

**RESOLUTION
OF THE PLENUM OF THE SUPREME COURT
OF THE RUSSIAN FEDERATION**

No. 16

In the city of Moscow

On May 21, 2026

**On Introducing Amendments to Certain Resolutions of the Plenum
of the Supreme Court of the Russian Federation on Criminal Cases**

In connection with changes in legislation, as well as issues arising in judicial practice, the Plenum of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of the Federal Constitutional Law No. 3-FKZ dated February 5, 2014 “On the Supreme Court of the Russian Federation”, hereby resolves to introduce amendments to the following resolutions of the Plenum of the Supreme Court of the Russian Federation.

1. In the Resolution of the Plenum of the Supreme Court of the Russian Federation of June 10, 2010 No. 12 “On Judicial Practice in the Consideration of Criminal Cases on the Organization of a Criminal Community (Criminal Organization) or Participation in It (Them)”:

1) the title shall be supplemented with the words “and on occupying the highest position in the criminal hierarchy”;

2) the preamble shall be reworded as follows:

“In connection with the issues that have arisen regarding the application of legislation on criminal liability for the creation of a criminal community (criminal organization) for the purpose of jointly committing one or more grave or especially grave crimes, or for leadership of a criminal community (criminal organization) or its structural subdivisions, for participation in a criminal community (criminal organization), as well as for a person occupying the highest position in the criminal hierarchy, the Plenum of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of the Federal Constitutional Law No. 3-FKZ dated February 5, 2014 “On the Supreme Court of the Russian Federation”, resolves to provide the courts with the following clarifications”;

3) in the first paragraph of clause 2, the words “When resolving the issue of a person’s guilt in committing a crime under Article 210 of the Criminal Code of the Russian Federation, courts shall” shall be replaced with the word “Courts shall”;

4) clauses 12 and 13 shall be reworded as follows:

“12. Liability under Part 1 of Article 210 of the Criminal Code of the Russian Federation for coordinating the actions of organized groups, creating stable ties between them, developing plans and creating conditions for the commission of crimes by organized groups, dividing spheres of criminal influence and (or) criminal proceeds between such groups, arises from the moment of the actual establishment of contacts and interaction for the purpose of committing the said criminal actions.

In doing so, the court must establish in what specific actions the creation of stable ties between organized groups and conditions for them to commit crimes was expressed, and indicate the reasons for the decision taken in the verdict.

13. According to Part 1.1 of Article 210 of the Criminal Code of the Russian Federation, the criminal liability of a person who participated in a meeting of organizers, leaders (leaders) or other representatives of criminal communities (criminal organizations) and (or) organized groups arises in cases where at such a meeting issues related to the planning or

organization of the commission of at least one of the crimes provided for in Part 1 of Article 210 of the Criminal Code of the Russian Federation were discussed”;

5) in clause 23:

a) in the first paragraph, the words “To persons who committed an act provided for in Part 1 or Part 2” shall be replaced with the words “In Part 3 of Article 210 of the Criminal Code of the Russian Federation, to persons who committed an act provided for in Parts 1, 1.1 or 2”;

b) in the third paragraph, the words “Part 1 or Part 2” shall be replaced with the words “Parts 1, 1.1 or 2”;

6) clause 24 shall be reworded as follows:

“24. By implication of the criminal law in Part 4 of Article 210 and Article 210.1 of the Criminal Code of the Russian Federation, a person occupying the highest position in the criminal hierarchy shall be understood as a person possessing authority, leadership in a criminal community (criminal organization) and (or) in another environment associated with criminal activity, as well as using his/her influence on organized groups, their participants or other persons, conditioned by his/her position in the specified hierarchy.

Leadership of such a person in the criminal hierarchy may also be evidenced by the presence of ties with extremist and (or) terrorist organizations or the presence of corrupt ties, etc.

The verdict must contain the indications on the basis of which the court came to the conclusion that the relevant person occupies the highest position in the criminal hierarchy”;

7) add clauses 24.1 and 24.2 with the following content:

“24.1. When resolving the issue of whether a person’s actions constitute an offense under Article 210.1 of the Criminal Code of the Russian Federation, courts shall take into account that a person occupying the highest position in the criminal hierarchy may be confirmed by the commission of actions conditioned by this position, consisting, for example, in resolving disputes between organized groups, criminal communities (criminal organizations) and individuals belonging to such criminal associations, determining, changing or terminating the status of other persons in the criminal hierarchy, establishing rules of relationship between them, monitoring compliance with these rules and applying measures of influence to persons violating such rules.

