



## LAW OF UKRAINE

### About the fight against terrorism

This Law with the purpose of defence of person, states and societies from terrorism, exposures and removals of reasons and terms which generate him, determines legal and organizational frameworks of fight against this dangerous phenomenon, plenary powers and duties of organs of executive power, associations of citizens and organizations, public servants and separate citizens in this sphere, order of co-ordination of their activity, guarantee of legal and social defense of citizens in connection with participation in the fight against terrorism.

The this Law provisions can not be applied as foundation for pursuit of citizens, which, operating within the limits of law, come forward on defence of the constitutional rights and freedoms.

#### Section And. GENERALS

##### Article 1. Determination of basic terms

In this Law the stated terms below are used in such value:

terrorism - publicly dangerous activity, which consists in conscious, purposeful application of violence by the capture of hostages, arsons, murders, tortures, intimidation of population and organs of power or accomplishing of other encroachments on the life or health of in anything not guilty people or threats of accomplishing of criminal acts with the purpose of achievement of criminal purposes;

assassination is the criminal act in the form of application of weapon, accomplishing of explosion, arson or other actions, responsibility for which is foreseen by the article 258 of the Criminal code of Ukraine. In the case when terrorist activity is accompanied by the commitment crimes foreseen by the articles 112, 147, 258 - 260, 443, 444, and also other articles of the Criminal code of Ukraine, responsibility for their accomplishing comes in accordance with the Criminal code of Ukraine;

technological terrorism is the crimes, which are accomplished with a terrorist purpose with application of nuclear, chemical, bacteriological (biological) and other weapon of mass defeat or its components, other matters insalubrious people, and facilities of electromagnetic action, computer systems and of communication networks, including fascination, lay-up and destruction potentially of dangerous objects, which straight or mediated created or threaten by the origin of threat of extraordinary situation as a result of these actions and make a danger for a personnel, population and environment; terms are created for failures and catastrophes of техногенного character;

terrorist activity is activity which engulfs:

planning, organization, preparation and realization of assassinations;

instigation to accomplishing of assassinations, violence above physical persons or organizations, elimination of material objects in terrorist aims;

organization of the illegal armed formings, criminal groupments (criminal organizations), organized criminal groups for assassinating, similarly as well as participation in such acts;

recruiting, armament, preparation and use of terrorists;

propaganda and distribution of ideology of terrorism;

financing of завідомо terrorist groups (organizations) or other assistance to them;

international terrorism - carried out in a world or regional scale by terrorist organizations, by the groupments, including at support of state organs of the separate states, with the purpose of achievement of certain goals publicly the dangerous violent acts, related to the theft, fascination, murder of in anything not guilty people or threat to their life and health, зруйнуванням or threat of зруйнування of important pertaining to national economy objects, systems of life-support, communications, by application or threat of application of nuclear, chemical, biological and other weapon of mass defeat;

a terrorist is a person which takes part in terrorist activity;

terrorist group - group from two and more of persons which teamed up with the purpose of realization of assassinations;

terrorist organization - group association the three and more of persons, which is created with the purpose of realization of terrorist activity, which distributing of functions is carried out within the limits of, the set rules of conduct, obligatory for these persons during preparation and assassinating, are set. Organization is acknowledged terrorist, if though one of its structural subdivisions carries out terrorist activity with відомо even one of leaders (leading organs) of all organization;

the fight against terrorism is activity in relation to prevention, exposure, stopping, minimization of consequences of terrorist activity;

counterterrorist operation is the complex of the co-ordinated special measures, directed on warning, prevention and stopping of the criminal acts carried out with a terrorist purpose, liberation of hostages, rendition of terrorists harmless, minimization of consequences of assassination or other crime carried out with a terrorist purpose;

district of conducting of counterterrorist operation - are certain by guidance of counterterrorist operation of area of locality or aquatorium, transport vehicles, buildings, buildings, apartments and territories or aquatoriums, which adjoin to them and which the noted operation is conducted within the limits of;

the mode in the district of conducting of counterterrorist operation is the special order, which can be entered in the district of conducting of counterterrorist operation in a time of its conducting and foreseen the grant to the subjects of fight against terrorism of the certain by this Law special authorities, necessary for liberation of hostages, providing of safety and health of citizens, which found oneself in the district of conducting of counterterrorist operation, normal functioning of public authorities, organs of local self-government, enterprises, establishments, organizations;

a hostage is a physical person which is taken and (or) contained with the purpose of motive of state organ, to carry out enterprises, establishments or organizations or individuals some action or hold back from realization of some action as condition of liberation of person, that is taken and (or) contained.

