

17. Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism, 1999¹

Done at Minsk on 4 June 1999

Entry into force in accordance with Article 22

*Depositary: Executive Committee of the Commonwealth of
Independent States*

The States parties to this Treaty, in the person of their Governments, hereinafter referred to as the Parties,

Aware of the danger posed by acts of terrorism,

Bearing in mind the instruments adopted within the United Nations and the Commonwealth of Independent States, as well as other international instruments, relating to combating the various manifestations of terrorism,

Wishing to render one another the broadest possible assistance in increasing the effectiveness of cooperation in this field,

Have agreed as follows:

Article 1

For purposes of this Treaty, the terms used in it mean:

“Terrorism” - an illegal act punishable under criminal law committed for the purpose of undermining public safety, influencing decision-making by the authorities or terrorizing the population, and taking the form of:

¹ Translation from the Russian original provided by the United Nations Secretariat, and approved by the Executive Committee of the Commonwealth of Independent States.

Violence or the threat of violence against natural or juridical persons;

Destroying (damaging) or threatening to destroy (damage) property and other material objects so as to endanger people's lives;

Causing substantial harm to property or the occurrence of other consequences dangerous to society;

Threatening the life of a statesman or public figure for the purpose of putting an end to his State or other public activity or in revenge for such activity;

Attacking a representative of a foreign State or an internationally protected staff member of an international organization, as well as the business premises or vehicles of internationally protected persons;

Other acts classified as terrorist under the national legislation of the Parties or under universally recognized international legal instruments aimed at combating terrorism;

“Technological terrorism” - the use or threat of the use of nuclear, radiological, chemical or bacteriological (biological) weapons or their components, pathogenic micro-organisms, radioactive substances or other substances harmful to human health, including the seizure, putting out of operation or destruction of nuclear, chemical or other facilities posing an increased technological and environmental danger and the utility systems of towns and other inhabited localities, if these acts are committed for the purpose of undermining public safety, terrorizing the population or influencing the decisions of the authorities in order to achieve political, mercenary or any other ends, as well as attempts to commit one of the crimes listed above for the same purposes and leading, financing or acting as the instigator, accessory or accomplice of a person who commits or attempts to commit such a crime;

“Facilities posing an increased technological and environmental danger” - enterprises, installations, plant and other facilities whose inoperability may lead to loss of human life, the impairment of human health, pollution of the environment or destabilization of the situation in a given region or a given State as a whole;

“Special anti-terrorist units” - groups of specialists formed by the Parties in accordance with their national legislation to combat acts of terrorism;

“Special items and supplies” - materials, machinery and vehicles, personal equipment for members of special anti-terrorist units including weapons and ammunition, and special items and equipment.

Article 2

The Parties shall cooperate in preventing, uncovering, halting and investigating acts of terrorism in accordance with this Treaty, their national legislation and their international obligations.

Article 3

1. Each of the Parties shall, on signing this Treaty or carrying out the domestic procedures required for its entry into force, indicate its competent authorities responsible for implementing the provisions of this Treaty.

The Parties shall immediately notify the depositary of any changes with regard to their competent authority.

2. In implementing the provisions of this Treaty, the competent authorities of the Parties shall maintain direct relations with one another.

Article 4

1. In cooperating in combating acts of terrorism, including in relation to the extradition of persons committing them, the Parties shall not regard the acts involved as other than criminal.

2. The nationality of a person accused of an act of terrorism shall be deemed to be his nationality at the time of commission of the act.

