

EXTRACT FROM THE CRIMINAL CODE OF THE REPUBLIC OF BELARUS

9 July 1999, No. 275-3

Adopted by the Chamber of Deputies on 2 June 1999

Approved by the Council of the Republic on 24 June 1999

[Amendments and additions:

Law of the Republic of Belarus of 8 May 2002, No. 98-3 (National Register of Legislative Acts of the Republic of Belarus, 2002, No. 55, 2/847)
<N10200098>;

Law of the Republic of Belarus of 24 June 2002, No. 112-3
(National Register of Legislative Acts of the Republic of Belarus, 2002, No. 75, 2/861)
<N10200112>;

Law of the Republic of Belarus of 4 January 2003, No. 173-3
(National Register of Legislative Acts of the Republic of Belarus, 2003, No. 8, 2/922)
<N10300173>]

Article 85. Non-application of statute of limitations

Exemption from criminal responsibility or punishment under articles 83 and 84 of this Code according to the statute of limitations shall not apply in the case of crimes against the peace and security of humankind or war crimes:

- (1) Instigation or waging of a war of aggression (article 122);
- (2) International terrorism (article 126)
- (3) Genocide (article 127);
- (4) Crimes against the security of humankind (article 128)
- (5) Production, accumulation or distribution of prohibited means of warfare (article 129);
- (6) Environmental crime (article 131)
- (7) Use of weapons of mass destruction (article 134);
- (8) Violations of the laws and customs of war (article 135);
- (9) Criminal breaches of the rules of international humanitarian law during armed conflict (article 136);
- (10) Failure to act, or issuing of criminal orders, during armed conflict (article 137).

Article 124. Terrorist acts against representatives of foreign States

1. Acts of violence against a representative of a foreign State or an international organization, abduction or deprivation of freedom for the purpose of causing international tension or war shall be punished by deprivation of liberty for a term of five to fifteen years.

2. The murder of a representative of a foreign State or international organization for the purpose of causing international tension or war shall be punished by deprivation of liberty for a term of ten to twenty-five years, or life imprisonment, or the death penalty.

Article 126. International terrorism

The instigation or carrying out on the territory of a foreign State of explosions, arson or other acts intended to cause loss of human life or injury, or to destroy or damage buildings, installations, transport means or routes, means of communication or other property for the purpose of causing international tension or war or destabilizing the internal situation in the foreign State, or killing or injuring State or public officials of the foreign State, or damaging their property for the same purpose (international terrorism) shall be punished by deprivation of liberty for a term of ten to twenty years, or life imprisonment, or the death penalty.

Article 235. Legalization (“laundering”) of illegally acquired proceeds

1. Knowingly undertaking financial transactions and other dealings involving money, securities or other assets acquired by illegal means, using such assets to carry out entrepreneurial or other commercial activity for the purpose of concealing or distorting the nature, origin, location, disposal, movement or real ownership of such assets or the rights associated with them shall be punished by a fine or by disqualification from particular offices or functions, or by restriction or deprivation of liberty for a term of up to four years.

2. The same acts, if committed a second time or by a public official using his official authority, or on an especially serious scale shall be punished by deprivation of liberty for a term of two to seven years, with or without confiscation of property.

3. The acts contemplated in paragraphs 1 and 2 of this article, if committed by an organized group, shall be punished by deprivation of liberty for a term of three to ten years, with or without confiscation of property.

Note:

1. A person committing an offence by means of which the assets were acquired shall not bear criminal responsibility for the acts covered by this article.

2. A person who has taken part in the laundering of illegally acquired money or assets shall be exempt from criminal responsibility for such acts if he or she has voluntarily admitted participation and has assisted in the discovery of the crime.

Article 236. Knowingly acquiring or selling illegally acquired proceeds

1. Acquiring, keeping or selling assets without prior undertaking, knowing them to be illegally acquired proceeds, in the absence of indications that they have been legalized (“laundered”) shall be punished by a fine or by corrective labour for a term of up to two years, or custody for up to six months, or restriction of liberty for up to three years, or deprivation of liberty for the same term.

2. The same acts, if committed a second time or on an especially serious scale shall be punished by restriction of liberty for a term of up to four years, or deprivation of liberty for up to five years.

3. The acts contemplated in paragraphs 1 and 2 of this article, if committed by a group of persons conspiring together, or on an especially serious scale shall be punished by deprivation of liberty for a term of two to six years, with or without confiscation of property.

Article 289. Terrorism

1. Carrying out explosions, arson or other acts that endanger life or may inflict injury or cause large-scale damage or other serious consequences, with the aim of intimidating the public or influencing decision-making by State authorities, or hindering political or other public activity (terrorism) shall be punished by deprivation of liberty for a term of eight to fifteen years.

2. Terrorism, if committed by a group of persons conspiring together, or if causing damage on an especially serious scale or other grave consequences shall be punished by deprivation of liberty for a term of eight to twenty years.

3. The acts contemplated in paragraphs 1 and 2 of this article, if involving murder or committed by an organized group, shall be punished by deprivation of liberty for a term of eight to twenty years, or life imprisonment, or the death penalty.

Note:

A person who has participated in planning the acts referred to in this article will be exempted from criminal responsibility if he or she has prevented the act of terrorism by alerting the State authorities in time or taking other action with the same result.

Article 290. Threatening to commit a terrorist act

1. Threatening to cause an explosion, or to commit arson or other acts endangering life or liable to cause injury or large-scale damage or other grave consequences, in order to intimidate the public or influence decision-making by State authorities, or to hinder political or other public activity (threatening to commit a terrorist act) shall be punished by custody for up to six months, or restriction or deprivation of liberty for a term of up to five years.

2. The threat to commit a terrorist act, if made a second time or by a group of persons conspiring together, or if it causes damage on a serious scale or other grave consequences shall be punished by deprivation of liberty for a term of three to eight years.

Article 359. Act of terrorism

The attempt on the life of a State or public official, committed in connection with his/her political or public activity for the purpose of destabilizing public order, or influencing the decision-making of State authorities, or hindering political or public activity, or in retaliation for such activity (a terrorist act), shall be punished by deprivation of liberty for a term of ten to twenty-five years, or life imprisonment, or the death penalty.