## **Article 2. Legal frameworks of fight against terrorism**

Make legal framework of fight against terrorism Constitution of Ukraine, the Criminal code of Ukraine, this Law, other laws of Ukraine, European convention about the fight against terrorism, in 1977, International convention about the fight against bomb terrorism, in 1997, International convention about the fight against financing of terrorism, in 1999, other international agreements of Ukraine, a consent on obligatory of which is given by Supreme Soviet of Ukraine, decrees and orders of President of Ukraine, on and orders of Cabinet of Ministers of Ukraine, and also other normative-legal acts, which are adopted on implementation of laws of Ukraine.

## **Article 3. Basic principles of fight against terrorism**

Fight against terrorism ґрунтується on principles:

legality and steady inhibition of rights and freedoms of man and citizen;

complex use to that end of legal, political, socio-economic, informative-propagandist and other possibilities; priority of preventive measures;

inevitability of punishment for participation in terrorist activity;

priority of defence of life and rights of persons which are in danger as a result of terrorist activity;

combination of vowel and secret methods of fight against terrorism;

no disclosure of information about the technical receptions and tactic of conducting of counterterrorist operations, and also about a their entry list;

undivided authority in guidance by forces and facilities, which are attracted for conducting of counterterrorist operations;

collaboration in the field of fight against terrorism with the foreign states, their law enforcement authorities and special services, and also with international organizations which carry out the fight against terrorism.

## **Section II. ORGANIZATIONAL BASES OF FIGHT AGAINST TERRORISM**

#### Article 4. Subjects of fight against terrorism

Organization of fight against terrorism in Ukraine and providing by its necessary forces, by facilities and resources are carried out by Cabinet of Ministers of Ukraine within the limits of his jurisdiction.

The central organs of executive power take part in the fight against terrorism within the limits of the jurisdiction certain by laws and given out on their basis by other normative-legal acts.

By subjects which directly carry out the fight against terrorism within the limits of the jurisdiction, is:

Security service of Ukraine which is a main organ in the national system of fight against terrorist activity;

Ministry of internal affairs of Ukraine;

Department of defense of Ukraine;

Ministry of Ukraine on the questions of extraordinary situations and in matters of defence of population from the consequences of the Чорнобильської catastrophe;

Statutory broker in matters of guard of state boundary of Ukraine;

State department of Ukraine on the questions of implementation of punishments;

Management of state guard of Ukraine.

Before participation in realization of the measures, related to warning, exposure and stopping of terrorist activity, are attracted in the case of necessity also:

Ministry of foreign affairs of Ukraine;

Ministry of health protection Ukraine;

Ministry of fuel and energy of Ukraine;

Ministry of industrial policy of Ukraine;

Ministry of transport of Ukraine;

Ministry of finance of Ukraine;

Ministry of ecology and natural resources of Ukraine;

Ministry of agrarian policy of Ukraine;

Government custom service of Ukraine;

State tax administration of Ukraine.

In the case of reorganization or renaming of the central organs of executive power, transferred in this article, their functions in the field of fight against terrorism can pass to their legal successors, if it is foreseen by the proper decree of President of Ukraine.

Before participation in counterterrorist operations in decision of guidance of counterterrorist operation other central and local organs of executive power, organs of local self-government, enterprises, establishments, organizations regardless of subordination and pattern of ownership, their public servants, and also citizens after their consent can be attracted with the observance of requirements of this Law.

Co-ordination of activity of subjects which are engaged in the fight against terrorism is carried out by a counterterrorist center at security Service of Ukraine.

#### Article 5. Authority of subjects which directly carry out the fight against terrorism

Security service of Ukraine carries out the fight against terrorism by conducting of the оперативно-розшукових measures, directed on prevention, exposure and stopping of terrorist activity, including international; collects information about activity of foreign and international terrorist organizations; carries out within the limits of plenary powers certain by the current legislation exceptionally with the purpose of receipt of information belonging prejudicedly in the case of threat of assassinating or during conducting of counterterrorist operation оперативно-технічні searching measures in the systems and channels of telecommunications which can be used by terrorists; provides through a counterterrorist center at security Service of Ukraine organization and conducting of counterterrorist measures, co-ordination of activity of subjects of fight against terrorism in accordance with Ukraine of jurisdiction certain by the legislation; carries out досудове investigation in matters about the crimes related to terrorist activity; provides safety from terrorist encroachments of establishments of Ukraine outside its territory, their employees and members of their families.

