

**FEDERAL LAW NO. 2202-I of JANUARY 17, 1992 ON THE PROSECUTOR'S OFFICE OF THE  
RUSSIAN FEDERATION (in the Wording of Federal Law No. 168-FZ of November 17, 1995) (with  
the Amendments and Addenda of February 10, November 19, 1999, January 2, 2000, December 27,  
2000, December 29, 30, 2001, June 28, July 25, October 5, 2002, June 30, 2003, August 22, 2004,  
July 15, November 4, 2005, March 2, June 5, July 24, 2007)**

**Section I. General Provisions**

**Article 1. The Prosecutor's Office of the Russian Federation**

1. The Prosecutor's Office of the Russian Federation is a single federal centralised system of bodies performing supervision over the observance of the Constitution of the Russian Federation and execution of the laws effective on the territory of the Russian Federation in the name of the Russian Federation.

The Prosecutor's Office of the Russian Federation also performs other functions established by federal laws.

2. For the purposes of ensuring the supremacy of the law, unity and consolidation of lawfulness, protection of human and citizen's rights and freedoms as well as the interests of society and state under the protection of the law, the Prosecutor's Office of the Russian Federation shall carry out:

supervision over the observance of law by the federal ministries, state committees, services and other federal bodies of executive power, representative (legislative) and executive bodies of the subjects of the Russian Federation, local self-government bodies, military administrative bodies, control bodies and the officials thereof, the managerial bodies and heads of commercial and non-commercial organizations as well as the compliance of the legal acts they enact with the law;

supervision over the observance of human and citizen's rights and freedoms by the federal ministries, state committees, services and other federal bodies of executive power, representative (legislative) and executive bodies of the subjects of the Russian Federation, local self-government bodies, military administrative bodies, control bodies, the officials thereof, as well as the managerial bodies and heads of commercial and non-commercial organisations;

supervision over the observance of the law by the bodies performing operational search, inquiry and preliminary investigation activities;

supervision over the observance of the law by bailiffs;

supervision over the observance of the law by the administrations of the bodies and institutions responsible for executing sentences and enforcement sanctions ordered by the court, by the administrations of detention and custody facilities;

criminal prosecution under the powers established by the criminal procedure law of the Russian Federation;

the coordination of the crime-fighting activities of the law enforcement bodies.

3. In keeping with the law of procedure of the Russian Federation Prosecutors shall take part in the hearing of cases by courts, arbitration courts (hereinafter referred to as "courts"), lodge protests against court decisions, sentences, rulings and judgments that contradict the law.

4. The Prosecutor's Office of the Russian Federation shall take part in lawmaking activities.

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

**Article 2. International Cooperation**

Acting within its competence the Prosecutor's Office of the Russian Federation shall maintain direct relations with respective bodies of other states and with international organisations, cooperate with them, enter into agreements on the issues of legal assistance and the fight against crime, take part in the elaboration of the international treaties of the Russian Federation.

**Article 3. The Legal Foundations of the Activities of the Prosecutor's Office of the Russian Federation**

The organization and procedure of the activities of the Prosecutor's Office of the Russian Federation and the prosecutors' powers are provided in the Constitution of the Russian Federation, the present Federal Law and other federal laws and international treaties of the Russian Federation. The organisation of and procedure for the activities of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be likewise defined by the normative legal acts of the President of the Russian Federation adopted in the cases provided for by this Federal Law.

Functions not provided for by federal laws shall not be vested in the Prosecutor's Office of the Russian Federation.

**Article 4. The Principles of Organization and Activities of the Prosecutor's Office of the Russian Federation**

1. The Prosecutor's Office of the Russian Federation constitutes a single federal centralised system of bodies (hereinafter referred to as "the bodies of the prosecutor's office") and institutions and it acts on the basis of subordinate prosecutors being answerable to the higher prosecutors and the Prosecutor-General of the Russian Federation.

2. The bodies of the prosecutor's office shall:

exercise powers independently of the federal bodies of state power, the bodies of state power of the subjects of the Russian Federation, local self-government bodies, public associations and in strict compliance with the laws effective on the territory of the Russian Federation;

act in a transparent way in so far as it does not conflict with the provisions of the legislation of the Russian Federation on the protection of citizens' rights and freedoms as well as the legislation of the Russian Federation on state secrets and other secrets specifically protected under law;

inform the federal bodies of state power, the bodies of state power of the subjects of the Russian Federation, local self-government bodies as well as the population about the state of law and order.

3. The prosecutors and investigators of the Investigative Committee under the Prosecutor's Office of the Russian Federation (hereinafter referred to as "prosecutors and investigators") cannot be members of elected and other bodies set up by the bodies of state power and local self-government.

4. The officials of the prosecutor's office cannot be members of public associations pursuing political goals or participate in their activities. Public associations pursuing political activities and organisations thereof are prohibited to be set up and pursue their activities in the bodies and institutions of the prosecutor's office. In their service activities prosecutors and investigators shall not be bound by decisions of public associations.

5. The officials of the prosecutor's office are not entitled to combine their main activity with another paid or free activity, except teaching, scientific and other creative activities. In this case the teaching, scientific and other creative activities shall not be financed exclusively with funds of foreign states, international and foreign organisations, foreign citizens and stateless persons, unless otherwise envisaged by an international treaty of the Russian Federation or the legislation of the Russian Federation. The personnel of a prosecutor's office are not entitled to sit on the managerial bodies, boards of trustees or supervisory boards or other bodies of foreign not-for-profit non-governmental organisations and their structural units operating on the territory of the Russian Federation, unless otherwise envisaged by an international treaty of the Russian Federation or the legislation of the Russian Federation.

#### **Article 5. Prohibition on Interfering in the Conduct of the Prosecutor's Supervision**

1. Influence in any form whatsoever exerted by federal bodies of state power, the bodies of state power of the subjects of the Russian Federation, local self-government bodies, public associations, the mass media, representatives or officials thereof on a prosecutor or investigator as aimed at influencing a decision being made by him or impeding in any form whatsoever his activities shall engender accountability under law.

2. The prosecutor and investigator are not bound to provide any explanations on the merits of the cases and materials on which they are conducting proceedings or to present them to anybody to familiarize himself with them, except as in cases and in accordance with the procedure provided by federal legislation.

3. No person is entitled to disclose the materials of inspections carried out by the bodies of the prosecutor's office before the completion thereof, unless authorised by the prosecutor. No person is entitled to disclose the materials of a preliminary investigation carried out by investigatory agencies of the prosecutor's office before the completion thereof, unless authorized by the investigator.

#### **Article 6. The Binding Nature of the Prosecutor's Demands**

1. The demands of the prosecutor, as ensuing from the powers thereof listed in Articles 22, 27, 30 and 33 of the present Federal Law, shall be fulfilled unconditionally within the term set.

2. Statistical and other information, reference papers, documents and copies thereof required in the performance of functions vested in the bodies of the prosecutor's office shall be presented on the prosecutor's and investigator's demand free of charge.

3. Non-compliance with the demands of prosecutor or investigator ensuing from the powers thereof or refusal to report when summoned by them shall give rise to accountability under law.

#### **Article 7. Prosecutors Attending Sessions of Federal Bodies of Legislative and Executive Power, Representative (Legislative) and Executive Bodies of the Subjects of the Russian Federation, Local Self-Government Bodies**

1. The Prosecutor-General of the Russian Federation, the deputies thereof and other prosecutors under their instructions are entitled to attend the sessions of the chambers of the Federal Assembly of the Russian Federation, their committees and commissions, the Government of the Russian Federation, the representative (legislative) and executive bodies of the subjects of the Russian Federation and local self-government bodies.

2. The prosecutor of a subject of the Russian Federation, city/town, district, prosecutors qualifying as such, deputies thereof and other prosecutors under their instructions are entitled to attend the sessions of the representative (legislative) and executive bodies of the subjects of the Russian Federation and local self-government bodies of respective and lower levels.

3. The prosecutor, deputy thereof and also other prosecutors under their instructions are entitled to take part in the scrutiny of the presentations and protests, which they have lodged, by federal bodies of executive power, representative (legislative) and executive bodies of the subjects of the Russian Federation, local self-government bodies, commercial and non-commercial organisations.

#### **Article 8. Coordinating Crime Fighting Activities**

1. The Prosecutor-General of the Russian Federation and the prosecutors answerable to him shall coordinate the crime fighting activities carried out by the internal affairs bodies, the bodies of federal security service, bodies for control over the traffic of narcotics and psychotropic substances, customs service and other law-enforcement bodies.

2. To coordinate the activities of the bodies specified under item 1 of the present article the prosecutor shall convene coordination meetings, organize working groups, demand statistical and other necessary information, exercise other powers in keeping with the Regulations on Coordinating Crime Fighting Activities endorsed by the President of the Russian Federation.

#### **Article 9. Participation in Lawmaking Activities**

Should a need to improve effective regulatory legal acts be established in the course of exercise of his powers, the prosecutor shall be entitled to introduce proposals for amending, repealing or enacting laws and other regulatory legal acts to legislative bodies and the bodies having legislative initiative right of the respective and lower levels.

#### **Article 10. The Scrutiny and Resolution of Petitions, Complaints and Other Applications by the Bodies of the Prosecutor's Office**

1. In compliance with their powers it is permitted to file petitions, complaints and other applications containing information on violation of laws with the bodies of the prosecutor's office. The decision of a prosecutor shall not be deemed as preventing a person's resorting to the court for defense. Appeal against a decision on a complaint relating to a court verdict, decision, ruling and judgment may be taken only to a higher prosecutor.

2. Petitions, complaints and other applications coming to the bodies of the prosecutor's office shall be considered in accordance with the procedure and within terms set by federal legislation.

3. The reply to a petition, complaint and other application shall be substantiated. Should the applicant's petition or complaint be dismissed, an explanation shall be offered to the applicant as to the procedure for appealing the decision as well as the right to action if provided by the law.

4. The prosecutor shall, in accordance with the procedure established by law, take measures to hold offenders accountable.

5. It is prohibited to send a complaint to the body or official the decisions of which are being appealed.

### **Section II. The System and Organization of the Prosecutor's Office of the Russian Federation**

#### **Article 11. The System of the Prosecutor's Office of the Russian Federation**

1. The system of the prosecutor's office of the Russian Federation is composed of the Prosecutor-General's Office of the Russian Federation, the prosecutor's offices of the subjects of the Russian Federation, the military and other specialized prosecutor's offices qualifying as such, scientific and educational institutions, editorial houses of publications being legal entities as well as the prosecutor's offices of cities/towns and districts, other territorial, military and other specialized prosecutor's offices.

The Prosecutor-General's Office of the Russian Federation, the prosecutor's offices of the subjects of the Russian Federation, the prosecutor's offices qualifying as such, scientific and educational institutions have under their operative control social and everyday utilities as well as economic facilities.