24.2. The commission of actions provided for in Part 1 or 1.1 of Article 210 of the Criminal Code of the Russian Federation by a person occupying the highest position in the criminal hierarchy is covered by Part 4 of this article and does not require additional qualification under Article 210.1 of the Criminal Code of the Russian Federation.

If, along with the actions specified in Part 1 or 1.1 of Article 210 of the Criminal Code of the Russian Federation, the said person commits other actions confirming that he/she occupies the highest position in the criminal hierarchy, the act committed by him/her is qualified on the basis of the aggregate of crimes provided for in Part 4 of Article 210 and Article 210.1 of the Criminal Code of the Russian Federation”;

8) clauses 25 and 26 shall be reworded as follows:

“25. When imposing punishment on persons guilty of committing crimes provided for in Articles 210 and 210.1 of the Criminal Code of the Russian Federation, as well as committing, as part of a criminal community (criminal organization), other crimes stipulated by the Criminal Code of the Russian Federation, courts shall carefully ascertain and take into account the totality of the specific circumstances of the crimes established in the court session, the role and degree of participation of the defendant in the creation of the criminal community (criminal organization), as well as in the criminal activities of its participants, and the gravity of the specific crimes committed by him/her.

Based on the requirements of Articles 34, 60 and 67 of the Criminal Code of the Russian Federation, courts shall take into account data on the identity of the defendants, as well as mitigating and aggravating circumstances, in order to impose a fair punishment on them. In doing so, it must be borne in mind that, by virtue of Part 7 of Article 35 of the Criminal Code of the Russian Federation, the commission of a crime by a criminal community (criminal

organization) entails a more severe punishment on the grounds and within the limits stipulated by the relevant articles of the Criminal Code of the Russian Federation.

Courts shall take into account that in respect of a person convicted of a crime stipulated by Part 4 of Article 210 and Article 210.1 of the Criminal Code of the Russian Federation, Article 73 of the Criminal Code of the Russian Federation excludes the possibility of imposing a suspended sentence on him/her.

When imposing punishment under Article 210 of the Criminal Code of the Russian Federation on persons who have not reached the age of majority at the time of the commission of the crime, in accordance with Article 89 of the Criminal Code of the Russian Federation, courts shall also ascertain and take into account the conditions of their life and upbringing, level of mental development, other personality traits, and the influence of older persons on them.

It is recommended that courts, by virtue of Part 3 of Article 47 of the Criminal Code of the Russian Federation, discuss the issue of depriving the right to hold certain positions or engage in certain activities for persons who have committed a crime stipulated by in Part 3 of Article 210 and Article 210.1 of the Criminal Code of the Russian Federation, using their official position.

26. The attention of courts is drawn to the fact that, by implication of the provisions of clause 1 of the notes to Article 210 of the Criminal Code of the Russian Federation, founders, participants, leaders, members of management bodies and employees of an organization registered as a legal entity, and (or) leaders and employees of its structural subdivision, are not subject to criminal liability for organizing a criminal community (criminal organization) or participating in it (them), if their actions were actually connected only with the performance of duties determined by the relevant organizational and staffing structure, in connection with their exercise of powers to manage such an organization (structural subdivision) or in connection with its entrepreneurial or other economic activities.

Taking into account the provisions of clause 2 of the notes to Article 210 of the Criminal Code of the Russian Federation, in the decision (ruling) on the termination of a criminal case, it is necessary to indicate what specific actions that actively contributed to the disclosure or suppression of the activities of a criminal community (criminal organization) or its structural subdivision and (or) the disclosure and (or) suppression of crimes committed by the criminal community (criminal organization) or its structural subdivision, were taken into account by the court.

Participants in a criminal community (criminal organization) who have committed other crimes as part of the community (organization) are not exempt from criminal liability for these actions.”;

9) the first paragraph of clause 27, after the words “(criminal organization)” shall be supplemented with the words “activities directed against the security of the Russian Federation”;

10) in clause 28, the words “Article 210” shall be replaced with the words “Articles 210 and 210.1”.