The ministry of internal affairs of Ukraine carries out the fight against terrorism by prevention, exposure and stopping of the crimes accomplished with a terrorist purpose, investigation of which is delivered by the legislation of Ukraine to jurisdiction of organs of internal affairs; gives necessary forces and facilities to the counterterrorist center at security Service of Ukraine; provides their effective use during conducting of counterterrorist operations.

Department of defense of Ukraine, organs of military management, association, connection, soldiery parts of Military Powers of Ukraine provide defence from terrorist encroachments of objects of Military Powers of Ukraine, weapon of mass defeat, rocket and shooter weapon, live ammunitions, explosive and poisonous matters, which are in soldiery parts or are kept in certain places; preparation and application of forces and facilities of Ground forces, Air Arms and Troops of Air defense is organized, Naval Forces of Military Powers of Ukraine in the case of assassinating in air space, in territorial waters of Ukraine; take part in conducting of counterterrorist operations on military objectives and in the case of origin of terrorist threats to safety of the state from the limits of Ukraine.

Ministry of Ukraine on the questions of extraordinary situations and in matters of defence of population from the consequences of the Чорнобильської catastrophe, inferior to him the organs of management in matters of civil defensive and specialized formings, the troops of civil defensive carry out measures on defence of population and territories in the case of threat and origin of the extraordinary situations related to the technological terrorist displays and other types of terrorist activity; part is taken in measures on minimization and liquidation of consequences of such situations during conducting of counterterrorist operations, and also elucidative and practical-educational measures are carried out with the purpose of preparation of population to actions in the conditions of assassination.

A statutory broker in matters of guard of state boundary of Ukraine, regional organs of management and organs of guard of state boundary of the Boundary troops of Ukraine carry out the fight against terrorism by prevention, exposure and stopping of attempts of crossing by the terrorists of state boundary of Ukraine, illegal moving through the state boundary of Ukraine of weapon, explosive, poisonous, radio-active matters and other objects, which can be used as facilities of assassinating; safety of marine navigation is provided within the limits of territorial waters and exceptional (marine) economic area of Ukraine during conducting of counterterrorist operations; give to the counterterrorist center at security Service of Ukraine necessary forces and facilities during conducting of counterterrorist operations on territory of points of admission through the state boundary of Ukraine, other objects located on a state boundary or in a borderland.

The state department of Ukraine on the questions of implementation of punishments carries out measures on prevention and stopping of crimes of terrorist orientation on the objects of the criminal-run-time system.

The management of state guard of Ukraine takes part in operations from stopping of the assassinations, directed against public servants and objects, the guard of which is incumbent to subsections inferior to this Management.

#### **Article 6. Authority of other subjects which are engaged in the fight against terrorism**

Subjects which are engaged in the fight against terrorism within the limits of the jurisdiction carry out measures on prevention, exposure and stopping of assassinations and crimes of terrorist orientation; develop and will realize preventive, regime, organizational, educate et al measures; the terms of conducting of counterterrorist operations are provided on objects, which belong to the sphere of their management; give to the proper subsections during conducting of such operations financial means material and technical and, and facilities of transport and copula, medical equipment and medicines, other facilities, and also information necessary for implementation of tasks in relation to the fight against terrorism.

#### **Article 7. Counterterrorist center at security Service of Ukraine**

On a counterterrorist center at security Service of Ukraine is laid:

development of conceptual bases and programs of fight against terrorism, recommendations, directed on the increase of efficiency of measures on the exposure and removal of reasons and terms, which are instrumental in accomplishing of assassinations and other crimes carried out with a terrorist purpose;

collection in accordance with established procedure, generalization, analysis and estimation of information about consisting and tendencies of distribution of terrorism of Ukraine and after its scopes;

organization and conducting of counterterrorist operations and co-ordination of activity of subjects which conduct the fight against terrorism or are engaged in concrete counterterrorist operations;

organization and conducting of command-staff and тактико-спеціальних studies and trainings;

participation in preparation of projects of international agreements of Ukraine, preparation and presentation in accordance with established procedure of suggestions in relation to perfection of legislation of Ukraine in the field of fight against terrorism, financing of conducting by subjects which conduct the fight against terrorism, counterterrorist operations, realization of measures on prevention, exposure and stopping of terrorist activity;

co-operation with the special services, law enforcement authorities of the foreign states and international organizations on the questions of fight against terrorism.

A counterterrorist center at security Service of Ukraine consists of the Joint co-ordinating committee and staff, and also co-ordinating groups and their staff which are created at the regional organs of security Service of Ukraine.

