

Law of The Republic of Belarus

On The Fight Against Terrorism

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CHAPTER 1. GENERAL PROVISIONS

Article 1. Legal Basis of the Fight against Terrorism

The Constitution of the Republic of Belarus (RB), the Criminal Code of RB, this Law, other legislative acts of RB, international treaties to which RB is a party constitute the legal basis of the fight against terrorism.

Article 2. Basic Principles of the Fight against Terrorism

The fight against terrorism in RB shall be based on the following principles:

the rule of law;

the priority of preventative measures against terrorism;

the inevitability of prosecution [lit. punishment] for terrorist activity;

the combination of overt and covert methods of fighting terrorism;

the combined use of preventative, legal, political, social-economic and propaganda measures;

the priority of the defence of the rights of people who are in danger as a result of an act of terrorism;

minimal concessions to terrorists;

unified [lit. one-man] command in directing the forces and means used in the conduct of a counter-terrorism operation;

the informing of the public about an act of terrorism and the conduct of counter-terrorism operations.

Article 3. Main Terms and Definitions

For the purposes of this Law, the following main terms and definitions shall be used:

fight against terrorism - activity in preventing, exposing, suppression and minimising the consequences of terrorist activity;

citizen - citizen of RB, foreign or stateless person, unless otherwise stated in this Law;

hostage - a physical person captured and/or detained with the aim of forcing the government, organisations or individual citizens to carry out certain actions or to refrain from carrying out certain actions as a condition for the release of this person;

area of counter-terrorism operations - individual sections of land or area of water, vehicle, building, installation, premises and land or area of water adjacent to them within which the operation is being conducted;

counter-terrorism operation - special measures aimed at suppressing an act of terrorism with the purpose of protecting state interests, the safety of citizens, neutralising terrorists and also the minimising of the consequences of the act of terrorism;

international terrorist activity - terrorist activity carried out by a terrorist or terrorist organisation on the territory of more than one state or which harms the interests of more than one state, carried out by citizens of one state against citizens of another state or on the territory of another state when the terrorist and his victims are citizens of the same state or of different states but the crime takes place outside the borders of those states;

terrorism - perpetrating an explosion, arson attack or other actions which create the danger of the loss of human life, bodily harm, cause widespread damage or the onset of other serious consequences with the aim of causing public panic or exerting influence on decision-making by government bodies or hindering political or other public activity, and also threatening to carry out such activity with the same aims; attempt on the life of a government or public official carried out in connection with his government or public activities with the aim of destabilising public order or exerting influence on decision-making of government bodies or hindering political or other public activity, or out of revenge for such activity; the organisation or actual perpetration of an explosion, arson attack or other actions on the territory of a foreign state with the purpose of killing people or causing them grievous bodily harm, destruction or damage to buildings, installations, ways and means of communication or other property with the aim of provoking international complications, war or destabilisation of the domestic situation in these states, or the murder or grievous bodily harm of government or public officials of foreign states or damage to their property with the same aims;

terrorist - person who takes part in terrorist activity in any form;

act of terrorism - direct perpetration with the aim of terrorism of an explosion, arson attack, use or threat of use of nuclear explosive devices, radioactive, chemical, biological, explosive, toxic, poisonous, virulent substances; destruction, damage or seizure of means of transport or other objects; damage to information systems, command and control systems; attempt on the life of a government or public official, representative of a national, ethnic, religious or other group in society; taking and/or keeping hostages, kidnapping; endangering the life, health or property of an unlimited number of people by the creation of conditions [likely to lead] to accidents, technical catastrophes or the real threat of the creation of such danger; dissemination of threats in any form and by any means; perpetration of other acts endangering the life and health of people, widespread damage or the onset of other socially harmful consequences;

terrorist group - group of two or more people formed with the aim of carrying out terrorist activity;

terrorist activity - activity which includes the organisation, planning, preparation and execution of an act of terrorism; incitement to [commit an] act of terrorism, to the use of violence against citizens or organisations, to the destruction of material objectives with terrorist aims; the organisation of illegal armed formations, the creation of criminal organisations, of an organised group to perpetrate an act of terrorism, and also participation in such an act; recruitment, arming, training and use of terrorists, financing of known terrorist organisations or terrorist groups or other assistance to them;

terrorist organisation - criminal organisation created with the aim of executing terrorist activity or admitting the possibility of the use of terrorism in their activity.