2. In the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 6 dated April 7, 2011 “On the Practice of Application of Compulsory Measures of a Medical Nature by Courts”:

1) in the preamble, the word “resolves” shall be replaced with the words “in accordance with Articles 2 and 5 of the Federal Constitutional Law No. 3-FKZ dated February 5, 2014 “On the Supreme Court of the Russian Federation”, resolves to provide the courts with the following clarifications”;

2) clause 1 shall be reworded as follows:

“1. Draw the attention of courts to the fact that, in proceedings on the application of compulsory measures of a medical nature, the Constitution of the Russian Federation, the norms of criminal, criminal procedure and penal enforcement legislation must be strictly observed. When resolving certain issues related to the application of compulsory measures of a medical nature, it is necessary to be guided by the provisions of Federal Law No. 323-FZ dated

November 21, 2011 “On the Fundamentals of Protecting the Health of Citizens in the Russian Federation”, Law of the Russian Federation No. 3185-I dated July 2, 1992 “On Psychiatric Care and Guarantees of the Rights of Citizens in its Provision”, Federal Law No. 73-FZ dated May 31, 2001 “On State Forensic Expert Activity in the Russian Federation”, Federal Law No. 92-FZ dated May 7, 2009 “On Ensuring the Security of Psychiatric Hospitals (Inpatient Facilities) of a Specialized Type with Intensive Observation”, as well as other normative legal acts, including Resolution of the Government of the Russian Federation No. 54 dated February 6, 2004 “On the Medical Examination of Convicts Submitted for Release from Serving a Sentence Due to Illness”, Order of the Ministry of Justice of the Russian Federation No. 285 dated December 28, 2017 “On Approval of the Procedure for Organizing the Provision of Medical Care to Persons Taken into Custody or Serving a Sentence of Imprisonment”, Order of the Ministry of Health of the Russian Federation No. 263n dated April 29, 2025 “On Approval of the Procedure for Conducting Forensic Psychiatric Examination”.

In proceedings on the application of compulsory measures of a medical nature, courts shall take into account the provisions of international instruments, in particular the Standard Minimum Rules for the Treatment of Prisoners (adopted at the First UN Congress on the Prevention of Crime and the Treatment of Offenders on August 30, 1955), the United Nations Standard Minimum Rules for the Treatment of Prisoners (approved by UN General Assembly Resolution dated December 17, 2015). The Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (approved by UN General Assembly Resolution 46/119 dated December 17, 1991) stipulate that in respect of persons who have committed acts prohibited by criminal law, if it is presumed or established that they suffer from a mental illness, the general principles of protection are subject to application in full with such minimal modifications and exceptions necessary under the given circumstances that will not prejudice their rights (Principle 20).

When resolving issues related to the change, extension or termination of the application of compulsory measures of a medical nature in respect of persons transferred to the Russian Federation in accordance with the Convention on the Transfer of Persons Suffering from Mental Disorders for Compulsory Treatment (March 28, 1997), courts shall take into account the provisions of the said Convention.”;

3) clause 3 shall be reworded as follows:

“3. Compulsory measures of a medical nature in the form of compulsory observation and treatment by a psychiatrist on an outpatient basis, compulsory treatment in a medical organization providing psychiatric care in inpatient conditions (of a general type, specialized type or specialized type with intensive observation) (Part 1 of Article 99 of the Criminal Code of the Russian Federation), may be applied by the court to a person:

who has committed an act prohibited by criminal law that is socially dangerous in a state of insanity, that is, when the person, during the commission of the act, could not understand the actual nature and social danger of his/her actions (inaction) or control them due to a chronic mental disorder, a temporary mental disorder, dementia, or another ailment of mind. Such a person is not subject to criminal liability (Part 1 of Article 21 of the Criminal Code of the Russian Federation);

who, after committing the crime, has developed a mental disorder that deprives him/her of the ability to understand the actual nature and social danger of his/her actions (inaction) or to control them, making it impossible to impose or execute a punishment. Such a person shall be released by the court from punishment or from further serving it (Part 1 of Article 81 of the Criminal Code of the Russian Federation); in the event of recovery, he/she may be subject to criminal liability and punishment, if the limitation periods stipulated by Articles 78 and 83 of the Criminal Code of the Russian Federation have not expired (Part 4 of Article 81 of the Criminal Code of the Russian Federation).

Compulsory measures of a medical nature may be applied by the court to a person convicted of committing a crime and suffering from a mental disorder that does not exclude

sanity, but is in need of treatment for a mental disorder, including persons specified in clause “д” of Part 1 of Article 97 of the Criminal Code of the Russian Federation. Along with punishment, the court may impose on the said persons a compulsory measure of a medical nature in the form of compulsory observation and treatment by a psychiatrist on an outpatient basis (Part 2 of Article 99 of the Criminal Code of the Russian Federation). This decision must be reasoned by the court and contained in the operative part of the verdict.”;

4) clause 8 shall be supplemented with paragraphs as follows:

“If, based on the results of a forensic psychiatric examination, the existence of a mental disorder requiring placement in a medical organization providing psychiatric care in inpatient conditions is established in a person in respect of whom detention was chosen as a preventive measure, the court, taking into account the requirements stipulated by Article 435 of the Criminal Procedure Code of the Russian Federation, shall adopt a decision on the temporary placement of this person, for therapeutic purposes, in such an organization in accordance with the procedure established by Article 108 of the Criminal Procedure Code of the Russian Federation.