The joint co-ordinating committee of counterterrorist center at security Service of Ukraine is formed from the leader of counterterrorist center and his deputies; deputies of state secretaries of Ministry of internal affairs of Ukraine, Ministries of Ukraine on the questions of extraordinary situations and in matters of defence of population from the consequences of the Чорнобильської catastrophe; deputy of chief of the General staff of Military Powers of Ukraine; deputies of leaders of the Statutory broker in matters of guard of state boundary of Ukraine, Management of state guard of Ukraine, State department of Ukraine on the questions of implementation of punishments; deputy of the State secretary of Ministry of internal affairs of Ukraine - chief of Main administration of Ministry of internal affairs of Ukraine in town Kiev; commander of the Internal troops of Ministry of internal affairs of Ukraine; chief of Management of security Service of Ukraine in town Kiev, vice-chairman Kiev city state administration; deputies of leaders of other central organs of executive power.

Position about a counterterrorist center at security Service of Ukraine, personal Joint co-ordinating committee composition become firmly established President of Ukraine after the giving of Cabinet of Ministers of Ukraine. The leader of counterterrorist center at security Service of Ukraine is appointed by President of Ukraine.

Current work from implementation of the tasks fixed on a counterterrorist center at security Service of Ukraine is organized by his staff.

In the complement of co-ordinating groups the leaders of regional organs of security Service of Ukraine enter at the regional organs of security Service of Ukraine, Main administration of Ministry of internal affairs of Ukraine in Autonomous Republic Crimea, main administrations (managements) of Ministry of internal affairs of Ukraine in regions, cities Kiev and Sevastopol, proper organs on the questions of extraordinary situations and civil defence of population of Autonomous Republic Crimea, regional, Kiev, Sevastopol city state administrations, in regions, where subsections of the Boundary troops of Ukraine are deployed, Management of state guard is their commanders, leaders, and also representatives of other local organs of executive power, enterprises, establishments, organizations.

Co-ordinating groups at the regional organs of security Service of Ukraine head accordingly chief of Main administration of security Service of Ukraine in Autonomous Republic Crimea, chief of management of security Service of Ukraine in a region, cities Kiev and Sevastopol.

Composition of co-ordinating groups at the regional organs of security Service of Ukraine becomes firmly established accordingly Council of ministers of Autonomous Republic Crimea, head of regional state administration, chairman of executive branch of Kiev or Sevastopol city advice.

The organizational providing of work of co-ordinating groups is carried out by the regional organs of security Service of Ukraine.

A counterterrorist center at security Service of Ukraine is contained due to the facilities supposed by a separate line in the State budget of Ukraine.

#### **Article 8. Co-operation of subjects which directly carry out the fight against terrorism**

Subjects which pursuant to this Law directly carry out the fight against terrorism are obliged:

1) to co-operate with the purpose of stopping of criminal activity of persons, participating to terrorism, in that number of international, financing, support or accomplishing of assassinations and crimes which are accomplished with a terrorist purpose;

2) to carry out an exchange by information on:

took or origin of threat of laying hands on terrorist groups (by terrorist organizations) possession by a

weapon, explosives, other facilities of mass defeat;

crossing of state boundary of Ukraine by its citizens, foreigners and persons without citizenship with the purpose of assassinating;

exposed at the passengers of travel documents, which give a right on travel in the transport vehicles of intertown and international connection, with the signs of imitation;

use or threats of the use by terrorists, terrorist groups or terrorist organizations of communication means and of communication technologies;

3) to be instrumental in providing of effective border control, control after delivery of documents, which certify person, and travel documents with the purpose of prevention to their falsification, imitation or illegal use;

4) to prevent actions or movement of terrorists, terrorist groups or terrorist organizations, and also persons which are suspected in accomplishing of assassinations or involvement to the international terrorist groups or organizations;

5) to halt the attempts of foreigners, which data about their involvement to the international terrorist groups or organizations are in relation to, to carry out transit travel through territory of Ukraine.

#### **Article 9. Assistance to the organs which carry out the fight against terrorism**

Public authorities of Ukraine, organs of local self-government, association of citizens, organizations, their public servants are under an obligation to be instrumental in organs which carry out the fight against terrorism, to report data, which became to them known, in relation to terrorist activity or any other circumstances, information about which can be instrumental in prevention, exposure and stopping of terrorist activity, and also minimization of its consequences.

### **Section III. CONDUCTING OF COUNTERTERRORIST OPERATION**

#### **Article 10. Terms of conducting of counterterrorist operation**

Counterterrorist operation is conducted only at presence of the real threat to the life and safety of citizens, to interests of society or state in case if the removal of this threat is other methods to impossible.

