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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**FEDERAL LAW\***  
**ON THE PROSECUTOR'S OFFICE**  
**OF THE RUSSIAN FEDERATION**  
**OF 17 JANUARY 1992**

**AMENDED BY FEDERAL LAWS**

**No. 168-FZ of 17.11.1995, No. 31-FZ of 10.2.1999,  
No. 202-FZ of 19.11.1999, No. 19-FZ of 2.1.2000,  
No. 150-FZ of 27.12.2000, No. 182-FZ of 29.12.2001,  
No. 194-FZ of 30.12.2001, No. 77-FZ of 28.6.2002,  
No. 112-FZ of 25.7.2002, No. 120-FZ of 5.10.2002,  
No. 86-FZ of 30.6.2003, No. 122-FZ of 22.8.2004**

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\* *Unofficial translation.*

## Section I. GENERAL PROVISIONS

### Article 1. Prosecutor's Office of the Russian Federation<sup>1</sup>

1. The Prosecutor's Office of the Russian Federation shall be a single, federal, centralised system of bodies exercising on behalf of the Russian Federation supervision over compliance with the Constitution of the Russian Federation and execution of the laws in force within the territory of the Russian Federation.

2. For the purpose of ensuring supremacy of the law, unity and consolidation of the rule of law, protection of human and civil rights and freedoms and of the lawful interests of society and the state, the Prosecutor's Office of the Russian Federation shall carry out the following:

supervision over the execution of laws by federal ministries, state committees, services and other federal executive authorities, representative (legislative) and executive bodies of subjects of the Russian Federation, local self-government bodies, military administration bodies, supervisory bodies and officials thereof, governing bodies and heads of commercial and non-commercial organisations, and also supervision to ensure that any legal instruments issued by them are in conformity with the law;

supervision over the observance of human and civil rights and freedoms by federal ministries, state committees, services and other federal executive authorities, representative (legislative) and executive bodies of subjects of the Russian Federation, local self-government bodies, military administration bodies, supervisory bodies and officials thereof, and by governing bodies and heads of commercial and non-commercial organisations;

supervision over the execution of laws by bodies carrying out operative-and-search activities, inquiries and preliminary investigations;

supervision over the execution of laws by bailiffs;

supervision over the execution of laws by the administrations of penal bodies and institutions and by the administrations of detention and remand facilities;

criminal prosecution in accordance with the powers prescribed by the criminal procedural legislation of the Russian Federation;

co-ordination of the crime-control activities of law enforcement agencies.

3. In accordance with the procedural legislation of the Russian Federation, prosecutors shall participate in the hearing of cases by courts of law and commercial courts (hereinafter referred to as the "courts") and shall challenge any court decisions, sentences and rulings which are contrary to the law.

4. The Prosecutor's Office of the Russian Federation shall participate in law-making activities.

5. The Prosecutor General's Office of the Russian Federation shall produce special publications.

### Article 2. International co-operation

Within the scope of its powers, the Prosecutor General's Office of the Russian Federation shall communicate directly with the appropriate bodies of other states and with international organisations, shall co-operate with them, shall conclude agreements on matters relating to legal assistance and crime control and shall participate in the drafting of international treaties of the Russian Federation.

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<sup>1</sup> The power of the prosecutors office as established by item 2 of Article 1, item 1 of Article 21, item 3 of Article 22, item 2 of the first paragraph of Article 26 (as well as article 251 of the Procedural Code of the Russian Federation) to challenge in ordinary courts the conformity to the federal law of the constitutions and the statutes of the subjects of the Russian Federation, was declared unconstitutional by the decision No13-P of 18 July 2003 of the Constitutional Court of the Russian Federation. Therefore these provisions are excluded from this text.

**Article 3. Legal basis for the activities of the Prosecutor's Office of the Russian Federation**

The organisation and procedure governing the operation of the Prosecutor's Office of the Russian Federation and the powers of prosecutors shall be determined by the Constitution of the Russian Federation, the present Federal Law and other federal laws and by international treaties of the Russian Federation.

The Prosecutor's Office of the Russian Federation may not be assigned any functions other than those prescribed by federal law.

**Article 4. Principles governing the organisation and operation of the Prosecutor's Office of the Russian Federation**

1. The Prosecutor's Office of the Russian Federation shall be a single, federal, centralised system of bodies (hereinafter referred to as the "prosecution bodies") and institutions and shall operate on the principle of subordination of lower-ranking prosecutors to higher-ranking prosecutors and to the Prosecutor General of the Russian Federation.

2. The prosecution bodies:

shall exercise their powers independently of the federal state authorities, the state authorities of subjects of the Russian Federation, local self-government bodies and public associations and in strict accordance with the laws in force within the territory of the Russian Federation;

shall operate openly to the extent that this does not conflict with the requirements of Russian Federation legislation on the protection of civil rights and freedoms, and Russian Federation legislation on state and other secrets specially protected by law;

shall report to the federal state authorities, the state authorities of subjects of the Russian Federation, local self-government bodies and the public on the current state of the rule of law.

3. Prosecutors and investigators employed in the prosecution bodies (hereinafter referred to as "prosecutors and investigators") may not be members of any elective or other bodies set up by state authorities and local self-government bodies.

4. Prosecution staff may not be members of any public associations pursuing political aims, and shall not participate in their activities. The creation and operation of public associations pursuing political aims, and organisations thereof, shall not be permitted in the prosecution service. In the performance of their official duties, prosecutors and investigators shall not be bound by the decisions of public associations.

5. Prosecution staff may not combine their primary occupation with any other paid or unpaid activity, except for teaching, scientific and creative activities.

**Article 5. Impermissibility of interference in the exercise of prosecutorial supervision**

1. Any influence whatsoever exercised by federal state authorities, state authorities of subjects of the Russian Federation, local self-government bodies, public associations, the media, representatives thereof and officials on a prosecutor or investigator with a view to influencing their decisions or any hindering of their activities shall give rise to the liability provided for by law.

2. Prosecutors and investigators shall not be required to provide any explanations concerning the substance of the cases and documents in their files, or to make them available for inspection other than in the cases and manner provided for by federal legislation.

3. No-one may, without the permission of the prosecutor, disclose any records of checks and preliminary investigations being carried out by the prosecution bodies prior to their completion.

**Article 6. Binding nature of prosecutor's requests**

1. Any requests made by the prosecutor pursuant to his powers, as specified in Articles 22, 27, 30 and 33 of the present Federal Law, shall be subject to unconditional execution within the prescribed time.
2. Any statistical and other information, certificates, documents and copies thereof required in the exercise of the functions assigned to the prosecution bodies shall be made available at the request of the prosecutor and investigator free of charge.
3. Any failure to execute requests made by the prosecutor and investigator pursuant to their powers, and likewise any failure to appear when summoned by them, shall give rise to the liability provided for by law.

**Article 7. Prosecutors' participation in sessions of federal legislative and executive authorities, representative (legislative) and executive bodies of subjects of the Russian Federation and local self-government bodies**

1. The Prosecutor General of the Russian Federation, his deputies and other prosecutors appointed by them shall be entitled to attend sessions of the chambers of the Federal Assembly of the Russian Federation, their committees and commissions, the Government of the Russian Federation, representative (legislative) and executive bodies of subjects of the Russian Federation and local self-government bodies.
2. Prosecutors of subjects of the Russian Federation, city, district and equivalent prosecutors, their deputies and other prosecutors appointed by them shall be entitled to attend sessions of representative (legislative) and executive bodies of subjects of the Russian Federation and local self-government bodies of a corresponding or lower level.
3. Prosecutors, their deputies and other prosecutors appointed by them shall be entitled to participate in the examination by federal executive authorities, representative (legislative) and executive bodies of subjects of the Russian Federation, local self-government bodies, commercial and non-commercial organisations of any recommendations and protests filed by them.

**Article 8. Co-ordination of crime-control activities**

1. The Prosecutor General of the Russian Federation and the prosecutors subordinate to him shall co-ordinate the crime-control activities of the internal affairs agencies, federal security service agencies, anti-drug and psychotropic substances agencies, customs service agencies and other law enforcement agencies.
2. For the purpose of ensuring co-ordination of the activities referred to in item 1 of the present article, the prosecutor shall call co-ordination meetings, organise working groups, request statistical and other relevant information and shall exercise any other powers in accordance with the Regulations on the Co-ordination of Crime-Control Activities approved by the President of the Russian Federation.

**Article 9. Participation in law-making activities**

Where it is established in the course of exercising their powers that there is a need to improve the existing regulatory legal instruments, prosecutors may apply to the legislative authorities and bodies with the right to initiate legislation, of a corresponding or lower level, with proposals to amend, supplement, repeal or adopt laws or other regulatory legal instruments.

**Article 10. Examination and settlement by prosecution bodies of petitions, complaints and other applications**

1. Prosecution bodies shall examine and settle petitions, complaints and other applications containing information on violations of the law in accordance with their powers. Any decision taken by the prosecutor shall not prevent an individual from applying to a court for protection of his rights. Decisions on an appeal against a court sentence, decision or ruling may be appealed only by applying to a higher prosecutor.

2. Any petitions, complaints and other applications received by the prosecution bodies shall be examined in the manner and within the time-limits prescribed by federal legislation.
3. Any reply to a petition, complaint or other application shall state the reasons on which it is based. In the event of refusal to satisfy a petition or complaint, the procedure for appealing the decision, and the right to apply to the courts, where provided for by law, shall be explained to the applicant.
4. The prosecutor shall take steps in accordance with the statutory procedure to institute proceedings against persons who have committed offences.
5. It shall be prohibited to refer a complaint to the body or official whose decisions or actions are being appealed.

## **Section II. SYSTEM AND ORGANISATIONAL STRUCTURE OF THE PROSECUTOR'S OFFICE OF THE RUSSIAN FEDERATION**

### **Article 11. The prosecution system of the Russian Federation**

1. The prosecution system of the Russian Federation shall consist of the Prosecutor General's Office of the Russian Federation, the prosecutor's offices of the subjects of the Russian Federation, the equivalent military and other specialised prosecutor's offices, scientific and educational establishments, the editorial offices of publications which are legal entities, and also city and district prosecutor's offices, other territorial, military and other specialised prosecutor's offices.