DECISION BY THE BOARD OF GOVERNORS OF THE NATIONAL BANK OF THE REPUBLIC OF BELARUS

28 January 2002, No. 10

ON SUSPENDING DEBIT AND CREDIT OPERATIONS ON ACCOUNTS OF TERRORISTS, TERRORIST ORGANIZATIONS AND ASSOCIATED PERSONS

On the basis of article 3 of the Banking Code of the Republic of Belarus (National Register of Legislative Acts of the Republic of Belarus, 2000, No. 106, 2/219) and in order to implement the

resolutions of the United Nations Security Council, the Board of Governors of the National Bank of the Republic of Belarus decides:

In order to suppress financial terrorism, banks shall cease debit and credit operations on the accounts of terrorists, terrorist organizations and associated persons. Further information about these organizations and individuals will be conveyed to banks by the National Bank of the Republic of Belarus as it is received from the Ministry of Foreign Affairs of the Republic of Belarus.

P. P. PROKOPOVICH
Chairman of the Board of Governors

LAW OF THE REPUBLIC OF BELARUS

3 January 2002, No. 77-3

ON COMBATING TERRORISM

Adopted by the Chamber of Deputies on 11 December 2001

Approved by the Council of the Republic on 20 December 2001

CHAPTER I

GENERAL PROVISIONS

Article 1. The legal basis for combating terrorism

The legal basis for combating terrorism is the Constitution of the Republic of Belarus, the Criminal Code of the Republic of Belarus, this Law, other legislative acts of the Republic of Belarus and the international treaties of the Republic of Belarus.

Article 2. Basic principles of combating terrorism

The fight against terrorism in the Republic of Belarus is based on the following principles:

Rule of law;
Priority of measures to prevent terrorism;
Mandatory punishment of acts of terrorism;
Combating terrorism through a combination of overt and covert methods;
Use of coordinated preventive, legal, political, socio-economic and publicity methods;
Priority to protecting the rights of persons exposed to danger as a result of terrorist actions;
Minimization of concessions to terrorists;
Unified command of the forces and the means used in counter-terrorist operations;
Necessity of informing the public about terrorist actions and about counter-terrorist operations.

Article 3. Principal terms and definitions

For the purposes of this Law:

“Combating terrorism” means action to prevent, detect and intercept terrorist activity and to minimize its consequences;

“Citizen” means a citizen of the Republic of Belarus, a foreign citizen or a stateless person, unless otherwise specified in this Law;

“Hostage” means an individual seized and/or detained for the purpose of compelling the State, an organization or individuals to commit or refrain from committing an act as a condition for the release of the said person;

“Counter-terrorist operation zone” means the distinct parts of a locality or body of water, vehicle, building, installation, or premises and any attached land or bodies of water within which the said operation is conducted;

“Counter-terrorist operation” means special measures to stop a terrorist act that are taken to safeguard the interests of the State and the safety of its citizens, to neutralize the terrorists and also to minimize the consequences of a terrorist act;

“International terrorist act” means a terrorist act committed by a terrorist or terrorist organization on the territory of more than one State or prejudicing the interests of more than one State, or by citizens of one State against citizens of another State or on the territory of another State, when the terrorist and the victim of terrorism are citizens of the same State or of different States but the offence is committed outside the territory of those States;

“Terrorism” means causing explosions, or carrying out arson or other acts that endanger life or may inflict injury or cause large-scale damage or other serious consequences, with the aim of intimidating the public, or influencing decision-making by State authorities, or hindering political or other public activity, as well as threats to carry out the said activities for such purposes; carrying out an attempt on the life of a State or public official in connection with his/her State or public activity for the purpose of destabilizing public order or influencing decision-making by State authorities or hindering a political or public activity or in retaliation for such an activity; organizing or carrying out on the territory of a foreign State of explosions, arson or other acts intended to cause loss of human life or injury or to destroy or damage buildings, installations, transport means or routes, means of communication or other property for the purpose of causing international tension or war or destabilizing the internal situation in those States, killing or injuring State or public officials of foreign States or damaging their property for the same purpose;

“Terrorist” means a person taking part in a terrorist activity of any kind;

“Terrorist act” means the direct use for the purpose of terrorism of explosions or arson, the use or threat to use nuclear explosive devices, radioactive, chemical, biological, explosive, toxic, poisonous, potent or contaminant substances; destruction, damaging or seizure of vehicles or other objects; damaging of computer information and control systems; carrying out an attempt on the life of a State or public official or representative of national, ethnic, religious or other population groups; seizure and/or detaining of hostages or abduction of a person; endangering or presenting a genuine threat to the life, health or property of any group of individuals by causing an accident or technological disaster; dissemination of threats in any form and by any means; any acts endangering the life and health of individuals or causing large-scale damage or other consequences of danger to the public;

“Terrorist group” means a group of two or more persons formed for the purpose of carrying out a terrorist activity;

“Terrorist activity” means activity involving the organization, planning, preparation and commission of incitement to commit a terrorist act, inflict violence on citizens or organizations or destroy installations for terrorist purposes, the organization of an illegal armed unit, formation of a criminal organization or organized group to commit a terrorist act or participation in such an act, recruitment, arming, training and use of terrorists, or financing of a terrorist organization or group or other assistance to it with knowledge of its terrorist nature;

“Terrorist organization” means a criminal organization that is formed for the purpose of carrying out terrorist activity or recognizes the possibility of using terrorism in its activities.

Article 4. International cooperation by the Republic of Belarus in combating terrorism

In accordance with international treaties, the Republic of Belarus shall cooperate in combating terrorism with foreign States, their law enforcement agencies and special services and also with international anti-terrorist organizations.

In the interests of safeguarding the security of individuals, society and State, the Republic of Belarus shall prosecute under criminal law persons on its territory who participate in a terrorist activity, including in cases in which terrorist acts are planned or carried out outside the country but directed against the interests of the Republic of Belarus, as well as in other cases provided for in international treaties signed by the Republic of Belarus.