Article 4. International Co-operation by RB in the Sphere of the Fight against Terrorism

RB, in accordance with international treaties, co-operates in the sphere of the fight against terrorism with foreign states, their law enforcement bodies and special services, and also with international organisations involved in the fight against terrorism.

RB, guided by the interest in securing the safety of individuals, society and the state, shall carry out criminal prosecution on its territory of people connected with terrorist activity, including in such cases where the act of terrorism was planned or carried out outside the borders of RB but aimed against the interests of RB, and in other cases as provided for by international treaties to which RB is a party.

CHAPTER 2. BASIC ORGANISATION OF THE FIGHT AGAINST TERRORISM

Article 5. Aim of the Fight against Terrorism

The fight against terrorism in RB has the following aims:

the defence of the individual, society and state from terrorism;

prevention, exposure, suppression of terrorist activity and minimisation of its consequences;

exposure and elimination of causes and conditions which facilitate the carrying out of terrorist activity.

Article 6. Government Bodies which Carry out the Fight against Terrorism

The President of RB and the Council of Ministers of RB shall exercise general command of the fight against terrorism.

The following bodies, within the limits of their powers, shall directly conduct the fight against terrorism:

Government security bodies;

Interior Ministry bodies;

Presidential Security Service;

Ministry of Defence;

Government Committee of Border Guards.

Other government bodies, a list of which shall be drawn up by the Council of Ministers of RB, may also, within the limits of their powers, take part in the prevention, exposure and suppression of terrorist activity.

Co-ordination of the activities of the bodies carrying out the fight against terrorism shall be carried out by an interdepartmental committee created by the President of RB. It shall have the following basic tasks:

on the instructions of the President of RB, elaborate basic government policy in the sphere of the fight against terrorism in RB and recommendations aimed at improving the effectiveness of work on exposure and elimination of causes and conditions which facilitate the emergence of terrorism and the carrying out of terrorist activities;

carry out gathering and analysis of information about the situation and trends of terrorist activity on the territory of RB;

co-ordinate the activities of government bodies which carry out the fight against terrorism with the aim of securing concerted efforts of their activities in preventing, exposing and suppressing acts of terrorism, and also the in exposing and eliminating causes and conditions facilitating the preparation and conduct of acts of terrorism;

draw up proposals on improving legislation of RB in the sphere of the fight against terrorism;

take part in the drafting of international treaties in the sphere of the fight against terrorism to which RB is a party.

Article 7. Powers of Bodies Directly Involved in the Fight against Terrorism

Government security bodies of RB shall:

conduct the fight against terrorism by means of prevention, exposure and suppression of acts of terrorism, and also prevention, exposure and suppression of international terrorist activity;

gather information about the activities of foreign and international terrorist organisations;

conduct preliminary criminal investigations into crimes aimed at attaining terrorist goals, within their powers in accordance with criminal procedural legislation.

Interior Ministry bodies of RB shall carry out the fight against terrorism by prevention, exposure and suppression of acts of terrorism in connection with their powers as defined by the legislation of RB.

The Presidential Security Service of RB shall carry out the fight against terrorism by ensuring the safety of protected persons and the protection of guarded facilities.

The Ministry of Defence of RB shall ensure the protection and defence of arms and military technology of the Armed Forces of RB, military facilities, and also takes part in the conduct of counter-terrorism operations and ensures the safety of the airspace of RB.

