

**RULING**

**No.6-2646/04**

On April 30, 2004, the Federal Judge of the Ostankinsky District Court, the City of Moscow, Mr. Bobrov considered a case on administrative action under Article 18.8 of the RF Code on Administrative Offences with regard to Mr. Abdul Madjid, an Afghan national, born on 01.01.1982, who is not registered in Moscow and has no earlier record of administrative responsibility.

The duties and responsibilities have been clarified to Mr. Abdul Madjid under Article 25.1 of the RF Code on Administrative Offences.

**AND ESTABLISHED AS FOLLOWS:**

On 29.04.04, Mr. Abdul Madjid was detained by OVD "Ostankinsky" officers at 121, Prospect Mira, Moscow for violating the regime of stay of foreign nationals in the RF. The above facts are confirmed in a written report on the said administrative offence under Article 18.8 of the RF Code on Administrative Offences.

However, when requested to present an ID document, Mr. Abdul Madjid submitted a refugee card; therefore, no administrative action can be brought against him as a foreign national. Mr. Abdul Madjid's case falls under different regulations governing the regime of stay in the RF, and the responsibility for its violation is set forth in Art. 18.12 of the RF Code on Administrative Offences.

In view of the above, the Court has arrived at the conclusion that the legal proceedings initiated as regards the case on administrative action under Article 18.8 of the RF Code on Administrative Offences with regard to Mr. Abdul Madjid should be dismissed, since the element of *corpus delicti* prescribed in the said article is absent.

Proceeding from the above and being guided by Articles 29.10, 29.9, Clause 2, and 24.5 of the RF Code "On Administrative Offences", the Federal Judge

**HAS RULED AS FOLLOWS:**

The legal proceedings initiated as regards the case on administrative action under Article 18.8 of the RF Code on Administrative Offences with regard to Mr. Abdul Madjid, an Afghan national, born on 01.01.1982, shall be dismissed in the absence of the element of *corpus delicti* prescribed in the said article.

An appeal against the decision can be filed with the Moscow City Court within the next 10 days.

A.V. Bobrov, Federal Judge

I received a copy of the Ruling on 30.04.2004.

*Signature*