The Prosecutor General's Office of the Russian Federation, the prosecutor's offices of subjects of the Russian Federation, equivalent prosecutor's offices and scientific and educational establishments shall have operational control over social and administrative facilities.

2. The formation, reorganisation and liquidation of prosecution bodies and institutions and the definition of their status and powers shall be effected by the Prosecutor General of the Russian Federation.
3. The creation and operation of prosecution bodies which do not form part of the unified prosecution system of the Russian Federation shall not be permitted within the territory of the Russian Federation.

### **Article 12. Appointment to the position of Prosecutor General of the Russian Federation**

1. The Prosecutor General of the Russian Federation shall be appointed and removed from office by the Federation Council of the Federal Assembly of the Russian Federation on the recommendation of the President of the Russian Federation.
2. Should the candidate nominated by the President of the Russian Federation for the position of Prosecutor General of the Russian Federation fail to win the requisite number of votes of members of the Federation Council, the President of the Russian Federation shall present the Federation Council with a new candidate within a period of 30 days.
3. The Chairman of the Federation Council of the Federal Assembly of the Russian Federation, in accordance with the procedure laid down by the Federation Council, shall swear in the person appointed to the position of Prosecutor General of the Russian Federation.

The Prosecutor General of the Russian Federation shall swear the following oath:

"In performing the duties of Prosecutor General of the Russian Federation, I swear to abide by the Constitution of the Russian Federation and the laws of the Russian Federation, to protect human and civil rights and freedoms and the lawful interests of society and the state."

4. In the absence of the Prosecutor General of the Russian Federation or in the event that he should be unable to perform his duties, the said duties shall be performed by the first deputy, and if the Prosecutor General of the Russian Federation and his first deputy are both absent or unable to

perform their duties, by one of the deputies of the Prosecutor General of the Russian Federation in accordance with the established division of duties among deputies.

5. The term of office of the Prosecutor General of the Russian Federation shall be five years.
6. A notice announcing the appointment or removal of the Prosecutor General of the Russian Federation shall be published in the press.
7. The Prosecutor General of the Russian Federation shall present the chambers of the Federal Assembly of the Russian Federation and the President of the Russian Federation with an annual report on the current state of the rule of law and law and order in the Russian Federation and on the efforts made to strengthen them.

**Article 13. Appointment of prosecutors, their subordination and grounds for removal from office**

1. Prosecutors of subjects of the Russian Federation shall be appointed by the Prosecutor General of the Russian Federation in agreement with the state authorities of the subjects of the Russian Federation, as determined by the subjects of the Russian Federation.

Prosecutors of subjects of the Russian Federation shall be subordinate and accountable to the Prosecutor General of the Russian Federation and shall be removed by him from office.

2. City and district prosecutors and prosecutors employed in specialised prosecutor's offices shall be appointed and removed from office by the Prosecutor General of the Russian Federation, and shall be subordinate and accountable to higher prosecutors and to the Prosecutor General of the Russian Federation.
3. Notices announcing the appointment and removal of prosecutors shall be published in the press.

**Article 14. Prosecutor General's Office of the Russian Federation<sup>2</sup>**

1. The Prosecutor General's Office of the Russian Federation shall be headed by the Prosecutor General of the Russian Federation.
2. The Prosecutor General of the Russian Federation shall have a first deputy and other deputies who shall be appointed and removed from office by the Federation Council of the Federal Assembly of the Russian Federation on the recommendation of the Prosecutor General of the Russian Federation.
3. Within the Prosecutor General's Office of the Russian Federation, a board shall be formed which shall consist of the Prosecutor General of the Russian Federation (chairman), his first deputy and deputies (according to their position) and other prosecution staff nominated by the Prosecutor General of the Russian Federation.
4. The structure of the Prosecutor General's Office of the Russian Federation shall be made up of chief directorates, directorates and divisions (operating as directorates or making up directorates). The heads of chief directorates, directorates and divisions operating as directorates shall serve as senior assistants, and their deputies and the heads of divisions making up directorates shall serve as assistants, of the Prosecutor General of the Russian Federation.

Within chief directorates, directorates and divisions the following positions shall be created: senior prosecutors and prosecutors, senior prosecutors/criminal law experts and prosecutors/criminal law experts as well as senior investigators assigned to particularly important cases and investigators assigned to particularly important cases and their assistants.

5. The Prosecutor General of the Russian Federation shall have advisers, senior assistants and senior assistants on special assignments, whose status shall be equivalent to that of heads of directorates; assistants and assistants on special assignments, whose status shall be equivalent to

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<sup>2</sup> See the Rules of procedure, approved by the order of the Prosecutors office N° 2 of 15 January 2003.

that of deputy heads of directorates. The first deputy and deputies of the Prosecutor General of the Russian Federation shall have assistants on special assignments, whose status shall be equivalent to that of deputy heads of directorates.

6. Within the Prosecutor General's Office of the Russian Federation, a Chief Military Prosecutor's Office shall be set up as a structural subdivision, headed by the deputy Prosecutor General of the Russian Federation - Chief Military Prosecutor.

7. Within the Prosecutor General's Office of the Russian Federation, there shall be a scientific advisory board for reviewing matters relating to the organisation and operation of prosecution bodies. The statute of the scientific advisory board shall be approved by the Prosecutor General of the Russian Federation.

#### **Article 15. Prosecutor's offices of subjects of the Russian Federation and equivalent prosecutor's offices**

1. Prosecutor's offices of subjects of the Russian Federation and equivalent military and other specialised prosecutor's offices shall be headed by the appropriate prosecutors, who shall have first deputies and deputies.

2. Within the prosecutor's offices of subjects of the Russian Federation, equivalent military and other specialised prosecutor's offices, boards shall be formed which shall consist of the prosecutor of the relevant subject of the Russian Federation (chairman), his first deputy and deputies (according to their position) and other prosecution staff nominated by the prosecutor of the relevant subject of the Russian Federation.

3. Within the prosecutor's offices of subjects of the Russian Federation, equivalent military and other specialised prosecutor's offices, directorates and divisions (divisions operating as directorates or divisions making up directorates) shall be created. The heads of directorates and divisions operating as directorates shall serve as senior assistants, and their deputies and heads of divisions making up directorates shall serve as assistants, of prosecutors of subjects of the Russian Federation.

Within the said prosecutor's offices, the following positions shall be created: senior assistants and assistants of prosecutors, senior prosecutors and prosecutors of directorates and divisions, senior prosecutors/criminal law experts and prosecutors/criminal law experts, as well as investigators assigned to particularly important cases and senior investigators and their assistants. Prosecutors of subjects of the Russian Federation and equivalent prosecutors may have assistants on special assignments, whose status shall be equivalent to that of deputy heads of directorates.

#### **Article 16. City and district prosecutor's offices and equivalent**

City and district prosecutor's offices and equivalent military and other specialised prosecutor's offices shall be headed by the appropriate prosecutors. Within the said prosecutor's offices, the following positions shall be created: first deputy and deputy prosecutors, heads of divisions, senior assistants and assistants of prosecutors, senior prosecutors/criminal law experts, prosecutors/criminal law experts, as well as senior investigators and investigators (in city prosecutor's offices – investigators assigned to particularly important cases) and their assistants.

On the decision of the Prosecutor General of the Russian Federation, divisions may be formed within city, district and equivalent prosecutor's offices.

#### **Article 17. Powers of the Prosecutor General of the Russian Federation in managing the prosecution system of the Russian Federation**

1. The Prosecutor General of the Russian Federation shall manage the prosecution system of the Russian Federation and shall issue commands, directives, orders, regulations and instructions on matters relating to the organisation of the activities of the prosecution system of the Russian Federation and the procedure for implementing staff welfare measures. Such commands, directives, orders, regulations and instructions shall be binding on all members of staff of the prosecution service.

2. The Prosecutor General of the Russian Federation, within the limits of the number of staff allocated and the wage fund, shall determine the staffing levels and structure of the Prosecutor General's Office of the Russian Federation, shall determine the powers of the structural subdivisions and shall establish the number of staff and structure of subordinate prosecution bodies and institutions.

3. The Prosecutor General of the Russian Federation shall appoint and remove from office the directors (heads) of scientific and educational establishments operating within the prosecution system of the Russian Federation and their deputies.

4. The Prosecutor General of the Russian Federation shall be responsible for the execution of the tasks assigned to the prosecution bodies by the present Federal Law.

#### **Article 18. Powers of prosecutors of subjects of the Russian Federation and equivalent prosecutors in managing subordinate prosecution bodies**

Prosecutors of subjects of the Russian Federation and equivalent prosecutors shall oversee the activities of city, district and other equivalent prosecutor's offices pursuant to the laws in force within the territory of the Russian Federation, and the regulatory instruments of the Prosecutor General of the Russian Federation, shall issue commands, directives and orders which shall be binding on all subordinate staff, and may make amendments to the staffing tables of their own offices and subordinate prosecutor's offices within the limits of the staffing levels and wage fund set by the Prosecutor General of the Russian Federation.

#### **Article 19. Powers of prosecutors of cities divided into districts in managing subordinate prosecution bodies**

Prosecutors of cities divided into districts shall oversee the activities of the district and equivalent prosecutor's offices and shall make proposals to higher prosecutors for adjustments in the staffing levels of their own offices and subordinate prosecutor's offices and for staff changes.

#### **Article 20. Boards within prosecution bodies**

Any boards set up within prosecution bodies shall be joint bodies. Pursuant to the decisions of the boards, the appropriate prosecutors shall issue orders.