The Government Committee of Border Guards of RB shall carry out the fight against terrorism by preventing, exposing and suppressing attempts by terrorists to cross the state border of RB, and also the illegal smuggling of arms, ammunition, explosive, poisonous and radioactive substances and other things which may be used as a means of perpetrating an act of terrorism across the state borders of RB. It also takes part in the conduct of counter-terrorism operations.

Article 8. Basic Functions of Bodies carrying out the Fight against Terrorism

The Government bodies mentioned in art.6 of this Law shall, for the fight against terrorism and within the limits of their powers, elaborate and implement preventative, security, organisational and other measures of prevention, exposure and suppression of terrorist activity, create and maintain departmental systems of counteraction to the perpetration of acts of terrorism.

The bodies which carry out the fight against terrorism shall work together by providing material-technical and financial means, information, vehicles and communications equipment, medical equipment and medicines for the conduct of counter-terrorism operations, and also in other forms depending on the needs in the sphere of the fight against terrorism. The procedure for providing material-technical and financial means, information, vehicles and communications equipment, medical equipment and medicines shall be defined by the Council of Ministers of RB.

Article 9. Assistance to Bodies carrying out the Fight against Terrorism

Government bodies, other organisations and citizens must help bodies involved in the fight against terrorism, follow their orders and observe the law in the area of a counter-terrorism operation.

It is the duty of every citizen to pass to government bodies information relating to terrorist activity that they are aware of and the state encourages them to do so.

CHAPTER 3. CONDUCT OF COUNTER-TERRORISM OPERATIONS

Article 10. Management of Counter-terrorism Operations

The Committee for State Security [KGB] of RB shall be the body responsible for organising counter-terrorism operations, unless otherwise decreed by the President of RB.

Taking into account the scale and degree of public danger, the anticipated negative consequences and the nature of the act of terrorism, the Committee for State Security may create an Operational Headquarters for the direct management of the counter-terrorism operation. [These Headquarters] shall be headed by a representative of the Committee for State Security of RB or the Ministry of the Interior of RB depending on which body's powers will predominate during the conduct of a particular counter-terrorism operation.

The order of activities of the Operational Headquarters for the management of the counter-terrorism operation shall be defined by regulations confirmed by the Council of Ministers of RB.

The Committee for State Security of RB may, without creating an Operational Headquarters, entrust the carrying out of the counter-terrorism operation to bodies directly involved in the fight against terrorism which shall appoint a leader of the counter-terrorism operation.

The decisions of the Committee for State Security on the organisation of the counter-terrorism operation shall be binding on bodies directly involved in the fight against terrorism.

The Head of the Operational Headquarters for the management of counter-terrorism operations (Head of the counter-terrorism operation) may be appointed by the President of RB.

The Presidential Security Service of RB, in accordance with its powers, may create an operational headquarters to be headed by its representative. The order of activities shall be defined by the President of RB.

Article 11. Forces and Resources to be Used in the Conduct of the Counter-terrorism Operation

For the conduct of the counter-terrorism operation, the Operational Headquarters for the management of the counter-terrorism operation (Head of the counter-terrorism operation) has the right to use the necessary forces and resources of government bodies which, in accordance with art.6 of this Law, participate in the prevention, exposure and suppression of terrorist activity.

Article 12. Management of the Counter-terrorism Operation

From the start of the counter-terrorism operation, government bodies, organisations and citizens called up for the carrying out of the said operation report to the Head of the Operational Headquarters for the management of the counter-terrorism operation (Head of the counter-terrorism operation) and his decisions are binding on them.

The Head of the Operational Headquarters for the management of the counter-terrorism operation (Head of the counter-terrorism operation) shall define the limits of the area of counter-terrorism operations, take decisions on the use of forces and means called up for use in the said operation, on the conduct of negotiations with terrorists, on the informing of the public, and also on other matters connected with the carrying out of the counter-terrorism operation.

Interference in the operational leadership of the counter-terrorism operation by any other person irrespective of his position is forbidden.

