution or advertising, dissemination, or advertising of pornographic materials or objects, and likewise illegal trade in printed publications, cine-and-video-materials, pictures, or any other pornographic objects,

shall be punishable by a fine in the amount of 100 thousand to 300 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of one to two years, or by deprivation of liberty for a period of up to two years.

Article 242.1. Making and Circulating Materials or Articles with Pornographic Images of Minors

1. Making, keeping or moving across the State Border of the Russian Federation for the purpose of dissemination, public showing or advertising, or dissemination, public showing or advertising, of materials or articles with pornographic images of known minors, as well as drawing known minors as performers to entertainment events of pornographic nature by a person who has reached the age of 18 years -

shall be punishable by deprivation of liberty for a term of up to six years.

2. The same deeds committed:

a) by a parent or other person which is obliged under laws to bring up a minor, as well as by a pedagogue or other employee working for an educational, pedagogical, medical or other institution who is obliged to exercise supervision over a minor;

b) in respect of a person which is known to be under 14 years old;

c) 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 eight years.

Chapter 28. Crimes in the Sphere of Computer Information

Article 272. Illegal Accessing of Computer Information

1. Illegal accessing of legally-protected computer information, that is, information on machine-readable media, in computers, computer systems, and their networks, if this deed has involved the destruction, blocking, modification, or copying of information, or the disruption of the work of the computers, computer systems, or their networks,

shall be punishable by a fine in the amount up to 200 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to 18 months, or by corrective labour for a term of six to twelve months, or by deprivation of liberty for a term of up to two years.

2. The same deed, committed by a group of persons in a preliminary conspiracy or by an organized group, or by a person through his official position, and likewise by a person who has access to computers, computer systems, or their networks,

shall be punishable by a fine in the amount of 100 thousand to 300 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of one to two years, or by corrective labour for a term of one to two years, or by deprivation of liberty for a term of up to five years.

Article 273. Creation, Use, and Dissemination of Harmful Computer Viruses

1. Creation of computer viruses for the introduction of changes to existing programmes, which knowingly leads to the unsanctioned destruction, blocking, modification, or copying of information, the disruption of the work of computers, computer systems, or their networks, and also the use or dissemination of such viruses or machine-readable media with such viruses,

shall be punishable by deprivation of liberty for a term of up to three years, with a fine in the amount up to 200 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to 18 months.

2. The same acts, which have involved by negligence grave consequences,

shall be punishable by deprivation of liberty for a term of three to seven years.

Article 274. Violation of Rules for the Operation of Computers, Computer Systems, or Their Networks

1. Violation of rules for the operation of computers, computer systems, or their networks by a person who has access to computers, computer systems, or their networks, which has involved the destruction, blocking, or modification of legally-protected computer information, if this act has inflicted substantial damage,

shall be punishable by disqualification to hold specified offices or to engage in specified activities for a term of up to five years, or by compulsory works for a term of 180 to 240 hours, or by restraint of liberty for a term of up to two years.

2. The same act, which has involved by negligence grave consequences,

shall be punishable by deprivation of liberty for a term of up to four years.

CRIMINAL-PROCEDURAL CODE
OF THE RUSSIAN FEDERATION
NO. 174-FZ OF DECEMBER 18, 2001

Chapter 1. Criminal-Procedural Legislation

Article 1. Laws Defining the Procedure for Criminal Court Proceedings

1. The procedure for criminal court proceedings on the territory of the Russian Federation is established by the present Code, based on the Constitution of the Russian Federation.
2. The procedure for criminal court proceedings, established by this Code, is obligatory for courts, prosecutor's offices, preliminary investigation and inquiry bodies, as well as for other participants in the criminal court proceedings.
3. The generally recognized principles and norms of international law and international treaties of the Russian Federation make up a component part of the legislation of the Russian Federation regulating criminal legal proceedings. If an international treaty of the Russian Federation has laid down the rules different from those stipulated by the present Code, the rules of the international treaty shall be applied.