#### **Article 11. Decision in relation to conducting of counterterrorist operation**

Decision in relation to conducting of counterterrorist operation is made depending on the degree of public danger of assassination the leader of counterterrorist center at security Service of Ukraine after writing permission of Chairman of security Service of Ukraine or leader of co-ordinating group of the proper regional organ of security Service of Ukraine after the writing permission of leader of counterterrorist center at security Service of Ukraine, concerted with Chairman of security Service of Ukraine. About the decision in relation to conducting of counterterrorist operation President of Ukraine is immediately informed.

By a counterterrorist center at security Service of Ukraine counterterrorist operation is conducted in time, when:

assassination threatens by death of many people or other serious consequences or if he is accomplished simultaneously on territory of a few regions, districts or cities;

the situation related to accomplishing or threat of assassinating is indefinite in relation to reasons and circumstances of its origin and subsequent development;

assassinating touches international interests of Ukraine and its relationships with the foreign states;

the reaction on accomplishing of actions with the signs of assassination belongs to jurisdiction of different law enforcement and other authorities of executive power;

obvious there is impossibility of distraction or stopping of assassination by forces of law enforcement and local authorities of executive power of separate region.

In other case counterterrorist operation is conducted on the concordance with the leader of counterterrorist center at security Service of Ukraine independently by the co-ordinating group of the proper regional organ of security Service of Ukraine or organ of executive power in accordance with their jurisdiction.

#### **Article 12. Management by counterterrorist operation**

For the direct management by concrete counterterrorist operation and guidance by forces and facilities which are engaged in realization of counterterrorist measures, the operative staff, headed the leader of counterterrorist center at security Service of Ukraine (co-ordinating group of the proper regional organ of security Service of Ukraine) or person which *заміщує* him, appears.

The order of activity of operative staff from the management by counterterrorist operation is determined on the basis of Statute about him, which becomes firmly established Cabinet of Ministers of Ukraine.

The leader of operative staff determines the scopes of district of conducting of counterterrorist operation, makes decision about the use of forces and facilities, which are engaged in its conducting, and in the case of necessity at presence of grounds ponderable by a law brings in for consideration of national security Council and defensive of Ukraine of suggestion in relation to introduction of the extraordinary consisting of Ukraine or in separate its localities.

Interference with the operative management by counterterrorist operation of any persons regardless of position is shut out.

The legal requirements of participants of counterterrorist operation are obligatory for citizens and public servants.

### **Article 13. Forces and facilities, which are engaged in conducting of counterterrorist operation**

During conducting of counterterrorist operation forces and facilities (personnel, specialists, weapon, transport vehicles special and, and communication means, other material and technical facilities) of subjects of fight against terrorism are used, and also enterprises, establishments, organizations which are engaged in participation in counterterrorist operation, in an order, certain pursuant to the Statute marked in part second of the article 12 of this Law. Coverages of charges and reimbursement of losses, which arose up in connection with conducting of counterterrorist operation, are carried out pursuant to the legislation.

Workers of law enforcement authorities, servicemen and other persons which are engaged in counterterrorist operation, in a time of its conducting submit to the leader of operative staff.

### **Article 14. Mode in the district of conducting of counterterrorist operation**

In the district of conducting of counterterrorist operation in a time of its conducting the special order can be set, in particular patrol protective service is organized and surroundings are proposed.

The stay in the district of conducting of counterterrorist operation of persons which are not engaged in its conducting is assumed with permission the leader of operative staff.

On the concordance with guidance of enterprises, establishments and organizations, which are in the district of conducting of counterterrorist operation, their work during its conducting can be halted partly or fully. Proper specialists of these enterprises, establishments and organizations during conducting of counterterrorist operation can in the set order, after their consent, to be engaged in implementation of separate commissions.

### **Article 15. Rights of persons in the district of conducting of counterterrorist operation**

In the district of conducting of counterterrorist operation the public servants engaged in operation have a right:

- 1) to apply a weapon and special facilities in accordance with the legislation of Ukraine;
- 2) to detain and deliver in the organs of internal affairs of persons, which acted or accomplish offence or other actions, which hinder to implementation of legal requirements of the persons engaged in counterterrorist operation, or the actions related to the unauthorized attempt of penetration in the district of conducting of counterterrorist operation and obstacle to its conducting;
- 3) to check up at citizens public servants documents, which certify person, and in the case of absence of documents - to detain them for establishment of person;
- 4) to carry out the personal examination of citizens in the district of conducting of counterterrorist operation, review of things, that at them are, transport vehicles and things which by them are transported;
- 5) temporally to limit or forbid motion of transport vehicles and pedestrians in the street and roads, to shut out transport vehicles, including transport vehicles of diplomatic representative offices and consular establishments, and citizens on the separate areas of locality and objects, to get citizens out of separate areas of locality and objects, *відбуксировувати* transport vehicles;
- 6) to be included (to penetrate) in the apartments inhabited et al, on lot lands, which belong to the citizens, during stopping of assassination and at pursuit of persons, which are suspected in accomplishing of such act, on territory and

in the apartment of enterprises, establishments and organizations, to check up transport vehicles, if the delay can create the real threat to the life or health of people;

7) to use communication means and transport vehicles with a duty purpose, including special, that belong to the citizens (after their consent), enterprises, establishments and organizations, except for the transport vehicles of diplomatic, consular and other representative offices of the foreign states and international organizations, for prevention to assassination, pursuit and detention of persons, which are suspected in assassinating, or for delivery of persons which need urgent medicare, to medical establishments, and also for travel to the place of crime.

In the district of conducting of counterterrorist operation the contacts with the representatives of mass medias carry out leader of operative staff or persons are certain by him. Measures ponderable by this article are carried out with the observance of current legislation and halted immediately after completion of counterterrorist operation.

#### **Article 16. Terms of conduct of negotiations with terrorists**

During conducting of counterterrorist operation with the purpose of saving of life and health of people, material values, declension of terrorists to the waiver of противоправных actions, providing on them of the стимуляльного influencing, finding out of possibility of stopping of assassination is assumed conduct of negotiations with terrorists.

The conduct of negotiations is charged to the persons, specially by the leader of operative staff authorized on that.

In the case when can not be achieved objective of negotiations with terrorists through their disagreement to halt assassination and real threat to the life and health of people is kept, the leader of counterterrorist operation has a right to make decision about rendition of terrorist harmless (terrorists).

In the case of obvious threat of accomplishing in relation to an object or face of assassination and impossibility of removal of this threat by other legal methods a terrorist (terrorists) can (can) be after pointing of leader of operative staff rendering (rendering harmless) harmless without warning.

During the conduct of negotiations can not be examined as a condition of stopping of assassination of question in relation to delivery to the terrorists of any persons, objects and matters which directly can be used for accomplishing of acts of technological terrorism.

#### **Article 17. Information of public about assassination**

Informations of public about assassinating carry out leader of operative staff or person, authorized by him on support of communications with public.

Distribution through mass medias or in other method of information which is forbidden:

exposes the special technical receptions and tactic of conducting of counterterrorist operation;

can hamper conducting of counterterrorist operation and (or) create a threat to the life and health of hostages and other people which are in the district of conducting of the noted operation or after his scopes;

has propaganda or acquittal of terrorism for an object, contains the utterance of persons which offer resistance or call to resistance to conducting of counterterrorist operation;

contains data about objects and matters which directly can be used for accomplishing of acts of technological terrorism;

exposes data about the personal composition of employees of the special subsections and members of operative staff, which take part in conducting of counterterrorist operation, and also about persons which are instrumental in conducting of the noted operation (without their consent).

#### **Article 18. Completion of counterterrorist operation**

Counterterrorist operation is considered completed, if assassination is halted and a threat is liquidated to the life and health of hostages and other people which were in the district of its conducting.

Decision about stopping of counterterrorist operation is made the leader of operative staff from the management by this operation.

During conducting of counterterrorist operation the leader of operative staff jointly with the proper organs of executive power and organs of local self-government organizes the grant of help by the victim, determines measures on the removal and



minimization of consequences of assassination, organizes their realization.

#### **Section IV. COMPENSATION OF THE HARM CAUSED BY ASSASSINATION. SOCIAL REHABILITATION OF PERSONS WHICH SUFFERED FROM ASSASSINATION**

##### **Article 19. Compensation of the harm caused by assassination**

Compensation of the harm caused to the citizens by assassination is carried out due to facilities of the State budget of Ukraine in accordance with a law and with a next penalty of sum of this compensation from persons which harm is caused by, in the order set by a law.

Compensation of harm, caused organization, to the enterprise or establishment by assassination, is carried out in an order certain by a law.

##### **Article 20. Social rehabilitation of persons which suffered from assassination**

The social rehabilitation of persons which suffered from assassination is carried out with the purpose of returning of them to the normal life. The noted persons get in the case of necessity psychological, medical, professional rehabilitation, legal aid and habitation and their employment is carried out.