When the mental state of the person improves and there are no grounds for choosing a milder preventive measure in respect of him/her, if the term of the previously chosen preventive measure in the form of detention has not expired, the adoption of a court decision on extending the term of detention is not required.”;

5) the first paragraph of clause 11, after the word “custodianship” shall be supplemented with the words “regardless of whether the person is registered with this body”;

6) clause 14, after the word “adopt”, shall be supplemented with the word “reasoned”;

7) the third paragraph of clause 17 shall be reworded as follows:

“If the court comes to the conclusion that the persons specified in Part 1 of Article 97 of the Criminal Code of the Russian Federation do not pose a danger due to their mental state, it may transfer the necessary materials to the authorized executive body in the field of health care to resolve the issue of treatment of these persons in a medical organization providing psychiatric care, or of referring the said persons to inpatient social service institutions for persons suffering from mental disorders, in accordance with the procedure established by legislation in the field of health care (Part 4 of Article 97 of the Criminal Code of the Russian Federation)”;

8) clause 20 shall be reworded as follows:

“20. By virtue of Part 1 of Article 443 of the Criminal Procedure Code of the Russian Federation, if it is recognized as proven that an act prohibited by criminal law was committed by a person in a state of insanity, or that, after committing the crime, this person has developed a mental disorder making the imposition of punishment impossible, the court, in accordance with Articles 21 and 81 of the Criminal Code of the Russian Federation, shall issue a decision on releasing him/her, respectively, from criminal liability or from punishment, and on applying compulsory measures of a medical nature to him/her. In doing so, the descriptive part of the decision shall set out the circumstances of the act established by the court on the basis of the examined evidence, provide a legal assessment of the actions of such a person, and set out the reasons for the decision taken. The operative part of the decision shall contain instructions regarding his/her release from criminal liability or punishment and the application of a specific compulsory measure of a medical nature, and resolve the issue of the cancellation of the preventive measure, if it has not been cancelled earlier. The issue of physical evidence must also be resolved.

In the decision, the court shall indicate the type of compulsory measure of a medical nature in accordance with Part 1 of Article 99 of the Criminal Code of the Russian Federation. The determination of the specific medical institution or medical organization providing psychiatric care in inpatient conditions where treatment is to be carried out falls within the competence of the authorized executive bodies in the field of health care”;

9) the fourth paragraph of clause 21 shall be reworded as follows:

“Upon termination of the criminal case, a copy of the court decision shall be sent within 5 days to the authorized executive body in the field of health care to resolve the issue of treatment or referral of a person in need of psychiatric care to a medical organization providing psychiatric care in inpatient conditions (Part 4 of Article 443 of the Criminal Procedure Code of the Russian Federation).”;

10) the first paragraph of clause 25 shall be reworded as follows:

“25. A higher court is entitled, if there are grounds, to change the type of compulsory measure of a medical nature imposed by the court to a less severe one, if the right to defense of the person in respect of whom the compulsory measure of a medical nature was applied is not violated, or to a more severe type upon an appeal by the victim or an appellate submission.”;

11) clause 26 shall be supplemented with a paragraph as follows:

“Based on the provisions of Part 2 of Article 102 of the Criminal Code of the Russian Federation, compulsory treatment may be extended by the court only if there is a medical opinion of a commission of psychiatrists, submitted by the administration of the medical organization carrying out the compulsory treatment, or by the penal enforcement inspectorate monitoring the application of compulsory measures of a medical nature, on the absence of grounds for terminating the application or changing the compulsory measure of a medical nature in respect of the examined person”;

12) from clause 27, the third paragraph shall be excluded;

13) clauses 29 and 30 shall be reworded as follows:

“29. If changes occur in the mental state of a person in respect of whom a compulsory measure of a medical nature in the form of compulsory observation and treatment by a psychiatrist on an outpatient basis has been imposed, and these changes necessitate the placement of such a person in a medical organization providing psychiatric care in inpatient conditions for compulsory treatment, the court shall be entitled to change the type of compulsory measure of a medical nature in accordance with Part 1 of Article 99 of the Criminal Code of the Russian Federation, when there is evidence that the nature of the person’s mental disorder requires such conditions of treatment, care, maintenance and observation that can only be provided in a medical organization providing psychiatric care in inpatient conditions. The decision shall indicate the circumstances evidencing that the mental state of the person changed after a compulsory measure of a medical nature had been applied to him/her and that he/she has become a heightened danger to himself/herself or to other persons. The decision shall be made in accordance with the procedure established by Article 445 of the Criminal Procedure Code of the Russian Federation.

