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THE LAW OF THE KYRGYZ REPUBLIC

On Combating Terrorism

(Laws of the Kyrgyz Republic No 39 as amended on 6 February 2009, No 83 as amended on 17 March 2009)

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This Law determines the basic principles of combating terrorism, the regulatory and legislative framework of terrorism prevention and control, the coordination procedure of public authorities' activity on combating terrorism, the rights and obligations of individuals and legal entities irrespective of their ownership types, with regard to counter-terrorism arrangements, and the procedure of international cooperation in the field of combating terrorism.

SECTION I. GENERAL

Chapter 1. General

Article 1. Main definitions

The main definitions used in this Law are as follows:

Terrorism is the unlawful penal action committed with the view to violate public security, compel public authorities to make decisions benefiting terrorists, frighten population, and to achieve other political, ideological and religious goals through implementing a terrorist act in the form of:

- violence or a threat of using thereof with regard to individuals or legal entities;
- destruction (damage) or a threat of destroying (damaging) property and other material facilities thus creating the risk of loss of life;
- causing significant property damage or other socially dangerous consequences;
- infringement on life of a statesman or a public figure, performed to discontinue his/her state or public activity or out of revenge for this activity;
- assault on a foreign state's representative or an international organization's official under international protection as well as on an office or vehicles of persons under international protection, where such an action is committed for the purpose of provoking a war or complicating international relations; and
- other actions defined as the terrorist ones pursuant to the laws of the Kyrgyz Republic and the international counter-terrorism statutes.

Terrorist act is the immediate terrorist crime or crimes committed in aggregate or separately in the form of:

- explosion, arson, use or threatening with use of explosive assemblies and radioactive, biological, chemical and other poisoning substances;
- seizure, hijacking, damage or destruction of land, water and air conveyances;
- infringement on life of a statesman or public figure, capture and/or retention of hostages;
- causing of a risk of damage to life, health or property of an uncertain circle of population through creating the conditions for emergencies or man-caused catastrophes, or an actual threat of causing such a danger;
- dissemination of terrorist threats in any form and in any ways; and
- execution of other terrorist actions stipulated by the laws of the Kyrgyz Republic and relevant international laws;

Terrorist is a person participating in performance of terrorist activities of any type;

Terrorist group is a group of persons united with the view of performing a terrorist activity;

Terrorist organization is an organization established for the purposes of terrorist activity or admitting the possibility of employing terrorism in its activity. An organization shall be recognized as the terrorist one where even if one of its structural units is involved in terrorist activity with the consent of a managerial body of this organization;

Hostage is an individual captured and/or being retained by terrorists in order to enforce the state, individuals or legal entities to execute or refrain from any action, as the condition of liberation of a person captured and/or being held;

Combating terrorism is the activity of public authorities and local self-governments, aimed at:

- prevention of terrorism including revealing and further elimination of grounds and conditions contributing to execution of terrorist acts (terrorism prevention);
- detection, prevention, suppression, disclosure and investigation of a terrorist act (terrorism control); and
- minimization of terrorism consequences.

Terrorist activity is the activity aimed to commission of terrorist crimes and including any of the actions listed below:

- 1) Propaganda of terrorism ideology, dissemination of materials or information urging to perform terrorist activity, or substantiating or justifying the necessity of this activity;
- 2) Planning, organization, preparation and execution of terrorist acts as well as information and other assistance therein;
- 3) Instigation to terrorist acts, sedition to violence to individuals and organizations and destruction of material facilities for terrorist purposes;
- 4) Establishment of illegal paramilitary units or criminal organizations (groups) in order to commit terrorist acts as well as participation therein; and
- 5) Support to terrorist activity.