2. The formation, reorganisation and liquidation of the bodies and institutions of the prosecutor's office, except for agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation, the definition of the status and competence thereof shall be the responsibility of the Prosecutor-General of the Russian Federation.

3. It is prohibited to set up on the territory of the Russian Federation of bodies of the prosecutor's office or bodies that perform the activity of such which are not incorporated in the single system of the prosecutor's office of the Russian Federation.

4. The system of the prosecutor's office of the Russian Federation shall include the Investigative Committee under the Prosecutor's Office of the Russian Federation consisting of the Central Investigative

Directorate of the Investigative Committee under the Prosecutor's Office of the Russian Federation, investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation and specialized investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with them, in particular military investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation, as well as investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation for districts, towns/cities and specialised investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with them, in particular military investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

The regulations on the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be endorsed by the President of the Russian Federation.

**Article 12.** The Appointment of the Prosecutor-General of the Russian Federation

1. The Prosecutor-General of the Russian Federation shall be appointed and dismissed by the Federation Council of the Federal Assembly of the Russian Federation on the recommendation of the President of the Russian Federation.

2. If the nominee proposed by the President of the Russian Federation to the position of Prosecutor-General of the Russian Federation does not get a sufficient number of votes in the Federation Council, the President of the Russian Federation shall present another nominee to the Federation Council within 30 days.

3. The Chairman of the Federation Council of the Federal Assembly of the Russian Federation shall have the person appointed as Prosecutor-General of the Russian Federation take an oath in accordance with the procedure established by the Federation Council.

Below is the oath of Prosecutor-General of the Russian Federation:

"I hereby swear that, while exercising the powers of Prosecutor-General of the Russian Federation, I shall strictly abide by the Constitution of the Russian Federation and laws of the Russian Federation, to protect human and citizen's rights and freedoms as well as the interests of the society and the state protected under law".

4. In the absence of the Prosecutor-General of the Russian Federation or in the event when he/she is incapable of exercising his/her duties the duties thereof shall be performed by the first deputy and in the absence of the Prosecutor General of the Russian Federation and the first deputy thereof or when they are incapable of exercising their duties - by one of the Deputy Prosecutor-General of the Russian Federation in accordance with the established distribution of duties among the deputies.

5. The effective term of the powers of Prosecutor-General of the Russian Federation is five years.

6. Announcement shall be made in the press of the appointment and dismissal of the Prosecutor-General of the Russian Federation.

7. The Prosecutor-General of the Russian Federation shall present a report to the chambers of the Federal Assembly of the Russian Federation and President of the Russian Federation every year on the state of law and order in the Russian Federation and on the work that has been completed aimed at consolidating them.

The Prosecutor-General of the Russian Federation shall personally deliver the cited report to the Federation Council of the Federal Assembly of the Russian Federation at a meeting of this chamber.

**Article 13.** Appointment of Prosecutors, the Subordination Thereof and Grounds for Dismissal

1. The prosecutors of subjects of the Russian Federation shall be appointed by the Prosecutor-General of the Russian Federation with the approval of the bodies of state power of the subjects of the Russian Federation designated by the subjects of the Russian Federation.

The prosecutors of subjects of the Russian Federation shall report and be accountable to the Prosecutor-General of the Russian Federation and shall be dismissed by him.

2. The prosecutors of cities/towns and districts, the prosecutors of specialized prosecutor's offices shall be appointed and dismissed by the Prosecutor-General of the Russian Federation, they shall report and be accountable to higher prosecutors and the Prosecutor-General of the Russian Federation.

3. Announcement shall be made in the press of the appointment and dismissal of prosecutors.

**Article 14.** The Prosecutor-General's Office of the Russian Federation

1. The Prosecutor-General's Office of the Russian Federation is headed by Prosecutor-General of the Russian Federation.

2. The Prosecutor-General of the Russian Federation shall have a first deputy and deputies appointed and dismissed by the Federation Council of the Federal Assembly of the Russian Federation on the recommendation of Prosecutor-General of the Russian Federation.

3. Within the Prosecutor-General's Office of the Russian Federation there shall be set up a college composed of the Prosecutor-General of the Russian Federation (chairman), first deputy and

deputies thereof (ex officio), other prosecutor's office officials appointed by the Prosecutor-General of the Russian Federation.

4. The structure of the Prosecutor-General's Office of the Russian Federation shall comprise head administrations, administrations and departments (qualifying as administrations, within administrations). The chiefs of the head administrations, administrations and departments qualifying as administrations shall be senior assistants, and the deputies thereof and chiefs of departments within administrations - assistants to the Prosecutor-General of the Russian Federation.

In the head administrations, administrations and departments there shall be instituted the positions of senior prosecutors and prosecutors.

5. The Prosecutor-General of the Russian Federation shall have advisers, senior assistants, and senior assistants for special matters whose status corresponds to the status of the chiefs of administrations; assistants and assistants for special matters whose status corresponds to the status of deputy chiefs of administrations. The first Deputy and Deputy Prosecutor-Generals of the Russian Federation shall have assistants for special matters whose status corresponds to the status of deputy chiefs of administrations.

6. A Chief Military Prosecutor's Office shall be set up within the Prosecutor-General's Office of the Russian Federation, 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 operate a scientific consultative council responsible for the scrutiny of matters relating to the organisation and activities of the bodies of the prosecutor's office. Regulations on the scientific consultative council shall be endorsed by the Prosecutor-General of the Russian Federation.

**Article 15.** The Prosecutor's Offices of the Subjects of the Russian Federation, the Prosecutor's Offices Qualifying as Such

1. The prosecutor's offices of the subjects of the Russian Federation, the military and other specialised prosecutor's offices qualifying as such shall be headed by respective prosecutors who have first deputies and deputies.

2. In the prosecutor's offices of the subjects of the Russian Federation, the military and other specialised prosecutor's offices qualifying as such, colleges shall be set up as composed of the prosecutor of the subject of the Russian Federation (chairman), first deputy and deputies thereof (ex officio) and other prosecutor's office officials appointed by the prosecutor of the subject of the Russian Federation.

3. In the prosecutor's offices of the subjects of the Russian Federation, the military and other specialised prosecutor's offices qualifying as such, administrations and departments (qualifying as administrations within administrations) shall be set up. The heads of administrations and departments qualifying as administrations shall be senior assistants and deputies thereof and heads of departments within administrations shall be assistant prosecutors of the subjects of the Russian Federation.

In the said prosecutor's offices there shall be instituted the positions of senior assistant prosecutors and assistant prosecutors, senior prosecutors and prosecutors of administrations and departments. The prosecutors of the subjects of the Russian Federation and prosecutors qualifying as such may have assistants for special matters whose status correspond to the status of deputy chiefs of administrations.

**Article 16.** The Prosecutor's Offices of Cities/Towns and Districts, and Prosecutor's Offices Qualifying as Such

The prosecutor's offices of cities/towns and districts, the military and other specialised prosecutor's offices shall be headed by respective prosecutors. In the said prosecutor's offices there shall be instituted the positions of first deputy and deputy prosecutors, chiefs of departments, senior assistant prosecutors and assistant prosecutors.

By decision of the Prosecutor-General of the Russian Federation departments may be instituted in the prosecutor's offices of cities/towns and districts.

**Article 17.** The Powers of the Prosecutor-General of the Russian Federation in Running the System of Prosecutor's Office of the Russian Federation

1. The Prosecutor-General of the Russian Federations shall run the prosecutor's office of the Russian Federation, issue orders, directions, authorizations, regulations and instructions binding on all the employees of the bodies and institutions of the prosecutor's office as governing matters of organisation of the activities of the prosecutor's office of the Russian Federation and the procedure for implementing maintenance and welfare measures for the said employees.

2. Within the allocated staff strength and payroll fund the Prosecutor-General of the Russian Federation shall establish the list of staff and the structure of the Prosecutor-General's Office of the Russian Federation, define the powers of the structural units, set staff strength and the structure of

subordinate bodies and institutions of the prosecutor's office, except for the staff strength and structure of the system of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

3. The Prosecutor-General of the Russian Federation shall appoint and dismiss the directors (principals) of scientific and educational institutions of the prosecutor's office of the Russian Federation and deputies thereof.

4. The Prosecutor-General of the Russian Federation shall be answerable for the fulfilment of the tasks vested in the bodies of the prosecutor's office under the present Federal Law.

**Article 18. The Powers of Prosecutors of the Subjects of the Russian Federation and Prosecutors Qualifying as Such to Run Subordinate Bodies of the Prosecutor's Office**

The prosecutors of the subjects of the Russian Federation, and the prosecutors qualifying as such, shall govern the activities of the prosecutor's offices of cities/towns and districts, other prosecutor's offices qualifying as such, under the laws effective on the territory of the Russian Federation and regulatory acts of the Prosecutor-General of the Russian Federation, issue orders, directions, authorisations binding on all subordinate employees, may amend the lists of staff of their bodies and subordinate prosecutor's offices within the staff strength and payroll fund set by the Prosecutor-General of the Russian Federation.

**Article 19. The Powers of Prosecutors of Cities/Towns with a District Subdivision for Running Subordinate Bodies of the Prosecutor's Office**

The prosecutors of cities/towns with a district subdivision shall govern the activities of district prosecutor's offices and the prosecutor offices qualifying as such, introduce proposals to higher prosecutors for changing the staff strength of their bodies and subordinate prosecutor's offices, and for personnel changes.

**Article 20. Colleges in the Bodies of the Prosecutor's Office**

Colleges in the bodies of prosecutor's office shall be consultative bodies. The decisions of colleges shall be used as basis for respective prosecutors issuing orders.

**Article 20.1. The Investigative Committee under the Prosecutor's Office of the Russian Federation**

1. The Investigative Committee under the Prosecutor's Office of the Russian Federation shall be seen as the body of the prosecutor's office of the Russian Federation ensuring within the scope of authority thereof the observance of the federal legislation on criminal court proceedings.

Investigators of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall conduct a preliminary investigation with respect to cases on the crimes which are referred to the scope of authority thereof by the criminal procedural legislation of the Russian Federation.

2. The system of the Investigative Committee under the Prosecutor's Office of the Russian Federation comprises the following: the Central Investigative Directorate of the Investigative Committee under the Prosecutor's Office of the Russian Federation, investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation for constituent entities of the Russian Federation and specialized investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with them, in particular military investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation for military districts, fleets, the Strategic Missile Forces and other military investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation for constituent entities of the Russian Federation, as well as investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation for districts, towns/cities and specialized investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with them, in particular military investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation for forces, commands, garrisons and other military investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with the investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation for districts and towns/cities.

3. The Investigative Committee under the Prosecutor's Office of the Russian Federation shall be headed by First Deputy Prosecutor General of the Russian Federation - Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation who shall be appointed to the office and dismissed by the Federation Council of the Federal Assembly of the Russian Federation on the proposal of the President of the Russian Federation.

The Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall have his first deputy and deputies to be appointed to their offices and dismissed by the

President of the Russian Federation on the proposal of the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

4. The Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation within the limits of the established staff strength and wage bill of officials (employees) of the Investigative Committee under the Prosecutor's Office of the Russian Federation and of its structural subdivisions shall endorse their structure and the list of staff members, as well as shall define the powers of structural subdivisions thereof.

5. Within the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be established central directorates, directorates, departments and divisions; shall be instituted the positions of the heads of the appropriate structural subdivisions, of their first deputies and deputies, as well as of senior criminologist prosecutors, criminologist prosecutors, senior investigators for cases of special importance, investigators for cases of special importance, senior investigators and investigators.

6. Officials of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be appointed to their offices and dismissed in the procedure established by the Investigative Committee under the Prosecutor's Office of the Russian Federation.

7. Within the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be instituted the collegium including ex officio the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation, his first deputy and deputies, as well as other officials who shall be appointed to their offices and dismissed by the President of the Russian Federation on the proposal of the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation. The regulations on the collegium of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be endorsed by the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

8. The employees of the Investigative Committee under the Prosecutor's Office of the Russian Federation are officials of the prosecutor's office.

### **Section III. Prosecutor's Supervision**

#### **Chapter 1. Supervision over the Observance of Law**

##### **Article 21. The Subject Matter of Supervision**

1. The following shall be subject to supervision:

the observance of the Constitution of the Russian Federation and execution of the laws effective on the territory of the Russian Federation by the federal ministries, state committees, services and other federal bodies of executive power, representative (legislative) and executive bodies of state power of the subjects of the Russian Federation, local self-government bodies, bodies of military administration, control bodies, as well as officials thereof and the managerial bodies and heads of commercial and non-commercial organisations;

the compliance of acts issued by the bodies and officials specified under the present point with the law.

2. While performing supervision over the execution of laws the bodies of the prosecutor's office shall not act as substitutes of other state bodies.

Verification of the execution of laws shall be performed on the basis of information received by the bodies of the prosecutor's office as evidencing of a breach of law that require the prosecutor's action.

##### **Article 22. The Powers of the Prosecutor**

1. While exercising the functions vested in him the prosecutor shall be entitled:

upon the presentation of his service identity card to obtain unobstructed access to the territories and the premises of the bodies specified under Item 1 Article 21 of the present Federal Law, to their documents and materials, to verify the execution of laws in connection with information received by the bodies of the prosecutor's office concerning breaches of the law;

to demand that the heads and other officials of the said bodies present necessary documents, materials, statistical and other data, assign specialists to clarify issues that might arise; to conduct verification on the basis of materials and complaints received by the bodies of the prosecutor's office, to conduct inspections to verify the activities of the organisations within the cognizance thereof;

to summon officials and citizens for explanations concerning offenses.

2. Acting on the grounds established by law the prosecutor or deputy thereof shall initiate proceedings in a case of an administrative offence, demand that offenders be held accountable under other law, warn of the inadmissibility of violation of the law.

3. Should the fact of a breach of law by the bodies and officials specified under Item 1 Article 21 of the present Federal Law be established, the prosecutor or deputy thereof shall:

release by his decision persons who have been unlawfully detained under administrative law under decisions of non-judiciary bodies;

bring a protest against legal acts that run contrary to law, apply to a court or arbitration court claiming that such acts be recognised as invalid;

make a proposal on the elimination of violations of the law.

4. The officials of the bodies specified under Item 1 Article 21 of the present Federal Law shall immediately proceed to implement the prosecutor's or deputy prosecutor's demand for verification and inspection.

#### **Article 23. Prosecutor's Protest**

1. The prosecutor or deputy thereof shall bring a protest against a legal act conflicting with the law to the body or official which has issued this act or to a higher body or higher official or shall apply to court in accordance with the procedure provided by the law of procedure of the Russian Federation.

2. The protest shall be subject to compulsory scrutiny within ten days of receipt and at the next scheduled meeting in case when a protest is brought against a decision of the representative (legislative) body of a subject of the Russian Federation or a local self-government body. Under exceptional circumstances calling for prompt elimination of a breach of law the prosecutor is entitled to set a shorter term for the scrutiny of the protest. The prosecutor shall be informed of the results of the consideration immediately in writing.

3. When the protest is considered by a collective body the prosecutor who has brought the protest shall be informed of the date of the meeting.

4. The protest can be revoked before the scrutiny by the person who brought it.

#### **Article 24. Prosecutor's Proposal**

1. The proposal on the elimination of a breach of law shall be made by the prosecutor or deputy thereof to the body or official which is authorised to eliminate the wrongdoing committed and it shall be subject to expedient scrutiny.

Within one month after the date when the proposal was made specific measures shall be taken to eliminate the breach of law committed, the causes thereof and the conditions favourable thereto; the prosecutor shall be informed in writing of the results of measures that have been taken.

2. If the proposal is to be considered by a collective body the prosecutor shall be informed of the date of the meeting.

3. Should there occur a discrepancy between decisions of the Government of the Russian Federation, the Constitution of the Russian Federation and laws of the Russian Federation, the Prosecutor-General of the Russian Federation shall inform the President of the Russian Federation about it.

#### **Article 25. Prosecutor's Decision**

1. Proceeding from the nature of the breach of law committed by an official the prosecutor shall return a substantiated decision to bring action in proceedings in the case of an administrative offense.

2. The prosecutor's decision to institute administrative proceedings offense shall be considered by the body or official authorised to do so within the term established by law. The prosecutor shall be informed in writing of the results of the consideration.

#### **Article 25.1. Warning of the Inadmissibility of a Breach of Law**

For the purposes of preventing law offences and if there exists information on the prepared illegal actions, the public prosecutor or his deputy shall forward in writing to the officials, and if there exists information on the prepared illegal actions containing the signs of extremist activity - to the leaders of public (religious) associations and to the other persons, a warning on the inadmissibility of the violation of law.

Should the demands set forth in the said warning fail to be complied with the official to whom it was addressed may be held accountable under the procedure established by law.

### **Chapter 2. Supervision over the Observance of Human and Citizen's Rights and Freedoms**

#### **Article 26. The Subject Matter of Supervision**

1. The subject matter of the supervision shall be the observance of human and citizen's rights and freedoms by the federal ministries, state committees, services and other federal bodies of executive power, representative (legislative) and executive bodies of the subjects of the Russian Federation, local self-government bodies, military administrative bodies, control bodies, officials thereof as well as the managerial bodies and heads of commercial and non-commercial organisations.

2. The bodies of the prosecutor's office shall not act as a substitute for other state bodies and officials who monitor the observance of human and citizen's rights and freedoms, and shall not interfere in the day-to-day economic activities of organisations.

**Article 27. The Powers of the Prosecutor**

1. While carrying out the functions vested in him the prosecutor shall:  
scrutinize and verify applications, complaints and other messages concerning the violation of human and citizen's rights and freedoms;  
explain to victims the procedure for defending their rights and freedoms;  
take measures for preventing and stopping the violation of human and citizen's rights and freedoms, holding accountable persons who have violated the law and securing damages for the harm inflicted;

exercise the powers specified in Article 22 of the present Federal Law.

2. Should there exist grounds to deem a violation of human and citizen's rights and freedoms as having the features of a crime, the prosecutor shall take measures for criminal prosecution under the law of the persons who have committed it.

3. In the event that a violation of human and citizen's rights and freedoms has the nature of an administrative offence, the prosecutor shall institute proceedings in an administrative case or immediately pass information on the offence and verification materials to the body or official authorised to consider cases of administrative offenses.

4. In the event of a violation of human and citizen's rights and freedoms defended in a civil judicial procedure when the victim, due to his/her state of health, age or other reasons, cannot appear in court to defend his/her rights and freedoms or when there is a violation of the rights and freedoms of a significant number of citizens or for other reasons the violation has acquired a special public significance, the prosecutor shall file and support a claim in the victims' interests in the court or arbitration court.

**Article 28. Prosecutor's Protest and Presentation**

The prosecutor or deputy thereof shall bring a protest against an act violating human and citizen's rights and freedoms to the body or official who has issued this act or shall apply to court in accordance with the procedure provided by the law of procedure of the Russian Federation.

The proposal on the elimination of the violation of human and citizen's rights and freedoms shall be brought by the prosecutor or deputy thereof to the body or official authorised to eliminate the violation committed.

Protests and proposals shall be made and considered in accordance with the procedure and within the terms established by Articles 23 and 24 of the present Federal Law.

**Chapter 3. Supervision over the Observance of the Law by the Bodies Performing Operative Search, Inquiry and Preliminary Investigation**

**Article 29. The Subject Matter of Supervision**

The subject matter of supervision shall be the observance of human and citizen's rights, the established procedure for resolving applications and announcements on the crimes committed and crimes being prepared, the performance of operative search actions and the conduct of investigation, as well as the lawfulness of decisions adopted by the bodies responsible for operative search activities, inquiry and preliminary investigation.

**Article 30. The Powers of the Prosecutor**

1. The powers of the prosecutor to supervise the observance of laws by the bodies responsible for operative search, inquiry and preliminary investigation shall be established by the law of criminal procedure of the Russian Federation and other federal laws.

2. The directions of the Prosecutor-General of the Russian Federation on issues of inquiry not requiring legislative regulation shall be binding in nature.

**Article 31. Abrogated.**

**Chapter 4. Supervision over the Observance of the Law by the Administrations of the Bodies and Institutions Responsible for Executing Sentences and Sanctions Ordered by the Court, by the Administrations of Detention and Custody Facilities**

**Article 32. The Subject Matter of Supervision:**

The subject matter of supervision shall be as follows:  
the legal grounds for persons being held in detention, custody, penitentiary-labour and other institutions responsible for the execution of sentences and sanctions ordered by court;

the observance of the rights and duties of persons detained, put in custody, convicted and subjected to enforcement measures, the procedure and conditions of their detention established by the legislation of the Russian Federation;

the legal grounds for the execution of a sentence not connected with imprisonment.

**Article 33. The Powers of the Prosecutor**

1. While carrying out supervision over the implementation of laws the prosecutor shall be entitled to:

visit at any time the bodies and institutions specified in Article 32 of the present Federal Law;  
interview persons who have been detained, put in custody, convicted and subjected to sanctions;  
familiarise himself with the documents under which these persons were detained, put in custody, convicted or subjected to sanctions as well as with operative materials;

demand that the administration create conditions ensuring the rights of persons who have been detained, put in custody, convicted and subjected to sanctions, verify the compliance of orders, authorisations, decisions of the administration of the bodies and institutions specified in Article 32 of the present Federal Law with the legislation of the Russian Federation, demand explanations from officials, present protests and preposals, bring proceedings of civil offences. The administration of institution shall suspend the act against which a protest has been brought until the completion of the scrutiny thereof;

lift the disciplinary sanctions imposed in breach of law on persons put in custody, convicted, to immediately release them by his decision from a penalty isolation ward, cell-type premises, penalty cell, a solitary cell of a disciplinary isolation ward.