CHAPTER 2

BASIS FOR ORGANIZING THE FIGHT AGAINST TERRORISM

Article 5. Aims of combating terrorism

Combating terrorism in the Republic of Belarus shall have the following aims:

- To protect individuals, society and State against terrorism;
- To prevent, detect and suppress terrorist activity and minimize its consequences; and
- To identify and eliminate the causes and conditions conducive to terrorist activity.

Article 6. State agencies combating terrorism

The President and the Council of Ministers of the Republic of Belarus shall have overall responsibility for directing action to combat terrorism and maintaining anti-terrorism activities.

The following shall be directly involved in combating terrorism within their respective fields of competence:

- State security agencies of the Republic of Belarus;
- Internal affairs agencies of the Republic of Belarus;
- Security service of the President of the Republic of Belarus;
- Ministry of Defence of the Republic of Belarus;
- State Border Troop Committee of the Republic of Belarus.

Other State agencies participating in the prevention, detection and suppression of terrorist activity within their respective fields of competence shall be determined by the Council of Ministers of the Republic of Belarus.

The work of agencies involved in countering terrorism shall be coordinated by an interdepartmental commission set up by the President of the Republic of Belarus. It shall have the following main tasks:

- By order of the President of the Republic of Belarus, it shall draft the basic elements of State policy for combating terrorism in the Republic of Belarus and recommendations for increasing the effectiveness of efforts to identify and eliminate the causes and conditions conducive to the emergence of terrorism and terrorist activity;
- It shall collect and analyse information on the current status of and trends in terrorist activity in the Republic of Belarus;
- It shall coordinate the work of the State agencies combating terrorism in order to consolidate their efforts to prevent, detect and suppress terrorist acts and to identify and eliminate the causes and conditions conducive to the preparation and commission of terrorist acts;
- It shall draft proposals to improve the legislation of the Republic of Belarus with respect to combating terrorism;

- It shall assist in drafting international treaties of the Republic of Belarus with respect to combating terrorism.

Article 7. Competence of the agencies directly involved in combating terrorism

The State security agencies of the Republic of Belarus shall:

- Combat terrorism by preventing, detecting, suppressing and uncovering terrorist acts and preventing, detecting and suppressing international terrorist activity;
- Collect information on the activity of foreign and international terrorist organizations;
- Conduct preliminary investigations in criminal cases involving those offences designed to achieve the aims of terrorism that are within their competence according to the laws on criminal procedure.

The internal affairs agencies of the Republic of Belarus shall combat terrorism by preventing, detecting and suppressing terrorist acts in accordance with their competence, as established by the laws of the Republic of Belarus.

The security service of the President of the Republic of Belarus shall combat terrorism by ensuring the safety of personnel and the security of installations to be protected.

The Ministry of Defence of the Republic of Belarus shall be responsible for the security and defence of the arms and military equipment of the Armed Forces of the Republic of Belarus and of military installations, and shall take part in counter-terrorist operations and ensure the security of Belarusian air space.

The State Border Troop Committee of the Republic of Belarus shall combat terrorism by preventing, detecting and suppressing attempts by terrorists to cross the State border of the Republic of Belarus and to illegally transfer across that border arms, ammunition, explosive, poisonous or radioactive substances or other articles that could be used to commit terrorist acts, and shall take part in counter-terrorist operations.

Article 8. Main functions of agencies involved in combating terrorism

In order to combat terrorism within their respective areas of competence, the State agencies mentioned in article 6 of this Law shall plan and carry out preventive, covert, institutional and other measures to prevent, detect and suppress terrorist activity, and shall establish and keep in readiness departmental structures to counter terrorist acts.

Agencies involved in combating terrorism shall cooperate by providing logistical and financial resources, information, vehicles and means of communication, medical equipment and medicaments to conduct counter-terrorist operations, and in other ways as required. Procedures for providing logistical and financial resources, information, vehicles and means of communication, medical equipment and medicaments shall be determined by the Council of Ministers of the Republic of Belarus.

Article 9. Assistance to agencies involved in combating terrorism

State authorities, other organizations and citizens shall be required to provide assistance to agencies involved in combating terrorism, carry out their requests and observe the legal regime in the area in which a counter-terrorist operation is conducted.

All citizens shall have a duty to report any information they learn concerning terrorist activity to the State authorities and shall be encouraged by the State to do so.

CHAPTER 3

CONDUCT OF A COUNTER-TERRORIST OPERATION

Article 10. Management of a counter-terrorist operation

Unless otherwise specified by the President of the Republic of Belarus, the agency responsible for organizing a counter-terrorist operation shall be the State Security Committee of the Republic of Belarus.

Depending on the degree and extent of the public danger, anticipated negative consequences and nature of the terrorist act, the State Security Committee may set up operational headquarters to manage the counter-terrorist operation, headed by a representative of either the State Security Committee or the Ministry of the Interior, whichever agency has greater competence to conduct the specific counter-terrorist operation.

The operating procedure of the operational headquarters in managing the counter-terrorist operation shall be determined in accordance with regulations approved by the Council of Ministers.

If it does not set up operational headquarters, the State Security Committee may entrust the conduct of a counter-terrorist operation to the agencies directly involved in combating terrorism, which shall designate the commander of the counter-terrorist operation.

The decisions of the State Security Committee regarding the organization of a counter-terrorist operation shall be binding for the agencies directly involved in combating terrorism.

The head of the operational headquarters responsible for managing the counter-terrorist operation (commander of the counter-terrorist operation) may be appointed by the President of the Republic of Belarus.

The security service of the President of the Republic of Belarus may, within its area of competence, set up operational headquarters headed by its own representative, its operating procedure being determined by the President of the Republic of Belarus.

Article 11. Forces and resources enlisted to conduct a counter-terrorist operation

In order to conduct a counter-terrorist operation, the operational headquarters directing it (commander of the counter-terrorist operation) shall be entitled to enlist the necessary forces and resources of the State agencies participating under article 6 of this Law in the prevention, detection and suppression of terrorist activity.