### **Section III. PROSECUTORIAL SUPERVISION**

#### **Chapter 1. SUPERVISION OVER THE EXECUTION OF LAWS**

#### **Article 21. Object of the supervision<sup>3</sup>**

1. Supervision shall be exercised over the following:

compliance with the Constitution of the Russian Federation and execution of the laws in force within the territory of the Russian Federation by federal ministries, state committees, services and other federal executive authorities, representative (legislative) and executive state authorities of subjects of the Russian Federation, local self-government bodies, military administration bodies, supervisory bodies and officials thereof, and by governing bodies and heads of commercial and non-commercial organisations;

the legality of any legal instruments issued by the bodies and officials referred to in the present item.

2. In exercising supervision over the execution of laws, prosecution bodies shall not be a substitute for other state bodies.

Checks to ensure the execution of laws shall be conducted on the basis of information received by the prosecution bodies concerning violations of the law which require action by the prosecutor.

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<sup>3</sup> See footnote 1.



**Article 22. Prosecutor's powers**

1. In exercising the functions assigned to him, the prosecutor shall be entitled:

on presenting his official identity card, to freely enter the territory and premises of the bodies specified in Article 21, item 1, of the present Federal Law, to have access to their documents and material and to verify execution of the laws in connection with information received by the prosecution bodies concerning violations of the law;

to require the heads and other officials of the said bodies to provide the necessary documents, material, statistical and other information; assign specialists to clarify any questions which may have arisen; conduct checks on the basis of material and applications received by the prosecution bodies and carry out reviews of the activities of any organisations under their control or jurisdiction;

to summon officials and private individuals for the purpose of providing explanations concerning violations of the law.

2. On the grounds prescribed by law, the prosecutor or his deputy shall institute criminal or administrative proceedings, shall demand that persons who have violated the law be subjected to any other statutory liability and shall issue warnings against violations of the law<sup>4</sup>.

3. Where a violation of the law is found to have been committed by the bodies and officials referred to in Article 21, item 1, of the present Federal Law, the prosecutor or his deputy:

shall order the release of any persons unlawfully subjected to administrative detention pursuant to the decisions of non-judicial bodies;

shall appeal against any legal instruments which are contrary to the law, shall apply to a court of law or commercial court, requesting it to declare such instruments invalid;

shall make recommendations for the elimination of violations of the law.

4. Officials of the bodies referred to in Article 21, item 1, of the present Federal Law shall be bound to comply immediately with any requests by the prosecutor or his deputy to carry out checks and inspections.

**Article 23. Prosecutor's appeal**

1. The prosecutor or his deputy shall file an appeal against any legal instrument which is contrary to the law with the body or official which issued this instrument or with a higher body or official or shall apply to a court of law in accordance with the procedure laid down in the procedural legislation of the Russian Federation.

2. The appeal shall be heard within a period of not more than ten days after the date on which it was received, and in the case of an appeal against a decision of a representative (legislative) body of a subject of the Russian Federation or local self-government body, at the next session. In exceptional circumstances requiring immediate action to eliminate a violation of the law, the prosecutor may set a shorter time-limit for hearing the appeal. The outcome of the hearing of the appeal shall be notified to the prosecutor immediately in writing.

3. Where an appeal is to be heard by a collegiate body, the date of the hearing shall be notified to the prosecutor who filed the appeal.

4. An appeal may be withdrawn by the person who filed it before it is heard.

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<sup>4</sup> *Idem*

**Article 24. Prosecutor's recommendation**

1. A recommendation for the elimination of violations of the law shall be filed by the prosecutor or his deputy with the body or official authorised to eliminate the violations in question, and shall be examined without delay.

Within one month after the date on which the recommendation was filed, specific measures shall be taken to eliminate the violations in question, the causes thereof and the circumstances contributing thereto; the outcome of the measures taken shall be notified to the prosecutor in writing.

2. Where the recommendation is to be examined by a collegiate body, the prosecutor shall be notified of the date of the hearing.

3. In the event that resolutions of the Government of the Russian Federation should conflict with the Constitution of the Russian Federation and the laws of the Russian Federation, the Prosecutor General of the Russian Federation shall notify the President of the Russian Federation accordingly.

**Article 25. Prosecutor's decree**

1. Depending on the nature of the violation committed by an official, the prosecutor shall issue a reasoned decree ordering that criminal or administrative proceedings be instituted.

2. A prosecutor's decree ordering that administrative proceedings be instituted shall be examined by the competent body or official within the time-limit prescribed by law. The outcome of the examination shall be notified to the prosecutor in writing.

**Article 25.1. Warnings against violations of the law**

In order to prevent violations and where reports have been received of planned illegal acts, the prosecutor or his deputy shall send a written warning to the officials, and where reports have been received of planned illegal acts involving extremist activities, to the heads of the public (religious) associations and other persons, warning them against any violation of the law.

In the event of failure to comply with the requests made in the said warning, the official to whom it was sent may be held liable in accordance with the statutory procedure.

**Chapter 2. SUPERVISION OVER THE OBSERVANCE OF HUMAN AND CIVIL RIGHTS AND FREEDOMS****Article 26. Object of the supervision**

1. Supervision shall be exercised over the observance of human and civil rights and freedoms by federal ministries, state committees, services and other federal executive authorities, representative (legislative) and executive bodies of subjects of the Russian Federation, local self-government bodies, military administration bodies, supervisory bodies and officials thereof, and by governing bodies and heads of commercial and non-commercial organisations.

2. Prosecution bodies shall not be a substitute for other state bodies and officials which exercise supervision over the observance of human and civil rights and freedoms, and shall not interfere in the operational and administrative activities of organisations.

**Article 27. Prosecutor's powers<sup>5</sup>**

1. In exercising the functions assigned to him, the prosecutor:

shall examine and verify any petitions, complaints and other applications concerning violations of human and civil rights and freedoms;

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<sup>5</sup> For more detailed information on the participation of prosecutors in cases concerning the civil law see The information letter of the Prosecutor's office N°8-15-2003 of 27 January 2003.

shall explain to the injured parties the procedure for protecting their rights and freedoms;

shall take steps to prevent and suppress any violations of human and civil rights and freedoms, to institute proceedings against persons who have violated the law and to provide compensation for the damage or loss incurred;

shall make use of the powers provided for in Article 22 of the present Federal Law.

2. Where there are grounds to suppose that the violation of human and civil rights and freedoms is of a criminal nature, the prosecutor shall institute criminal proceedings and take steps to ensure that the persons who committed it are prosecuted in accordance with the law.

3. Where the violation of human and civil rights and freedoms is in the nature of an administrative offence, the prosecutor shall institute administrative proceedings or immediately send notification of the offence and the investigation records to the body or official authorised to hear cases involving administrative offences.

4. In the case of a violation of human and civil rights and freedoms which are to be protected through civil proceedings, where the injured party, owing to his state of health, age or for other reasons, is unable to personally defend his rights and freedoms in a court of law or commercial court or where the rights and freedoms of a significant number of citizens have been violated or owing to other circumstances the violation has acquired particular social significance, the prosecutor shall bring and defend an action in a court of law or commercial court on behalf of the injured parties.

#### **Article 28. Prosecutor's appeal and recommendation<sup>6</sup>**

The prosecutor or his deputy shall file an appeal against any instrument which violates human and civil rights with the body or official which issued this instrument, or shall apply to a court of law in accordance with the procedure laid down in the procedural legislation of the Russian Federation.

A recommendation calling for the elimination of violations of human and civil rights and freedoms shall be filed by the prosecutor or his deputy with the body or official authorised to eliminate the violation in question.

Appeals and recommendations shall be made and examined in the manner and within the time-limits specified in Articles 23 and 24 of the present Federal Law.

### **Chapter 3. SUPERVISION OVER THE EXECUTION OF LAWS BY BODIES CARRYING OUT OPERATIVE-AND-SEARCH ACTIVITIES, INQUIRIES AND PRELIMINARY INVESTIGATIONS**

#### **Article 29. Object of the supervision**

Supervision shall be exercised to ensure the observance of human and civil rights and freedoms, compliance with the prescribed procedure for dealing with statements and reports concerning planned or committed crimes, for carrying out operative-and-search measures and conducting investigations, and also to ensure the legality of any decisions taken by bodies carrying out operative-and-search activities, inquiries and preliminary investigations.

#### **Article 30. Prosecutor's powers**

1. The powers of the prosecutor to supervise the execution of laws by bodies carrying out operative-and-search activities, inquiries and preliminary investigations shall be established by the criminal procedural legislation of the Russian Federation and other federal laws.

2. Any directives issued by the Prosecutor General of the Russian Federation in matters relating to preliminary investigations and inquiries which do not require legislative regulation, shall be subject to compulsory execution.

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<sup>6</sup> On refusal to examine a complaint on violation of constitutional rights (paragraph 2 of Article 28) see the decision of the Constitutional court n°38-O of 22 January 2004.

**Article 31. Investigation of crimes by prosecution bodies**

When bringing criminal prosecutions, the prosecution bodies shall carry out investigations in the criminal cases placed within their competence by the criminal procedural legislation of the Russian Federation.

The prosecutor may himself conduct, or may assign to a subordinate prosecutor or investigator, the investigation into any crime.

**Chapter 4. SUPERVISION OVER THE EXECUTION OF LAWS BY THE ADMINISTRATIONS OF PENAL BODIES AND INSTITUTIONS AND BY THE ADMINISTRATIONS OF DETENTION AND REMAND FACILITIES****Article 32. Object of the supervision**

Supervision shall be exercised over the following:

the legality of holding persons in detention facilities, in custody pending trial and in correctional labour and other penal bodies and institutions;

observance of the rights and responsibilities of detainees, remand prisoners, convicted prisoners and persons subject to compulsory measures, and of the procedure and conditions governing their detention;

the legality of the execution of non-custodial sentences.