The persons guilty of terrorist activity shall be responsible pursuant to the legislation of the Kyrgyz Republic;

Support to terrorist activity means any of the deeds listed below:

- 1) Involvement to commission of terrorist crimes;
- 2) Recruitment for the terrorist activity;
- 3) Passing of training or preparation for participation in the terrorist activity;
- 4) Training and preparation of an individual for the terrorist activity;
- 5) Financing or other assistance to the terrorist activity;
- 6) Accomplishment of operations (transactions) with funds or other financial assets of:

- individuals committing or attempting to commit terrorist crimes or contribute to commission thereof;
 - legal entities, the property of which is directly or indirectly owned or controlled by terrorists or persons supporting the terrorist activity;
 - legal entities and individuals acting on behalf or by instructions of terrorists or persons supporting the terrorist activity, including the assets received or obtained through using the property directly or indirectly owned or controlled by persons supporting the terrorist activity or legal entities and individuals related with them;
- 7) Contribution to establishment of channels of arms supply to terrorists and transition of terrorists via national boundaries;
- 8) Provision of asylum for persons, who have financed, planned, supported or committed terrorist crimes;
- 9) Provision of a possibility of using the national territory for commission of terrorist acts or terrorist crimes against other states or foreigners.

The persons guilty of terrorist activity support shall be responsible pursuant to the laws of the Kyrgyz Republic;

Financing of terrorism is a penal action aimed to support to the terrorist activity in the form of a deliberate transfer of funds to organizers or executioners of a terrorist act in any ways and by any means (directly or indirectly, openly, secretly, through mediators), or an attempt to provide or collect funds with the view of their use or understanding their intended complete or partial use for the terrorist activity;

Funds mean the assets of any kind whether tangible or intangible, movable or immovable irrespective of the way of their acquisition as well as legal documents or acts of any format including the electronic or digital one, which certify the title to such assets or to participation in them, including but not limited to bank credits, circular cheques, bank checks, postal orders, securities and benefits in kind;

Terrorist crimes are the crimes envisaged in the Criminal Code of the Kyrgyz Republic, Articles 226 to 229, 232, 294, 296, and 376. The terrorist crimes may include other offences envisaged in the Criminal Code of the Kyrgyz Republic if they have been committed for the terrorist purposes;

International terrorism is the international terrorist activity being performed by a terrorist or a terrorist organization (group) in order to undermine the constitutional regime of other states or international law order or international relations as a whole;

International terrorist activity is the terrorist activity being executed:

- by a terrorist or a terrorist organization (group) on the territory of more than one state or causing damage to the interests of more than one state;
- by citizens of one state against citizens of another state or on the territory of another state;
- where both the terrorist and terrorism victim are the citizens of the same state or different states, but the crime is committed outside the territories of these states;

- in one state, but the substantial part of its preparation, planning, administration or control takes place in another state;
- in one state, but with participation of a terrorist organization (group), which carries out its criminal activity in more than one state; and
- in one state, but its essential consequences occur in another state;

Counter-terrorism operation is a complex of special, combat reconnaissance, combat and other measures with use of military equipment, weapons and special means, which are implemented by state authorities and aimed at suppression of a terrorist act, protection of national interests, safety of individuals, neutralization of terrorists and explosive assemblies, as well as to minimization of terrorist act consequences.

The counter-terrorism operations also include guard measures to ensure security of the state guard objects of the Kyrgyz Republic and other persons envisaged by the laws of the Kyrgyz Republic as well as heads of states and governments of foreign states and heads of international organizations during their stay in the Kyrgyz Republic;

Counter-terrorism operation zone means separate grounds, water bodies or air space, vehicle, building, construction, structure, premises and adjacent territories or waters whereon the counter-terrorism operation is carried out;

Thronged areas include the locations of trade, sports, entertainment and transport structures, educational institutions and other establishments, which may accommodate at once five thousand (5,000) people and more.

(Law of the Kyrgyz Republic No 83 as amended on 17 March 2009)

Article 2. Basic principles and goals of combating terrorism

1. In the Kyrgyz Republic, combating terrorism is based on the following principles:

- Provision and protection of fundamental human and civic rights and freedoms;
- Lawfulness;
- Priority of protection of life, health, rights and legal interests of persons subjected to danger as a result of a terrorist act;
- Priority of terrorism prevention measures;
- Inevitability of punishment for the terrorist activity;
- Integrated use of preventive, legal, political, socio-economic, information and propaganda, special and other counter-terrorism measures;
- Combination of open and secret methods of terrorism control;
- Unacceptability of political concessions to terrorists;
- Undivided authority in managing the forces and facilities involved in counter-terrorist operations;

- Minimum disclosure of techniques and tactics of counter-terrorist operations and confidentiality of the said operations' staff;
- Cooperation between the government and public and religious associations and organizations and citizens in combating terrorism; and
- Arrangement and implementation of international counter-terrorism cooperation in various spheres and diverse forms.