Article 12. Command of a counter-terrorist operation

The State agencies, organizations and citizens enlisted to conduct a counter-terrorist operation shall be placed from the start of the operation under the command of the head of the operational headquarters directing the counter-terrorist operation (commander of the counter-terrorist operation), and his/her decisions shall be binding for them.

The head of the operational headquarters directing the counter-terrorist operation (commander of the counter-terrorist operation) shall define the limits of the counter-terrorist operation zone and shall decide

on the deployment of the forces and resources enlisted to conduct it, on negotiations with terrorists, on information to the public and other questions connected with the conduct of the operation.

Interference by any other person, irrespective of his/her position, in the operational command of the counter-terrorist operation shall not be allowed.

Article 13. Legal regime in the counter-terrorist operation zone

Persons conducting a counter-terrorist operation shall have the right in the counter-terrorist operation zone:

- To take measures, if necessary, for the temporary restriction or prohibition of vehicular and pedestrian traffic on streets and roads, the barring of individuals and vehicles, including those of diplomatic missions and consular offices, from defined areas within a locality and from buildings, the evacuation of individuals from defined areas within a locality or from buildings, and the towing away of vehicles;
- To detain citizens for up to three hours, in the event of actual or attempted unauthorized entry into the counter-terrorist operation zone, in order to establish the reason, and to detain citizens not in possession of documents establishing their identity, in order to establish their identity;
- To enter the residence or other premises of citizens, plots of land belonging to them, or the premises and grounds of organizations, irrespective of the latter's form of ownership, without hindrance and forcing the locks if necessary, at any time of day or night, and to search them during investigations of persons suspected of involvement in the commission of a terrorist act, and also if there are sufficient grounds for believing that an offence is being or has been committed there that threatens the life or health of citizens, with subsequent notification of a public prosecutor within 24 hours;
- To search the person of citizens and the objects in their possession, and vehicles and the objects in them, using technical equipment if necessary, as they enter or leave the counter-terrorist operation zone;
- To use for official purposes means of communication belonging to citizens, State agencies and other organizations, irrespective of the latter's form of ownership;
- To use in emergencies vehicles belonging to State agencies, organizations, irrespective of the latter's form of ownership, and citizens (except for vehicles exempt by the law of the Republic of Belarus or international treaties from use for such purposes) to prevent a terrorist act, to pursue and detain persons who have committed a terrorist act, to convey persons requiring urgent medical assistance to medical establishments, or to drive to the scene of an incident.

The activity of representatives of the mass media in the counter-terrorist operation zone shall be controlled by the head of the operational headquarters directing the counter-terrorist operation (commander of the counter-terrorist operation).

Article 14. Conduct of negotiations with terrorists

During a counter-terrorist operation, negotiations with terrorists shall be permitted in order to prevent loss of life and injury, protect property and explore the scope for bringing an end to a terrorist act without the use of force.

Only persons specifically authorized by the head of the operational headquarters directing the counter-terrorist operation (commander of the counter-terrorist operation) shall be allowed to conduct negotiations with terrorists.

During negotiations with terrorists, neither surrendering any person whatsoever to the terrorists, nor providing them with arms, ammunition or other means or items whose use could endanger the life or health of persons, nor consenting to political demands by them as a condition for their stopping the terrorist act may be contemplated.

Negotiations with terrorists may not serve as a basis or condition for their release from responsibility for commission of the act.

Article 15. Information to the public on a terrorist act

During a counter-terrorist operation, the nature and extent of information provided to the public shall be determined by the head of the operational headquarters directing the counter-terrorist operation (commander of the counter-terrorist operation) or the representative of the headquarters responsible for maintaining communications with the public.

During a counter-terrorist operation, it shall not be permissible to disseminate information:

- Revealing the special methods and tactics used in the counter-terrorist operation;
- Impeding the conduct of a counter-terrorist operation and causing a threat to the life and health of persons in or outside the counter-terrorist operation zone;
- Serving to publicize or justify terrorism;

Containing particulars of members of specialist units or of the operational headquarters directing the counter-terrorist operation, or of persons assisting in the conduct of the operation.

Article 16. Termination of a counter-terrorist operation

A counter-terrorist operation shall be terminated when the terrorist act has been stopped and the threat to the life and health of persons in the counter-terrorist operation zone has been eliminated.

The decision to announce the termination of a counter-terrorist operation shall be taken by the head of the operational headquarters directing the counter-terrorist operation (commander of the counter-terrorist operation).

CHAPTER 4

COMPENSATION FOR DAMAGES RESULTING FROM A TERRORIST ACT AND SOCIAL REHABILITATION OF VICTIMS OF A TERRORIST ACT

Article 17. Compensation for damage resulting from a terrorist act or counter-terrorist operation

Compensation to citizens and organizations for damage resulting from a terrorist act or counter-terrorist operation shall be made from State budget resources with subsequent repayment of the sum by the perpetrator of the damage in the manner provided for under the law of the Republic of Belarus.

Article 18. Social rehabilitation of victims of a terrorist act

The social rehabilitation of victims of a terrorist act shall include legal aid, psychological counselling, medical care and occupational guidance, and provision of employment and housing.

The social rehabilitation of victims of a terrorist act and also of persons mentioned in article 19 of this Law shall be paid for from State budget resources.

The procedure for ensuring the social rehabilitation of victims of a terrorist act shall be determined by the Council of Ministers of the Republic of Belarus.

CHAPTER 5

LEGAL AND SOCIAL PROTECTION OF PERSONS INVOLVED IN COMBATING TERRORISM

Article 19. Persons involved in combating terrorism and eligible for legal and social protection

The following persons are eligible for legal and social protection:

- Persons who are or have been involved in combating terrorism;
- Persons providing assistance on a temporary or permanent basis to State agencies combating terrorism to prevent, detect or suppress terrorist activity and minimize its consequences;
- Members of the families of persons listed in the second and third paragraphs of the first part of this article, if the need to safeguard their protection results from the involvement of such persons in combating terrorism.