2. The prosecutor or deputy thereof shall immediately release by his decision each person imprisoned without legal ground at institutions responsible for the execution of sentences and sanctions or person detained, put in preliminary custody or in a forensic-psychiatric institution in breach of law.

**Article 34. The Binding Nature of the Prosecutor's Decisions and Demands**

The prosecutor's decisions and demands as to the observance of the procedure and conditions established under law for the accommodation of persons detained, put in custody, convicted, subjected to sanctions or put in forensic-psychiatric institutions shall be binding on the administration as well as the bodies responsible for the execution of court sentences in respect of persons sentenced to a punishment not connected with imprisonment.

**Section IV. Prosecutor's Participation in the Hearing of Cases by Courts**

**Article 35. Prosecutor's Participation in the Hearing of Cases by Courts**

1. The prosecutor shall take part in the hearing of cases by courts in the instances provided by the law of procedure of the Russian Federation and other federal laws.

2. While performing a criminal prosecution in court, the prosecutor shall act as a state prosecutor.

3. Under the law of procedure of the Russian Federation the prosecutor is entitled to apply to court or enter into a case at any phase of the process if such is required to defend citizens' rights and the interests of society or state protected under law.

4. The powers of the prosecutor taking part in the hearing of cases by court shall be defined by the law of procedure of the Russian Federation.

5. Under the legislation of the Russian Federation the Prosecutor-General of the Russian Federation shall attend the sessions 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 is entitled to apply to the Constitutional Court of the Russian Federation on the issue of the violation of citizens' constitutional rights and freedoms applied or supposed to be applied in a specific case.

**Article 36. Bringing Protest against Court Decisions**

1. Acting within their competence the prosecutor or deputy thereof shall bring a cassation protest or a private protest or a supervisory protest to a higher court and an appellate or cassation complaint or protest as a matter of supervision over an unlawful or ungrounded court decision, sentence, ruling or judgment. An assistant prosecutor, prosecutor of an administration, or department may bring a protest only in a case in the hearing of which they have taken part.

2. Irrespective of their participation in court hearing, the prosecutor or deputy thereof within their competence have the right of certiorari in respect of any case or category of cases on which a decision, sentence, ruling or judgment have become final. Having come to the conclusion that a court decision, sentence, ruling or judgment are unlawful or ungrounded, the prosecutor shall bring a supervisory protest or shall make a proposal to a higher prosecutor.

3. A protest against the decision of a judge in a case of administrative offence may be brought by the prosecutor of a city/town, district, a higher prosecutor or by deputies thereof.

**Article 37. Revoking a Protest**

A protest against a court decision, sentence, ruling or judgment may be revoked by the prosecutor who has brought it, before the commencement of the court hearing.

**Article 38. Suspending the Execution of a Court Sentence**

The bringing of a protest by the Prosecutor-General of the Russian Federation or deputy thereof against a sentence providing for the death penalty shall suspend the execution thereof.

**Article 39. Proposal concerning Clarification to Be Provided to Courts**

The Prosecutor-General of the Russian Federation is entitled to make presentations to the Plenary Session of the Supreme Court of the Russian Federation, the Plenary Session of the Higher Arbitration Court of the Russian Federation for the provision of clarification to courts on the matters of judicial practice in civil, arbitration, criminal, administrative and other cases.

**Section V. Service with the Bodies and Institutions of the Prosecutor's Office****Article 40. Undergoing Service with the Bodies and Institutions of the Prosecutor's Office**

1. Service with the bodies and institutions of the prosecutor's office is a type of federal civil service.

The employees of the prosecutor's office are civil servants of the Russian Federation executing their duties in a state position in the federal civil service in keeping with the provisions of the present Federal Law.

The legal status and conditions of the service of employees of the prosecutor's office are determined by the present Federal Law in compliance with Item 2 Article 4 of the Federal Law on the Fundamentals of Civil Service of the Russian Federation.

2. The labour relations of the employees of the bodies and institutions of the prosecutor's office (hereinafter also referred to as "employees") are governed by the legislation of the Russian Federation on labour and the legislation of the Russian Federation on civil service with account taken of the peculiarities provided by the present Federal Law.

3. The procedure for military prosecutors and investigators of military investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation, military investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation undergoing service is governed by the present Federal Law, the Federal Law on Military Duty and Military Service and the Federal Law on the Status of Military Servicemen.

4. Employees are entitled to appeal against decisions of the heads of the bodies and institutions of the prosecutor's office concerning undergoing service to a higher head and/or court.

**Article 40.1. Requirements for the Persons Appointed as Prosecutors and Investigators**

1. To qualify as prosecutor and investigator one shall be a citizen of the Russian Federation, with higher legal education after having graduated from a higher professional education institution, who holds a state accreditation and possess the required professional and moral qualities and whose state of health allows the execution of the service duties vested in them.

In exceptional cases persons undergoing studies in law in higher professional education institutions and holding state accreditation who have completed the third year of studies there can be appointed to the positions of assistant prosecutors of prosecutor's offices of districts, towns/cities and prosecutor's offices equated with them, as well as of investigators of investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation for districts, towns/cities and specialized investigatory departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with them.

2. A person cannot be admitted to undergo service with the bodies and institutions of prosecutor's office and be on such a service if he/she:

has the citizenship of a foreign state;

has been recognised under a court decision as a person without capacity or with limited capacity;

has been deprived by a court decision of the right to occupy state positions of civil service for a specific term;

has been convicted or is undergoing conviction;

has a disease incompatible, according to a medical statement, with his/her executing service duties;

is in close relationship or relationship by marriage (parents, spouses, brothers, sisters, children, as well as spouse's brothers, sisters, parents or children) with an employee of a body or institution of the prosecutor's office if their service involves one's direct subordination or control in respect to the other;

refuses to undergo the procedure to be granted access to intelligence consisting a state secret, if the performance of service duties in the position for which the person is contending implies the use of such intelligence.

3. Persons shall be admitted to undergo service with the bodies and institutions of the prosecutor's office under the terms and conditions of a labour agreement concluded for an indefinite term or for a term not exceeding five years.

4. Persons undergoing studies in law in higher professional education institutions with tuition fees being paid by the Prosecutor-General's Office of the Russian Federation as well as the employees of the prosecutor's office undergoing full-time post-graduate studies with their salary maintained as provided in Paragraph 2 Item 3 Article 43.4 of the present Federal Law shall work for at least five years with the bodies or institutions of the prosecutor's office in keeping with the agreements signed with them. Should these persons be dismissed from the bodies or institutions of the prosecutor's office upon the expiration of said term, except for cases when dismissal is due to state of health, draft to undergo active military service, dismissal of a woman having a child aged eight and below, dismissal in connection with the liquidation of the body or institution of the prosecutor's office, cuts in the staff strength or in the list of staff (hereinafter referred to as "organisational staff measures"), they shall reimburse in full the expenses towards their studies.

5. Persons appointed as prosecutor of city/town, district, the prosecutors qualifying as such shall meet the following criteria: age 25 and above, at least a three-year work record as a prosecutor or investigator.

Persons appointed as prosecutors of subjects of the Russian Federation, the prosecutors qualifying as such shall meet the following criteria: age 30 and above, at least a five-year work record as a prosecutor or investigator.

In exceptional cases the Prosecutor-General of the Russian Federation is entitled to appoint persons having a work record specialising in law in executive positions in the bodies of state power to the positions of prosecutors of subjects of the Russian Federation, prosecutors of cities/towns, districts, the prosecutors of specialized prosecutor's offices qualifying as such.

#### **Article 40.2. Restrictions and Duties Relating to Service with Bodies and Institutions of the Prosecutor's Office**

1. The persons occupying the positions of prosecutors and investigators are subject to the restrictions and prohibitions established by Articles 16 and 17 of Federal Law No. 79-FZ of July 27, 2004 on the Civil Service of the Russian Federation (hereinafter referred to as the Federal Law on the Civil Service of the Russian Federation).

2. The persons holding the positions of prosecutors and investigators shall present on an annual basis data on themselves and their family members, as well as data on the income derived by them and on the taxable property they have in their possession and on property obligations thereof in the procedure established by the Federal Law on the Civil Service of the Russian Federation.

#### **Article 40.3. Probation Preceding Admittance to Service with the Bodies of the Prosecutor's Office**

1. Probation for a term of up to six months may be established for persons who are being admitted for the first time to undergo service with the bodies of the prosecutor's office, except persons who graduated from higher professional education and secondary vocational education institutions. The duration of probation shall be determined by the head of the respective body of the prosecutor's office whose competence embraces the appointment to the respective position, by agreement with the person who is being admitted to undergo service. The probation term may be reduced or extended in the course of the service by up to six months by agreement of the sides. The probation term shall not include a temporary disability term and other periods when the probationer was absent from service for any reason. Any probation term shall be taken into account in the record of service with the bodies of the prosecutor's office.

2. The persons specified under Item 1 of the present article shall be appointed to a respective position without a class rank being conferred upon them and shall execute during the probation term the service duties vested in them.

3. Should the result of probation be unsatisfactory, the employee may be dismissed from the bodies of the prosecutor's office or transferred to another position by agreement with him/her.

If the probation term has expired and the employee continues to execute the service duties vested therein he/she shall be deemed as having passed the test and no additional decision shall be required as to his/her appointment to the position.

#### **Article 40.4. Prosecutor's (Investigator's) Oath**

1. A person appointed for the first time as prosecutor or investigator shall take the Prosecutor's (Investigator's) Oath of the following wording:

"Dedicating myself to the service of the Law I hereby solemnly swear:

to strictly abide by the Constitution of the Russian Federation, the laws and international obligations of the Russian Federation, without the least deviation therefrom;  
to wage an uncompromising fight against any violation of law, irrespective of who the perpetrator thereof is, to strive for the high effectiveness of the prosecutor's supervision and preliminary investigation;  
to defend actively the best interests of the individual, society and state;  
to display a caring attention to citizens' proposals, applications and complaints, to ensure an objective and just approach in resolving people destinies;  
to strictly preserve state secrets and other secrets protected under law;  
to permanently keep improving my skills, treasure my professional honour, to be a model of incorruptibility, moral integrity, modesty, to treasure and augment the best traditions of the prosecutor's office.

I am aware that a breach of this Oath is incompatible with continuation of service with the bodies of the prosecutor's office".

2. The procedure for taking the Prosecutor's (Investigator's) Oath shall be established by the Prosecutor General of the Russian Federation.

#### **Article 40.5. The Powers to Appoint and Dismiss**

1. The Prosecutor-General of the Russian Federation shall appoint and dismiss:

a) in the Prosecutor-General's Office of the Russian Federation: chiefs of head administrations, administrations and departments and deputies thereof, advisers, senior assistants and senior assistants for special matters, assistants and assistants for special matters to the Prosecutor-General of the Russian Federation, assistants for special matters to the First Deputy and Deputy Prosecutor-Generals of the Russian Federation, senior prosecutors and prosecutors of head administrations, administrations and departments and assistants thereof.