2. In the Kyrgyz Republic, the goals of combating terrorism include:

- Protection of individual, society and the state from terrorism;
- Detection and elimination of reasons and conditions contributing to terrorism occurrence and terrorist activity; and
- Prevention, revelation and suppression of terrorist activity and minimization of its consequences.

Article 3. Legal framework of combating terrorism

The legal framework of combating terrorism is comprised of the Constitution of the Kyrgyz Republic, the Penal Code and the Criminal Procedure Code of the Kyrgyz Republic, this Law, other legislative acts of the Kyrgyz Republic, statutory acts of the President and the Government of the Kyrgyz Republic, effective international treaties of the Kyrgyz Republic as well as the generally recognized principles and standards of the international law.

Chapter 2. Entities involved in combating terrorism and their competences

Article 4. Entities involved in combating terrorism

1. The primary entity ensuring the security of the Kyrgyz Republic against terrorists' encroachments is the state performing its functions in this sphere through the governmental bodies of legislative, executive and judicial authority.
2. Activities on combating terrorism are implemented by the governmental bodies specified in this Law within the powers vested in them.
3. The National Security Committee of the Kyrgyz Republic is the authorized governmental body pursuing the integrated governmental policy on combating terrorism in the Kyrgyz Republic, coordinating activities of other entities involved in combating terrorism, and ensuring their interaction in prevention, revelation and suppression of the terrorist activity and minimization of its consequences.
4. The governmental bodies implementing activities on combating terrorism and collaborating with the National Security Committee of the Kyrgyz Republic in the area of combating terrorism include:
 - The Ministry of Internal Affairs of the Kyrgyz Republic;
 - The Ministry of Defense of the Kyrgyz Republic;
 - The Ministry of Justice of the Kyrgyz Republic;
 - The Ministry of Emergencies of the Kyrgyz Republic;

- The Frontier Service of the Kyrgyz Republic;
- The National Guard of the Kyrgyz Republic;
- The State Protection Service of the Kyrgyz Republic;
- The Financial Intelligence Service of the Kyrgyz Republic.

5. The entities participating in prevention, revelation and suppression of the terrorist activity within their competences also include other governmental bodies, the list of which is defined by the Government of the Kyrgyz Republic.

6. Local self-governments and local state administrations shall provide appropriate assistance to the entities involved in combating terrorism.

7. Where governmental bodies listed in this Article are liquidated, reorganized or renamed, their functions related to combating terrorism shall be transferred to their successors.

8. The governmental bodies engaged in combating terrorism shall resolve the tasks assigned to them independently, in cooperation among themselves and with other ministries, departments, enterprises, institutions, organizations and citizens of the Kyrgyz Republic.

Article 5. Competence and primary tasks of the authorized governmental body

1. The National Security Committee of the Kyrgyz Republic shall:

- coordinate the activities of governmental bodies engaged in combating terrorism in order to adjust their actions for prevention, revelation and suppression of terrorist acts, and detection and elimination of the reasons and conditions contributing to preparation and execution of terrorist acts. The Chairperson of the National Security Committee of the Kyrgyz Republic shall be personally responsible for the coordination of activities of governmental bodies;
- exercise combating terrorism through prevention, revelation and suppression of terrorist offences, including those pursuing political goals, as well as through prevention, revelation and suppression of international terrorist activity; pursuant to the Criminal Procedure Code of the Kyrgyz Republic, carry out criminal investigations of such offences;
- collect and analyze information about activities of terrorists and terrorist organizations (groups), evaluate the extent of the threat they pose to the national security, and provide necessary information to relevant ministries and departments;
- take measures to ensure secure functioning of public authorities, enterprises, organizations, institutions and citizens of the Kyrgyz Republic having the access to information constituting the state secret by virtue of their occupation, and residing in the Kyrgyz Republic and beyond its frontiers;
- provide protection of especially important establishments and governmental institutions of the Kyrgyz Republic located in and outside the Kyrgyz Republic, the list of which is defined by the Government of the Kyrgyz Republic, as well as provide protection to the personnel of such establishments and institutions and their family members;
- cooperate with concerned bodies and special services of foreign states and international organizations in the area of combating terrorism;