**Article 33. Prosecutor's powers**

1. When exercising supervision over the execution of laws, prosecutors shall be entitled:

to visit at any time the bodies and institutions specified in Article 32 of the present Federal Law;

to question detainees, remand prisoners, convicted prisoners and persons subject to compulsory measures;

to inspect the records on the basis of which these persons were detained, remanded in custody, convicted or subjected to compulsory measures, together with the relevant operative material;

to require the administration to create the necessary conditions to safeguard the rights of detainees, remand prisoners, convicted prisoners and persons subject to compulsory measures, to ensure that any orders, regulations or decisions issued by the administration of the bodies and institutions referred to in Article 32 of the present Federal Law conform to the legislation of the Russian Federation, to demand explanations from officials, to make appeals and recommendations and to institute criminal or administrative proceedings. Pending examination of an appeal, the operation of the instrument appealed against shall be suspended by the administration of the institution concerned;

to set aside any disciplinary penalties imposed in violation of the law against persons remanded in custody or convicted prisoners, to order their immediate release from punishment cells, cell-type accommodation, solitary confinement cells or disciplinary cells.

2. The prosecutor or his deputy shall be bound to immediately order the release of any person who is being held without legal justification in penal institutions, or who has been unlawfully detained, remanded in custody pending trial or placed in a psychiatric institution.

**Article 34. Binding nature of the prosecutor's decrees and requests**

Any decrees and requests issued by the prosecutor concerning observance of the statutory procedure and conditions for holding detainees, remand prisoners, convicted prisoners and persons subject to compulsory measures or placed in psychiatric institutions shall be subject to compulsory execution by

the administration and also by the bodies responsible for enforcing court sentences in respect of persons sentenced to non-custodial penalties.

## **Section IV. PROSECUTOR'S PARTICIPATION IN COURT HEARINGS**

### **Article 35. Prosecutor's participation in court hearings**

1. The prosecutor shall take part in court hearings in the cases provided for by the procedural legislation of the Russian Federation and other federal laws.
2. When conducting a criminal prosecution in court, the prosecutor shall act as public prosecutor.
3. The prosecutor, in accordance with the procedural legislation of the Russian Federation, shall be entitled to make an application to the court or to enter the case at any stage of the proceedings, if the protection of civil rights and lawful interests of society or the state so requires.
4. The powers of any prosecutor taking part in court hearings shall be determined by the procedural legislation of the Russian Federation.
5. The Prosecutor General of the Russian Federation, in accordance with the legislation of the Russian Federation, shall take part in hearings of the Supreme Court of the Russian Federation and the Higher Arbitration Court of the Russian Federation.
6. The Prosecutor General of the Russian Federation may apply to the Constitutional Court of the Russian Federation in matters concerning a violation of constitutional rights and civil freedoms by the law applied, or which is to be applied, in a particular case.

### **Article 36. Appealing court decisions<sup>7</sup>**

1. Prosecutors or their deputies, within the scope of their powers, shall file cassation or private appeals or appeals in exercise of supervisory power with higher courts, and appeals or petitions for reviews or appeals in exercise of supervisory power against an unlawful or unfounded court decision, sentence or ruling with commercial courts. Prosecutor's assistants and prosecutors of directorates or divisions may file appeals only in cases in the hearing of which they themselves have participated.
2. Prosecutors or their deputies, irrespective of their involvement in the court proceedings, may, within the scope of their powers, demand and obtain from the court the record of any case or category of cases the decision, sentence or ruling on which has entered into legal force. On finding the court decision, sentence or ruling to be unlawful or unfounded, the prosecutor shall file an appeal in exercise of supervisory power or shall make a recommendation to a higher prosecutor.
3. An appeal against a court decision in a case involving an administrative offence may be filed by a city, district or higher prosecutor and their deputies.

### **Article 37. Withdrawal of an appeal**

An appeal against a court decision, sentence or ruling may be withdrawn by the prosecutor who filed the appeal before it is heard by a court.

### **Article 38. Stay of execution of a court sentence**

The filing by the Prosecutor General of the Russian Federation or his deputy of an appeal against a death sentence shall stay its execution.

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<sup>7</sup> Re. the prosecutor's participation in the supervisory stage of criminal proceedings, see Order No. 10 of the RF Prosecutor General's Office, 11 February 2003.

**Article 39. Recommendation to provide courts with explanations**

The Prosecutor General of the Russian Federation may make a recommendation to the Plenum of the Supreme Court of the Russian Federation and to the Plenum of the Higher Arbitration Court of the Russian Federation to provide courts with explanations in matters of judicial practice in civil, arbitration, criminal, administrative and other cases.

**Section V. EMPLOYMENT IN THE PROSECUTION SERVICE.  
STAFF OF THE PROSECUTION SERVICE****Article 40. Employment in the prosecution service**

1. Employment in the prosecution service shall constitute a type of federal civil service.

Prosecution staff shall be employees of the civil service of the Russian Federation, performing the duties of public office within the federal civil service with due regard for the requirements of the present Federal Law.

The legal regulations and conditions of service of prosecution staff shall be determined by the present Federal Law in accordance with Article 4, item 2, of the Federal Law "On the fundamental principles of the civil service of the Russian Federation".

2. The labour relations of staff of the prosecution service (hereinafter referred to as "staff") shall be governed by the labour laws of the Russian Federation and by Russian Federation legislation on the civil service with due regard for the specific provisions of the present Federal Law.

3. The procedure governing the service of military prosecutors and investigators employed in military prosecution bodies shall be regulated by the present Federal Law, the Federal Law "On military duty and military service" and the Federal Law "On the status of servicemen".

4. Staff may appeal to a higher official and/or to a court of law against any decisions taken by the heads of prosecution bodies and institutions in matters relating to service.

**Article 40.1. The requirements imposed on persons appointed to the positions of prosecutor and investigator, conditions and procedure governing employment in the prosecution service**

1. The positions of prosecutor and investigator shall be open to citizens of the Russian Federation who have received a higher legal education at a higher professional education establishment, have state accreditation, possess the necessary professional and moral qualities and are physically capable of performing their official duties.

In exceptional cases, persons studying law at higher professional education establishments who have state accreditation and who have completed the third year at the said establishments may be appointed to the positions of prosecutor's and investigator's assistant in city, district or equivalent prosecutor's offices.

2. A person shall not be employed by the prosecution service and shall not remain in such employment if he:

is a citizen of a foreign state;

has been declared by a court of law to have no legal capacity or limited legal capacity;

has been deprived by means of a court decision of the right to hold civil service positions for a given period;

has a criminal record;

is suffering from an illness which according to a medical report is liable to prevent him from performing his official duties;

is closely related by blood or by marriage (parents, spouses, brothers, sisters, children, as well as brothers, sisters, parents or children of spouses) to members of staff of the prosecution service, if their employment involves one of them being directly subordinate to, or under the authority of, the other;

refuses to undergo the procedure governing access to information which constitutes a state secret, if performance of the official duties attached to the position for which the person is applying involves the use of such information.

3. Persons shall be employed in the prosecution service on the conditions laid down in a contract of employment which may be concluded for an indefinite period or for a period of not more than five years.

4. Persons studying law at higher professional education establishments with tuition paid for by the Prosecutor General Office's of the Russian Federation, and also prosecution staff studying full-time while continuing to receive the pay provided for in Article 43.4, item 3, paragraph 2, of the present Federal Law, shall be bound in accordance with the contracts concluded with them, to work in the prosecution service for at least five years. Should they be discharged from the prosecution service before the said period has expired, except in cases of discharge on health grounds, call-up for active military service, discharge in the case of women with children under the age of eight, liquidation of the prosecution body or institution or a reduction in staffing levels (hereinafter referred to as organisational and staff measures), the said persons shall repay their tuition expenses in full.

5. The positions of city and district prosecutor and equivalent shall be open to persons aged 25 years or over who have worked as a prosecutor or investigator in the prosecution bodies for at least three years.

The positions of prosecutor of a subject of the Russian Federation and equivalent shall be open to persons aged 30 or over who have worked as a prosecutor or investigator in the prosecution bodies for at least five years.

The Prosecutor General of the Russian Federation may in exceptional cases appoint to the positions of prosecutor of a subject of the Russian Federation, city and district prosecutor and equivalent prosecutor of specialised prosecutor's offices, persons who have worked in the legal field in a managerial position within the state authorities.

#### **Article 40.2. Restrictions related to employment in the prosecution service**

Persons holding the positions referred to in Article 40, item 1, paragraph 2, of the present Federal Law shall be subject to the restrictions laid down in Article 11 of the Federal Law "On the fundamental principles of the civil service of the Russian Federation".

#### **Article 40.3. Probationary employment in the prosecution bodies**

1. Persons entering employment in the prosecution bodies for the first time, except for graduates of higher professional and secondary professional education establishments, may be required to undergo a probation period of up to six months in order to determine whether they are suitable for the position in question. The length of the probation period shall be determined by the head of the relevant prosecution body, within whose competence the appointment falls, with the agreement of the person entering employment. Once service has commenced, the probation period may be reduced or extended by up to six months with the agreement of the parties concerned. Any period of temporary incapacity and other periods during which the person on probation is absent for valid reasons shall not count towards the probation period. The probation period shall count towards length of service in the prosecution bodies.

2. The persons referred to in item 1 of the present article shall be enrolled in the appropriate position without conferral of class grades and during the probation period shall perform the official duties required of them.

3. Where a staff member fails to give satisfaction during his probation period, he may be discharged from the prosecution bodies or, with his consent, transferred to another position.

If the probation period has expired and the staff member is still performing his official duties, he shall be deemed to have successfully completed the probation period and no further decision shall be taken in respect of his appointment.

#### **Article 40.4. Prosecutor's (investigator's) oath**

1. Any person being appointed to the position of prosecutor or investigator for the first time shall swear the following prosecutor's (investigator's) oath:

"Pledging to serve the law, I solemnly vow:

to piously observe the Constitution of the Russian Federation, the laws and international obligations of the Russian Federation, refusing to tolerate the slightest deviation therefrom;

to uncompromisingly combat any violations of the law, whoever committed them, to strive for a high level of effectiveness in prosecutorial supervision and preliminary investigations;

to actively uphold the interests of the individual, society and the state;

to be sensitive and attentive to any proposals, applications and complaints received from members of the public, to act with objectivity and fairness when deciding people's destinies;

to strictly keep any state and other secrets protected by law;

to constantly improve my skills, cherish my professional honour, be a model of integrity, moral purity and modesty and to piously protect and propagate the finest traditions of the prosecution service.

