

V. BELARUS¹³

1. DECREE NO. 21 OF 21 OCTOBER 1997 OF THE PRESIDENT OF THE REPUBLIC OF BELARUS ON URGENT MEASURES TO COMBAT TERRORISM AND OTHER PARTICULARLY DANGEROUS VIOLENT CRIMES

In order to protect the lives, health and property interests of citizens, create conditions for the effective functioning of State power in the Republic, and ensure the security of society and the State, in accordance with article 101, section 3, of the Constitution of the Republic of Belarus, I hereby decide:

1. To institute a system of urgent measures to combat terrorism and other particularly dangerous violent crimes, having determined that:

1.1. Terrorism means the use of violence or the threat of violence in order to infringe the security of society, destabilize public order, intimidate the population, influence the taking of decisions by State bodies, or prevent political or other public activities;

Terrorism includes: a terrorist act; a terrorist act against a representative of a foreign State; sabotage; causing an explosion or committing arson or any action that infringes the security of society; premeditated murder of a person or of those close to him in connection with the carrying out by him of an official activity or the discharge of a public duty, or murder carried out in a manner that endangers the lives of many people; the taking of hostages; a threat to cause an explosion, or commit arson or other acts infringing public security; a threat or violence directed against a judge or people's assessor; a threat or violence directed against an official, a member of the police, a civilian policeman, a serviceman or other person in connection with the discharge by them of their official obligations or public duty; the threat to steal radioactive materials or use them; the hijacking of an aircraft; or deliberately providing false information on an explosion about to occur, arson or other acts which infringe the security of society;

Other particularly dangerous violent crimes include: the formation of a criminal organization and participation in it; gangsterism; premeditated murder (by contract; accompanied by the kidnapping of the person or the taking of a hostage, robbery, extortion or gangsterism); kidnapping under aggravating circumstances; robbery under aggravating circumstances; the deliberate destruction or damaging of property under aggravating circumstances; extortion of property under aggravating

¹³ Transmitted to the Secretariat by that Government on 4 March 1998 and 15 June 2000.

circumstances; compelling anyone to conclude an agreement or carry out obligations under aggravating circumstances;

(The intervening subparagraphs have ceased to have effect.)

1.7. Those suspected and accused of committing terrorism or other particularly dangerous violent crimes shall, as a preventive measure, in general be held in custody;

1.8. Persons about whom there is reliable information that they are involved in terrorism or other particularly dangerous violent crimes, are the leaders of criminal organizations, organized criminal groups or belong to them, shall be subject to preventive detention on the authority of the public prosecutor for a period of up to 30 days on the basis of a reasoned decision by the head of the investigative body or his deputy;

(Paragraph 2 is no longer in force.)

3. To recommend that the National Assembly of the Republic of Belarus should expedite consideration of the draft criminal code and draft criminal procedural code of the Republic of Belarus and the draft law of the Republic of Belarus on the State security bodies of the Republic of Belarus;

4. The Council of Ministers of the Republic of Belarus shall:

4.1. Within a period of two months:

Draw up and submit to the President of the Republic of Belarus a draft law of the Republic of Belarus on the State protection of witnesses, victims and other persons assisting a criminal legal procedure; a draft State programme to enhance measures to combat crime for the years 1998-2000, having provided for its financing; and a draft code of discipline for State employees;

4.2. Within a period of one month:

Take measures to improve the system governing the entry and stay in the territory of the Republic of Belarus of foreign citizens and stateless persons from countries and regions where terrorist organizations and groups are actively operating;

Draw up a list of cities and specific areas where there are complex situations conducive to crime and which are to be specially monitored;

Establish in the Republic a suitable system for storing and transporting narcotic substances; virulent toxic, poisonous, radioactive and explosive materials; weapons and ammunition;

Develop and put into practice a system of measures to provide incentives to the personnel of law enforcement agencies and encourage citizens who have actively participated in the detection, exposure, neutralization and arrest of criminals, setting aside the funds necessary for this purpose;

4.3. Include, beginning in 1998, in draft State budgets a separate allocation line for the maintenance of the Committee on Organized Crime and Corruption of the Ministry of Internal Affairs;