Employees may be appointed to other positions by the Deputy Prosecutor-Generals of the Russian Federation;

b) the prosecutors of subjects of the Russian Federation and prosecutors qualifying as such in accordance with the procedure set forth under Item 1 Article 13 of the present Federal Law;

c) the deputy prosecutors of subjects of the Russian Federation and prosecutors qualifying as such;

d) the prosecutors of cities/towns, districts and prosecutors qualifying as such;

e) the directors (principals) of scientific and educational institutions of the prosecutor's office of the Russian Federation (hereinafter referred to as "the scientific and educational institutions of the prosecutor's office) and deputies thereof.

2. The prosecutor of a subject of the Russian Federation, prosecutors qualifying as such, shall appoint and dismiss:

a) the staff of the respective prosecutor's office, except their deputies;

b) the deputy prosecutors, chiefs of departments, senior assistant prosecutors and assistant prosecutors.

3. The prosecutors of cities/towns, districts, the prosecutors qualifying as such shall appoint and dismiss employees not occupying the positions of prosecutors and investigators.

4. The directors (principals) of scientific and educational institutions of the prosecutor's office shall appoint and dismiss the scientific and teaching staff of the scientific and educational institutions of the prosecutor's office (hereinafter referred to as "scientific and teaching staff") as well as other employees of the said institutions, except their deputies.

#### **Article 41. The Attestation of Prosecutor's Office Officials. The Class Ranks of Prosecutor's Office Officials**

1. The attestation of prosecutor's office officials shall be carried out for the purpose of determining if they qualify for the position they occupy and to upgrade the qualification of prosecutor's office officials, enhancing service discipline.

2. Prosecutor's office officers holding class ranks or occupying positions for which the conferment of class ranks is envisaged shall be subject to attestation.

3. The procedure and term for attestation shall be determined:

by the Prosecutor-General of the Russian Federation - in respect of officials of the prosecutor's office, except for investigators;

by the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation - in respect of the officials of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

4. The scientific and teaching staff shall be subject to attestation in accordance with the procedure determined by the Prosecutor-General of the Russian Federation subject to the specifics of scientific and pedagogical activities, while officers of military investigatory directorates and departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be subject to

attestation in the procedure determined by the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation subject to the specifics of doing military service.

5. Class ranks shall be conferred for life on prosecutors and investigators, scientific and teaching staff in accordance with the positions they occupy and work record. The Prosecutor-General of the Russian Federation may also confer class ranks on other employees.

6. The procedure for conferring class ranks is set forth by the Regulations on the Class Ranks of Officials of the Prosecutor's Office endorsed by the President of the Russian Federation.

#### **Article 41.1. Service Identity Card**

A service identity card of the design defined by the Prosecutor-General of the Russian Federation shall be issued to the prosecutor's office employees. Service identity cards of the model established by the Chairman of the Investigative Committee under the Prosecutor's office of the Russian Federation shall be issued to officials of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

The service identity card is a personal document of a prosecutor's office official confirming his/her identity, class rank and position.

The service identity card of prosecutors and investigators confirm their right to carry and store small hand arms and special means as well as other rights and powers granted to prosecutors and investigators under the present Federal Law.

#### **Article 41.2. The Personal File of an Official of the Prosecutor's Office**

1. The personal file of an official of the prosecutor's office shall comprise information on the official, his undergoing service with the bodies and institutions of prosecutor's office and qualification upgrades.

2. It is prohibited to gather and enter in the personal file information on the political and religious adherence of an official of the prosecutor's office.

The prosecutor's office official is entitled to familiarize himself/herself with all the materials kept in his/her file, to have his/her explanations in writing attached to the file.

3. The procedure for keeping the personal files of prosecutor's office officials is determined by the Prosecutor-General of the Russian Federation, while those of officials of the Investigative Committee under the Prosecutor's Office of the Russian Federation - by the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

#### **Article 41.3. Uniform**

1. A uniform shall be provided to prosecutor's office officials in accordance with the procedure and at the rates established by the Government of the Russian Federation.

2. Should an official of the prosecutor's office take part in a court hearing of criminal, civil and arbitration cases and in other official events where the prosecutor's office is represented, the wearing of the uniform is compulsory.

3. Persons dismissed from the bodies and institutions of the prosecutor's office having at least a 20-year work record with the bodies and institutions of the prosecutor's office, except persons dismissed for wrongdoing damaging the honour of the prosecutor's office official or deprived of class rank by a court, are entitled to wear the uniform.

#### **Article 41.4. Officials' Leave**

1. Prosecutors and investigators, scientific and teaching staff shall be provided with a 30-day annual paid leave with no account taken of the time of travel to the place of leave and back including travel expenses within the territory of the Russian Federation.

Prosecutors and investigators working in areas with difficult and unfavourable climatic conditions shall be provided with a leave at the rates set by the Government of the Russian Federation but not less than 45 calendar days.

Additional annual paid leave depending on the duration of work record shall be provided to a prosecutor or investigator, scientific or teaching employee:

after 10 years: 5 calendar days;

after 15 years: 10 calendar days;

after 20 years: 15 calendar days.

The work record for which one is entitled to additional leave shall also include the probation term with the bodies and institutions of the prosecutor's office. The said work record in calendar day terms shall include service in other law-enforcement bodies, military service as well as work in the capacity of a judge.

2. On the request of prosecutors and investigators, scientific and teaching staff, the leave can be split up into two parts on the approval of the administration. In such a case travel expenses to the place of leave and back and travel time to that place and back shall be paid and provided respectively only once.

3. In specific cases the official can get his/her annual paid leave carried over to the next year on the official's application and with the approval of the head of the respective body or institution of the prosecutor's office.

4. Officials dismissed from the bodies of the prosecutor's office in connection with organizational staff measures, illness, resignation or retirement shall be provided with scheduled annual paid leave if they wish so. A pecuniary compensation shall be paid pro rata for worked time for unused leave in the year of dismissal.

#### **Article 41.5. Transferring an Official of the Prosecutor's Office to Another Locality**

1. An office of the prosecutor's official can be transferred to another locality in the interests of the service only with his/her consent and in the existence of a medical statement if the transfer is to a locality with difficult and unfavorable climatic conditions.

A prosecutor's office official can be transferred to another locality on his/her own initiative only by agreement with the heads of the respective bodies of the prosecutor's office.

2. Prosecutor's office officials transferred to undergo service on a permanent basis to another locality shall have their relocation expenses and their family members' relocation expenses reimbursed in full from the federal budget.

#### **Article 41.6. Incentives for Officials**

1. The following incentives shall be provided to officials for model execution of their service duties, long and excellent service with the bodies and institutions of prosecutor's office, fulfillment of tasks of special importance and complexity:

the announcement of gratitude;

the award of a Certificate of Honour;

entry on the Board of Honour, the Book of Honour;

a pecuniary award;

the award of a gift;

the award of a precious gift;

the award of an arm with personal inscription;

the conferment of class rank before due time or the conferment of a class rank one level higher than the next one;

the award of the badge "For Excellent Service with the Prosecutor's Office of the Russian Federation";

the award of the badge "Honoured Official of the Prosecutor's Office of the Russian Federation" including simultaneous award of a Certificate by the Prosecutor-General of the Russian Federation.

2. Distinguished officials may be proposed for the award of the title of honour "Lawyer Emeritus of the Russian Federation and with state awards of the Russian Federation.

3. The Prosecutor-General of the Russian Federation may establish incentives not provided for under Item 1 of the present article.

4. The regulations on the badges "Honoured Official of the Prosecutor's Office of the Russian Federation" and "For Excellent Service with the Prosecutor's Office of the Russian Federation" shall be endorsed by the Prosecutor-General of the Russian Federation.

5. The monies from award and gift funds shall be used for awarding officials.

6. The Prosecutor-General of the Russian Federation may apply the incentives specified in the present article to persons who are not employed by the bodies and institutions of the prosecutor's office and who render significant assistance in consolidating law and order and developing the prosecutor's office of the Russian Federation.

#### **Article 41.7. Disciplinary Liability**

1. Should officials default on or improperly perform their service duties and commit wrongdoing damaging the honour of the official of the prosecutor's office, the heads of the bodies and institutions of the prosecutor's office shall be entitled to impose the following disciplinary sanctions upon them:

remark;

reprimand;

strict reprimand;

class rank demotion;

deprivation of the badge "For Excellent Service with the Prosecutor's Office of the Russian Federation";

deprivation of the badge "Honoured Official of the Prosecutor's Office of the Russian Federation";

warning of incomplete service qualification compliance;

dismissal from the bodies of the prosecutor's office.

2. The Prosecutor-General of the Russian Federation is entitled to impose the full scope of disciplinary sanctions, upon officials of the prosecutor's office, except for the officials of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

The Prosecutor-General of the Russian Federation shall designate the powers of respective heads in terms of holding the officials appointed by the Prosecutor-General of the Russian Federation answerable in disciplinary terms.

2.1. The Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation has the right to impose in full disciplinary sanctions with respect to officials of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

The Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall determine the scope of authority of appropriate heads as to the imposition of disciplinary sanctions upon officials of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

3. The prosecutors of subjects of the Russian Federation, the prosecutors qualifying as such and the directors (principals) of scientific and educational institutions of the prosecutor's office, heads of investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation for constituent entities of the Russian Federation and of specialised investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with them, in particular of military investigative directorates of the Investigative Committee under the Prosecutor's Office of the Russian Federation, are entitled to impose disciplinary sanctions upon the officials they appoint, except the deprivation of the badge "Honoured Official of the Prosecutor's Office of the Russian Federation".

4. The prosecutors of cities/towns, districts, prosecutors qualifying as such, chiefs of investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation for districts, towns/cities and of specialised investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation equated with them, in particular of military investigative departments of the Investigative Committee under the Prosecutor's Office of the Russian Federation, are entitled to impose disciplinary sanctions in the form of a remark, reprimand, strict reprimand as well as dismissal upon the officials they appoint.

5. The imposition of disciplinary sanction in the form of dismissal from the bodies of prosecutor's office upon officials awarded with the badge "Honoured Official of the Prosecutor's Office of the Russian Federation" may be effected only with the approval of the Prosecutor-General of the Russian Federation, while upon officials of the Investigatory Committee under the Prosecutor's Office of the Russian Federation - with the approval of the Chairman of the Investigatory Committee under the Prosecutor's Office of the Russian Federation

6. The disciplinary sanction shall be imposed immediately after the wrongdoing has been uncovered, and not later than one month after that date, with any period illness or leave of the official not being taken into account.

7. The disciplinary sanction shall not be imposed during a period when the official is ill or is on leave.

8. The disciplinary sanction shall not be imposed later than six months from the date of the wrongdoing, and later than two years from wrongdoing involving the results of an inspection or verification of financial and economic activities.