I am aware that any violation of this oath is incompatible with continued employment in the prosecution service."

2. The procedure for swearing the prosecutor's (investigator's) oath shall be laid down by the Prosecutor General of the Russian Federation.

#### **Article 40.5. Powers of appointment and removal from office**

1. The Prosecutor General of the Russian Federation shall appoint and remove from office:

a) in the Prosecutor General's Office of the Russian Federation – heads of chief directorates, directorates and divisions and their deputies, advisers, senior assistants and senior assistants on special assignments, assistants and assistants on special assignments of the Prosecutor General of the Russian Federation, assistants on special assignments of the first deputy and deputies of the Prosecutor General of the Russian Federation, senior prosecutors and prosecutors of chief directorates, directorates and divisions, senior prosecutors/criminal law experts and prosecutors/criminal law experts, senior investigators assigned to particularly important cases and investigators assigned to particularly important cases and their assistants.

The appointment of staff to other positions may be effected by deputies of the Prosecutor General of the Russian Federation;

b) prosecutors of subjects of the Russian Federation and equivalent prosecutors in accordance with the procedure laid down in Article 13, item 1, of the present Federal Law;

c) deputies of prosecutors of subjects of the Russian Federation and equivalent prosecutors;

d) city, district and equivalent prosecutors;

e) directors (heads) of scientific and educational establishments operating within the prosecution system of the Russian Federation (hereinafter referred to as "scientific and educational establishments operating within the prosecution service") and their deputies.



2. Prosecutors of subjects of the Russian Federation and equivalent prosecutors shall appoint and remove from office:

a) the staff of the relevant prosecutor's office, except for their own deputies;

b) deputies of prosecutors, heads of divisions, senior assistants and assistants of prosecutors, senior prosecutors/criminal law experts and prosecutors/criminal law experts, investigators assigned to particularly important cases, senior investigators, investigators of lower-ranking prosecutor's offices and their assistants.

3. City, district and equivalent prosecutors shall appoint and remove from office staff other than prosecutors and investigators.

4. Directors (heads) of scientific and educational establishments operating within the prosecution service shall appoint and remove from office scientific and teaching staff of scientific and educational establishments operating within the prosecution service (hereinafter referred to as "scientific and teaching staff"), as well as other staff of the said establishments, except for their own deputies.

#### **Article 41. Certification of prosecution staff. Grading system for prosecution staff.**

1. Certification of prosecution staff shall be carried out for the purpose of determining their suitability for the position in question and for the purpose of upgrading the skills of prosecution staff and improving professional discipline.

2. Prosecution staff who hold class grades or positions for which the conferral of class grades is provided for, shall be required to undergo certification.

3. The procedure and time-limits for carrying out certification shall be determined by the Prosecutor General of the Russian Federation.

4. Officers of military prosecution bodies, scientific and teaching staff shall be required to undergo certification in accordance with the procedure laid down by the Prosecutor General of the Russian Federation for all staff, with due regard for the specific requirements of military service, scientific and teaching activities.

5. Class grades shall be conferred on prosecutors and investigators, scientific and teaching staff for life, according to the positions held and length of service. The Prosecutor General of the Russian Federation may confer class grades on other staff as well.

6. The procedure governing the conferral of class grades shall be determined by the Regulations on Class Grades for Prosecution Staff, as approved by the President of the Russian Federation.

#### **Article 41.1. Official identity card**

Prosecution staff shall be issued with an official identity card in the form prescribed by the Prosecutor General of the Russian Federation.

The official identity card shall be a document confirming the identity of prosecution staff, their class grade and position.

The official identity cards of prosecutors and investigators shall confirm their right to carry and keep a handgun and special equipment and any other rights and powers conferred on prosecutors and investigators by the present Federal Law.

#### **Article 41.2. Personal files of prosecution staff**

1. The personal file of a prosecution staff member shall contain information about the said staff member, their service in the prosecution bodies and institutions and any further training undertaken.

2. It shall be prohibited to collect and enter in the personal file any information concerning the political and religious affiliations of prosecution staff.

Prosecution staff shall be entitled to view all the material contained in their personal files and to attach their own written explanations.

3. The procedure for maintaining the personal files of prosecution staff shall be determined by the Prosecutor General of the Russian Federation.

#### **Article 41.3. Provision of uniforms**

1. Prosecution staff shall be provided with uniforms free of charge in accordance with such procedure and standards as shall be laid down by the Government of the Russian Federation.

2. Where prosecution staff are called upon to participate in court hearings of criminal, civil and arbitration cases, and in other instances where they are called upon to act as official representatives of prosecution bodies, the wearing of uniforms shall be compulsory.

3. Persons discharged from the prosecution service who have served there for at least 20 years, except for persons who have been dismissed for committing infringements prejudicial to the honour of prosecution staff, or who have been deprived of their class grade by a court judgment, shall have the right to wear a uniform.

#### **Article 41.4. Leave**

1. Prosecutors and investigators, scientific and teaching staff shall be entitled to annual paid leave of approximately 30 calendar days not counting time spent travelling to and from the place where leave is to be spent, with payment of fare within the boundaries of Russian Federation.

Prosecutors and investigators working in inhospitable climatic conditions shall be entitled to annual paid leave according to the standards laid down by the Government of the Russian Federation, but not less than 45 calendar days.

Annual additional paid leave for length of service as a prosecutor, investigator, member of the scientific or teaching staff shall be granted as follows:

after 10 years – 5 calendar days;

after 15 years – 10 calendar days;

after 20 years – 15 calendar days.

When calculating the length of service entitling a person to additional leave, account shall also be taken of any periods spent as a trainee in the prosecution service. Service in other law enforcement agencies, military service and work as a judge shall count towards the said length of service.

2. At the request of prosecutors, investigators, scientific and teaching staff, and subject to the approval of the administration, leave may be divided into two parts. In such cases, the fare to and from the place where leave is to be spent shall be paid, and time for travelling to and from such place shall be granted, once only.

3. In individual cases, a staff member may, at his request and with the permission of the head of the relevant prosecution body or institution, carry over his annual paid leave to the following year.

4. Staff being discharged from the prosecution bodies in connection with organisational and staff measures, illness, resignation or retirement, may, if they so wish, take any annual paid leave owing to them. In respect of any annual leave not used in the year of departure, monetary compensation shall be paid in proportion to the time worked.

#### **Article 41.5. Relocation of prosecution staff to a different region**

1. The transfer of prosecution staff in the interests of the service to another location shall be permitted only with their approval, and if they are to be transferred to an area with an inhospitable climate, subject to a medical report.

Prosecution staff may be relocated on their own initiative only with the approval of the relevant prosecution bodies.

2. Prosecution staff who have been permanently transferred to another location shall have their removal costs and the removal costs of members of their families reimbursed in full from federal budget funds.

#### **Article 41.6. Staff incentives**

1. In return for exemplary performance by staff of their official duties, long and irreproachable service in the prosecution bodies and institutions and the performance of particularly important and complex tasks, the following incentives shall apply:

formal expression of gratitude;

award of a testimonial;

inclusion in the Board of Honours or on the Rolls of Honour;

award of a bonus;

award of a gift;

award of a valuable gift;

award of a weapon;

early conferral of class grade or conferral of a class grade a step above the next;

award of the insignia "For irreproachable service in the Prosecutor's Office of the Russian Federation";

award of the insignia "Honoured worker of the Prosecutor's Office of the Russian Federation" with simultaneous conferral of a testimonial of the Prosecutor General of the Russian Federation.

2. Staff who have particularly excelled may be nominated for the award of the honorific title "Honoured lawyer of the Russian Federation" and for state awards of the Russian Federation.

3. The Prosecutor General of the Russian Federation may provide for types of incentives other than those specified in item 1 of the present article.

4. The regulations on the insignia "Honoured worker of the Prosecutor's Office of the Russian Federation" and "For irreproachable service in the Prosecutor's Office of the Russian Federation" shall be approved by the Prosecutor General of the Russian Federation.

5. In order to reward staff, use shall be made of the award and gift funds.

6. The Prosecutor General of the Russian Federation may award the incentives provided for in the present article to persons who are not members of staff of the prosecution service but who have been of vital assistance in strengthening the rule of law and developing the prosecution system of the Russian Federation.

#### **Article 41.7. Disciplinary liability**

1. Where staff fail to perform their official duties, or to perform them properly, or where they commit infringements prejudicial to the honour of prosecution staff, heads of prosecution bodies and institutions may impose the following disciplinary penalties:

reproof;

reprimand;

severe reprimand;

demotion in class grade;

forfeiture of the insignia "For irreproachable service in the Prosecutor's Office of the Russian Federation";

forfeiture of the insignia "Honoured worker of the Prosecutor's Office of the Russian Federation";

warning;

dismissal from the prosecution service.

2. The Prosecutor General of the Russian Federation shall be entitled to impose disciplinary penalties to the full extent.

The Prosecutor General of the Russian Federation shall determine the powers of the relevant senior officials to discipline staff appointed by the Prosecutor General of the Russian Federation.

3. Prosecutors of subjects of the Russian Federation, equivalent prosecutors and directors (heads) of scientific and educational establishments operating within the prosecution service shall have the right to impose disciplinary penalties on the staff appointed by them, except for forfeiture of the insignia "Honoured worker of the Prosecutor's Office of the Russian Federation".

4. City, district and equivalent prosecutors shall have the right to impose disciplinary penalties in the form of a reproof, reprimand, severe reprimand and dismissal of any workers appointed by them.

5. Disciplinary penalties in the form of dismissal from the prosecution bodies of staff who have been awarded the insignia "Honoured worker of the Prosecutor's Office of the Russian Federation" may be imposed only with the approval of the Prosecutor General of the Russian Federation.

6. Disciplinary penalties shall be imposed directly after an infringement is discovered, but not later than one month as from the date of discovery, not counting sick leave or holiday leave.