30. Based on the provisions of Part 4 of Article 102 of the Criminal Code of the Russian Federation, in the event of termination of the application of compulsory treatment in a medical organization providing psychiatric care in inpatient conditions, the court may transfer the necessary materials concerning the person who was undergoing compulsory treatment to the authorized executive bodies in the field of health care, in order to resolve the issue of treatment of this person in an organization providing psychiatric care, or of referring him/her to an inpatient social service institution for persons suffering from mental disorders, in accordance with the procedure established by health care legislation.

3. In the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 16 dated December 4, 2014 “On Judicial Practice in Cases of Crimes Against Sexual Inviolability and Sexual Freedom of the Person”:

1) add clause 7.1 with the following content:

“7.1. When resolving the issue of the presence of an attempt on a crime stipulated by Article 131 or 132 of the Criminal Code of the Russian Federation, committed with the use of violence or with the threat of its use, it is necessary to establish whether the defendant acted with the intent to commit sexual intercourse or other acts of a sexual nature, and whether the violence or threat used by him/her were means of achieving this goal. If these circumstances are present, the act may be qualified as an attempt at rape or violent acts of a sexual nature. In this regard, it

is necessary to distinguish an attempt at rape or violent acts of a sexual nature from criminal encroachments on other objects of criminal law protection.”;

2) add clause 8.1 with the following content:

“8.1. By implication of the law, for the purposes of applying clause “Б” of Part 5 of Article 131 and clause “Б” of Part 5 of Article 132 of the Criminal Code of the Russian Federation, grave and especially grave crimes against the person shall be understood as intentional criminal acts classified as such, liability for the commission of which is stipulated by the articles of Section VII of the Special Part of the Criminal Code of the Russian Federation, with the exception of murder stipulated by clause “К” of Part 2 of Article 105 of the Criminal Code of the Russian Federation.”;

3) clause 9 shall be supplemented with a paragraph as follows:

“In the case of the commission, under the same circumstances, of rape and violent acts of a sexual nature against a minor victim, when qualifying the act under the aggregate of crimes stipulated by Articles 131 and 132 of the Criminal Code of the Russian Federation, clause “Б” of Part 5 of Article 131 and clause “Б” of Part 5 of Article 132 of the Criminal Code of the Russian Federation shall not be applied.”;

4) clause 14 shall be reworded as follows:

“14. Persons with a conviction for a previously committed crime against the sexual integrity of a minor (clause “а” of Part 5 of Article 131, clause “а” of Part 5 of Article 132, clause “Б” of Part 3 of Article 133, Part 6 of Article 134, Part 5 of Article 135 of the Criminal Code of the Russian Federation) include persons who have an outstanding conviction or a conviction not expunged in accordance with the established procedure, this conviction being for any of the crimes committed against minors, stipulated by Parts 3—5 of Article 131, Parts 3—5 of Article 132, Part 2 or 3 of Article 13, Articles 134—135 of the Criminal Code of the Russian Federation. Convictions for the specified crimes committed by a person under the age of eighteen shall be also taken into account.”;

5) clause 19 shall be reworded as follows:

“19. Rape or violent acts of a sexual nature committed simultaneously or at different times against two or more persons who have not reached the age of eighteen, as well as sexual intercourse, sodomy, lesbianism or lewd acts committed without the use of violence or the threat of its use and without using the helpless state of the victim, simultaneously or at different times against two or more persons who have not reached the age of sixteen, in accordance with the provisions of Part 1 of Article 17 of the Criminal Code of the Russian Federation, do not constitute a aggregate of crimes and are subject to qualification, respectively, under subclause “6” of Part 5 of Article 131 or subclause “6” of Part 5 of Article 132, or under Part 4 of Article 134 or Part 3 of Article 135 of the Criminal Code of the Russian Federation, provided that the guilty person has not been previously convicted of any of such acts.”

Chairman of the Supreme Court
of the Russian Federation

I.V. Krasnov

Secretary of the Plenum,
Judge of the Supreme Court
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O.K. Zatelepin