The procedure for providing social protection to persons mentioned in the first and second parts of this article shall be determined by the President of the Republic of Belarus or by the Council of Ministers on the President's instructions.

Article 20. Compensation for damage to persons involved in combating terrorism

Damage caused to the health or property of persons mentioned in article 19 of this Law in connection with their involvement in combating terrorism shall be indemnified as provided for under the laws of the Republic of Belarus.

Article 21. Release from liability for damage during the conduct of a counter-terrorist operation

During a counter-terrorist operation conducted on the basis of and in accordance with the law, damage to the life, health and property of terrorists and also to other legally protected interests shall be permissible.

Persons involved in combating terrorism shall be released in accordance with the laws of the Republic of Belarus from liability for damage caused while conducting a counter-terrorist operation.

CHAPTER 6

RESPONSIBILITY FOR PARTICIPATION IN A TERRORIST ACTIVITY

Article 22. Responsibility for participation in a terrorist activity

Persons who have participated in a terrorist activity shall bear responsibility as provided for in the laws of the Republic of Belarus.

Article 23. Responsibility of an organization for a terrorist activity

An organization registered in the Republic of Belarus shall be designated as being a terrorist organization by virtue of a court decision and shall be wound up in accordance with the procedure laid down by law. Property belonging to an organization thus designated and wound up shall be confiscated.

If a court of the Republic of Belarus designates an international organization registered outside the Republic of Belarus (its branches, subsidiaries or agencies) as being a terrorist organization, its operations on the territory of the Republic of Belarus shall be prohibited, the branch (subsidiary or agency) shall be wound up and the property belonging to it and the property of the international organization on the territory of the Republic of Belarus shall be confiscated.

CHAPTER 7

MONITORING AND SUPERVISION OF COUNTER-TERRORIST ACTIVITY

Article 24. Monitoring of counter-terrorist activity

The activity of State agencies involved in combating terrorism shall be monitored by the President and Council of Ministers of the Republic of Belarus.

Article 25. Supervision of counter-terrorist activity

Compliance of counter-terrorist activity with the law shall be supervised by the Prosecutor General of the Republic of Belarus and subordinate prosecutors within their areas of competence.

CHAPTER 8

FINAL PROVISIONS

Article 26. Entry into force of this Law

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

Article 27. Alignment of legislation with this Law

Within three months from the date of official publication of this Law, the Council of Ministers of the Republic of Belarus shall:

- Draft proposals for the alignment of legislative acts of the Republic of Belarus with this Law and submit them, in accordance with established procedure, to the Chamber of Deputies of the National Assembly of the Republic of Belarus;
- Bring the decisions of the Government of the Republic of Belarus into line with this Law;

- Ensure that national State agencies subordinate to the Council of Ministers review and repeal such regulatory texts enacted by them as conflict with this Law;
- Adopt regulatory texts to implement the provisions of this Law.

President of the Republic of Belarus, A. LUKASHENKO

LAW OF THE REPUBLIC OF BELARUS

No. 426 of 19 July 2000

ON MEASURES TO PREVENT THE LAUNDERING OF ILLEGALLY ACQUIRED PROCEEDS

Adopted by the Chamber of Deputies on 9 June 2000

Approved by the Council of the Republic on 30 June 2000

[Amendments and additions: Law No. 183 of 4 January 2003 (National Register of Legislative Acts of the Republic of Belarus, 2003, No. 8, 2/932) <N10300183>]

This Law establishes a system of measures to prevent the laundering of illegally acquired proceeds, for the purpose of protecting the rights, freedoms and lawful interests of the citizens of the Republic of Belarus, society and the State.

CHAPTER 1

GENERAL PROVISIONS

Article 1. Scope of application of this Law

This Law shall apply to the actions of subjects of law that conduct financial transactions in the Republic of Belarus.

In accordance with the international treaties to which the Republic of Belarus is a party, this Law shall apply to actions carried out by subjects of law outside the Republic of Belarus that are directed against the interests of the Republic of Belarus or the citizens of the Republic of Belarus, if those subjects of law have not been prosecuted for those actions.

Article 2. Basic terms used in this Law

The terms set out below shall be used in this Law.

1. "Illegally acquired proceeds" shall mean money (Belarusian currency or foreign currency), securities or other assets, including property rights and exclusive rights to the results of intellectual activity, acquired through a violation of the law;

2. "Laundering of illegally acquired proceeds" shall mean giving the appearance of legitimacy in any form to the possession, use or disposal of illegally acquired proceeds, including by concealing, depositing or moving them, or concealing or distorting information or providing false or misleading information about their location or real ownership;

3. "Persons conducting financial transactions" shall mean banks and non-bank credit and finance institutions; stock and currency exchanges; investment funds and other professional dealers in securities; insurance and reinsurance institutions; mutual insurance societies; dealers' and brokers' offices; communications organizations; technical inventory bureaux; notarial offices (notaries); other organizations and individual entrepreneurs engaged in the acquisition, disposition, disbursement, transfer, transportation, transmission, exchange or custody of assets or the notarial certification or State registration of contractual transactions or other actions carried out by subjects of law, objects of civil law that may constitute illegally acquired proceeds, and events in respect of which civil law has effect; casinos and other gambling establishments equipped with slot machines, roulette wheels or other devices or means for

conducting games based on chance; bookmakers' offices; organizers of lotteries, totalizators or games systems (electronic); pawnshops; purchasing companies; and other organizations conducting financial transactions;

4. "Special monitoring of financial transactions" shall mean all the measures taken by the State bodies that monitor the conduct of financial transactions, in accordance with their competence established by law, to establish the legality of the origin of assets used in financial transactions that are subject to special monitoring, pursuant to article 4 of this Law;

5. "Assets" shall mean money, securities, documents certifying right of ownership and other property rights which may be established or transferred only upon presentation of the relevant documents, and other property, including property rights, work and services and exclusive rights to the results of intellectual activity;

6. "Subjects of law" shall mean physical and juridical persons, including foreign and international persons; organizations that are not juridical persons; the Republic of Belarus and its territorial administrative units; foreign States; State bodies; local government and self-government authorities; economic groups, including financial and industrial groups; and other entities which have rights and obligations or to which legal liability measures may be applied;