7. No disciplinary penalties may be imposed while the member of staff concerned is on sick leave or holiday leave.

8. Disciplinary penalties may not be imposed later than six months after the date on which the infringement was committed or, if they are based on the results of an inspection or audit of financial and economic activities, later than two years after the date on which it was committed.

9. Pending a decision on the imposition of disciplinary penalties, staff who have committed infringements may be suspended (but for not more than one month) on full pay.

Suspension shall be effected on the orders of the head of the prosecution body or institution authorised to appoint the staff member to the position in question. During the period of suspension, the member of staff concerned shall continue to receive pay in the amount of his basic salary and any additional payments for class grade and length of service.

#### **Article 42. Procedure for instituting criminal and administrative proceedings against prosecutors and investigators**

1. Any verification of reports of infringements committed by prosecutors or investigators employed in the prosecution service, the institution of criminal proceedings against them (except in cases where the prosecutor or investigator was caught in the act of committing a crime) and the conduct of the investigation shall fall within the exclusive competence of the Prosecutor's Office.

For the duration of the investigation into the criminal case brought against a prosecutor or investigator, the staff member concerned shall be suspended from office. During the period of suspension, the staff member shall continue to receive pay in the amount of his basic salary and any additional payments for class grade and length of service.

2. It shall be prohibited to detain, arrest or search a prosecutor or investigator, or to search property belonging to them or vehicles used by them, save as otherwise provided by federal law for the purpose of ensuring the safety of other persons, and save where the person is caught in the act of committing a crime.

#### **Article 43. Termination of employment in the prosecution service**

1. Employment in the prosecution service shall be terminated upon the discharge of a prosecution staff member.

In addition to the grounds provided for by the labour laws of the Russian Federation, prosecution staff may be discharged in connection with resignation and on the initiative of the head of a prosecution body or institution in the following cases:

a) where the prosecution staff member has reached the maximum age of employment in the prosecution service;

b) termination of citizenship of the Russian Federation;

c) violation of the prosecutor's (investigator's) oath, and the commission of infringements prejudicial to the honour of prosecution staff;

d) failure to observe the restrictions related to employment and the occurrence of other circumstances provided for in Article 11 and Article 21, item 3, of the Federal Law "On the fundamental principles of the civil service of the Russian Federation";

e) disclosure of information which constitutes a state or other secret protected by law.

2. The maximum age at which prosecution staff (except for scientific and teaching staff) may be employed in the prosecution service shall be 60 years.

By decision of the head of the relevant prosecution body or institution, the term of employment of staff who have reached the maximum age and who hold one of the positions specified in Articles 14, 15 and 16 of the present Federal Law may be extended. The term of employment in the prosecution service may be extended once only and for a maximum period of one year.

It shall be prohibited to extend the term of employment of staff who have reached the age of 65. After reaching the said age, staff may continue working in the prosecution service under a fixed-term contract of employment while continuing to receive full pay, as provided for in Article 44, item 1, of the present Federal Law.

3. Prosecutors and investigators employed in the Prosecutor's Office shall have the right to resign. The grounds for resignation shall be as follows:

a) retirement, as provided for in Article 44, item 2, of the present Federal Law;

b) failure to agree with the decisions or actions of a state body or of a higher official.

The resignation of the Prosecutor General of the Russian Federation, his first deputy and deputies shall be deemed to have been accepted following the adoption of a decision to this effect by the Federation Council of the Federal Assembly of the Russian Federation.

The resignation of prosecutors of subjects of the Russian Federation, city, district and equivalent prosecutors shall be deemed to have been accepted following the adoption of a decision to this effect by the Prosecutor General of the Russian Federation.

The resignation of other prosecutors and investigators shall be deemed to have been accepted following the adoption of a decision to this effect by the senior official authorised to appoint them to these positions.

In the employment record of the prosecution staff member concerned, a note shall be made of the last position held, accompanied by the mention "retired".

**Article 43.1. Guarantees for staff elected as representatives or to elective office in state authorities or local self-government bodies**

Staff elected as representatives or to elective office in state authorities or local self-government bodies shall cease work in the prosecution service for the period during which they are in office. On completion of their term of office, staff shall be reinstated, if they so wish, in their former position or, if it is no longer available, in another equivalent position or, subject to their approval, in another place of employment. The said period shall count towards the total length of service entitling a person to promotion to the next higher class grade, additional pay for length of service, additional leave and the award of a pension for length of service.

**Article 43.2. Removal from the rolls of prosecution service staff**

Deceased staff and staff who have been officially declared missing shall be removed from the rolls of prosecution service staff in accordance with the procedure laid down in the legislation of the Russian Federation.

**Article 43.3. Reinstatement and restoration of class grades in the prosecution service**

1. Staff who have been duly found to have been unlawfully dismissed, unlawfully transferred to other positions or unlawfully deprived of their class grade shall be reinstated in their former position and class grade or, if they agree, appointed to an equivalent position.
2. In the case of staff who have been reinstated in the prosecution service, the period of enforced absence shall count towards their total length of service entitling a person to promotion to the next higher class grade, additional pay for length of service, additional leave and the award of a pension for length of service.

**Article 43.4. Vocational training and staff development**

1. In order to ensure a high standard of vocational training among staff, there shall be a system of continuing education and staff development, including individual and group study under special programmes, placements in higher prosecution bodies and scientific and educational establishments operating within the prosecution service, training at regional training centres and staff development institutes.
2. Skills development shall be an official duty of prosecutors and investigators. Attitudes to training and professional development shall be taken into account when deciding matters relating to prosecutors' or investigators' suitability for a post, incentives and promotion.
3. The training of scientific and teaching staff selected from amongst members of the prosecution staff shall be carried out in the extramural departments of scientific and educational establishments operating within the prosecution service.

Prosecution staff enrolled as extramural students shall be released from their post and sent to their place of study while continuing to receive their basic salary and any additional payments for class grade and length of service.

Periods of extramural study shall count towards length of service, entitling a person to promotion to the next higher class grade, additional payments for length of service and the award of a pension for length of service, provided that the person resumes employment in the prosecution service not later than one month after the period of extramural study has ended.

**Article 44. Material and social provision for prosecution staff**

1. The pay of prosecution staff shall consist of a basic salary; additional payments for class grade, length of service, special working conditions (amounting to 50 per cent of the basic salary); additional payments for difficult or stressful work or high achievement (amounting to 50 per cent of the basic salary); allowances for a higher degree and academic title in a specialist field appropriate to the person's official duties, the honorific title "Honoured lawyer of the Russian Federation"; a monetary

incentive (bonus) based on quarterly and yearly performance; any other payments provided for by law and other regulatory instruments.

Additional payments for difficult or stressful work or high achievement shall be awarded on the decision of the head of the relevant prosecution body or institution, on the basis of the amount of work done, and the results accomplished, by each member of the prosecution staff.

The basic salaries of prosecution staff shall be determined by the Government of the Russian Federation as a percentage of the basic salary of the Prosecutor General of the Russian Federation, which shall amount to 98 per cent of the basic salary of the President of the Supreme Court of the Russian Federation.

The Government of the Russian Federation shall determine the level of payments for class grade as a percentage of the basic salary, and the level of annual additional payments for length of service on the basis of the basic salary with additional payment for class grade.

Allowances for a higher degree and academic title shall be paid to candidates of science or senior lecturers in an amount equal to 5 per cent of their basic salary, to doctors of science or professors – in an amount equal to 10 per cent of their basic salary, and for the honorific title “Honoured lawyer of the Russian Federation” – in an amount equal to 10 per cent of their basic salary.

Quarterly and yearly performance incentives (bonuses) for prosecution staff, and the remuneration of other staff, shall be determined according to the standards laid down for staff of the executive authorities.

2. Pension provision for prosecutors and investigators, scientific and teaching staff and members of their families shall be made in accordance with the conditions, standards and procedure laid down in the legislation of the Russian Federation for persons who have served in the internal affairs agencies, and members of their families.

Prosecutors and investigators, scientific and teaching staff who are entitled to the pension provision referred to in the present item, who have at least 20 years' service and who are not in receipt of any pension shall receive a monthly premium amounting to 50 per cent of the pension which could have been awarded to them.

Prosecutors and investigators, scientific and teaching staff entitled to the pension provision referred to in the present item shall receive a severance allowance if they:

- a) retire;
- b) resign;
- c) reach the maximum age of employment in the prosecution service;
- d) are discharged on the grounds of health or disability;
- e) are discharged as a result of organisational and staff measures.

Prosecutors and investigators, scientific and teaching staff who are not entitled to the pension provision referred to in the present item, shall receive a severance allowance only if they are discharged on the grounds specified in “d” or “e” of the present item.

Prosecutors and investigators, scientific and teaching staff shall receive a severance allowance for every full year of service in the following amounts:

- less than 10 calendar years – 5 monthly basic salaries with additional payment for class grade;
- from 10 to 15 calendar years – 10 monthly basic salaries with additional payment for class grade;
- from 15 to 20 calendar years – 15 monthly basic salaries with additional payment for class grade;
- 20 calendar years or more – 20 monthly basic salaries with additional payment for class grade.

Where prosecutors and investigators, scientific and teaching staff are discharged after having been re-employed in the prosecution service, the severance allowance shall be paid less any previously paid allowances calculated on the basis of their basic salaries with additional payment for class grade, including for any service completed in other bodies.

Pension provision for other prosecution staff shall be made in accordance with the legislation on pension provision for civil servants.

3. Prosecution staff shall be entitled, on presenting their official identity card, to free use within the territory of the Russian Federation of all forms of municipal, suburban and local public transport (except for taxis), in rural areas – any passing transport, and staff of transport prosecutor's offices shall be entitled to free use within the boundaries of the areas served of all forms of rail, river, maritime and air transport irrespective of which department they belong to; on being sent on official missions, they shall be given priority when reserving and being allocated hotel rooms and when purchasing tickets for all forms of transport.