Article 5

1. The competent authorities of the Party shall, in accordance with this Treaty, other international agreements and national legislation, cooperate and assist one another by:

- (a) Exchanging information;
- (b) Responding to enquiries regarding the conduct of investigations;
- (c) Developing and adopting agreed measures for preventing, uncovering, halting or investigating acts of terrorism, and informing one another about such measures;
- (d) Adopting measures to prevent and halt preparations in their territory for the commission of acts of terrorism in the territory of another Party;
- (e) Assisting in assessing the condition of the system for physical protection of facilities posing an increased technological and environmental danger, and developing and implementing measures to improve that system;
- (f) Exchanging legislative texts and materials on the practice with respect to their application;
- (g) Sending, by agreement between interested Parties, special anti-terrorist units to render practical assistance in halting acts of terrorism and combating their consequences;
- (h) Exchanging experience on the prevention and combating of terrorist acts, including the holding of training courses, seminars, consultations and workshops;
- (i) Training and further specialized training of personnel;
- (j) Joint financing, by agreement between Parties, and conduct of research and development work on systems for and means of physically protecting facilities posing an increased technological and environmental danger;
- (k) Implementation on a contractual basis of deliveries of special items, technology and equipment for anti-terrorist activity.

2. The procedure for sending and executing requests for extradition, for the provision of legal aid in criminal cases and for the institution of criminal proceedings shall be determined by the international agreements to which the Parties concerned are parties.

Article 6

The Parties shall, through joint consultations, jointly draw up recommendations for achieving concerted approaches to the legal regulation of issues relating to the prevention and combating of terrorist acts.

Article 7

1. Cooperation under this Treaty shall be conducted on the basis of requests by an interested Party for assistance to be rendered, or on the initiative of a Party which believes such assistance to be of interest to another Party.

2. The request for the rendering of assistance shall be made in writing. In urgent cases requests may be transmitted orally, but must be confirmed in writing not later than 72 hours thereafter, including through the use of technical text transmission facilities.

If doubt arises as to the genuineness or content of a request, additional confirmation may be requested.

Requests shall contain:

(a) The name of the competent authority requesting assistance and of the authority requested; a statement of the substance of the matter; the purpose of and justification for the request; and a description of the nature of the assistance requested;

(b) Any other information that may be useful for the proper fulfilment of the request.

3. A request for the rendering of assistance transmitted or confirmed in writing shall be signed by the head of the requesting competent authority or his deputy and shall be certified by the seal of the competent authority.

Article 8

1. The requested Party shall take all necessary measures to ensure the prompt and fullest possible fulfilment of the request.

The requesting Party shall be immediately notified of circumstances that prevent or will substantially delay the fulfilment of the request.

2. If the fulfilment of the request does not fall within the competence of the requested competent authority, it shall transmit the request to an authority of its State which is competent to fulfil it, and shall immediately so inform the requesting competent authority.

3. The requested Party shall be entitled to request additional information that is in its view needed for the proper fulfilment of the request.

4. In fulfilling a request, the legislation of the requested Party shall be applied; however, at the request of the requesting Party, its legislation may be applied if that does not contradict fundamental principles of the legislation of the requested Party or its international obligations.

5. If the requested Party considers that immediate fulfilment of the request may impede a criminal prosecution or other proceedings taking place on its territory, it may postpone fulfilment of the request or tie its fulfilment to compliance with conditions determined to be necessary following consultations with the requesting Party. If the requesting Party agrees that assistance shall be rendered to it on the proposed terms, it shall comply with those terms.

6. The requested Party shall at the request of the requesting Party take the necessary measures to ensure confidentiality of the fact that the request has been received, the content of the request and accompanying documents, and the rendering of assistance.

If it is impossible to fulfil the request without maintaining confidentiality, the requested Party shall so inform the requesting Party, which shall decide whether the request should be fulfilled under those conditions.

7. The requested Party shall inform the requesting Party as soon as possible about the results of the fulfilment of the request.

Article 9

1. The rendering of assistance under this Treaty shall be denied in whole or in part if the requested Party believes that fulfilment of the request may impair its sovereignty, security, social order or other vital

interests or is in contravention of its legislation or international obligations.

2. The rendering of assistance may be denied if the act in relation to which the request was made is not a crime under the legislation of the requested Party.

3. The requesting Party shall be notified in writing of a refusal to fulfil a request in whole or in part, with an indication of the reasons for refusal listed in paragraph 1 of this Article.

