

BELARUS

Definition and Prosecution of Terrorist Acts

The Republic of Belarus has established criminal liability for terrorist acts in their Criminal Code. Belarus defines international terrorism in article 126 of its Criminal Code as the organization or execution in the territory of a foreign state of explosions, arson, or other acts with a view to causing loss of life or physical injury, destroying or damaging buildings or any other form of property or infrastructure for the purpose of provoking international tension or hostilities or destabilizing the internal situation in a foreign state, or assassinating or causing physical injury to a political or public figure of a foreign state, or damaging their property for the same purpose. In addition, acts of violence against representatives of a foreign State or international organization and the kidnapping or holding of such persons against their will for the purpose of provoking international tension or hostilities are defined as punishable offences.

The recruitment, training, and financing of groups for the purpose of establishing or participating in a criminal organization is prohibited under the Criminal Code. The code also establishes criminal liability for “banditry”, “terrorism”, hostage-taking, seizing buildings or installations, hijacking a means of transportation and establishment of an “illicit armed faction”. Belarus has also defined threatening to commit an act of terrorism as a criminal act under the Criminal Code.

The Criminal Code is applied independently of the criminal law of the place in which the act was committed where the offence is concerned: genocide (article 127), crimes against the security of humankind (article 128), production, stockpiling or distribution of prohibited instruments of war (article 129), ecocide, use of a weapon of mass destruction (article 134), violation of the laws and custom of war (article 135), criminal violation of the norms of international humanitarian law in time of armed conflict (article 136), inaction or issuance of a criminal order in time of armed conflict (article 137), and other offences committed outside Belarus which are prosecutable on the basis of a binding international treaty of Belarus.

Prevention of Terrorism – Security Measures

Belarus adopted a bill on counterterrorism on December 11, 2001, establishing the President and the Council of Ministers as the authorities in charge of spearheading counter-terrorist efforts. The bill makes the State Security Committee, the Ministry of Internal Affairs, the Presidential Security Service, the Ministry of Defence and the State Committee on Border Troops directly responsible for conducting the efforts.

Order 272 of the President of the Republic of Belarus gave effect to a number of supplementary measures intended to avert terrorist acts, including:

- Enhanced protection of transportation networks, administrative buildings, and facilities that manufacture, use or store weapons, ammunition, explosives, toxic or radioactive substances
- Operations to suppress illicit trade in weapons, explosives, toxic substances, and other terrorist means of attack
- Introduction of supplementary measures at borders to detect weapons, ammunition, explosives, and toxic substances
- Special monitoring of procedures for issuing permits for the movement of hazardous, explosive, poisonous, and radioactive materials
- Comprehensive inspection of weapons manufacturers and facilities for storing or using ammunition and explosives

An Inter-Departmental Counter-Terrorism Commission coordinates the activities of the various agencies directly responsible for combating terrorism within Belarus. Subdivisions of the

BELARUS

Ministry of Internal Affairs of Belarus are taking steps to detect and suppress the activities of criminal individuals belonging to criminal ethnic groups. Twenty-Four such groups with a total of more than 300 members are listed in the automated databank of the Ministry's Committee on Combating Organized Crime and Corruption.

Decree No. 137 of the President of Belarus of April 1996 implemented creation of a databank for special information. On a monthly basis, the Ministry of Internal Affairs of Belarus transmits information for entry into the databank, which is managed by the State Security Committee. This information includes all information relevant to:

- Preparation and commission of terrorist acts in Belarus and other States.
- Individuals and groups involved in the activities of terrorist organizations
- Illegal transfers of virulent, toxic, poisonous, and radioactive substances, explosives, arms and ammunition, special materials and military hardware.

A databank has also been created and new data are being added on persons working with pyrotechnic devices or explosives and persons engaged in the manufacture and repair of legal arms, or the illegal manufacture of arms, ammunition and explosives as well as organizations using explosives in their activities and the economic entities providing financial support to such organizations.

Control of Weapons

The Law on Export Controls, 5 February 1998 implements the commitments that Belarus has undertaken via international treaties and aims to stop the proliferation of weapons of mass destruction and conventional armaments. Accordingly, the Law on State Regulation of Foreign Trade Activities requires licenses for the import and export of certain goods and establishes safety procedures. Resolution No. 218 imposes restrictions on the movement of commodities across the customs border of Belarus. Lists of the specific goods for which the export is subject to licensing are set forth in Decree No. 27 on the Improvement of State Control of the Passage of Specific Goods (Work, Services).

Laws Pertaining To Biology

Various Belarus laws apply to biology. The Law on Environmental Protection regulates genetically modified plants or animals and non- native species, requires management of wastes, and calls for oversight of scientific research. The Law also establishes that entities causing harm to the environment are liable for the full amount of the harm caused. Organizational and social principles of veterinary activities are defined by law in order to protect the health of animals, to protect people against illnesses common for humans and animals, and secures the production of sanitary animal products.

Money Laundering – Prevention and Prosecution

The Belarusian Security Council adopted a Decree and Plan of Additional Measures to Strengthen the Fight Against Terrorism that envisages implementation of a system of checks on banks to trace accounts that might finance terrorist groups, including measures to freeze the accounts and identify their originators.