Social rehabilitation of persons, which suffered from assassination, and also persons marked in the article 21 of this Law, is carried out due to facilities of the State budget of Ukraine.

The order of conducting of social rehabilitation of persons which suffered from assassination is determined by Cabinet of Ministers of Ukraine.

#### **Section V. LEGAL AND SOCIAL DEFENSE OF PERSONS WHICH TAKE PART IN FIGHT AGAINST TERRORISM**

##### **Article 21. Persons which are subject to legal and social defense**

Persons which take part in the fight against terrorism are under cover of the state. To legal and social defense are subject:

- 1) servicemen, workers and office workers of central and local organs of executive power, which take (took) direct part in counterterrorist operations;
- 2) persons, which on a permanent or temporal basis are instrumental in organs, which carry out the fight against terrorism, in prevention, exposure, stopping of terrorist activity and minimization of its consequences;
- 3) members of families of the persons marked in points 1 and 2 of this part, if a necessity in providing of their defence is caused by participation of the noted persons in the fight against terrorism.

Social defence of persons which are engaged in the fight against terrorism is carried out in an order which is determined by a law.

If a person which took part in the fight against terrorism perished during conducting of counterterrorist operation, to the its family members and persons, which were on its maintenance, the non-permanent help in the size of twenty living wages is paid due to facilities of the State budget of Ukraine, charges on the burial place of lost are compensated, pension in connection with the loss of bread-winner is awarded, and also privileges which had lost are kept, on the receipt of habitation, payment of жилищно-коммунальных services and others like that.

In the case when a person which took part in the fight against terrorism became an invalid as a result of the injury got during conducting of counterterrorist operation, to this person due to facilities of the State budget of Ukraine the non-permanent help is paid in the size of ten living wages and pension in accordance with the legislation of Ukraine is awarded.

In the case when a person which took part in the fight against terrorism during conducting of counterterrorist operation tested the wound which did not pull at after itself the offensive of disability, the non-permanent help in the size of five living wages is paid to this person.

##### **Article 22. Release from responsibility for the caused harm**

If during conducting of counterterrorist operation it is forcedly the caused harm to the life, health and property of terrorists, servicemen and other persons which took part in counterterrorist operation rid of responsibility for this harm in accordance with the laws of Ukraine.

## Section VI. RESPONSIBILITY FOR PARTICIPATION IN TERRORIST ACTIVITY

### Article 23. Responsibility of persons guilty in terrorist activity

Persons guilty in terrorist activity are brought to criminal account in an order statutory.

Disobedience or resistance to the legal requirements of servicemen, public servants which take part in conducting of counterterrorist operation, result illegal interference with their legal activity in responsibility statutory.

### Article 24. Responsibility of organization for terrorist activity

Organization accountable for assassinating and is acknowledged in decision of court terrorist is subject to liquidation, and property proper to her конфіскується.

In the case of confession of cramps of Ukraine, in that number in accordance with its міжнародно-правових obligations, activity of the organization (its separation, branches, representative offices) registered outside Ukraine, terrorist, activity of this organization on territory of Ukraine is forbidden, its Ukrainian separation (branch, representative office) on the basis of decision of court will be liquidated, and proper to him the property and property of the noted organization, which is on territory of Ukraine, конфіскуються.

An application about bringing in of organization to responsibility for terrorist activity is handed in in a court accordingly by the General public prosecutor of Ukraine, by the public prosecutors of Autonomous Republic Crimea, regions, cities of Kiev and Sevastopol in the order set by a law.

### Article 25. Responsibility for the assistance to terrorist activity

Leaders and public servants of enterprises, establishments and organizations, and also citizens which were instrumental in terrorist activity, in particular:

- 1) terrorists, terrorist groups were financed (terrorist organizations);
- 2) gave or collected facilities directly or it is mediated with intention of the use of them for accomplishing of assassinations or crimes of terrorist orientation;
- 3) operations were conducted with facilities and other financial assets:
  - physical persons which accomplished or tried to accomplish assassinations or crimes of terrorist orientation or took part in their accomplishing or were instrumental in accomplishing;
  - legal entities, property of which directly or mediated is in own or under the control terrorists or persons which are instrumental in terrorism;
  - physical entities legal and, and which operate from the name or after pointing of terrorists or persons, which are instrumental in terrorism, including the facilities got or acquired with the use of objects of own, that directly or mediated are in own or under the control persons, which are instrumental in terrorism, or legal and physical entities related to them;
- 4) facilities, other financial assets or economic resources were given, proper services directly or it is mediated for the use in interests of physical persons which assassinate or promote or take part in their accomplishing, or in interests of legal entities, property of which directly or mediated is in own or under the control terrorists or persons, which are instrumental in terrorism, and also physical entities legal and, and which operate from the name or after pointing of the noted persons;
- 5) help was given to the persons which took part in assassinating;
- 6) physical persons were recruited for employment by terrorist activity, were instrumental in establishment of channels of supply of weapon to the terrorists and moving of terrorists through the state boundary of Ukraine;
- 7) persons, which financed, planned, supported or accomplished assassinations or crimes of terrorist orientation, перехували;
- 8) territory of Ukraine was used with the purpose of preparation or accomplishing of assassinations or crimes of terrorist orientation against other states or foreigners, -