Article 10

1. Each Party shall ensure confidentiality of information and documents received from another Party if they are classified as restricted or the transmitting Party considers it undesirable that they should be made public. The level of security classification of such information and documents shall be determined by the transmitting Party.

2. Results of the fulfilment of a request obtained on the basis of this Treaty may not without the consent of the Party providing them be used for purposes other than those for which they were requested and provided.

3. Transmission to a third party of information obtained by one Party on the basis of this Treaty shall require the prior consent of the Party providing the information.

Article 11

The competent authorities of the Parties shall exchange information on issues of mutual interest, including:

(a) Materials distributed in the territory of their States containing information on terrorist threats, terrorist acts in the course of preparation or committed and the identified intentions of given persons, groups of persons or organizations to commit acts of terrorism;

(b) Acts of terrorism in the course of preparation that are directed against heads of State, internationally protected persons, staff of diplomatic missions, consular institutions and international organizations of the Parties and participants in State visits and international and national political, sporting and other activities;

- (c) Instances of illegal circulation of nuclear materials, chemical, bacteriological (biological) weapons or their components, highly toxic chemicals and pathogenic micro-organisms;
- (d) Terrorist organizations, groups and individuals that present a threat to the State security of the Parties and the establishment of contacts between terrorist organizations, groups or individuals;
- (e) Illegal armed formations employing methods of terrorist activity, their structure, members, aims and objectives;
- (f) Ways, means and methods of terrorist action they have identified;
- (g) Supplies and equipment that may be provided by the Parties to one another to the extent of their ability;
- (h) Practice with respect to the legal and other regulatory settlement of issues related to the subject of this Treaty;
- (i) Identified and presumed channels for the financing and illegal delivery to the territory of their States of weapons and other means of committing terrorist acts;
- (j) Terrorist encroachments aimed at violating the sovereignty and territorial integrity of Parties;

Other issues of interest to the Parties.

Article 12

1. The Parties may, at the request or with the consent of the Party concerned, send representatives of their competent authorities, including special anti-terrorist units, to provide procedural, advisory or practical aid in accordance with this Treaty.

In such cases, the receiving Party shall notify the other Party in writing of the place and time of and procedure for crossing its State border and the nature of the problems to be dealt with, and shall promote and facilitate the necessary conditions for their effective solution, including unimpeded carriage of persons and special items and supplies and cost-free accommodation, food and use of the transport infrastructure of the receiving Party.

Any movement of a special anti-terrorist unit or of individual members of such a unit within the territory of the receiving Party shall be possible only with special permission from and under the control of the head of the competent authority of the receiving Party.

2. The procedure for the use of air, road, rail, river and maritime transport to provide aid shall be determined by the competent authorities of the Parties in agreement with the relevant ministries and departments of the receiving Party.

Article 13

1. For purposes of the effective and timely provision of aid, the Parties shall, when special anti-terrorist units cross the State border, ensure accelerated conduct of the formalities established by national legislation.

2. At the border crossing point, the commanding officer of a special anti-terrorist unit shall present the nominal role of members of the group and list of special items and supplies certified by the competent authorities of the sending Party, together with an indication of the purposes of the Unit's arrival in the territory of the receiving Party, while all members of the group shall present their national passports and documents confirming that they belong to competent authorities for combating terrorism.

3. Special items and supplies shall be exempt from customs duties and payments and must be either used during the operation for the provision of aid or removed from the territory of the receiving Party upon its conclusion.

If special circumstances make it impossible to remove the special items and supplies, the competent authorities of the sending Party shall hand them over to the competent authorities of the receiving Party.

Article 14

The decision on the procedure for conducting special measures under this Treaty shall be taken by the competent authority of the receiving Party, taking into account the views of the commanding officer of the incoming anti-terrorist unit of the other Party. If these

views are not taken into account, the commanding officer shall be entitled to refuse to participate in the conduct of the special measure.

