

Rusland (84)

Ambassadens uofficielle oversættelse

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Den Russiske Føderations
Udenrigsministerium

9/8-02

Nr. 5363/2ED

Den Russiske Føderations Udenrigsministerium udtrykker sin højagtelse for Kongeriget Danmarks Ambassade, og har, med henvisning til note nr. 52/02 af den 2. april 2002 hvori der udbedes information om mulig retslig forfølgelse af russiske statsborgere, der har deltaget i politiske aktioner og krigshandlinger mod de føderale magthavende organer i den Tjetjenske Republik, den ære at meddele følgende:

Der er i russisk lovgivning ikke grundlag for retsforfølgelse af borgere, der deltager i politiske aktioner, såfremt der herved forstås handlinger af ikke-voldelig karakter, så som organisering af vælgermøder, propaganda og indsamling af midler. I overensstemmelse med §31 i den Russisk Føderations Konstitution har russiske borgere ret til at samles fredeligt, uden våben, gennemføre forsamlinger, massemøder og demonstrationer, processioner og strejker. Oprettelse af og virke i offentlige sammenslutninger, hvis mål eller handlinger er rettet mod voldelig ændring af grundlagene for den konstitutionelle struktur og krænkelse af den Russiske Føderations integritet, undergravning af statens sikkerhed, oprettelse af væbnede formeringer og anstiftelse af sociale, racemæssige, nationale og religiøse stridigheder forbydes.

Hvis individer har begået konkrete, strafbare handlinger, vil de blive indstævnet for straffeansvar i overensstemmelse med den Russiske Føderations straffelovs normer, for eksempel:

- §126 i den Russiske Føderations straffelov: Bortførelse af mennesker,
- §152 i den Russiske Føderations straffelov: Handel med mindreårige,
- §205 i den Russiske Føderations straffelov: Terrorisme, herunder finansieringer af terrorhandlinger,
- §205 i den Russiske Føderations straffelov: Gidseltagning,
- §205 i den Russiske Føderations straffelov: Organisering af eller deltagelse i ulovlige, væbnede formeringer.

På den Tjetjenske Republiks territorium gennemføres på nuværende tidspunkt en antiterroroperation, der indebærer et kompleks af særlige foranstaltninger, som bliver gennemført af den udøvende magts føderale organer, og som er rettede mod standsningen af de ulovlige bevæbnede formeringer og modstandsdygtige bevæbnede grupper (banders) virke, hvis handlinger er rettede mod undergravning af den Russiske Føderations konstitutionelle struktur og krænkelse af dens integritet. Derfor er henvisningerne til Konventionen af den 28. juli 1951 om flygtninges status næppe passende.

Der blev med den Russiske Føderations føderale Forsamlings Statsdumas forordning nr. 125-III GD af den 25. februar 2000 meddelt amnesti i forhold til

VGTM/MS

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Individer, der har begået samfundsfarlige handlinger under gennemførelsen af antiterroroperationen i Nordkaukasus. Individer, der har begået de angivne handlinger i den Tjetjenske Republik, Republikken Ingushetien, Republikken Nordosetien-Alanien, Republikken Dagestan og på Stavropol-territoriet i perioden fra den 1. august 1999 til tidspunktet for Forordningens ikrafttrædelse (dens officielle publikation), og som afbrød væbnet modstand og frivilligt overgav våben og militært materiel inden kl. 0000 den 15 maj 2000.

Ministeriet benytter lejligheden til at forsikre Ambassaden om sin højagtelse.

Moskva, den 18. juni 2002

Chapter 17. Crimes Against the Freedom, Honour, and Dignity of the Person

Article 126. Abduction

1. Abduction -
shall be punishable by deprivation of liberty for a term of four to eight years.

2. The same act committed:

- a) by a group of persons under a preliminary conspiracy;
- b) repeatedly;
- c) with the use of violence with danger for human life and health, or a threat to apply such violence;
- d) with the use of weapons or objects used as weapons;
- e) against an obvious juvenile;
- f) against a woman who is in a state of pregnancy, which is evident to the convicted person;
- g) against two or more persons;
- h) out of mercenary motives,

shall be punishable by deprivation of liberty for a term of five to ten years.