5. The Council of Ministers of the Republic of Belarus and local executive and administrative bodies shall, by 1 January 1998, set aside buildings and premises necessary for the normal functioning of the special subunits of internal-affairs, State-security and public-prosecutor bodies engaged in combating organized crime and corruption;

6. The State Secretariat of the Security Council of the Republic of Belarus shall submit to the President of the Republic of Belarus draft laws:

- Within a period of one month - on weapons, on operational investigative activities and on measures to prevent the legalization of illegal profits;

Within a period of two months - on the State protection of judges and officials of law enforcement and monitoring agencies;

7. The Procurator-General, the Ministry of Internal Affairs and the Chairman of the Committee on State Security shall:

Within a period of one month, draw up a joint recommendation on the procedure for implementing the provisions of this Decree;

By 1 January 1998, complete the reorganization and staffing of the special subunits for combating organized crime and corruption and organize the retraining and advanced training of their personnel;

8. The Procurator-General, the Chairman of the Committee on State Security and the Minister of Justice shall ensure the effective use of funds set aside for the maintenance of the special subunits for combating organized crime and corruption and strengthening their expert base;

9. The Ministry of Justice and the Supreme Court shall, by 1 January 1998, institute the specialization of judges of regional courts, Minsk municipal courts and the Supreme Court in the hearing of criminal cases concerning terrorism and

other particularly dangerous violent crimes as well as those committed by organized criminal groups and criminal organizations;

10. The Procurator-General shall, within a period of 10 days, appoint a Deputy Procurator-General to supervise the activities of the special subunits for combating organized crime and corruption and ensure the specialized training of the corresponding structural subunits of territorial public prosecutors' offices;

11. The State Secretary of the Security Council of the Republic of Belarus shall be responsible for monitoring the implementation of this Decree.

12. This Decree shall enter into force on the date of its issuance ...

2. CRIMINAL CODE OF 29 DECEMBER 1960

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Article 64. Terrorist act against the representative of a foreign State

The killing of a representative of a foreign State for the purpose of provoking war or international complications shall be punished by imprisonment for a period of 10 to 25 years with confiscation of property, life imprisonment with confiscation of property, or the death penalty with confiscation of property.

Grave bodily injury caused to such persons for the same purpose shall be punished by imprisonment for a period of 8 to 15 years with confiscation of property.

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Article 124 –1. Taking of hostages

The seizure or holding of a person as a hostage, combined with a threat to kill, inflict bodily injury or hold that person for a further period of time in order to force a State, international organization, physical or juridical person or group of persons to carry out or refrain from carrying out any action as a condition for releasing the hostage shall be punished by imprisonment for a period of five to 10 years.

Such acts, if they are repeated or carried out by prior agreement by a group of persons shall be punished by imprisonment for a period of six to 12 years with or without confiscation of property.

If the acts provided for in the first part of this article are committed by an organized group or a particularly dangerous recidivist or if such acts incur severe consequences, they shall be punished by imprisonment for a period of 10 to 15 years with confiscation of property.

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Article 208-2. Hijacking of an aircraft

The hijacking of an aircraft on the ground or in flight shall be punished by imprisonment for a period of up to 10 years.

The hijacking of an aircraft on the ground or in flight or the seizure of an aircraft for the purpose of hijacking it, which are carried out with the use of violence or threats or which cause the aircraft to crash or entail other grave consequences shall be punished by imprisonment for a period of five to 15 years with or without confiscation of property.

If the acts provided for in the first and second parts of this article result in the death of persons or severe bodily injury, such acts shall be punished by imprisonment for a period of eight to 15 years with confiscation of property or the death penalty with confiscation of property.

3. CRIMINAL CODE OF 9 JULY 1999

CHAPTER 17

CRIMES AGAINST PEACE, HUMAN SECURITY AND WAR CRIMES

Article 124. Terrorist acts against representatives of foreign States

1. Acts of violence against a representative of a foreign State or international organization, kidnapping or holding of such person against his or her will with a view to provoking international tension or hostilities shall be punishable by deprivation of liberty for a period of five to 15 years.