Article 15

1. The receiving Party shall refrain from any claims against a Party providing aid, including with regard to compensation for damages arising out of death, bodily injury or any other harm caused to the lives, health and property of natural persons located in the territory of the receiving Party, and also to juridical persons and the receiving Party itself, if such harm was inflicted during the performance of activities associated with the implementation of this Treaty.

2. If a participant in the special anti-terrorist unit of the sending Party inflicts harm on some person or organization while performing activities associated with the implementation of this Treaty in the territory of the receiving Party, the receiving Party shall make compensation for the harm in accordance with the provisions of national legislation which would be applied in the case of harm being inflicted by members of anti-terrorist units of the receiving Party in similar circumstances.

3. The procedure for repayment of expenses incurred by the sending Party, including expenses associated with the loss or complete or partial destruction of imported special items and supplies, shall be established by agreement between the Parties concerned.

4. If one of the Parties considers the damage caused by the actions of the special anti-terrorist unit to be disproportionate to the purposes of the operation, the differences of opinion that arise shall be settled at the bilateral level by the Parties concerned.

Article 16

For purposes of the implementation of this Treaty, the competent authorities of the Parties may where necessary hold consultations and working meetings.

Article 17

The Parties may, by mutual agreement and on the basis of separate agreements, conduct joint exercises of special anti-terrorist

units and, on a reciprocal basis, organize training for representatives of another Party in their national anti-terrorist detachments.

Article 18

1. Materials, special items, technology and equipment received by the competent authorities of the Parties pursuant to this Agreement may be transferred to a third party only with the consent of and on the terms specified by the competent authority which provided such materials, special items, technology and equipment.

2. Information on the investigation methods of special anti-terrorist units and on the characteristics of special forces and of items and supplies used in providing aid under this Agreement may not be disclosed.

Article 19

The Parties concerned shall where necessary agree on the financial, organizational and technical and other conditions for the provision of assistance under this Agreement.

Article 20

1. This Treaty shall not limit the right of the Parties to conclude bilateral international agreements on issues which are the subject of this Treaty, and shall not affect the rights and obligations of Parties arising out of other international agreements to which they are parties.

2. The competent authorities of the Parties may conclude with one another agreements that regulate in more detail the procedure for implementation of this Treaty.

Article 21

Disputes arising out of the interpretation or application of this Treaty shall be resolved through consultations and negotiations between the Parties.

Article 22

This Treaty shall enter into force on the date of its signature, and for Parties whose legislation requires the completion of domestic

procedures for its entry into force on the date of submission to the depositary of the relevant notification. The Parties shall notify the depositary within three months from the signature of this Treaty of the need to complete such procedures.

Article 23

This Treaty shall remain in force for five years from the date of its entry into force, and shall be automatically extended for further five-year periods unless the Parties adopt another procedure.

Each of the Parties may withdraw from this Treaty by sending written notification thereof to the depositary not less than six months prior to its withdrawal and after settling financial and other obligations that arose during the period for which this Treaty was in force.

The provisions of Article 18 of this Treaty shall continue to be applicable for a Party which withdraws from the Treaty for a further 10 years, and those of Article 10 indefinitely.

Article 24

Following the entry into force of this Treaty, it may with the consent of the Parties be acceded to by other States, including States which are not members of the Commonwealth of Independent States, by means of the transmission to the depositary of instruments of accession. Accession shall be deemed to take effect upon the expiry of 30 days from the date of receipt by the depositary of the latest notification by the Parties of consent to such accession.

Article 25

The depositary shall immediately notify the Parties of an accession to this Treaty or of the completion of domestic procedures required for its entry into force, of the date of entry into force of the Treaty and of the receipt by it of other notifications and documents.

DONE at Minsk on 4 June 1999 in one original in the Russian language. The original shall be kept in the Executive Committee of the Commonwealth of Independent States, which shall send to each State signing this Treaty a true copy thereof.