4. Prosecutors and investigators shall be entitled to additional living space.

The executive authorities of subjects of the Russian Federation and local self-government bodies shall be bound to provide prosecutors and investigators who have been appointed to a position and/or who are in need of improved living conditions, with comfortable accommodation in the form of a separate apartment or house in the state or municipal housing stock with due regard for their right to additional living space at a rate of not less than 20 square metres or in the form of a separate room. The said accommodation shall be provided to prosecutors and investigators under a special arrangement, but within a maximum period of six months and irrespective of the length of their posting. The executive authorities of subjects of the Russian Federation and local self-government bodies shall be compensated for the cost of providing such accommodation from the federal budget funds allocated for this purpose to the prosecution bodies of the Russian Federation.

Prosecutors and investigators who have not been provided with living space in accordance with the requirements and standards laid down in the housing legislation of the Russian Federation and the housing legislation of subjects of the Russian Federation shall be deemed to be in need of improved living conditions as provided in the present article.

Prosecutors and investigators shall be entitled to compensation for any expenses incurred through renting (sub-letting) accommodation pending the provision of permanent accommodation in accordance with the prescribed procedure.

Where state-owned or municipally-owned accommodation occupied by prosecutors and investigators becomes vacant, it shall be re-assigned to other prosecutors and investigators in need of improved living conditions.

With the approval of the prosecutors and investigators concerned, instead of housing, they may be granted an interest-free loan from federal budget funds for the purpose of purchasing or building housing. This loan shall be repaid out of the same funds provided that the prosecutors and investigators concerned remain in the employ of the prosecution service within the territory of the relevant subject of the Russian Federation for at least 10 years.

5. Priority shall be given to housing occupied by prosecutors and investigators when installing telephones. Priority shall likewise be given to the children of prosecutors and investigators when allocating places in pre-school facilities, boarding schools and summer sanatoria.

6. Health care (including the supply of medicines) for staff and any family members living under the same roof shall be financed from federal budget funds.

7. Prosecutors and investigators, scientific and teaching staff who have retired under item 2 of the present article, shall enjoy the rights and social guarantees provided for in item 3 of the present article, on production of their pension book.

Health care for prosecution staff in receipt of a pension and members of their families, as well as the parents, spouses and under-age children of deceased prosecution staff, shall be provided in



accordance with item 6 of the present article in the healthcare institutions with which they were registered.

8. Any costs involved in providing free travel on transport, installing telephones and providing places in municipal pre-school facilities, boarding schools and summer sanatoria shall be reimbursed from the federal budget funds allocated for this purpose to the prosecution bodies of the Russian Federation.

#### **Article 45. Legal and social protection for prosecutors and investigators**

1. Prosecutors and investigators, as representatives of state power, shall come under the special protection of the state. The same protection shall be afforded close relatives and in exceptional cases other persons whose life, health or property is endangered in an attempt to hinder the lawful activities of prosecutors and investigators or to force them to change the nature of those activities or out of revenge for the said activities. The same protection shall be afforded to the property of the aforementioned persons.

The procedure and conditions governing the provision of state protection for prosecutors and investigators shall be determined by the Federal Law "On state protection of judges, officials of law enforcement and supervisory agencies", and by other regulatory legal instruments of the Russian Federation.

The Prosecutor's Office of the Russian Federation shall have a service for ensuring the personal safety and physical protection of staff.

2. The funerals of any prosecutors and investigators who have died in connection with the performance of their official duties, and of discharged prosecutors and investigators who have died as a result of bodily injuries or other damage to health sustained in connection with the performance of their official duties, shall be paid for from the funds allocated for financing the prosecution bodies.

3. Prosecutors and investigators shall have the right to carry at all times and to keep for their own personal protection a handgun (pistol, revolver) and special equipment and to use them in accordance with the procedure laid down in the RSFSR Law "On the militia". The types and models of weapons and the procedure by which they may be acquired by prosecution bodies shall be determined by the Government of the Russian Federation.

4. Prosecutors and investigators shall be insured under the federally-funded compulsory state personal insurance scheme for an amount equal to 180 times their average monthly pay.

5. The state insurance agencies shall pay out the insured amounts:

in the event of the death of a prosecutor or investigator during the period of his employment or after he has been discharged, if such death occurred as a result of bodily injuries or other damage to health sustained in connection with his official activities, - to his heirs in an amount equal to 180 times the average monthly pay of the prosecutor or investigator concerned;

where in connection with his official activities, a prosecutor or investigator sustains bodily injuries or other damage to health such as to prevent him from engaging in any further professional activity, - in an amount equal to 36 times his average monthly pay;

where in connection with his official activities, a prosecutor or investigator sustains bodily injuries or other damage to health which has not resulted in permanent disablement and which has not affected his ability to engage in further professional activity, - in an amount equal to 12 times his average monthly pay.

Where in connection with his official activities, a prosecutor or investigator sustains bodily injuries or other damage to health such as to prevent him from engaging in any further professional activity, he shall receive monthly compensation in the form of the difference between his average monthly pay and the pension awarded in connection with this not counting any sums paid out under the compulsory state personal insurance scheme.

In the event of the death of a prosecutor or investigator in connection with the performance of his official duties, or of a discharged prosecutor or investigator who has died as result of bodily injuries or other damage to health sustained in connection with the performance of his official duties, any dependent family members who are unable to work shall receive monthly compensation in the form of the difference between that portion of the deceased person's pay which is due to them and the pension awarded to them for loss of breadwinner not counting any sums paid out under the compulsory state personal insurance scheme. For the purpose of determining the said portion of the pay, the monthly pay of the deceased person shall be divided by the number of dependent family members, including able-bodied members.

The family of the deceased shall retain the right to be provided with comfortable accommodation on the terms and basis which applied at the time of the death of the prosecutor or investigator concerned.

In respect of any loss caused by the destruction of, or damage to, property belonging to a prosecutor or investigator or to members of his family, in connection with his official activities, compensation shall be paid to him or to members of his family in full, including lost profit, in accordance with the prescribed procedure.

6. The sole ground for refusal to pay out insured amounts and compensation in the cases referred to in the present article shall be a court sentence or court order against a person found guilty of causing the death of the prosecutor or investigator, of causing him bodily injuries or of destroying or damaging his property, whereby it is established that these events were not related to his official activities.

## **Section VI. SPECIFIC ASPECTS OF THE ORGANISATION AND OPERATION OF MILITARY PROSECUTION BODIES**

### **Article 46. Structure and organisation of military prosecution bodies**

1. The military prosecution system shall consist of the Chief Military Prosecutor's Office, the military prosecutor's offices of military areas, fleets, strategic rocket forces, the Federal Border Service of the Russian Federation, the Moscow City Military Prosecutor's Office and other military prosecutor's offices equivalent to prosecutor's offices of subjects of the Russian Federation, military prosecutor's offices of associations, formations, garrisons and other military prosecutor's offices equivalent to city and district prosecutor's offices (hereinafter referred to as the "military prosecution bodies").

Within military prosecutor's offices equivalent to city and district prosecutor's offices, on the decision of the Chief Military Prosecutor, prosecution, prosecution-and-investigative and investigative sections may be set up.

In areas where, owing to exceptional circumstances, no other prosecution bodies of the Russian Federation are in operation, and also in areas outside the Russian Federation, where forces of the Russian Federation are stationed under international treaties, the exercise of the functions of the Prosecutor's Office may be assigned by the Prosecutor General of the Russian Federation to the military prosecution bodies.

2. The formation, reorganisation and liquidation of military prosecution bodies, the definition of their status, powers, structure and staffs shall be effected by the Prosecutor General of the Russian Federation, whose orders in these matters shall be implemented in accordance with the directives of the General Headquarters of the Armed Forces of the Russian Federation, the command of the Federal Border Service of the Russian Federation, other forces, military formations and bodies. Any other organisational and staff matters shall be decided by the Chief Military Prosecutor in consultation with the General Headquarters of the Armed Forces of the Russian Federation, the command of the Federal Border Service of the Russian Federation, other forces, military formations and bodies within the limits of the established staffing levels.

3. The military prosecution bodies shall be headed by the deputy Prosecutor General of the Russian Federation – Chief Military Prosecutor, who shall oversee the activities of the military prosecution bodies, arrange for the selection, deployment and training of staff, carry out the certification of military

prosecutors and investigators and issue commands and directives which shall be binding on all military prosecutor's offices.

4. The military prosecution bodies shall exercise their powers in the Armed Forces of the Russian Federation, other forces, military formations and bodies set up in accordance with the federal laws and other regulatory legal instruments.

#### **Article 46.1. Chief Military Prosecutor's Office**

1. The Chief Military Prosecutor shall have a first deputy and deputies, senior assistants on special assignments, whose status shall be equivalent to that of heads of directorates, and assistants on special assignments, whose status shall be equivalent to that of deputy heads of directorates.

2. The structure of the Chief Military Prosecutor's Office shall be made up of directorates, divisions (both independent divisions and divisions making up directorates), a registry and reception. Heads of directorates and independent divisions shall serve as senior assistants, and their deputies, heads of divisions making up directorates, the head of the registry and the head of reception, shall serve as assistants, of the Chief Military Prosecutor. The regulations on structural subdivisions of the Chief Military Prosecutor's Office shall be approved by the Chief Military Prosecutor.

3. Within directorates and divisions, the following positions shall be created: senior prosecutors and prosecutors, senior prosecutors/criminal law experts and prosecutors/criminal law experts, and also senior investigators assigned to particularly important cases and investigators assigned to particularly important cases.

4. Within the Chief Military Prosecutor's Office, a board shall be formed which shall consist of the Chief Military Prosecutor (chairman), his first deputy and deputies (according to their position) and other prosecution staff nominated by the Chief Military Prosecutor. The composition of the board shall be approved by the Prosecutor General of the Russian Federation on the recommendation of the Chief Military Prosecutor.