2. Murder of a representative of a foreign State or international organization with a view to provoking international tension or hostilities shall be punishable by deprivation of liberty for a period of 10 to 25 years, life imprisonment or the death penalty.

Article 125. Attacks on institutions enjoying international protection

1. Attacks on the offices or living quarters of institutions enjoying international protection or on the means of transport of such institutions with a view to provoking international tension or hostilities shall be punishable by restriction of liberty for a period of three to five years or deprivation of liberty for a period of three to seven years.

2. Where such an act results in negligent manslaughter or in serious physical injury, or involves the deliberate destruction of property or important documents, it shall be punishable by deprivation of liberty for a period of three to 12 years.

Article 126. International terrorism

Conspiracy to carry out or the carrying out of an explosion, arson or other acts in the territory of a foreign State with a view to causing loss of life or serious physical injury, destroying or damaging buildings, installations, transport infrastructure and vehicles, means of communication or other property for the purpose of provoking international tension or hostilities or destabilizing the foreign State, or murdering or causing serious physical injury to a political or public figure of a foreign State or damaging property belonging to such persons for the same purpose (international terrorism), shall be punishable by deprivation of liberty for a period of 10 to 25 years, life imprisonment or the death penalty.

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Article 289. Terrorism

1. Carrying out of an explosion, arson or other acts that may endanger human life or cause physical injury or large-scale damage or have other serious consequences for the purpose of intimidating the population, influencing decision-making by State bodies or obstructing political or other public activities (terrorism) shall be punishable by deprivation of liberty for a period of eight to 20 years.

2. Terrorism committed by a group of persons conspiring together or resulting in particularly large-scale damage or other serious consequences shall be punishable by deprivation of liberty for a period of eight to 20 years.

3. Where an act referred to in paragraphs 1 and 2 of this article is accompanied by the murder of a person or is committed by an organized group, it shall be punishable by deprivation of liberty for a period of eight to 25 years, life imprisonment or the death penalty.

Note. A person who participates in the planning of an act referred to in this article shall not be held criminally responsible for the crime in question if, by alerting the State authorities in a timely fashion or by some other means, he or she prevents a terrorist act.

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Article 290. Threats to commit a terrorist act

1. Threats to carry out an explosion, arson or other acts that may endanger human life or cause physical injury or large-scale damage or have other serious consequences for the purpose of intimidating the population, influencing decision-making by State bodies or obstructing political or other public activities (threats to

commit a terrorist act) shall be punishable by imprisonment for a period of up to six months, restriction of liberty for a period of up to five years or deprivation of liberty for the same period.

2. Where a threat to commit a terrorist act constitutes a repeat offence, is made by a group of persons conspiring together or results in large-scale damage or other serious consequences, it shall be punishable by deprivation of liberty for a period of three to eight years.

Article 359. Terrorist acts

An attempt on the life of a political or public figure committed in connection with his or her political or public activities with a view to undermining public order, influencing decision-making by State bodies or obstructing political or other public activities, or in retaliation for such activities (terrorist acts), shall be punishable by deprivation of liberty for a period of 10 to 25 years, life imprisonment or the death penalty.

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Article 361. Incitement to overthrow or alter the constitutional system of the Republic of Belarus or to commit crimes against the State

1. Public incitement to seize power by force, alter the constitutional system of the Republic of Belarus, or to commit high treason, terrorists acts or sabotage, or the distribution of materials containing such incitement, shall be punishable by restriction of liberty for a period of up to three years or deprivation of liberty for the same period.

2. Where such an act is committed with the participation of the mass media, it shall be punishable by deprivation of liberty for a period of one to five years.

VI. BURKINA FASO¹⁴

1. PENAL CODE

SECTION 11

Unlawful acts of intervention against civil aviation, vessels and any other means of public transport.

Article 532. Any person on board an aircraft in flight, a vessel or any other means of public transport who seizes or attempts to seize control of such aircraft, vessel

¹⁴ Transmitted to the Secretariat by that Government on 11 July 1997.