- arrange the activities of counter-terrorism units for detection, neutralization and liquidation of terrorists or terrorist organizations (groups); and

- exercise other authorities in accordance with the statutory acts of the Kyrgyz Republic.

2. The National Security Committee of the Kyrgyz Republic shall solve the following primary tasks:

- based on the instructions of the President of the Kyrgyz Republic, it elaborates the state policy fundamentals in the area of combating terrorism in the Kyrgyz Republic and recommendations intended to improve the efficiency of activities for detection and elimination of the grounds and conditions contributing to terrorism occurrence and execution of the terrorist activity;

- collects and analyzes the information about the situation and trends of the terrorist activity in the Kyrgyz Republic;

- carries out planning, organization and implementation of counter-terrorist operations;

- develops and submits for review of the President and the Government of the Kyrgyz Republic the proposals on improvement of the legislation related to combating terrorism in the Kyrgyz Republic;

- participates in preparation of international treaties of the Kyrgyz Republic in the area of combating terrorism;

- enforces the commitments undertaken under the international counter-terrorism treaties.

3. In order to accomplish the aforementioned duties and tasks, the Counter-Terrorism Center shall be established under the National Security Committee of the Kyrgyz Republic.

The operating procedure, powers and staff size of the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic shall be determined by the provisions approved by the President of the Kyrgyz Republic.

(Law of the Kyrgyz Republic No 39 as amended on 6 February 2009)

Article 6. Competence of the governmental bodies combating terrorism

1. The Ministry of Internal Affairs of the Kyrgyz Republic shall:

- combat terrorism through prevention, revelation and suppression of the terrorist activity and minimization of its consequences;

- ensure protection and safety of especially important, categorized and other establishments located in the Kyrgyz Republic, the list of which is defined by the Government of the Kyrgyz Republic;

- provide relevant public authorities with information about individuals, groups and organizations involved in the terrorist activity;

- participate in counter-terrorist operations;

- preclude terrorist acts on water bodies of the Kyrgyz Republic; and

- exercise other powers pursuant to the laws of the Kyrgyz Republic.

2. The Ministry of Defense of the Kyrgyz Republic shall:

- ensure safety of the air space of the Kyrgyz Republic, protection of military and other establishments against air strikes;
- suppress flights of aircraft used for terrorist acts or hijacked by terrorists;
- readily provide aircraft for suppression of terrorist acts;
- perform protection and defense of military personnel, weapons and military equipment of the Armed Forces of the Kyrgyz Republic against terrorist encroachments, as well as military establishments within its jurisdiction, other weapons and property of the Ministry of Defense of the Kyrgyz Republic;
- participate in counter-terrorism operations; and
- exercise other powers pursuant to the laws of the Kyrgyz Republic.

3. The Ministry of Justice of the Kyrgyz Republic shall:

- maintain the unified state register and create the unified database of legal entities, their affiliates and missions located in the Kyrgyz Republic;
- organize and perform forensic activities;
- ensure protection and defense of important governmental establishments and special cargos;
- ensure law and order in penitentiary institutions, safety of convicts placed therein, prisoners as well as personnel, officials and citizens on the territory of these institutions; and
- ensure protection and defense of correctional facilities and convoy of convicts and prisoners by the established routes, as well as in the event of their extradition in fulfilling the international commitments of the Kyrgyz Republic.

4. The Ministry of Emergencies of the Kyrgyz Republic shall:

- take actions to protect population against emergencies, ensure sustainable functioning of especially important, categorized and other establishments within the terrorist activity area, and liquidate the consequences of terrorist acts; and
- exercise other powers pursuant to the laws of the Kyrgyz Republic.