Article 13. Legal Order in the Area of Conduct of the Counter-terrorism Operation

In the area of the conduct of a counter-terrorism operation people conducting this operation have the right to:

to take measures, where necessary, on the temporary restriction or ban of traffic and pedestrians on streets and roads, to prohibit citizens and vehicles, including

diplomatic and consular means of transport, from entering certain areas or facilities or to remove citizens from areas and facilities and to tow vehicles away;

to detain citizens for a period of up to three hours in case of their unauthorized intrusion or attempted intrusion into the area of conduct of the counter-terrorism operation in order to establish the aims of such actions, and to detain citizens without identification documents to establish their identity;

to enter citizen's houses and other premises without hindrance and at any time, breaking locks if necessary, to enter citizens' land plots, the offices and grounds of organisations of all forms of ownership and to inspect them while pursuing persons suspected of having committed an act of terrorism and having substantial grounds to believe that a crime has been or is being committed there which would threaten citizens' lives or health, with a prosecutor to be informed within 24 hours;

to conduct personal searches of citizens, search their belongings, inspect vehicles and luggage, including by use of technical means, as citizens enter and exit the area of conduct of the counter-terrorism operation;

to use for official purposes means of communication belonging to citizens, state agencies and organisations regardless of their form of ownership;

in emergencies, to use vehicles belonging to state agencies, organisations, regardless of their form of ownership, and to citizens (except vehicles exempt from such use by the legislation of RB or international treaties) in order to prevent an act of terrorism, to pursue and detain people who have committed an act of terrorism, to convey people who need urgent medical attention to hospital and to reach the scene of an incident.

The Head of the Operational Headquarters (Head of the counter-terrorism operation) shall regulate the activities of media representatives in the area of conduct of the counter-terrorism operation.

Article 14. Conducting Negotiations with Terrorists

During a counter-terrorism operation it is permitted to conduct negotiations with terrorists in order to save people's lives and health, valuables and to assess the possibility of suppression of an act of terrorism without resorting to force.

Only people authorized by the Head of the Operational Headquarters (Head of the counter-terrorism operation) may conduct negotiations with terrorists.

During negotiations with terrorists, issues of surrendering any people to the terrorists, delivering arms, munitions and other means and objects that may endanger people's lives

and health, as well as the issue of fulfilling the terrorists' political demands, should not be discussed as prerequisites for ending the act of terrorism.

The conduct of negotiations with terrorists may not serve as a reason or condition for clearing them of responsibility for the acts committed.

Article 15. Informing the Public of an Act of Terrorism

During a counter-terrorism operation, the informing of the public about the terrorist activity shall be carried out in a form and extent to be defined by the Head of Operational Headquarters for the Management of Counter-terrorism Operations or a representative of these Headquarters responsible for public relations.

Whilst conducting a counter-terrorism operation, the dissemination of the following information is prohibited:

that which discloses special methods or tactics used in conducting the counter-terrorism operation;

that which hampers the conduct of the counter-terrorism operation, or constitutes a threat to the life or health of people inside or outside the area where the counter-terrorism operation is being conducted;

that which serves as propaganda for or justification of terrorism;

that which contains information about members of staff of special units,

members of the Operational Headquarters for the Management of Counter-terrorism Operations and also about people assisting the conduct of the operation.

Article 16. Completion of the Counter-terrorism Operation

The counter-terrorism operation shall be considered completed when the act of terrorism has been suppressed (stopped) and the threat to human lives and health in the area of conduct of the counter-terrorism operation has been eliminated.

A decision on declaring the counter-terrorism operation complete shall be taken by the Head of Operational Headquarters (Head of the counter-terrorism operation).

CHAPTER 4. COMPENSATION FOR DAMAGE CAUSED BY AN ACT OF TERRORISM AND SOCIAL REHABILITATION OF VICTIMS OF AN ACT OF TERRORISM

Article 17. Compensation for Damage Caused by an Act of Terrorism or Counter-terrorism Operation

Compensation for damage inflicted on citizens as a result of an act of terrorism or the conduct of a counter-terrorism operation shall be met by the national budget to be further reimbursed by those responsible in accordance with the legislation of RB.