The Act of July 19, 2000, "On measures to prevent the legalization of funds obtained by illegal means", governs the procedure for monitoring financial operations subject to special oversight. This includes international transfer of funds from areas where relevant state agencies have reported a concentration of funds belonging to or destined for persons suspected of involvement in international crime or illicit production or distribution of weapons. The Ministry of Taxation and Internal Revenue is responsible for receiving and analyzing reports of unusual or

BELARUS

suspicious financial transactions and transmitting information to the relevant competent organs of Belarus.

Freezing of bank accounts is regulated by domestic legislation which allows the attachment or forfeiture of funds or other property held at a bank after: a court decision or ruling, a decree issued by a body of inquiry and preliminary investigations in cases covered by the Code of Criminal Procedure, and a decision by tax authorities in authorized areas.

Information Sharing

Belarus has signed bilateral international treaties to allow cooperation between their own law enforcement agencies and other nation's agencies in combating terrorism with the United Kingdom, Turkey, Bulgaria, Romania, Poland, Lithuania, Viet Nam, and China. Belarusian security officers working in diplomatic missions and institutions abroad have initiated an exchange of information with the relevant services of the host countries on the activity of terrorist organizations and on individuals planning to commit terrorist acts.

A large amount of inter-state information sharing takes place between Belarus and its fellow CIS member states. Law enforcement agencies of the CIS member states exchange information of mutual information relevant to terrorism and extremism. Within the CIS, information on criminal individuals and groups is exchanged through the Office for the Coordination of the Fight against Organized Crime and Other Dangerous Forms of Crime in the Territory of the Commonwealth of Independent States. The Ministry of Internal Affairs of Belarus has a copy of a database developed by the Russian Federation containing basic data on persons of Chechen nationality wanted by Russian law enforcement agencies for terrorist activities.

In addition, Belarus has cooperated with other CIS states in accord with the Agreement concerning Cooperation among Ministries of Internal Affairs in Combating Terrorism, which was signed on September 8, 2000. Belarus acceded to the agreement pursuant to a decision by their Council of Ministers on April 27, 2001. This agreement's basic forms of cooperation include: Exchanging information of mutual interest on planned terrorist acts, terrorist and other extremist organizations and groups, their tactics, methods, leaders, members, etc.; Exchanging information concerning illegal traffic in nuclear materials, chemical and biological weapons or their components; Responding to enquiries regarding measures aimed at preventing, detecting, or suppressing instances of terrorism; and Developing and implementing coordinated measures aimed at suppressing activities of terrorist groups: cutting off financial, military, and technical support, and identifying terrorist bases and training camps.

BIBLIOGRAPHY OF BELARUS LAWS

Definition and Prosecution of Terrorist Acts

1. Criminal Code, articles 124, 126, 132, 285, 286, 287, 289, 290, 291, 292, 311.
2. Code of Criminal Procedure
3. Decree No. 185 of the President of the Republic of Belarus of 31 March 1998 (enacting the Statute on coordination of efforts of special subunits of law enforcement agencies and other State bodies to combat terrorism, organized crime and corruption)
4. Directive No. 272 (by order of the President) of 23 September 1999 (on supplementary measures for ensuring public security and preventing extremist and terrorist acts in the territory of the Republic of Belarus)
5. Bill on Counter-Terrorism, adopted December 11, 2001.

Prevention of Terrorism – Security Measures

1. Order No. 272 of The President of the Republic of Belarus of 23 September 1999.
2. Decree No. 137 of the President of the Republic of Belarus of 5 April 1996

Laws Pertaining To Biology

1. Law on State Regulation of Foreign Trade Activities, 29 December 1998
2. Law on Export Controls, 5 February 1998
3. Decree No. 27 on the Improvement of State Control of the Passage of Specific Goods (Work, Services) Through the Customs Border of the Republic of Belarus, 10 January 1998
4. Resolution No. 218 on imposing bans and restrictions on the movement of commodities across the customs border of the Republic of Belarus, 18 March 1997
5. Law on Environmental Protection, No. 126-Z, 17 July 2002
6. Law No. 3423-XII on Veterinary, 2 December 1994
7. Republic of Belarus Penal Code
8. Law on Approving the Instructions on Order of Issuing of Import Certificate, April 2003

Money Laundering – Prevention and Prosecution

1. Act of 19 July 2000 “On measures to prevent the legalization of funds obtained by illegal means”.
2. Act of 26 June 1997 “On measures to combat organized crime and corruption
3. Banking Code
4. Criminal Code
5. Code of Criminal Procedure

Information Sharing –

1. Inter-State Programme of Joint Measures to Combat Crime for the Period 2000-2003 (approved by the decision of the Commonwealth’s Council of Heads of State of 25 January 2000)
2. Programme of CIS Member States to Combat International Terrorism and Other Forms of Extremism up to the Year 2003 (approved by the decision of the Commonwealth’s Council of Heads of State of 21 June 2000)
3. Decision on the establishment of the CIS Anti-Terrorist Centre (Moscow, 21 June 2001)
4. Agreement on Cooperation among CIS Member States in the Fight against Crime (signed in Moscow on 25 November 1998)
5. Agreement on Cooperation among the Ministries of Internal Affairs of the Independent States in the Fight against Crime (signed in Almaty on 24 April 1992)
6. Agreement on Interrelations between Ministries of Internal Affairs in the Exchange of Information (signed in Cholpon-Ata on 3 August 1992)
7. Agreement on Cooperation among Ministries of Internal Affairs in the Fight against Terrorism (signed in Cholpon-Ata on 8 September 2000)