5. The Frontier Service of the Kyrgyz Republic shall:

- ensure defense and protection of the national frontier against penetration of terrorists to the territory of the Kyrgyz Republic;
- take actions to prevent, reveal and preclude the attempts of terrorists to cross the frontier of the Kyrgyz Republic, as well as of illegal movement through the frontier of the Kyrgyz Republic of explosive, poisoning, narcotic and psychotropic substances, radioactive, chemical and bacteriological materials, weapons, ammunition, property and other items, which may be used for execution of terrorist crimes; and
- independently or together with other governmental bodies of the Kyrgyz Republic engaged in counter-terrorism, reveal, arrest and neutralize terrorists or terrorist groups on the national frontier of the Kyrgyz Republic, on the borderland or in the frontier area.

6. The National Guard of the Kyrgyz Republic shall:

- together with the State Protection Service of the Kyrgyz Republic, ensure safety and security of objects of the Kyrgyz Republic under the state protection as well as heads of foreign states and governments and heads of international organizations during their stay in the Kyrgyz Republic;
- together with the Ministry of Internal Affairs of the Kyrgyz Republic, ensure protection and safety of especially important governmental establishments located in the Kyrgyz Republic;
- perform protection and defense of military personnel, weapons, military equipment and other military objects of the National Guard against terrorists' encroachments;
- participate in counter-terrorit operations; and
- exercise other powers pursuant to the laws of the Kyrgyz Republic.

7. The State Protection Service of the Kyrgyz Republic together with the National Guard of the Kyrgyz Republic shall ensure the security of:

- the objects of the Kyrgyz Republic under state protection in places of their temporary and permanent location; and
- heads of foreign states and governments, and heads of international organizations during their stay in the Kyrgyz Republic.

8. The Financial Intelligence Service of the Kyrgyz Republic shall:

- collect, process and analyze information, documentation, data and other materials on operations (transactions) with monetary funds or other property, and take appropriate actions against terrorism financing;
- submit relevant information concerning terrorism financing to law enforcement bodies of the Kyrgyz Republic.

In order to exercise their powers, the aforementioned governmental bodies shall establish separate units, whose operating procedures and staff size shall be defined by the President or the Government of the Kyrgyz Republic, in accordance with the statutory acts of the Kyrgyz Republic.

Article 7. Interaction of governmental bodies engaged in combating terrorism

1. The principles and forms of interaction between the governmental bodies of the Kyrgyz Republic engaged in combating terrorism shall be determined by the statutory acts of the Kyrgyz Republic.

2. The governmental bodies of the Kyrgyz Republic engaged in combating terrorism shall cooperate with counter-terrorism bodies and agencies of foreign states and international organizations in accordance with the national legislation and on the basis of bilateral (multilateral) international treaties including interdepartmental ones.

Article 8. Personnel training, re-training and professional development at the units of the governmental bodies of the Kyrgyz Republic engaged in combating terrorism

1. Occupational training, retraining and professional development of personnel at the units of the governmental bodies of the Kyrgyz Republic engaged in combating terrorism shall be carried out at

educational institutions of the National Security Committee of the Kyrgyz Republic and at special educational institutions of foreign states on the basis of international treaties and agreements.

2. Training, retraining and professional development of personnel at the units of the governmental bodies of the Kyrgyz Republic engaged in combating terrorism shall be financed from the state budget within the limits of funds assigned in this budget for financing of such governmental bodies' activities. The training may be also conducted using other funds not prohibited by the legislation of the Kyrgyz Republic.

Article 9. Competence of other governmental bodies, enterprises, organizations and institutions involved in combating terrorism

The governmental bodies, enterprises, organizations and institutions shall participate in combating terrorism within the limits of their powers by means of development and implementation of preventive, security, organizational, educational and other measures for prevention and suppression of terrorist acts; establishment and maintenance of necessary readiness of departmental systems for prevention of terrorist crimes; provision of funds, information, vehicles and communications, medical equipment, medicines and medical care, and logistical support.