7. "Financial transaction" shall mean an action by a subject of law involving assets, irrespective of the form and method in which the action is conducted, which is aimed at establishing, modifying or terminating the civil rights and obligations connected with the assets, and also the certification or registration of such an action. Financial transactions shall include:

7.1. Banking transactions, including contractual transactions carried out by banks and non-bank credit and finance institutions, involving monetary assets, securities, precious metals, precious stones or other types of valuables;

7.2. Contractual transactions and other actions provided for by law involving securities and entailing the transfer of the right of ownership or other right to those securities or to titles represented by securities;

7.3. Postal and telegraphic transfers of monetary assets and postal communications with valuable enclosures;

7.4. The receipt of winnings in a casino, lottery, totalizator, games system (electronic) or other games based on risk which are organized and conducted on the basis of a special permit (licence) issued in accordance with the law;

7.5. The movement of assets across the customs border of the Republic of Belarus;

7.6. The transfer of securities to custody in a depository or the transfer to custody in a pawnshop of securities, precious metals, precious stones or other valuables;

7.7. The payment by a physical or juridical person (the insured) of monetary assets (insurance contribution, insurance premium) to an insurer under an insurance agreement, and the receipt of the insured amount (insurance indemnity, insurance coverage) under that agreement;

7.8. The contribution of money, securities or other assets, including property rights that have a monetary value, to an authorized fund or the contribution of shares (acquisition of shares) at the time of incorporation (reorganization) of a juridical person or when a capital fund of juridical persons is increased, irrespective of their form of incorporation;

7.9. Other actions by subjects of law aimed at establishing, modifying or terminating property rights to assets, and also the certification or registration of such actions;

8. “Illegal financial transaction” shall mean a financial transaction conducted in violation of the requirements of the law;

9. “Financial transaction subject to special monitoring” shall mean a financial transaction which, because of the sum involved or other circumstances or facts, is subject to registration in accordance with this Law.

Nothing in this Law shall prevent the terms listed above from being given, in other laws and regulations, definitions that differ from those used for the purposes of this Law.

Legislative acts of the Republic of Belarus or norms of international law that have effect in Belarus may establish restrictions on the application of the norms in this Law to individual subjects of law.

CHAPTER 2

PREVENTION OF THE LAUNDERING OF ILLEGALLY ACQUIRED PROCEEDS

Article 3. Obligations of persons conducting financial transactions

Persons conducting financial transactions shall be obliged:

1. To register financial transactions that are subject to special monitoring; that is, to fill in a special form in accordance with article 5 of this Law;

2. In accordance with established procedure and within 24 hours of registering a financial transaction that is subject to special monitoring, to send the special forms containing relevant information on financial transactions in Belarusian currency or foreign currency to the tax authority for the place where the financial transactions in question are being conducted; information on financial transactions in foreign currencies should also be sent to the Committee for State Monitoring of the Republic of Belarus and/or its territorial bodies;

3. To submit, in accordance with the procedure established by law, the information (documents, materials, reports, other data) necessary to respond to requests from the courts, prosecution departments, other competent State bodies, preliminary investigation authorities and the authorities responsible for currency regulation and control or currency control agents (hereinafter referred to as “currency control institutions”);

4. To keep registers containing information on clients, an archive of client accounts and primary documents about financial transactions in foreign currencies from the time a client account is opened until 10 years after it is closed, with the exception of documents (treaties, contracts, agreements) about contractual transactions in foreign currencies, which shall be kept for 20 years after the completion of the contractual transactions.

Other obligations relating to the observance of conditions for ensuring the confidentiality of documentation needed for effective State monitoring, including the observance of periods for retaining other documents relating to or connected with financial transactions, shall be established in accordance with the law on archives and record-keeping;

5. Not to divulge details of the communication by them of information to the courts, prosecution departments, preliminary investigation authorities or currency control institutions. Details of the

communication of such information to the above-mentioned authorities may be divulged to third parties only in cases provided for by law;

6. To establish principles and develop rules and measures for internal monitoring of financial transactions that are subject to special monitoring; such rules and measures shall not conflict with the requirements of the law;

7. To comply with other requirements of the law.

Article 4. Financial transactions that are subject to special monitoring

Financial transactions that are subject to special monitoring in the circumstances set out in the second part of this article shall include:

1. Financial transactions conducted in cash:

1.1. Banking and other financial transactions conducted by subjects of law, where there is no clear indication of a link between the transactions and the nature of the activity of at least one of the parties to the transaction (transactions), and where there are grounds to believe that, in the light of that sphere of activity and other circumstances, the sum involved in the transaction (transactions) is clearly inconsistent with the income and/or property status of the subject of law in question;

1.2. The deposit of monetary assets into a bank with registration of documents certifying that it is a bearer deposit;

1.3. The deposit of monetary assets together with the transfer of the assets to another person;

1.4. The purchase and sale of foreign currency;

1.5. The acquisition of payment documents, cheques or other securities;

1.6. The payment of monetary assets in cash to subjects of law, with the exception of physical persons, that usually make payments in non-cash form;

1.7. The receipt of monetary assets in the form of a travellers' cheque or a cheque for a sum that is declared as winnings;

1.8. The placement in and withdrawal from an account of monetary assets;

1.9. The placement of monetary assets in an account in which there have been no transactions or insignificant transactions, with instructions that disbursement be made in cash;

2. Financial transactions involving bank accounts:

2.1. The opening of several accounts with similar purposes for a client and the deposit of monetary assets in such accounts;

2.2. The placement of monetary assets received in the account of their owner, where there is no clear indication of a link between the activity of the account owner and the receipt of the assets;

2.3. The placement of monetary assets in an account by means of a cheque issued by a non-resident of the Republic of Belarus;

2.4. The placement in an account of monetary assets declared as winnings;

2.5. The opening of an account and the placement in it of cash assets;

3. Financial transactions involving the international transfer of monetary assets:

3.1. The international transfer of monetary assets with a requirement that they be paid out in cash;

3.2. The international transfer of monetary assets by a subject of law, with the exception of a physical person that is not an individual entrepreneur, within a period of six months from the time of State registration of the transfer, or by such a subject of law when transactions in its accounts were insignificant;

