



Strasbourg, 14 August 2013

CDL-REF(2013)036

Opinion no. 717 / 2013

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

FEDERAL LAW

ON MAKING AMENDMENTS
TO THE CRIMINAL CODE OF THE RUSSIAN FEDERATION AND
ARTICLE 151 OF THE CODE OF CRIMINAL PROCEDURE

OF THE RUSSIAN FEDERATION

adopted on 23 October 2012*

** unofficial translation - Source : the International Centre for Not-for-Profit Law (ICNL)*

FEDERAL LAW

On Making Amendments to the Criminal Code of the Russian Federation and Article 151 of the Code of Criminal Procedure of the Russian Federation¹

Article 1

To amend the Criminal Code of the Russian Federation (the Code of Laws of the Russian Federation, 1996, # 25, Art. 2954; 1998, # 26, Art. 3012; 1999, # 28, Art. 3489; 2002, # 30, Art. 3029; 2003, # 50, Art. 4848; 2004, # 30, Art. 3091; 2006, # 31, Art. 3452; 2007, # 31, Art. 4008; 2008, # 52, Art. 6232; 299, # 1, Art.29; # 52, Art. 6453; 2010, # 31, Art. 4164; 2011 # 19, Art. 2714; # 30 Art. 4598; #50, Art. 7362; 2012, # 10, Art. 1166) as follows:

1) to add the number “283¹” after the number “282²” in clause “a” of the first part of Article 104¹;

2) to word the first paragraph of Article 275 as follows:

“High treason, that is committed by a citizen of the Russian Federation acts of espionage, disclosure to a foreign state, an international or foreign organization, or their representatives of information constituting a state secret that has been entrusted or has become known to that person through service, work, study or in other cases determined by the legislation of the Russian Federation, or any financial, material and technical, consultative or other assistance to a foreign state, an international or foreign organization, or their representatives in activities against the security of the Russian Federation, -”;

3) to word the first paragraph of Article 276 as follows:

“Transfer, collection, theft, or keeping for the purpose of transfer to a foreign state, an international or foreign organization, or their representatives of information constituting a state secret, and also transfer or collection under the order of a foreign intelligence service or a person acting in its interest of other information for its use against security of the Russian Federation, i.e. espionage, if these acts have been committed by a foreign national or a stateless person,-”;

4) to substitute the words “, work, study or in other cases determined by the legislation of the Russian Federation” for the words “or work” in the first paragraph of the first part of Article 283, and the words “crimes provided for by Article 275 and 276 of this Code” for the words “high treason”;

5) to add Article 283¹ as follows:

“Article 283¹: **Illegal Obtaining of Information Constituting a State Secret**

1. Obtaining of information constituting a state secret through abduction, deception, blackmail, coercion, threatened violence or through other illegal way (in absence of the *corpus delicti* stipulated by Articles 275 and 276 of this Code) - shall be punishable by a fine in the amount of 200,000 to 500,000 rubles or in the amount of the wages or salary or any other income of the convicted person for a period from one to three years, or by deprivation of liberty for a term up to four years.

2. The same act if :

a) committed by a group of persons;

¹ Adopted by the State Duma in the second and the third reading simultaneously on October 23, 2012

- b) committed with the use of violence;
- c) caused grave consequences;
- d) committed with the use of specialized and other technical equipment for surreptitious obtaining of information;
- e) connected with the dissemination of information constituting a state secret, or with the transfer of the carrier of information outside the borders of the Russian Federation, - shall be punishable by deprivation of liberty for a term of three to eight years.”

Article 2²

<...>

Article 3

This Federal Law shall come into force from the day of its official publication.

President of the Russian Federation.

² This Article amends the similar articles of the Criminal Procedure Code