responsibility is carried by law.

## **Section VII. INTERNATIONAL COOPERATION OF UKRAINE IN THE FIELD OF FIGHT AGAINST TERRORISM**

### **Article 26. Bases of international cooperation in the field of fight against terrorism**

Ukraine in accordance with international treaties concluded by her co-operates in industry of fight against terrorism with the foreign states, their law enforcement authorities and special services, and also with international organizations which carry out the fight against international terrorism.

Following interests of providing of safety of person, society and state, Ukraine pursues on the territory the persons participating to terrorist activity, including in the cases when assassinations or crimes of terrorist orientation were planned or accomplished out of limits of Ukraine, but it is harmed to Ukraine, and in other case foreseen by the international agreements of Ukraine, a consent on obligatory of which is given by Supreme Soviet of Ukraine.

### **Article 27. Grant of information**

Information to the foreign state on the questions related to the fight against international terrorism, Ukraine gives on the basis of query, restraining temper the requirements of legislation of Ukraine and its міжнародно-правових obligations. Such information can be given without the previous query of the foreign state, if this not зашкоджує to conducting of досудового investigation or judicial trial of business and can help the competent organs of the foreign state in stopping of assassination.

### **Article 28. Participation in measures a common with the foreign states on the fight against terrorism**

Ukraine in accordance with international agreements, a consent on obligatory of which is given by Supreme Soviet of Ukraine, can take part in common counterterrorist measures by the assistance to the foreign state or intergovernmental association in re-deployment of troops (forces), special counterterrorist formings, transportation of weapon or by the grant of the forces and facilities with the observance of requirements of laws of Ukraine "About the order of direction of subsections of Military Powers of Ukraine to other states" and "About the order of admittance and condition of stay of subsections of military powers of other states on territory of Ukraine".

### **Article 29. Delivery (екстрадиція) of persons, which took part in terrorist activity**

Participation of foreigners or persons without citizenship, which in Ukraine do not live constantly, in terrorist activity can be foundation for delivery of such persons to other state for bringing in to criminal responsibility.

Delivery of marked in part first of this article of persons, with the purpose of bringing in to criminal responsibility and implementation of the forced acts of the foreign state, is carried out pursuant to the legislation obligations taken by Ukraine in connection with ratification of European convention about delivery of offenders, in 1957, European convention about the fight against terrorism, in 1977 and other international agreements, a consent on obligatory of which is given by Supreme Soviet of Ukraine, and also on the bases of reciprocity.

## **Section VIII. CONTROL AND SUPERVISION AFTER LEGALITY OF REALIZATION OF FIGHT AGAINST TERRORISM**

### **Article 30. Control after realization of fight against terrorism**

The control after the observance of legislation during conducting of fight against terrorism is carried out by Supreme Soviet of Ukraine in an order certain by Constitution of Ukraine.

The control after activity of subjects of fight against terrorism is carried out by President of Ukraine and Cabinet of Ministers of Ukraine in an order certain by Constitution and laws of Ukraine.

### **Article 31. Supervision after legality of realization of counterterrorist measures**

Supervision after inhibition of requirements of legislation by organs which take part in counterterrorist measures, is carried out by the General public prosecutor of Ukraine and public prosecutors authorized by him in an order certain by the laws of Ukraine.

## **Section IX. EVENTUAL STATUTES**

1. This Law goes into effect from the day of his official publishing.
2. Cabinet of Ministers of Ukraine in three months term from the day of entry in force by this Law:

to adopt the normative-legal acts foreseen by this Law;

to bring normative-legal acts to conformity with this Law;

to provide the revision and abolition by the ministries and other central organs of executive power of their normative-legal acts, which conflict with this Law.

**President Of Ukraine**

**Л. КУЧМА**

**Kiev**

**On March, 20, 2003**

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