3.3. The international transfer of monetary assets by juridical persons or other subjects of law registered in offshore areas, or the transfer of assets to accounts opened in such areas;

3.4. The international transfer of monetary assets from regions where, according to information from competent State bodies, narcotic drugs or psychotropic substances are illicitly produced or where there is a concentration of significant assets belonging to or for persons in respect of whom there are sufficient grounds to believe that they are involved in the illicit production or distribution of weapons and/or in criminal offences of an international nature;

4. Financial transactions involving the purchase or sale of securities and other contractual transactions involving securities;

5. Financial transactions involving loans:

5.1. The granting or receiving of a loan secured by a deposit made by the borrower in a foreign bank;

5.2. The granting or receiving of a loan secured by financial assets of the borrower located in another credit and finance institution, if the origin of the assets is unknown or the amount is clearly inconsistent with the income and property status of the borrower;

5.3. The receiving from two or more creditors simultaneously of loans secured by the same property of the borrower;

5.4. The one-off or repeated receiving of loans combined with the international transfer of monetary assets received;

6. Financial transactions involving movable or immovable property:

6.1. Financial transactions involving property, where there are indications of invalid contractual transactions;

6.2. Financial transactions involving property that are conducted in violation of the procedure established by law for their registration, including violation of the requirement for notarial certification or State registration;

6.3. The transfer to custody in a bank, depository or pawnshop of securities, precious metals, precious stones or other valuables, where there is no clear indication of a link between the transaction and the nature of the activity of the subject of law in question or its income or property status;

6.4. The transfer of property to custody where the owner is not identified and that lack of identification is not justified by the circumstances of custody or the characteristics of the property;

6.5. The donation of property to non-residents of the Republic of Belarus;

7. Financial transactions involving the transfer of debt or the cession of a right (requirement) that are conducted in violation of the procedure established by law for their registration, including violation of the requirement for notarial certification or State registration;

8. The provision of grants, subsidies or subventions.

The financial transactions set out in the first part of this article shall be subject to special monitoring when at least one of the following circumstances exists:

- The sum involved in the financial transaction, when conducted as a one-off transaction, is equal to or exceeds 2,000 basic units for physical persons or 20,000 basic units for other subjects of law;
- Within a single month, a number of financial transactions are conducted, the total sum of which is equal to or exceeds 2,000 basic units for physical persons or 20,000 basic units for other subjects of law, and where the information available indicates a connection between the financial transactions.

Article 4, second part—as amended by Law No. 183 of the Republic of Belarus of 4 January 2003

The financial transactions set out in the first part of this article shall be subject to special monitoring when at least one of the following circumstances exists:

- The sum involved in the financial transaction, when conducted as a one-off transaction, is equal to or exceeds 2,000 times the minimum wage for physical persons or 20,000 times the minimum wage for other subjects of law;
- Within a single month, a number of financial transactions are conducted, the total sum of which is equal to or exceeds 2,000 times the minimum wage for physical persons or 20,000 times the minimum wage for other subjects of law, and where the information available indicates a connection between the financial transactions.

Article 5. Procedure for the registration of financial transactions that are subject to special monitoring

Financial transactions that are subject to special monitoring shall be registered, in accordance with the law, by the person conducting the financial transaction using a special form.

The following information shall be included in the special form, in accordance with the procedure established by law:

1. Information required for identification of the subject of law conducting the financial transaction;
2. Information required for identification of the subject of law on the instruction and/or on behalf of whom the financial transaction is conducted;
3. Information required for identification of the beneficiary of a financial transaction, if the transaction is completed;

4. The details of accounts and documents used to conduct the financial transaction;
5. The type of financial transaction, as provided for in article 2, paragraph 7, of this Law, and the grounds for conducting it (type of civil law agreement or other grounds);
6. The name and location of the organization involved in conducting the financial transaction;
7. The date and time of the financial transaction conducted and the sum involved.

The layout of the special form and the procedure for completing, registering, transmitting, assessing and storing it, shall be approved by the Government of the Republic of Belarus. The procedure for the use of special forms shall be determined by the Government in agreement with the State Secretariat of the Security Council of the Republic of Belarus and the Committee for State Monitoring.

When financial transactions that are subject to special monitoring are conducted by virtue of an authorization based on power of attorney, provisions of law or an act issued by a duly authorized State body or local government or self-government authority, the special form shall be completed in the same way, with the necessary information on the representative conducting the transaction appended to it.

Article 6. Communication of information involving an official or other secret protected by law

The communication by persons conducting financial transactions, with the exception of banks and non-bank credit and finance institutions, of information on illegal financial transactions or financial transactions that are subject to special monitoring to the courts, prosecution departments, other competent State bodies, preliminary investigation authorities or currency control institutions, in accordance with the procedure established by this Law, shall not constitute a violation of the obligation to keep an official or other secret protected by law.

Information on financial transactions and accounts of juridical persons or other subjects of law, with the exception of physical persons that are not individual entrepreneurs, shall be provided by banks and non-bank credit and finance institutions to the courts, prosecution departments, other competent State bodies, preliminary investigation authorities and currency control institutions in accordance with the law.

The rule provided for in the second part of this article shall apply to the receipt by offices of the National Bank of the Republic of Belarus of information on accounts and deposits and on specific contractual and financial transactions from the accounts of banks and non-bank credit and finance institutions that is submitted in connection with the performance by the National Bank of its licensing, inspection and monitoring functions. It shall also apply to the receipt by audit organizations of information on the financial transactions, accounts and deposits of banks and non-bank credit and finance institutions and their clients and correspondents that is collected in the course of checks carried out by those institutions.

Information on the accounts and deposits of physical persons that are not individual entrepreneurs shall be provided by banks and non-bank credit and finance institutions to the courts, prosecution departments, financial investigation authorities, other competent State bodies and authorities responsible for the preliminary investigation of relevant cases, unless otherwise provided by this Law.

