[RU] Supreme Court on extremism and terrorism

IRIS 2017-1:1/31

Andrei Richter
Comenius University (Bratislava)

On 3 November 2016, the Russian Supreme Court amended two of its earlier resolutions that provided additional explanations to the judges in the country on the issues of court practice relating to crimes of terrorism and extremism.

The amendments were made in the resolutions “On Judicial Practice Relating to Criminal Cases on Crimes of an Extremist Nature” and “On Some Aspects of Judicial Practice Relating to Criminal Cases on Crimes of Terrorist Nature” (see IRIS 2012-3:1/32). While most of the amendments do not introduce new elements in the Supreme Court’s interpretation of the use of media and telecommunications, most commentators pointed to a new paragraph in the former resolution.

The new paragraph 2 of point 8 of the Resolution “On Judicial Practice Relating to Criminal Cases on Crimes of an Extremist Nature” provides that: when deciding on the nature of actions of a person who placed any information or expressed one’s attitude to it online - if related to incitement of hatred or hostility, as well as humiliation of dignity of a person or a group of persons - judges should be guided by the entirety of all the circumstances of this offense and, in particular, take into account the context, form, and content of the information made available, the existence and content of comments or other expression of attitude towards this information.

О внесении изменений в постановления Пленума Верховного Суда Российской Федерации от 9 февраля 2012 года № 1 «О некоторых вопросах судебной практики по уголовным делам о преступлениях террористической направленности» и от 28 июня 2011 года № 11 «О судебной практике по уголовным делам о преступлениях экстремистской направленности»

http://www.supcourt.ru/Show_pdf.php?Id=11086

Resolution of the Plenary Meeting of the Supreme Court of the Russian Federation of 3 November 2016 N 41 “On amending resolutions of the plenary meeting of the Supreme Court of the Russian Federation of 9 February 2012 N 1 “On Judicial Practice Relating to Criminal Cases on Crimes of an Extremist Nature” and of 28 June 2011 N 11 “On Judicial Practice Relating to Criminal Cases on Crimes of an Extremist Nature”

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