Article 10. Obligation to support governmental bodies in combating terrorism

1. Citizens of the Kyrgyz Republic in performing their civic duty shall support combating terrorism and shall be obliged to immediately notify the governmental bodies engaged in combating terrorism of the information known to them about an imminent or already committed terrorist act.

2. All ministries and departments as well as institutions, enterprises and organizations in the Kyrgyz Republic irrespective of their forms of ownership shall be obliged to immediately inform the National Security Committee of the Kyrgyz Republic or other governmental bodies engaged in combating terrorism about all events attributable to terrorism.

3. Heads of ministries, departments, enterprises, institutions and organizations of the Kyrgyz Republic irrespective of their forms of ownership shall be obliged to provide support and necessary assistance to the governmental bodies engaged in combating terrorism in fulfilling the tasks assigned to them in accordance with the current legislation of the Kyrgyz Republic.

SECTION II. PREVENTION OF TERRORISM

Chapter 3. Information and propaganda support of combating terrorism

Article 11. Countering dissemination of terrorism ideologies

1. The legal evaluation of dissemination of terrorism ideology shall be made on the basis of the legislation of the Kyrgyz Republic.

Terrorism ideology includes:

- instigation to international, inter-confessional and social dissention;
- incitement to commission of terrorist crimes; and
- incitement to war, murder of public figures and statesmen, mass riots and massacres.

2. Subjects, forms and tactics of the open and concealed dissemination of terrorism ideology shall be studied by the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic including collection and accumulation of information pursuant to the laws of the Kyrgyz Republic.

3. Dissemination of terrorism ideology through computer technologies shall be revealed and precluded by the governmental bodies engaged in combating terrorism.

4. The Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic shall develop the system of measures to reveal and suppress the dissemination of terrorism ideology.

Article 12. Mass media obligations to assist in combating terrorism

1. Covering the events related to terrorist acts and the counter-terrorism activity, mass media personnel are obliged to consider that the right of people to life and security is superior to the right of free access to information and its dissemination.

2. Where a mass media official has received the information about an imminent terrorist act, he/she is obliged to inform the governmental bodies engaged in combating terrorism.

3. If a mass media official has any information or documentary materials, which can serve as real evidence in court examination of terrorist crimes or can be used for the purposes of prevention, revelation and suppression of terrorist activity, he/she is obliged to submit those to the governmental bodies engaged in combating terrorism.

Article 13. Implementation of terrorism prevention measures using mass media

1. Heads of mass communication media are obliged to make sure that the materials prepared by the agencies under their control shall neither justify the terrorist activity, nor instigate thereto or provoke it, or contain propaganda of inter-confessional, international, inter-ethnic or racial enmity.

2. Governmental bodies and local self-governments shall in every possible way encourage and promote mass media participation in preventing terrorist manifestations and in forming the counter-terrorism consciousness in the society.

3. Entities engaged in combating terrorism shall promptly supply mass media with objective data about the facts of preparation, execution and suppression of terrorist acts subject to observance of the provisions of the Article 2 of the present Law.

Article 14. Responsibility of mass media

Officials and heads of mass communication media, who have failed to fulfill their obligation of providing assistance in combating terrorism, shall be liable in accordance with the current legislation up to criminal liability and court decision on termination of a mass communication media's activity.

Chapter 4. Protection of the potential terrorist encroachment objects

Article 15. The national system of actions for protection of the potential terrorist encroachment objects

1. With a view to protect the potential terrorist encroachment objects (objects of counter-terrorism protection), the national system of actions shall be implemented, which is to be approved by the

President of the Kyrgyz Republic and aimed to improve resistance of these objects to terrorist acts, as well as to enhance preparedness of governmental bodies, enterprises and organizations to liquidation of terrorist acts' consequences.

2. The national system of actions for counter-terrorism protection of objects includes regulatory, organizational, engineering, military, specialist, security and other measures.

The national system of actions for counter-terrorism protection of objects shall be classified.

