

XIII. BELARUS³³

SUMMARY OF LEGISLATION OF BELARUS RELATED TO TERRORISM

(a) Criminal Code

The articles of the Criminal Code of Belarus establish criminal liability for the commission of the following crimes connected with terrorism:

Article 6 of the Criminal Code provides for the prosecution of persons who have committed offences outside Belarus, in particular:

1. Nationals of Belarus or stateless persons habitually resident in Belarus who have committed offences outside Belarus are liable to prosecution if the acts committed by them are offences in the State in whose territory they were committed and if they have not been prosecuted in that State. When such persons are sentenced, the penalty is fixed within the limits of the sanction stipulated in the [relevant] article of the Criminal Code but must not exceed the upper limit of the sanction provided by the law of the State in whose territory the offence was committed.
2. Foreign nationals or stateless persons not habitually resident in Belarus who have committed offences outside Belarus are liable to prosecution in cases involving the commission of particularly serious offences directed against the interests of Belarus.
3. The Criminal Code is applied independently of the criminal law of the place in which the act was committed where the following offences are concerned:
 - (1) Genocide (article 127);
 - (2) Crimes against the security of humankind (article 128);
 - (3) Production, stockpiling or distribution of prohibited instruments of war (article 129);
 - (4) Ecocide;
 - (5) Use of a weapon of mass destruction (article 134);
 - (6) Violation of the laws and custom of war (article 135);

³³ Transmitted to the Secretariat by that Government on 20 June 2002 (S/2002/693, enclosure).

(7) Criminal violation of the norms of international humanitarian law in time of armed conflict (article 136);

(8) Inaction or issuance of a criminal order in time of armed conflict (article 137);

(9) Other offences committed outside Belarus which are prosecutable on the basis of a binding international treaty of Belarus.

4. In the cases provided for in sections 2 and 3 of the aforementioned article 6, persons are liable to prosecution under the Criminal Code if they have not been convicted in another State and are brought to justice in the territory of Belarus.

Article 132 - The recruitment, training, financing and use of mercenaries

The recruitment, training, financing, assisting and use of mercenaries for the purpose of participating in military action against a foreign State or preventing the lawful enjoyment of the right of peoples to self-determination, recognized by international law, are punishable by a term of imprisonment of between 7 and 15 years.

Article 285 - Establishing or participating in a criminal organization

1. Activity for the purpose of establishing a criminal organization or leading a criminal organization or its structural components is punishable by a term of imprisonment of between 5 and 12 years, either with or without the confiscation of property.

2. Participation in a criminal organization in any other manner is punishable by a term of imprisonment of between three and six years, with or without confiscation of property.

3. Actions specified in paragraph 1 or 2 of this article committed by officials exercising their official authority are punishable by a term of imprisonment of between 10 and 15 years, with or without confiscation of property.

Article 291 - Hostage-taking

1. The seizure or holding of a person as a hostage, combined with the threat to murder such person or to cause him physical injury, or the continued holding of such a person with a view to coercing a State, international organization, corporate entity or individual or group of persons to take or refrain from taking any action as a condition for the release of the hostage (hostage-taking) is punishable by a term of imprisonment of between 5 and 10 years.

2. The taking of hostages:

- (a) By a group of persons acting in conspiracy;
- (b) Repeatedly;
- (c) Involving the use, during the seizure or holding of the person, of force endangering the life or health of the victim;
- (d) In the knowledge that the hostage is a minor;
- (e) In the knowledge on the part of the offender that the hostage is a pregnant woman;
- (f) Where two or more hostages are involved;
- (g) For mercenary motives or for reward

is punishable by a term of imprisonment of between 6 and 12 years, with or without confiscation of property.

3. The actions specified in paragraph 1 or 2 of this article, committed by an organized group or causing loss of human life through negligence or giving rise to other serious consequences, either deliberately or through negligence, are punishable by a term of imprisonment of between 10 and 15 years, with or without confiscation of property.

Note: A person who releases a hostage, either voluntarily or at the request of the authorities, shall be absolved of criminal liability under this article.

Article 292 - Seizure of buildings and installations

1. The seizure or holding of buildings, installations, roads and means of transport or communication, accompanied by the threat to destroy or damage them or by a threat to kill or cause physical injury to persons for the purpose of forcing a State or other entity, a body corporate or an individual or group of persons to commit or refrain from committing any action as a condition for not carrying out the threat is punishable by detention for a term of between three and six months, or by restriction of liberty for up to five years, or by a term of imprisonment for the same period.

2. Those actions, where committed by an organized group, whether causing loss of human life through negligence or giving rise to large-scale damage or other serious consequences, shall be punishable by a term of imprisonment of between 7 and 12 years.

Article 311 The hijacking of a train, aircraft or vessel or their seizure for purposes of hijacking

1. The hijacking of a train, aircraft or vessel or their seizure for purposes of hijacking is punishable by restriction of liberty for up to five years or by a term of imprisonment for the same period.
2. The same actions, if committed by a group of persons acting in conspiracy, whether involving the use or threat of force, or causing major damage, are punishable by restriction of freedom for between three and five years or by a term of imprisonment of between three and seven years.
3. The actions specified in paragraph 1 or 2 of this article, if committed by an organized group or causing loss of human life through negligence or giving rise to serious physical injury, is punishable by a term of imprisonment of between 5 and 15 years.³⁴

(b) Other Sources

In accordance with the third part of article 15 of the Act “On international treaties of the Republic of Belarus”, the legal norms contained in international treaties of the Republic of Belarus which have entered into force are part of the legislation in force in the territory of Belarus and can be directly applied, except in cases where it follows from the international treaty that a domestic enactment is required for the application of such norms. Consequently, after the International Convention for the Suppression of the Financing of Terrorism enters into force for the Republic of Belarus, its basic provisions will become part of the legislation in force in the territory of the Republic of Belarus and will be applied directly, without duplication in domestic legislative acts.

XIV. BOLIVIA³⁵

SUMMARY OF LEGISLATION OF BOLIVIA RELATED TO TERRORISM

The Bolivian Criminal Code (Book Two, Special Part, Chapter Three), which deals with “Public Tranquillity,” contains articles concerning maintenance of the country’s internal security:

³⁴ The text of additional Penal Code articles are contained in Part I of the present publication, pp. 85-87.

³⁵ Transmitted to the Secretariat by that Government on 2 January 2002 (S/2002/27, enclosure) and on 31 July 2002 (S/2002/970, appendix). Information was also provided in respect of the Code of Criminal Procedure.