#### **Article 47. Powers of military prosecutors**

1. The Chief Military Prosecutor and subordinate prosecutors shall enjoy, within the limits of their competence, the powers defined by the present Federal Law, and shall exercise them independently of the command and military administration bodies in accordance with the legislation of the Russian Federation.

2. Military prosecutors shall likewise have the power:

to attend meetings of boards, military councils, officials meetings of military administration bodies;

to order extra-departmental inspections and audits, the cost of which shall be reimbursed on the decision of the prosecutor by the military administration bodies to which the relevant military units and institutions are attached;

on production of their official identity card, to freely enter the territory and premises of military units, enterprises, institutions, organisations and headquarters irrespective of the internal rules in force there and to access their documents and material;

to carry out checks to ensure that any convicted prisoners, arrestees and detained servicemen being held in guardrooms, disciplinary sections and other places of detention are being held lawfully, and to immediately release any persons being held there unlawfully;

to require military units, military transport officers and escort units of the internal forces of the Ministry of Internal Affairs of the Russian Federation and internal affairs agencies and institutions of the Russian Federation to arrange for the guard, upkeep and escort of persons held in military and garrison guardhouses and other detention and remand facilities.

**Article 48. Staff of military prosecution bodies**

1. The positions of military prosecutor and investigator shall be open to citizens of the Russian Federation who are physically fit for military service, have entered military service, hold the rank of officer and meet the requirements laid down in Article 40 of the present Federal Law.
2. On the decision of the Prosecutor General of the Russian Federation or with his approval, civilians may be appointed to the positions of military prosecutor and investigator.
3. The deputy Prosecutor General of the Russian Federation – Chief Military Prosecutor shall be appointed and removed from office in accordance the procedure laid down in Article 14, item 2, of the present Federal Law. The Chief Military Prosecutor shall be subordinate and accountable to the Prosecutor General of the Russian Federation.
4. Military prosecutors shall be appointed and removed from office by the Prosecutor General of the Russian Federation and shall be subordinate and accountable to higher prosecutors and to the Prosecutor General of the Russian Federation.
5. Deputies of the Chief Military Prosecutor, heads of directorates and divisions of the Chief Military Prosecutor's Office and their deputies, and also deputy prosecutors of military areas, fleets and equivalent prosecutors shall be appointed and removed from office by the Prosecutor General of the Russian Federation.
6. Other prosecutors and investigators of the Chief Military Prosecutor's Office shall be appointed and removed from office by the Chief Military Prosecutor.
7. Prosecutors of military areas, fleets and equivalent prosecutors shall appoint and remove from office any military prosecutors and investigators within their own offices and subordinate prosecutor's offices.
8. Officers of military prosecution bodies shall have the status of servicemen, shall serve in the Armed Forces of the Russian Federation, the Federal Border Service of the Russian Federation, other forces, military formations and bodies in accordance with the Federal Law "On military duty and military service" and shall enjoy the rights and privileges provided for in the Federal Law "On the status of servicemen" and the present Federal Law.
9. The appointment of officers for military service in the military prosecution bodies and their transfer to the reserve (or discharge) shall be effected on the recommendation of the Prosecutor General of the Russian Federation or the Chief Military Prosecutor.

The transfer to the reserve (or discharge) of senior officers shall be effected by the President of the Russian Federation on the recommendation of the Prosecutor General of the Russian Federation.

10. The positions of military prosecutor and investigator and the corresponding military ranks shall be included in the list of military posts.

The conferral of military ranks on military prosecutors and investigators shall be effected on the recommendation of the appropriate military prosecutor in accordance with the procedure laid down for servicemen. The military ranks of senior officers shall be conferred by the President of the Russian Federation on the recommendation of the Prosecutor General of the Russian Federation.

The military ranks of officers of the military prosecution bodies shall correspond to the class grades of prosecution staff of the territorial prosecution bodies.

Where officers of the military prosecution bodies (up to and including the rank of colonel) are discharged from military service and take up employment in the territorial or specialised prosecution bodies, they shall be awarded the class grades appropriate to their military rank, and where prosecutors and investigators holding class grades (up to and including the grade of senior counsellor of justice) are assigned to military service, they shall be awarded the appropriate military ranks.

11. The certification of military prosecutors and investigators shall be effected in accordance with the procedure laid down by the Prosecutor General of the Russian Federation for all prosecution staff, with due regard for the specific requirements of military service.

On the basis of their professional experience and qualifications, military prosecutors and investigators shall be classed in accordance with the procedure prescribed by the Prosecutor General of the Russian Federation.

12. Military prosecutors and investigators shall be awarded incentives and shall bear disciplinary liability in accordance with the present Federal Law and Disciplinary Regulations of the Armed Forces of the Russian Federation. Only senior military prosecutors and the Prosecutor General of the Russian Federation shall have the right to award incentives and to impose disciplinary penalties.

13. The servicemen and civilian personnel assigned to the military prosecution bodies shall be assigned at the expense of and in proportion to the number of members of the Armed Forces of the Russian Federation, other forces and military formations. The number of personnel employed in the military prosecution bodies shall be included in the number of staff of the Armed Forces of the Russian Federation, other forces and military formations.

#### **Article 49. Material and social provision for servicemen and staff of the military prosecution bodies**

1. Servicemen of the military prosecution bodies shall be subject to the legislation of the Russian Federation establishing legal and social guarantees, pension, healthcare and other types of provision for servicemen.

2. The pay of military prosecutors and investigators shall consist of a basic salary; a salary according to military rank; additional payments for length of service, for the special nature of the service (amounting to 50 per cent of the basic salary); for difficult or stressful work or special working conditions (amounting to 50 per cent of the basic salary); allowances for a higher degree, honorific title "Honoured lawyer of the Russian Federation", and of any other additional payments provided for servicemen. The basic salaries of military prosecutors and investigators shall be determined in accordance with Article 44, item 1, paragraph 3, of the present Federal Law. Disbursement of pay shall be effected by the Ministry of Defence of the Russian Federation, the command of the Federal Border Service of the Russian Federation, other forces, military formations and bodies.

Additional payments for difficult or stressful work or special working conditions shall be determined on the decision of the head of the relevant military prosecutor's office on the basis of the amount of work done, and the results accomplished, by each military prosecutor or investigator.

3. Military prosecutors and investigators who are entitled to a pension for length of service shall receive a monthly premium amounting to 50 per cent of the pension which could have been awarded to them.

4. The legal situation of, and material provision for, civilian personnel employed in the military prosecution bodies shall be determined according to the rules laid down for staff of the territorial prosecution bodies.

#### **Article 50. Financing of, and logistical support for, military prosecution bodies**

1. Military prosecution bodies shall be financed by the Ministry of Defence of the Russian Federation, the command of the Federal Border Service of the Russian Federation or other forces and military formations, from the federal budget funds allocated to them for this purpose.

2. Logistical support for military prosecution bodies, the allocation of official premises, transport, communications and other types of support shall be provided by the Ministry of Defence of the Russian Federation, the command of the Federal Border Service of the Russian Federation, other forces and military formations according to the prescribed standards.

3. The official premises of military prosecution bodies shall be guarded by military units.

4. The legal status and material benefits of the civil staff members of the military prosecution bodies correspond to those of staff members of territorial offices of the prosecution.

## **Section VII. OTHER MATTERS RELATING TO THE ORGANISATION AND OPERATION OF PROSECUTION BODIES**

### **Article 51. Statistical reporting**

The Prosecutor General's Office of the Russian Federation, in consultation with the relevant federal ministries and departments, shall devise a system and methods for unified recording and reporting on crime, clear-up rates, investigative work and prosecutorial supervision, and shall likewise establish a single procedure for drawing up and submitting reports within the prosecution bodies.

### **Article 52. Financing of, and logistical support for, the prosecution service**

1. The financing of, and provision of logistical support for, the prosecution service shall be accomplished using federal budget funds. The construction of, and major repairs to, buildings and the supply of prosecution bodies with technical equipment may also be financed from local budget funds.

Financial support for the activities of the prosecution service shall be provided by the Prosecutor General's Office of the Russian Federation.

2. Local self-government bodies shall provide the prosecution bodies deployed within their territories with the appropriate official premises under leasing arrangements and shall arrange for them to be guarded by the internal affairs agencies.

3. Prosecution bodies shall be provided with transport and technical facilities and uniforms in a centralised manner by the Government of the Russian Federation using federal budget funds.

### **Article 53. Seal of the prosecution service**

Prosecution bodies and institutions shall have a seal depicting the State emblem of the Russian Federation and the full name of the institution.

### **Article 54. Explanation of some titles which appear in the present Federal Law**

The following titles, as contained in the present Federal Law, shall have the following meanings:

prosecutor (in Article 1, item 3, Article 3, Article 4, items 3 and 4, Article 5, items 1 and 2, Articles 6, 7 and 10, Article 22, item 1, Articles 25 and 27, Article 30, item 1, Article 31, Article 33, item 1, Article 35, items 1 – 4, Article 37, Article 40, item 3, Article 40.1, items 1 and 5, Article 40.4, Article 40.5, item 3, Article 41, item 5, Article 41.1, Article 41.4, Article 42, Article 43, item 3, Article 43.4, item 2, Article 44, items 2 - 5 and 7, Article 45, Article 46, item 3, Article 47, Article 48, items 1, 2, 6, 10 – 12, Article 49 of the present Federal Law) – Prosecutor General of the Russian Federation, his advisers, senior assistants, assistants and assistants on special assignments, deputies of the Prosecutor General of the Russian Federation, their assistants on special assignments, deputies, senior assistants and assistants of the Chief Military Prosecutor, all subordinate prosecutors, their deputies, assistants of prosecutors on special assignments, senior assistants and assistants of prosecutors, senior prosecutors and prosecutors, senior prosecutors/criminal law experts and prosecutors/criminal law experts of directorates and divisions, acting within the scope of their powers;

prosecution staff – prosecutors and investigators, and other staff of prosecution bodies and institutions who hold class grades (military ranks).

President of the Russian Federation B. YELTSIN  
Moscow, Palace of Soviets of Russia  
17 January 1992  
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