Article 18. Social rehabilitation of Victims of an Act of Terrorism

Social rehabilitation of the victims of an act of terrorism includes legal assistance, their psychological, medical and professional rehabilitation, employment and the provision of housing.

The social rehabilitation of victims of an act of terrorism and people listed in art.19 of this Law shall be financed by the national budget.

Measures to provide social rehabilitation for the victims of an act of terrorism shall be defined by the Council of Ministers of the RB.

CHAPTER 5. LEGAL AND SOCIAL PROTECTION OF PEOPLE INVOLVED IN THE FIGHT AGAINST TERRORISM

Article 19. People Involved in the Fight against Terrorism Entitled to Legal and Social protection

The following people are entitled to legal and social protection:

people involved (now or in the past) in the fight against terrorism;

people temporarily or permanently co-operating with government bodies involved in the fight against terrorism by preventing, uncovering and suppressing terrorist activity and minimizing its consequences.

Family members of the people listed in the first paragraph of this article are entitled to legal and social protection if the necessity for their protection is caused by the participation of such people in the fight against terrorism.

Social protection for the people listed in the first and second parts of this article shall be carried out in accordance with instructions issued by the President of RB or, on his instructions, by the Council of Ministers of RB.

Article 20. Compensation for Damage Inflicted on People Involved in the Fight against Terrorism

The damage inflicted on the health or property of people listed in art.19 of this law due to their involvement in the fight against terrorism shall be compensated in accordance with the legislation of RB.

Article 21. Exemption from Responsibility for Damage Inflicted during a Counter-terrorism Operation

While conducting a counter-terrorism operation, it is permitted to damage the lives, health and property of terrorists and other interests protected by the law within the framework of the limits stipulated by legislation.

People involved in the fight against terrorism, in accordance with the legislation of RB, are exempt from responsibility for damage inflicted during the conduct of a counter-terrorism operation.

CHAPTER 6 RESPONSIBILITY FOR PARTICIPATION IN TERRORIST ACTIVITY

Article 22. Responsibility for Participation in Terrorist Activity

People participating in terrorist activity shall be held responsible in accordance with the legislation of RB.

Article 23. Responsibility of an Organization for Terrorist Activity

An organisation registered in RB shall be ruled to be a terrorist organisation on the basis of a court decision and shall be closed down in accordance with the legislation of RB. During the closure of the organisation which has been ruled a terrorist one, its property shall be confiscated.

In case a court in RB rules that an international organisation (its affiliate, branch, representative office) registered outside RB is a terrorist one, its activities on the territory of RB shall be prohibited, its branch (affiliate, representative office) shall be closed down and its property and the property of this international organization on the territory of RB shall be confiscated.

CHAPTER 7. CONTROL AND SUPERVISION OF ACTIVITIES IN THE FIGHT AGAINST TERRORISM

Article 24. Control over Activities in the Fight against Terrorism

Control over activities by government bodies involved in the fight against terrorism shall be carried out by the President of RB and the Council of Ministers of RB.

Article 25. Supervision of Activities in the Fight against Terrorism

Supervision of implementation of legislation on the fight against terrorism shall be carried out by the prosecutor-general of RB and his subordinate prosecutors within the limits of their powers.

CHAPTER 8. FINAL PROVISIONS

Article 26. The Entry into Force of this Law

This Law enters into force on the date of its official publication.

Article 27. Bringing Legal Acts into Line with this Law

Within three months from the date of this Law's official publication, the Council of Ministers of RB shall:

prepare and send proposals to the House of Representatives of the National Assembly of RB on bringing legal acts of RB into line with this Law;

adjust decisions by the Government of RB to this Law;

ensure the review and abolition by national government bodies subordinate to the Council of Ministers of RB of the legal acts which contradict this Law;

adopt legal acts that would ensure the implementation of the provisions of this Law.

President of the Republic of Belarus

Aleksandr Lukashenka