9. An official who has committed a wrongdoing can be temporarily (for a term not exceeding one month) suspended on full pay until the resolution of the issue as to the imposition of a disciplinary sanction.

The dismissal shall be effected under the order of the head of the body or institution of the prosecutor's office entitled to appoint an official to a respective position. Salary shall be payable to the official for the term of suspension at the rate of the position salary, class rank bonus and work record bonus.

#### **Article 42. Procedure for Holding Prosecutors and Investigators Accountable under Criminal and Administrative Law**

1. Any verification of a notice concerning the fact of an offence committed by a prosecutor or investigator, initiation of criminal proceedings against them (except for the cases where the prosecutor or investigator is overtaken in a fault) and investigation proceedings shall be the exclusive competence of the bodies of the prosecutor's office.

For the period of investigation in a criminal case, should criminal action be brought against a prosecutor or investigator, they shall be suspended from their position. For the term of suspension the official shall be paid a salary at the rate of the salary corresponding to the position, class rank bonus and work record bonus.

2. The arrest, forcible summons, personal search of a prosecutor or investigator are prohibited, as well as search of their belongings and vehicle used by them, except in cases when it is provided by federal law to ensure the security of other persons, and arrest in flagrante.

**Article 43. Terminating Service with the Bodies and Institutions of the Prosecutor's Office**

1. Service with the bodies and institutions of the prosecutor's office shall terminate at the dismissal of the official of the prosecutor's office.

Apart from the grounds provided by the labour legislation of the Russian Federation, an official of prosecutor's office may be dismissed in connection with resignation and on the initiative of the head of a body or institution of the prosecutor's office in the case of:

a) the official of the prosecutor's office reaching the maximum age for service with the bodies and institutions of the prosecutor's office;

b) termination of citizenship of the Russian Federation;

c) a breach of the Prosecutor's (Investigator's) Oath or a commission of wrongdoing damaging the honour of the prosecutor's office official;

d) non-observance of the restrictions and non-discharge of the duties relating to service or the occurrence of other circumstances provided in Articles 16 and 17 of the Federal Law on the Civil Service of the Russian Federation;

e) a disclosure of intelligence constituting a state secret or another secret protected under law.

2. The maximum age for prosecutor's office officials (except scientific and teaching staff) serving with the bodies and institutions of the prosecutor's office is 60 years old.

The maximum term of service of officials who have reached the maximum age and who occupy the positions specified in Articles 14, 15 and 16 of the present Federal Law can be extended by decision of the head of the respective body or institution of the prosecutor's office. One-off extension of the term of service with the bodies and institutions of the prosecutor's office is permitted for a term not exceeding one year.

It is prohibited to extend the term of service of an official who has reached the age of 65. Having attained this age, the official may continue to work with the bodies and institutions of prosecutor's office under the terms of a fixed-period labour contract with full monetar allowance retained as provided under Item 1 Article 44 of the present Federal Law.

3. Prosecutors and investigators have the right to resign. The following are grounds for resignation:

a) retirement as provided under Item 2 Article 44 of the present Federal Law;

b) disagreement with the decisions or actions of the state body or higher management.

The resignation of the Prosecutor-General of the Russian Federation, first deputy and deputies thereof, as well as of the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be deemed accepted after a decision to this effect has been adopted by the Federation Council of the Federal Assembly of the Russian Federation.

The resignation of the prosecutors of subjects of the Russian Federation, prosecutors of cities/towns, districts and prosecutors qualifying as such shall be deemed accepted after a decision to this effect has been adopted by the Prosecutor-General of the Russian Federation.

The resignation of other prosecutors and investigators shall be deemed accepted after a decision to this effect has been made by the senior person entitled to appoint to these positions.

An entry shall be made in the working record book of the official of the prosecutor's office, including the indication "resigned" in the last section.

**Article 43.1. Guarantees for an Employee Who Has Been Elected as Deputy or Elective Official of State Power Bodies or Local Self-Government Bodies**

An official elected as member of or an elective official of state power bodies or local self-government bodies shall suspend service with the bodies and institutions of the prosecutor's office for the term he/she exercises such powers. Upon termination of the said powers the official, if he/she so wishes, is provided with the position he/she occupied before and, should it be not vacant, another equal position at the previous or, if he/she consents, another place of service. The said term shall be added to the official's total work record and service record giving the right to conferment of the next class rank, service record markup, additional leave and assignment of a pension for service record.

**Article 43.2. Exclusion from the Lists of Officials of the Bodies and Institutions of the Prosecutor's Office**

Killed (deceased) officials and officials recognized in due course as missing shall be excluded from the lists of officials of the bodies and institutions of the prosecutor's office in accordance with the procedure established by the legislation of the Russian Federation.

**Article 43.3. Reinstating in Position, Class Rank and Service with the Bodies and Institutions of the Prosecutor's Office**

1. Officials who have been recognised in due course as dismissed, transferred to another position or deprived of class rank without legal grounds shall be subject to reinstatement in the previous position and class rank or, if they consent, to appointment to an equal position.

2. Officials reinstated in service with the bodies and institutions of the prosecutor's office shall have the time they were forced out added to the total work record and service record giving the right to conferment of the next class rank, bonus for service record, additional leave and assignment of a pension for service record.

**Article 43.4. Officials' Professional Training and Upgrading**

1. For the purpose of ensuring a high level of professional training of officials there is a system of continuous training and upgrading of officials' qualification including individual and team training under special plans, probation in higher bodies of the prosecutor's office, scientific and educational institutions of the prosecutor's office, training in the regional training centers and upgrading institutions.

2. The upgrading of qualification is a service duty of prosecutors and investigators. Attitude to training and the growth of professionalism shall be taken into account when the issue of a prosecutor's or investigator's compliance with the qualifications of the position he/she occupies is being considered as well as the issues of providing incentives or promoting him/her.

3. The preparation of scientific and teaching cadres from among the officials of the prosecutor's office shall be carried on in full-time postgraduate studies divisions of the scientific and educational institutions of the prosecutor's office.

An official of the prosecutor's office admitted to full-time postgraduate studies shall be released from his/her position and sent to the place of studies with the salary of his/her position, class rank markup and service record markup retained.

The term of full-time postgraduate studies shall be added to the service record of officials of the prosecutor's office as giving the right to conferment of the next class rank, service record bonus and assignment of a pension for service record on condition that service is resumed with the bodies and institutions of the prosecutor's office within one month after the graduation from the full-time postgraduate facility.

**Article 44. Logistic Backup and Social Welfare of the Officials of the Prosecutor's Office**

1. The monetary allowance of officials of the prosecutor's office is composed of a salary; bonuses for class rank, service record, special conditions of service (at the rate of 50 per cent of salary); bonuses for complexity, tension and high working achievements (at the rate of up to 50 per cent of salary); percentage point markup for scientific degree and scientific rank in the specialty corresponding to the service duties, for the honorary title "Honoured Lawyer of the Russian Federation"; monetary incentive (bonus) according to the results of work in a quarter and a year; other payments stipulated by laws and other normative legal acts of the Russian Federation.

The bonus for complexity, tension and high working achievements shall be set by decision of the head of the body or institution of the prosecutor's office with due regard to the scope and results of work of each official of the prosecutor's office.

The monetary remuneration for the Prosecutor-General of the Russian Federation and the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be established by the President of the Russian Federation.

Salaries for the officials of the prosecutor's office shall be set by the Government of the Russian Federation on the proposal of the Prosecutor-General of the Russian Federation in percentage points of the salary of the First Deputy Prosecutor-General of the Russian Federation which is equal to 80 per cent of the salary of Chairman of Supreme Court of the Russian Federation.

The President of the Russian Federation may set monthly monetary bonuses for persons holding certain prosecutor's positions at the Office of the Prosecutor-General of the Russian Federation, as well as for persons holding certain public positions of the federal state civil service at the Office of the Prosecutor-General of the Russian Federation.

Bonuses for class rank shall be paid on a monthly basis and shall be set in percentage points of salary of an official of the prosecutor's office at the following rates:

- full state councillor of justice - 30 per cent;
- state councillor of justice of the 1st class - 27 per cent;
- state councillor of justice of the 2nd class - 25 per cent;
- state councillor of justice of the 3d class - 23 per cent;
- senior councillor of justice - 21 per cent;
- councillor of justice - 20 per cent;
- junior councillor of justice - 19 per cent;

jurist of the 1st class - 18 per cent;  
jurist of the 2nd class - 17 per cent;  
jurist of the 3d class - 16 per cent;  
junior jurist - 15 per cent.

Bonuses for service record shall be paid on a monthly basis and shall be set as a percentage of salary and bonus for class rank of an official of the prosecutor's office at the following rates:

from 2 to 5 years - 20 per cent;  
from 5 to 10 years - 35 per cent;  
from 10 to 15 years - 45 per cent;  
from 15 to 20 years - 55 per cent;  
over 20 years - 70 per cent.

Percentage markups for scientific degree and scientific rank shall be payable to candidates of science or senior lecturers at the rate of 5 per cent of salary, doctors of science or professors at the rate of 10 per cent of salary, for the honorary title "Honoured Lawyer of the Russian Federation" at the rate of 10 per cent of salary.

Monetary incentives (bonus) for the officials of the prosecutor's office according to the results of work in a quarter and year, as well as the wages of the other employees, shall be paid at the rates established for employees of executive power bodies.

**2.** Pensions shall be provided to prosecutors and investigators, scientific and teaching staff and the family members thereof as applicable to the conditions, rates and procedure established by the legislation of the Russian Federation for persons who have served with the internal affairs bodies and the family members thereof.

The prosecutors and investigators, scientific and teaching staff having the right to pensions as provided by the present item, a service record of at least 20 years and not receiving any pension shall be paid a monthly bonus to the monetary allowance at the rate of 50 per cent of the pension which could have been assigned to them.

The prosecutors and investigators, scientific and teaching staff having the right to pensions as provided by the present items shall be paid severance allowance at dismissal:

- a) in case of retirement;
- b) in case of resignation;
- c) in case of attaining the maximum age for service with the bodies and institutions of the prosecutor's office;
- d) due to the state of health or disability;
- e) as a result of organisational staff measures.

For prosecutors and investigators, scientific and teaching staff not having the right to receive a pension as provided by the present item, severance allowance shall be payable only in the event of their being dismissed on the grounds provided under Subitems "d" and "e" of the present item.

Severance allowance shall be paid for full years of service at the following rates to prosecutors and investigators, scientific and teaching staff:

under 10 calendar years: 5-fold the monthly salary with class rank bonus;  
from 10 to 15 calendar years: 10-fold the monthly salary with class rank bonus;  
from 15 to 20 calendar years: 15-fold the monthly salary with class rank bonus;  
20 calendar years and above: 20-fold the monthly salary with class rank bonus.

In case of the dismissal of prosecutors and investigators, scientific and teaching staff after their repeated enrollment for service with the bodies and institutions of the prosecutor's office the allowance shall be payable taking into account the allowances paid earlier calculated in salaries with class rank bonus including those for service with other bodies.