Staff of the courts, prosecution departments, preliminary investigation authorities and currency control institutions shall bear responsibility, as established by law, for the unlawful divulging of information constituting an official or other secret protected by law to which they have become privy by virtue of their functions or work.

Persons conducting financial transactions shall be exempted from liability for losses or moral harm caused as a result of lawful compliance with the obligation established by this Law to inform the tax authorities and the Committee for State Monitoring of the Republic of Belarus and/or its territorial bodies about financial transactions that are subject to special monitoring and to provide the information mentioned in the first, second and third parts of this article, provided that the procedure established by law for the provision of such information has not been violated.

CHAPTER 3

COMPETENCE OF THE STATE BODIES FOR THE PREVENTION OF LAUNDERING OF ILLEGALLY ACQUIRED PROCEEDS

Article 7. State bodies that monitor the procedure for conducting financial transactions

For the purposes of preventing the laundering of illegally acquired proceeds, the following entities shall, within their competence, monitor the procedure for conducting financial transactions:

- The Committee for State Monitoring of the Republic of Belarus and its territorial bodies;
- The Ministry of Foreign Affairs of the Republic of Belarus;
- The Ministry for State Property and Privatization of the Republic of Belarus;
- The Ministry of Finance of the Republic of Belarus and local financial bodies;
- The National Bank of the Republic of Belarus;
- The State Committee for Financial Investigations of the Republic of Belarus and its territorial authorities;
- The State Tax Committee of the Republic of Belarus and its territorial bodies;
- The State Committee for Securities of the Republic of Belarus and its territorial bodies;
- The State Customs Committee and the customs of the Republic of Belarus;
- Other State bodies.

Article 8. Authority of State bodies that monitor the procedure for conducting financial transactions

In order to fulfil their tasks with regard to preventing the laundering of illegally acquired proceeds, the State bodies that monitor the procedure for conducting financial transactions shall take the measures necessary to prevent the laundering of illegally acquired proceeds. In particular, they shall:

1. Carry out documentary and other checks (inspections, inventories) with a view to ensuring that financial transactions are properly conducted and registered, and also that information provided in accordance with the requirements of this Law to the tax authorities (or, in the case of financial transactions in foreign currency, to the Committee for State Monitoring of the Republic of Belarus and/or its territorial bodies) is complete and authentic;

2. Develop and implement measures to improve the system for monitoring the conduct of financial transactions, based on the need to prevent and suppress actions connected with the laundering of illegally acquired proceeds;

3. Provide, in response to requests from the courts, prosecution departments, preliminary investigation authorities or financial investigation authorities, the necessary information on the results of checks on persons conducting financial transactions and on physical persons whose actions are connected with the laundering of illegally acquired proceeds;

4. When it is discovered that an illegal financial operation is being conducted, halt the operation in accordance with established procedure and take, within their competence, measures to prosecute the guilty persons or transmit the necessary documents to the prosecution departments, preliminary investigation authorities and State bodies authorized to bring cases to court;

5. When it is discovered that information on the conduct of a financial transaction subject to special monitoring has not been provided, inform the tax authorities (or, in the case of financial transactions in foreign currency, the Committee for State Monitoring of the Republic of Belarus and/or its territorial bodies) in accordance with the procedure established by article 3, paragraph 2, of this Law;

Other rights and obligations of the State bodies that monitor the procedure for conducting financial transactions shall be specified by law.

Article 9. Coordination of activities and international cooperation to prevent the laundering of illegally acquired proceeds

The State Secretariat of the Security Council of the Republic of Belarus shall be responsible for coordinating the activities of State bodies to prevent the laundering of illegally acquired proceeds.

The Ministry of Foreign Affairs and the Ministry of Internal Affairs of the Republic of Belarus shall be responsible for coordination on general matters relating to international cooperation to combat the laundering of illegally acquired proceeds.

The competent authorities of the Republic of Belarus that monitor the procedure for conducting financial transactions shall cooperate with the competent authorities of other States in the prevention, detection, suppression and investigation of actions connected with the laundering of illegally acquired proceeds and in the confiscation of such proceeds in accordance with the law of the Republic of Belarus and on the basis of the international treaties to which Belarus is a party or the principle of reciprocity and other principles of international law.

At the request of a foreign State, the law of that State may be applied when a request connected with measures to prevent the laundering of illegally acquired proceeds is fulfilled, in accordance with the rules laid down in the legislative acts of the Republic of Belarus and the norms of international law that have effect in Belarus. The law of a foreign State shall not be applied if its application would conflict with public policy, the law of the Republic of Belarus or the norms of international law that have effect in Belarus.

CHAPTER 4

LIABILITY FOR VIOLATING THE LAW ON PREVENTION OF THE LAUNDERING OF ILLEGALLY ACQUIRED PROCEEDS

Article 10. Liability for violating the law on prevention of the laundering of illegally acquired proceeds

Persons guilty of violating the requirements of this Law or other legislative acts on prevention of the laundering of illegally acquired proceeds shall be held liable in accordance with the law.

CHAPTER 5

FINAL PROVISIONS

Article 11. Entry into force of this Law

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

Article 12. Alignment of legislation with this Law

Until the legislation is brought into line with this Law, it shall be applied to the extent that it does not conflict with this Law, unless otherwise provided by the Constitution of the Republic of Belarus.

The Council of Ministers of the Republic of Belarus shall, within six months of the date of entry into force of this Law:

- Draft proposals for the alignment of legislative acts with this Law and submit them, in accordance with established procedure, to the Chamber of Deputies of the National Assembly of the Republic of Belarus;
- Bring the laws and regulations of the Government of the Republic of Belarus into line with this Law;
- Ensure that the national authorities for State administration which report to the Council of Ministers of the Republic of Belarus review and repeal such regulatory texts enacted by them as conflict with this Law;
- Adopt, in conjunction with the Committee for State Monitoring and the National Bank of the Republic of Belarus, regulatory texts to implement the provisions of this Law.

A. LUKASHENKO, President of the Republic of Belarus