Article 2. Operation of the Criminal Procedural Law in Space

1. Proceedings on a criminal case on the territory of the Russian Federation, regardless of the place of committing the crime, shall be conducted in conformity with this Code, unless otherwise stipulated by an international treaty of the Russian Federation.
2. The norms of the present Code shall also be applied in the procedure on a criminal case for a crime committed on an air, sea or river vessel, flying the Flag of the Russian Federation, and outside the territory of the Russian Federation, if the said ship is registered in a port of the Russian Federation.

**Chapter 25. Search. Seizure. Putting the Postal and Telegraph Messages under Arrest.
Monitoring and Recording of Discussions**

Article 182. Grounds and Procedure for Making a Search

1. Seen as a ground for making a search shall be the existence of sufficient data to believe that such and such person may keep in such and such place the instruments of crime, objects, documents and valuables which may prove to be of importance to the criminal case.
2. The search shall be performed on the ground of an investigator's resolution.
3. A search in the living quarters shall be effected on the ground of a court decision to be adopted in accordance with the procedure, laid down by Article 165 of the present Code.
4. Before the start of the search, the investigator shall present the resolution on its performance, and in the cases stipulated by the third part of the present Article - the court decision, permitting to make such.
5. Before the start of the search, the investigator shall suggest that the objects, the documents and the valuables, subject to the seizure, which may prove of importance for the criminal case, be given out voluntarily. If these are given out voluntarily and there are no grounds for an apprehension that they may be concealed, the investigator shall have the right not to perform the search.

6. When making a search, any premises may be forced into, if the owner refuses to open them voluntarily. In this case, no unnecessary damage shall be done to the property.
7. The investigator shall take measures to prevent laying bare the circumstances of the private life of the person, in whose living quarters the search was performed, his private and/or family secrets, as well as the circumstances of the private lives of other persons exposed during the search.
8. The investigator shall have the right to prohibit the persons present at the place where the search is carried out, to leave this place and to communicate with one another or with the other persons until the end of the search.
9. While carrying out the search, the objects and the documents which not allowed for possession shall be seized by all means.
10. The seized objects, documents and valuables shall be presented to the attesting witnesses and to the other persons, present at the search, and if necessary, shall be packed and sealed at the scene of the search, which shall be certified with the signatures of the above-said persons.
11. When a search is performed the person whose premises are subjected to it or adult members of the family thereof shall take part. When a search is performed a counsel for the defense and also a lawyer of the person whose premises are subjected to it are entitled to be in attendance.
12. When making a search, a protocol shall be compiled in conformity with Articles 166 and 167 of the present Code.
13. In the protocol shall be pointed out, in what place and under what circumstances the objects, the documents or the valuables were revealed, and whether they were issued of a free will or seized under coercion. All the seized objects, documents and valuables shall be listed, with a precise indication of their quantity, weight, individual features and, if possible, their cost.
14. If during the search attempts were made to destroy or conceal the objects, documents and valuables, subject to seizure, the corresponding entry to this effect shall be made in the protocol with an indication of the taken measures.
15. A copy of the protocol shall be handed in to the person, in whose living quarters the search was made, or to an adult member of his family. If the search was carried out in the premises of an organization, a copy of the protocol shall be handed in against his signature to a representative of the administration of the corresponding organization.
16. The search may also be aimed at finding the wanted persons and the corpses.

Article 183. Grounds and Procedure for Making a Seizure

1. If it is necessary to seize certain objects and documents of importance for the criminal case, and if it is known exactly where they are and who is keeping them, their seizure shall be performed.
2. The seizure shall be carried out in accordance with the order established by Article 182 of the present Code, with the exceptions stipulated by the present Article.
3. The seizure of objects and documents which contain state secrets or other kinds of secrets protected by federal law shall be made by the investigator with the sanction of the public prosecutor.
4. The seizure of the documents, containing information on the deposits and the accounts of the citizens in the banks and in the other credit institutions, shall be affected on the ground of the court decision to be adopted in accordance with the procedure established by Article 165 of the present Code.
5. Before the start of the seizure, the investigator shall suggest that the objects and the documents, subject to the seizure, be given out voluntarily, and if the refusal follows, he shall make the seizure under coercion.