Pensions shall be provided to the other employees of the prosecutor's office in compliance with the legislation on the pensions of civil servants.

**3.** The officials of the prosecutor's office shall be provided for official purposes with travel documents for all kinds of public transport (except for taxi) in the urban, suburban and local traffic systems acquired by the authorities of the prosecutor's office from appropriate transport organisations in the procedure determined by the Government of the Russian Federation.

The order of travel for officials of transport prosecutor's offices within the limits of attended pieces when discharging their official duties on railway, river, sea and air transport shall be determined by the Government of the Russian Federation.

When sent on a business trip, officials of the prosecutor's office shall enjoy priority rights in booking and obtaining hotel rooms and travel tickets for all kinds of transportation.

**4.** Prosecutors and investigators are entitled to have additional residential space.

Prosecutors and investigators in need of improving their housing conditions shall be provided in compliance with the standards established by the laws of the Russian Federation with separate living premises acquired at the expense of budgetary funds allocated for these purposes to bodies of the

Prosecutor's Office of the Russian Federation in the procedure determined by the Government of the Russian Federation.

With due regard to the provisions of the present article the "prosecutors and investigators in need of an improvement in housing conditions" shall be deemed the prosecutors and investigators not provided with floor space in compliance with the provisions of and standards established by the housing legislation of the Russian Federation and the housing legislation of the subjects of the Russian Federation.

Prosecutors and investigators are entitled to obtain compensation of expenses relating to renting (sub-renting) of living quarters until they are provided in due course with living quarters for permanent residence.

5. The installation of a telephone shall be carried out on the basis of the effective tariffs in priority order in the living quarters occupied by prosecutors and investigators. The same order shall apply to providing places in children's pre-school institutions, boarding schools and summer health rehabilitation institutions to children of prosecutors and investigators.

6. Medical services (including the provision of medicines) shall be provided to the officials and members of the families thereof residing with them out of federal budget funds.

7. Prosecutors and investigators, scientific and teaching staff who have quit their service in connection with retirement under Item 2 of the present article shall enjoy the rights and social guarantees stipulated in Item 3 of the present article upon the presentation of their retiree's identity card.

The medical care of prosecuty workers receiving a pension and of members of their families, and also of the parents, spouses and minors of killed (deceased) prosecuty workers shall be carried out in accordance with Item 6 of this Article in the medical institutions in which they were registered.

8. According to Federal Law 122-FZ of August 22, 2004 this Item is abrogated from January 1, 2005.

#### **Article 45. The Measures of Legal Protection and Social Support of Prosecutors and Investigators**

1. Prosecutors and investigators as representatives of state power shall be under special protection of the state. Under the same protection shall be their close relatives, and in exceptional cases also other persons whose life, health and property are encroached upon with the purpose of obstructing the lawful activity of the prosecutors and investigators, or coercing them to change its character, or out of revenge for such activity. Under the same protection shall be the property of such persons.

The procedure and terms for the provision of state protection to prosecutors and investigators are set forth in the Federal Law on the State Protection of Judges, the Officials of Law-Enforcement and Monitoring Bodies as well as other regulatory legal acts of the Russian Federation.

The prosecutor's office of the Russian Federation has its own service for the security and physical protection of its employees.

2. The burial of prosecutors and investigators killed (deceased) in connection with their execution of their service duties as well as prosecutors and investigators dismissed from service who died as a result of bodily harm inflicted on them or other harm to their health in connection with the execution of their service duties shall be at the expense of the funds allocated to finance the bodies of the prosecutor's office.

3. Prosecutors and investigators have the permanent right to carry and store combat hand small arms intended for personal defense (pistols, revolvers) and special means, as well as to use them in accordance with the procedure established by the Law of the RSFSR on the Militia. The types and models of said arms as well as the procedure for the acquisition thereof by the bodies of the prosecutor's office are provided by the Government of the Russian Federation.

4. Prosecutors and investigators are subject to compulsory state personal insurance for an amount equal to 180-fold their average monthly allowance.

5. The bodies of state insurance shall pay the insured amounts in case of:  
the death of a prosecutor or investigator in the period of work or after dismissal if the death occurred as a result of bodily harm inflicted or other harm to health in connection with their service activities - to their heirs at the rate of 180-fold the prosecutor's or investigator's average monthly monetary allowance;

bodily harm or other harm to health inflicted to the prosecutor or investigator in connection with their service activities as having removed the further ability to engage in their professional activities - at the rate of 36-fold their average monthly monetary allowance;

the infliction to the prosecutor or investigator in connection with the service activities thereof of bodily harm or other harm to health that has not caused a permanent loss of ability to work, has not affected the ability to further engage in professional activities - at the rate of 12-fold their average monthly monetary allowance.

In the event that bodily harm or other damage to health is inflicted on the prosecutor or investigator so as to preclude further capability to engage in professional activities a monthly compensation shall be payable to them in the form of the difference between their average monthly

monetary allowance and the pension assigned in connection thereto without account being taken of the disbursements received from the compulsory state personal insurance scheme.

In the event of the death of a prosecutor or investigator in connection with execution of their service duties or of a prosecutor or investigator dismissed from service who died as a result of bodily harm or other harm to health inflicted on them in connection with their execution of service duties, a monthly compensation shall be payable to dependent members of their families, for whom they were breadwinners, in the form of the difference between the part of the deceased's monetary allowance falling on them and the pension for loss of breadwinner assigned to them without account being taken of the disbursement amount received from the compulsory state personal insurance scheme. To determine the said part of the monetary allowance the deceased's average monthly monetary allowance shall be divided by the number of members of family who were dependent on the deceased, including able-bodied persons.

The deceased's family shall retain the right to living quarters with all modern conveniences on the terms and grounds that were available as of the moment of the death of the prosecutor or investigator.

A loss inflicted through the destruction or damage of property owned by a prosecutor or investigator or members of the family thereof in connection with their service activities shall be subject to reimbursement in due course either to them or the family members thereof in full including any lost earnings.

6. The grounds for denial of disbursement of insurance amounts and compensation in the events stipulated in the present article shall be only a court sentence or judgment in respect of a person recognised as guilty of the death of a prosecutor or investigator, infliction of bodily harm to them or destruction or damage to property owned by them that has established that these events have no connection with their service activities.

## **Section VI. The Peculiarities of Organisation and Maintenance of the Activities of the Bodies of the Military Prosecutor's Office**

### **Article 46. The Structure and Organisation of the Bodies of Military the Prosecutor's Office**

1. The system of the bodies of the military prosecutor's office is composed of the Chief Military Prosecutor's Office, the military prosecutor's offices of military districts, fleets, the Strategic Missile Troops, the Federal Border Guard Service of the Russian Federation, the Moscow City Military Prosecutor's Office and other military prosecutor's offices qualifying as prosecutor's offices of subjects of the Russian Federation, the military prosecutor's offices of unions, formations, garrisons and other military prosecutor's offices qualifying as prosecutor's offices of cities/towns and districts (hereinafter referred to as "the bodies of the military prosecutor's office").

By decision of the Chief Military Prosecutor a prosecutor division, prosecutor-investigation division and investigation division may be set up in the military prosecutor's offices qualifying as the prosecutor's offices of cities/towns and districts.

The responsibility for performing the functions of a prosecutor's office may be vested in bodies of military prosecutor's office by the Prosecutor-General of the Russian Federation in areas beyond of the cognizance of other bodies of the prosecutor's office of the Russian Federation due to exceptional circumstances or outside the Russian Federation where under international treaties Russian Federation troops are stationed.

2. The formation, reorganisation and liquidation of bodies of the military prosecutor's office, the determination of the status, competence, structure and lists of staff thereof shall be effected by the Prosecutor-General of the Russian Federation whose orders on these matters shall be implemented in compliance with the directives of the General Staff of the Armed Forces of the Russian Federation, the command of the Federal Border Guard Service of the Russian Federation, other troops, military formations and bodies. Other organisational staff issues shall be resolved by the Chief Military Prosecutor jointly with the General Staff of the Armed Forces of the Russian Federation, the command of the Federal Border Guard Service of the Russian Federation, other troops, military formations and bodies within the staff strength limits set.

3. The bodies of the military prosecutor's office are headed by a Deputy Prosecutor-General of the Russian Federation - Chief Military Prosecutor who governs the activities of the bodies of the military prosecutor's office, arranges for the selection, appointment and training of cadres, performs the attestation of military prosecutors, issues orders and directions binding on all the military prosecutors.

4. The bodies of the military prosecutor's office shall exercise their powers in the Armed Forces of the Russian Federation, other troops, military formations and bodies set up under federal laws and other regulatory legal acts.

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

1. The Chief Military Prosecutor has first deputy and deputies, senior assistants for special matters whose status corresponds to the status of chiefs of administrations, and assistants for special matters whose status corresponds to the status of deputy chiefs of administrations.

2. The structure of the Chief Military Prosecutor's Office is composed of administrations, departments (independent and within administrations), a chancellery and a reception office. The chiefs of administrations and independent departments are senior assistants and the deputies thereof, chiefs of departments incorporated in administrations, chancellery and reception office are assistants to the Chief Military Prosecutor. Regulations on the structural units of the Chief Military Prosecutor's Office shall be endorsed by the Chief Military Prosecutor.

3. In the administrations and departments there shall be instituted the positions of senior prosecutors and prosecutors.

4. In the Chief Military Prosecutor's Office there shall be set up a college as composed of the Chief Military Prosecutor (chairman), first deputy and deputies thereof (ex officio) and other officials of the prosecutor's office appointed by the Chief Military Prosecutor. The personal composition of the college shall be endorsed by the Prosecutor-General of the Russian Federation on the proposal of the Chief Military Prosecutor.

#### **Article 47. The Powers of Military Prosecutors**

1. The Chief Military Prosecutor and the prosecutors reporting to him shall have within their competence the powers defined by the present Federal Law and shall exercise them independently of the command and bodies of military administration in keeping with the legislation of the Russian Federation.

2. The military prosecutors shall also have the powers to:  
attend the meetings of the colleges, military councils, service meetings of military administrative bodies;

order non-departmental inspections and verification, with expenses towards the conduct thereof being reimbursed at the prosecutor's decision by the military administrative bodies providing logistical support to the military units and institutions being checked;

upon the presentation of their service identity cards enter the territories and premises of military units, enterprises, institutions, organisations and staff, irrespective of the regimen established therein and obtain access to their documents and materials;

verify the legal grounds for holding convicted, arrested and detained military servicemen in detention cells, in disciplinary units and other places of detention, release immediately persons who are held therein without legal grounds;

demand the provision of guard, maintenance and escort for persons held in troop and garrison guardhouses, other places of detention and custody by military units, military commandants, escort detachments of the internal troops of the Ministry of Internal Affairs of the Russian Federation, the internal affairs bodies and institutions of the Russian Federation.

