

LAW OF THE REPUBLIC OF BELARUS

15 December, 2005 No. 71-3 On introducing amendments and changes to some laws of the Republic of Belarus concerning increased liability for acts directed against the person and against public security

Adopted by the House of Representatives on 2 December 2005.

Endorsed by the Council of the Republic on 8 December 2005.

Article 1. The Criminal Code of the Republic of Belarus dated 9 July 1999 (The National Register of the Legal Acts of the Republic of Belarus, 1999, No. 76, 2/50; 2003, No. 83, 2/974) shall be amended and changed as follows:

1. Article 147, part 2 shall be amended by paragraph 10 reading as follows:

"10) in a commonly dangerous manner, -".

2. The first paragraph of Article 149, part 2, shall be amended by adding the words "or in a commonly dangerous manner,".

3. Article 193 shall read as follows:

"Article 193. Organising or leading a public association or a religious organisation that infringes on the personality, rights and obligations of citizens

1. Organising or leading a political party, or any other public association, or a religious organisation the activities of the which involve violence against citizens or infliction of bodily harm to them, or any other infringement on the rights, freedoms and lawful interests of citizens, or obstruction of the exercise by citizens of their state, public or family obligations, -

shall be punished by arrest for up to six months, or by deprivation of freedom for up to two years.

2. The same acts that involve organising or leading a political party, or any other citizens' association, or a religious organisation, as described in part 1 of this article, that has not been registered by the state in accordance with the established procedure, -

shall be punished by arrest for up to six months, or by deprivation of freedom for up to three years."

4. The Code shall be amended by adding Article 193¹ reading as follows:

"Article 193¹. Unlawfully organisation of the activities of a public association, or of a religious organisation, or of a foundation, or participating in the activities thereof

Organising the activities or participating in the activities of a political party, or any other public association, or a religious organisation, or a foundation in respect of the which there is a ruling by an authorised state authority to liquidate it or to suspend its activities that came into legal force, as well as organisation of the activities or participating in the activities of a political party, or any other public association, or a religious organisation, or a foundation that has not been registered by the state in accordance with the established order, -

shall be punished by a fine or by arrest for up to six months, or by deprivation of freedom for up to two years."

Notes:

1. For the purpose of this article, participating in the activities of a political party, or any other public association, or a religious organisation, or a foundation shall mean actions aimed to achieve the objectives of the above association, organisation or foundation, including those identified in its statutory or other documents.

2. This article shall not apply to organisation of the activities or participating in the activities of a political party, or any other public association, or a religious organisation, or a foundation, in respect of the which there is a ruling by an authorised state authority that came into legal force to suspend its activities, which are aimed to remedy the violations that were the reason for suspending the activities, nor shall it apply to organising the activities or participating in the activities of a political party, or any other public association, or a religious organisation, or a foundation related to its state registration in accordance with the established order.

3. A person who has voluntarily discontinued the activities foreseen by this article and who has informed state authorities of the fact thereof shall be exempted from criminal liability, unless his acts contain corpus delicti of another crime. This provision shall not apply to persons who have committed similar acts within two years of the voluntary discontinuation of the acts foreseen by this article."

5. In article 285:

in paragraph two of part 1, the word "twelve" shall be replaced with the word "thirteen";

paragraph two of part 2 shall read as follows:

"shall be punished by deprivation of freedom for three to seven years, with or without confiscation of property."

6. Paragraph one of part 1 of articles 289 and 290, after the words "for the purpose of", shall be amended by adding the words "destabilising public order, or".

7. Article 293 shall be amended by adding part 3 reading as follows:

"3. Training or otherwise preparing people for taking part in mass disorders that are accompanied by other acts foreseen by part one of this article, as well as funding or providing other material support for such activities, -

shall be punished by arrest for up to six months or by deprivation of freedom for up to three years."

8. In article 295:

in paragraph two of part 2, the words "six years" shall be replaced with the words "seven years, with or without confiscation of property";

in paragraph two of part 3, the word "eight" shall be replaced with the word "ten";

in paragraph two of part 4, the word "ten" shall be replaced with the word "twelve".