3. Deeds stipulated by the first and second parts of this Article, if they:

- a) have been committed by an organized group;
- b) have been committed by a person who was previously sentenced for crimes stipulated by this Article, and also for illegal deprivation of liberty or capture of a hostage;
- c) have entailed by negligence the death of the victim or any other grave consequences, -

shall be punishable by deprivation of liberty for a term of eight to twenty years.

Note: A person who has set free the abducted person voluntarily shall be released from criminal responsibility, unless his actions
in a different corpus delicti.

See the reference on changes of Article 126 of the Criminal Code

Article 152. Traffic in Minors

1. Purchase or sale of a minor, or the commission of other deals involving a minor, in the form of his transfer and control, shall be punishable by compulsory works for a term of 180 to 240 hours, or by corrective labour for a term of one year to two years, or by restraint of liberty for a term of up to three years, or by deprivation of liberty for a term of up to five years.

2. The same acts committed:

- a) repeatedly;
- b) against two or more minors;
- c) by a group of persons under a preliminary conspiracy or an organized group;
- d) by a person through his official position;
- e) with the illegal removal of a minor abroad, or with his illegal import from abroad;
- f) for the purpose of involving a minor in the commission of a crime or any other antisocial action, and also for committing acts of sexual nature;

g) for the purpose of withdrawing from a minor his or her organs or tissues for transplantation, shall be punishable by deprivation of liberty for a term of three to ten years.

3. Deeds provided for by the first or second part of this Article, and entailing, by negligence, the death of a minor or any other serious consequences,

shall be punishable by deprivation of liberty for a term of five to 15 years.

See the reference on changes of Article 152 of the Criminal Code

Section IX. Crimes Against Public Security and Public Order

Chapter 24. Crimes Against Public Security

Article 205. Terrorism

1. Terrorism, that is, the perpetration of an explosion, arson, or any other action endangering the lives of people, causing sizable property damage, or entailing other socially dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies, and also the threat of committing said actions for the same ends,

shall be punishable by deprivation of liberty for a term of five to ten years.

2. The same deeds committed:

- a) by a group of persons in a preliminary conspiracy;
- b) repeatedly;
- c) with the use of firearms

shall be punishable by deprivation of liberty for a term of eight to fifteen years.

3. Deeds stipulated in the first or second part of this Article, if they have been committed by an organized group or have involved by negligence the death of a person, or any other grave consequences, and also are associated with infringement on objects of the use of atomic energy or with the use of nuclear materials, radioactive substances or sources of radioactive radiation,

shall be punishable by deprivation of liberty for a term of 10 to 20 years.

Note: A person who has taken part in the preparation of an act of terrorism shall be released from criminal responsibility if he facilitated the prevention of the act of terrorism by timely warning governmental bodies, or by any other method, unless the actions of this person contain a different corpus delicti.

See the reference on changes of Article 205 of the Criminal Code

Article 206. Hostage-Taking

1. The capture or detention of a hostage, committed to compel the State, an organization, or an individual to perform or to abstain from taking any action as a condition for the release of the hostage,

shall be punishable by deprivation of liberty for a term of five to ten years.

2. The same deeds committed:

- a) by a group of persons in a preliminary conspiracy;
- b) repeatedly;
- c) with the use of violence posing a danger to human life and health;
- d) with the use of arms or objects used as arms;
- e) against an obvious minor;
- f) against a woman in a state of pregnancy obvious to the convicted person;
- g) against two or more persons;
- h) out of mercenary motives or by hire,

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

3. Deeds provided for by the first or second part of this Article, if they have been committed by an organized group or have involved by negligence the death of a person, or any other grave consequences,

shall be punishable by deprivation of liberty for a term of eight to twenty years.

Note: A person who released a hostage voluntarily or on the demand of the authorities shall be relieved from criminal responsibility, unless his actions contain a different corpus delicti.

Article 208. Organization of an Illegal Armed Formation, or Participation in It

1. Creation of an armed formation (unit, squad, or any other group) that is not envisaged by a federal law, and likewise operating of such a formation,

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

2. Participation in an armed formation that is not provided for by a federal law shall be punishable by restraint of liberty for a term of up to three years, or by arrest for a term of up to six months, or by deprivation of liberty for a term of up to five years.

Note: A person who has ceased to take part in an illegal armed formation of his own free will, and has handed in his weapons, shall be released from criminal responsibility unless his actions contain a different corpus delicti.