#### **Article 48. The Cadres of Bodies of the Military Prosecutor's Office and Military Investigative Agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation**

1. Those appointed as military prosecutors, as well as heads and investigators of military investigatory agencies shall be citizens of the Russian Federation fit for military service enrolled to undergo military service, having an officer rank and meeting the qualifications set forth in Article 40 of the present Federal Law.

2. By decision of the Prosecutor-General of the Russian Federation or with his consent civilians may be appointed as military prosecutors. By decision of the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation or with his/her consent civilians may be appointed as heads and investigators of military investigatory agencies.

3. The Deputy Prosecutor-General - Chief Military Prosecutor shall be appointed and dismissed in accordance with the procedure established under Item 2 Article 14 of the present Federal Law. The Chief Military Prosecutor reports and is answerable to Prosecutor-General of the Russian Federation.

4. Military prosecutors shall be appointed and dismissed by Prosecutor-General of the Russian Federation, they report and are answerable to higher prosecutors and the Prosecutor-General of the Russian Federation.

5. Deputy Chief Military Prosecutors, chiefs of administrations and departments of the Chief Military Prosecutor's Office and deputies thereof as well as deputy prosecutors of military districts, fleets and the prosecutors qualifying as such shall be appointed and dismissed by the Prosecutor-General of the Russian Federation.

6. The other prosecutors of the Chief Military Prosecutor's Office shall be appointed and dismissed by the Chief Military Prosecutor.

7. The prosecutors of military districts, fleets and the prosecutors qualifying as such shall appoint and dismiss military prosecutors in their staff and lower prosecutor's offices.

**8.** The officers of bodies of the prosecutor's office, as well as of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall have the status of a military serviceman, undergo service with the Armed Forces of the Russian Federation, the Federal Border Guard Service of the Russian Federation, other troops, military formations and bodies in keeping with the Federal Law on Liability for Military Service and on Military Service and shall enjoy the rights and social guarantees established by the Federal Law on the Status of Military Servicemen and the present Federal Law.

**9.** The assignment of officers to undergo military service with the bodies of the military prosecutor's office and dismissal thereof into the reserve (retirement) shall be effected on the proposal of the Prosecutor-General of the Russian Federation or the Chief Military Prosecutor. The assignment of officers to undergo military service with military investigatory bodies of the Investigative Committee under the Prosecutor's Office of the Russian Federation and dismissal thereof into the reserve (retirement) shall be effected on the proposal of the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation or of the chief of the military investigative directorate of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

The dismissal into the reserve (retirement) of senior officers shall be effected by the President of the Russian Federation on the proposal of accordingly the Prosecutor-General of the Russian Federation or the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

**10.** The positions of military prosecutors and investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation and the military ranks corresponding thereto shall be included in the lists of military positions.

The conferment of military ranks on military prosecutors shall be effected on the proposal of the respective military prosecutor and on investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation on the proposal of the appropriate head of the military investigatory agency of the Investigative Committee under the Prosecutor's Office of the Russian Federation in accordance with the procedure established for military servicemen. The military ranks of top officers shall be conferred by the President of the Russian Federation on the proposal of accordingly the Prosecutor-General of the Russian Federation or the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

The military ranks of officers of the bodies of the military prosecutor's office, as well as of military investigatory bodies of the Investigative Committee under the Prosecutor's Office of the Russian Federation, shall correspond to the class ranks of prosecuty officials of territorial investigatory bodies of the prosecutor's office and of the territorial investigatory bodies of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

When officers of the bodies of the military prosecutor's office and of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation (up to colonel inclusive) are being dismissed from military service and when they enrol to undergo service with territorial or specialised bodies of the prosecutor's office or territorial and specialised investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation, class ranks corresponding to their military rank shall be conferred on them and when prosecutors and investigators holding class ranks (up to senior councillor of law inclusive) are assigned to undergo military service respective military ranks shall be conferred on them.

**11.** The attestation of military prosecutors shall be carried out in accordance with the procedure established by the Prosecutor-General of the Russian Federation for all officials of the prosecutor's office with due regard to the peculiarities of doing military service. The attestation of investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be carried out in accordance with the procedure established by the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation subject to the specifics of doing military service.

Qualification classes shall be conferred on military prosecutors and investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation with due regard to their professional experiences and qualification in the procedure established accordingly by the Prosecutor-General of the Russian Federation or the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

**12.** Military prosecutors shall be provided with incentives and subjected to disciplinary sanctions in compliance with the present Federal Law and the Disciplinary Regulations of the Armed Forces of the Russian Federation. The right to provide incentives and impose disciplinary sanctions shall only belong to superior military prosecutors and the Prosecutor-General of the Russian Federation. Investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be provided with incentives and subjected to disciplinary sanctions in compliance with the present Federal Law and the Disciplinary Regulations of the Armed Forces of the Russian Federation. The right to provide incentives and impose disciplinary sanctions on investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the

Russian Federation shall only belong to chiefs of superior military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation and the Chairman of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

**13.** The strength in terms of military servicemen and civilian personnel shall be allocated to bodies of the military prosecutor's office and to military investigative agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation on account of and pro rata to the strength of the Armed Forces of the Russian Federation, other troops and military formations. The strength of the personnel of the military prosecutor's office and of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be included into the manning level of the Armed Forces of the Russian Federation, other troops and military formations.

**Article 49.** Logistic Support and Social Welfare of the Military Servicemen, Employees of the Bodies of the Military Prosecutor's Office and of Military Investigative Agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation

**1.** The military servicemen of the bodies of the military prosecutor's office and of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation are covered by the legislation of the Russian Federation establishing legal and social guarantees, pensions, medical and other services for military servicemen.

**2.** The monetary allowance of military prosecutors, as well as of investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation, shall comprise the salary payable for the position, salary payable for military rank, service record bonus, special character of service bonus (at the rate of 50 per cent of the salary for the position), bonus for the complexity, tension and special regimen of service (at the rate of up to 50 per cent of the salary for the position), percentage points bonus for scientific degrees, honorary title "Honoured Lawyer of the Russian Federation", as well as other bonuses and additional allowances provided for military servicemen. Salaries for the positions of military prosecutors, as well as of investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation, shall be set in compliance with Paragraph 3 Item 1 Article 44 of the present Federal Law. The disbursement of monetary allowances shall be effected by the Ministry of Defense of the Russian Federation, the Border Guard Service of the Federal Security Service of the Russian Federation, the command of other troops, military formations and bodies.

The bonus for the complexity, tension and special regimen of service shall be set by decision of accordingly the head of a body of the military prosecutor's office or the head of a military investigative agency of the Investigative Committee under the Prosecutor's Office of the Russian Federation with due regard to the scope and results of work of each military prosecutor or each investigator of a military investigative agency of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

**3.** Military prosecutors and investigators of military investigatory agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation having the right to a pension for service record shall receive a monthly bonus to the monetary allowance at the rate of 50 per cent of the pension that could have been assigned to them.

**4.** The legal status and allowances to the civilian personnel of bodies of the military prosecutor's office and of military investigative agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be determined in compliance with the rules provided for accordingly the employees of territorial bodies of the prosecutor's office and territorial investigative agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation.

**Article 50.** Financing and Logistic Support of Bodies of the Military Prosecutor's Office and of Military Investigative Agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation

**1.** Financing shall be provided to the bodies of the military prosecutor's office and to military investigative agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation accordingly by the Ministry of Defence of the Russian Federation, the command of the Border Guard Service of the Federal Security Service of the Russian Federation, the command of other troops, military formations and bodies in compliance with the budget legislation of the Russian Federation.

**2.** The logistic support of bodies of the military prosecutor's office and of military investigative agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation, allocation of service premises, means of transportation, communications and other kinds of supplies and allowances thereto shall be provided by the Ministry of Defence of the Russian Federation, the Border Guard Service of the Federal Security Service of the Russian Federation, the command of other troops, military formations and bodies at the established rates.

3. The service premises of bodies of the military prosecutor's office and of military investigative agencies of the Investigative Committee under the Prosecutor's Office of the Russian Federation shall be guarded by military units.

## **Section VII. Other Matters Concerning the Organization and Activities of the Bodies of Prosecutor's Office**

### **Article 51. Statistical Reporting**

The Prosecutor-General's Office of the Russian Federation jointly with the federal ministries and departments concerned shall elaborate a system and methodology for comprehensive recording of and statistical reporting on the crime rate, crime solution rate, investigation activities and prosecutor's supervision and shall also establish a uniform procedure for the formation and presentation of reporting materials within the bodies of the prosecutor's office.

### **Article 52. Financial and Material-and-Technical Support to Bodies and Institutions of the Prosecutor's Office**

1. The financial support to the activities of the bodies and institutions of the Prosecutor's Office of the Russian Federation and of the guarantees and compensations for officials of these institutions shall be an expense commitment of the Russian Federation.

2. According to Federal Law 122-FZ of August 22, 2004 this Item is abrogated from January 1, 2005.

3. Means of transportation, technical means and uniforms shall be provided to the bodies of the prosecutor's office in a centralized way by the Government of the Russian Federation funds.

4. Excluded.

### **Article 53. The Seal of the Bodies and Institutions of the Prosecutor's Office**

The bodies and institutions of the prosecutor's office shall have a seal bearing the image of the Coat of Arms of the Russian Federation and the full name of the institution.

### **Article 54. The Definition of Some of the Terms Used in the present Federal Law**

The terms contained herein mean the following:

**"prosecutor"** (Item 3 Article 1, Article 3, Items 3 and 4 Article 4, Items 1 and 2 Article 5, Articles 6, 7 and 10, Item 1 Article 22, Articles 25 and 27, Item 1 Article 30, Article 31, Item 1 Article 33, Article 34, Items 1 - 4 Article 35, Article 37, Item 3 Article 40, Items 1 and 5 Article 40.1, Article 40.4, Item 3 Article 40.5, Item 5 Article 41, Article 41.1, Article 41.4, Article 42, Item 3 Article 43, Item 2 Article 43.4, Items 2 - 5 and 7 Article 44, Article 45, Item 3 Article 46, Article 47, Items 1, 2, 6, 10 - 12 Article 48, Article 49 of the present Federal Law): Prosecutor-General of the Russian Federation, the advisers, senior assistants, assistants and assistants for special matters thereof, Deputy Prosecutor-Generals of the Russian Federation, the assistants for special matters thereof, the deputies, senior assistants and assistants of the Chief Military Prosecutor, all lower prosecutors, deputies thereof, the assistant prosecutors for special matters, senior assistant prosecutors and assistant prosecutors, senior prosecutors and prosecutors of administrations and departments acting within their competence;

**"officials of the prosecutor's office"**: the prosecutors and investigators as well as the other employees of bodies and institutions of the prosecutor's office holding class ranks (military ranks).

President  
of the Russian Federation

B.Yeltsin

The Kremlin, Moscow  
January 17, 1992  
No. 2202-I