9. Article 339, part 3 shall read as follows:

"3. Acts foreseen by parts one or two of this article committed with the use of weapons, other articles used as a weapon to inflict bodily harm, with the use of explosives or explosive devices, or committed with a threat of using these, in the absence of the attributes of a more grave crime (malicious hooliganism), -

shall be punished by deprivation of freedom for three to ten years."

10. In article 342:

The heading of the article shall read as follows:

"Article 342. Organising and preparation of acts that grossly violate public order, or taking an active part in same";

in paragraph one the word "Organising" shall be replaced with "1. Organising";

the article shall be amended by adding part 2 to it, reading as follows:

"2. Training or otherwise preparing people to participate in group acts that grossly violate public order, as well as funding or providing other material support for these activities, in the absence of the attributes of a more grave crime, -

shall be punished by arrest for up to six months, or by deprivation of freedom for up to two years."

11. In article 357:

the heading of the article after the word "Conspiracy" shall be amended by adding the words "or other acts committed";

paragraph one of part 1 shall read as follows:

"1. A conspiracy or other acts committed to seize or hold state power in an unconstitutional manner, - ";

The Note to the article after the word "conspiracy" shall be amended by adding the words "or other acts committed to seize or hold state power in an unconstitutional manner," .

12. Article 361 shall read as follows:

"Article 361. Calls to perform acts detrimental to external security of the Republic of Belarus, its sovereignty, territorial integrity, national security and defence capacity

1. Public calls to seize state power or to forcibly change the constitutional system in the Republic of Belarus, or to commit high treason or to commit terrorist acts or acts of sabotage, or to commit other acts that are detrimental to external security of the Republic of Belarus, its sovereignty, territorial integrity, national security and defence capacity, or disseminating materials containing such calls, -

shall be punished by arrest for up to six months or by deprivation of freedom for up to three years.

2. Calls upon a foreign state, a foreign or international organisation to commit acts that are detrimental to external security of the Republic of Belarus, its sovereignty, territorial integrity, national security and defence capacity, or disseminating materials containing such calls, in the absence of the attributes of a more grave crime, -

shall be punished by arrest for up to six months or by deprivation of freedom for up to three years.

3. Acts foreseen by parts one and two of this article committed with the use of mass media, -

shall be punished by deprivation of freedom for two to five years."

13. The Code shall be amended by adding article 369¹ reading as follows:

"Article 369¹. Discrediting the Republic of Belarus

Providing a foreign state, a foreign or international organisation with information on the political, economic, social, military or international situation of the Republic of Belarus, which information is known to be false and discredits the Republic of Belarus or its government authorities (discrediting the Republic of Belarus), -

shall be punished by arrest for up to six months or by deprivation of freedom for up to two years."

14. Paragraph one of article 382 shall be amended by adding the words "or involving the participation, on these grounds, in negotiations or other meetings with representatives of foreign states, foreign or international organisations, or in meetings of international organisations,".

Article 2. The Code of Criminal Procedure of the Republic of Belarus dated 16 July 1999 (The National Register of the Legal Acts of the Republic of Belarus, 2000, No. 77-78, 2/71; 2003, No. 8, 2/922) shall be amended and changed as follows:

1. In part 4 of article 108:

the words "article 286, part three of article 289" shall be replaced with the words "articles 286, 289";

the words "grave crime as per part two of article 285" shall be replaced with the words "grave crimes as per part two of article 285 and part three of article 339".

2. Part 6 of article 182 shall be amended by adding the figures ", 369¹" after the figures "128-134".

Article 3. Paragraph eight of article 3 of the Law of the Republic of Belarus dated 3 January 2002 "On combating terrorism" (The National Register of the Legal Acts of the Republic of Belarus, 2002, No. 6, 2/825) shall be amended after the words "for the purpose of" by adding the words "destabilising public order, or" .

Article 4. This law shall come into force ten days after the date of its official publication.

Article 5. The Council of Ministers of the Republic of Belarus shall, within three months of this law coming into force, take appropriate measures to enforce this law.

A. Lukashenko,
President of the Republic of Belarus