3. Depending on the nature of terrorist threats, the President of the Kyrgyz Republic may decree special legal regimes including the terrorist threat regime. The content of such regimes, the grounds for their introduction and the nature of limitations for individuals and organizations, related to these regimes, shall be established by statutory acts of the Kyrgyz Republic.

Article 16. The potential terrorist encroachment objects to be under counter-terrorism protection

The potential terrorist encroachment objects to be under counter-terrorism protection include:

- individuals;
- public or governmental objects;
- enterprises and organizations including those posing particular danger to population and environment as a source of man-made disasters;
- infrastructure objects including public transport and other communication systems; and
- objects and sites in the frontier area (borderland) and frontier districts.

Article 17. Duties of the authorized governmental body for protection of the potential terrorist encroachment objects

The Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic and its territorial divisions shall perform the following duties for protection of the potential terrorist encroachment objects:

- collection and analysis of information about the specifics and nature of terrorist threats and potential terrorist encroachment objects in the Kyrgyz Republic;
- analysis of the counter-terrorism protection status of those objects and development of requirements, standards and rules in the sphere of the counter-terrorism protection of objects, and proposals on financial and economic mechanisms promoting their implementation;
- elaboration of recommendations for improvement of the counter-terrorism protection of objects and coordination of executive authorities' activity in this field;
- control of the counter-terrorism protection status of enterprises and organizations irrespective of their organizational and legal forms and forms of ownership, and enforcement of the established standards and rules of counter-terrorism protection of objects on their management.

Article 18. Duties of governmental bodies for protection of potential terrorist encroachment objects

1. Governmental bodies shall fulfill their duties for the counter-terrorism protection of the potential terrorist encroachment objects in accordance with the counter-terrorism competences established by the legislation.
2. Governmental bodies vested with the counter-terrorism competence shall contribute to enhancing the level of the counter-terrorism protection of the potential terrorist encroachment objects by means of informing their heads of the nature and specifics of terrorist threats, and conducting practical exercises and implementation of other measures.

Article 19. Duties of heads and owners of high-risk and life support objects for the counter-terrorism protection of the objects

1. Heads and owners of high-risk and life support objects are obliged to schedule and implement the actions to ensure compliance with counter-terrorism protection requirements, standards and rules.
2. In order to implement the appropriate actions, heads and owners of such objects are obliged to provide for necessary financing.
3. Violation of these obligations by the heads and owners of high-risk and life support objects shall entail the responsibility envisaged by the legislation of the Kyrgyz Republic.
4. The list of high-risk and life support objects shall be defined by the Government of the Kyrgyz Republic.

SECTION III. COMBATING TERRORISM

Chapter 5. Prevention, revelation and suppression of terrorist activity

Article 20. Prevention of the terrorist activity

1. Prevention of the terrorist activity is achieved through implementation of integrated political, socio-economic, legal and other preventive measures by the governmental bodies engaged in combating terrorism.
2. The following is prohibited in the Kyrgyz Republic:
 - establishment, registration (accreditation) and functioning of legal entities, their branches (affiliates) and missions (including those of foreign and international organizations) concerned with the terrorist activity;
 - activity related to the propaganda of terrorism ideology;
 - training of persons for the terrorist activity;
 - entry to, exit from or transit through the territory of the Kyrgyz Republic of persons, who participated in terrorist activity or are suspected thereof;
 - concealment of data and facts about imminent or committed terrorist acts; and
 - other types and forms of terrorist activity.

3. The list of legal entities, their branches (affiliates) and missions (including those of foreign and international organizations) concerned with the terrorist activity shall be defined and published by the Government of the Kyrgyz Republic in accordance with the legislation of the Kyrgyz Republic.

4. The interdepartmental database on problems related to combating terrorism shall be established on the basis of the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic for accumulation, summarizing and analysis of information about and forecasting of the terrorist activity and for elaboration of scientifically substantiated specific counter-terrorism measures.

5. The state "Situational Center" equipped with appropriate premises, technologies and complete permanent staff shall be established within the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic, for the purposes of providing adequate response and counteraction to terrorist acts, coordination of activities and arrangement of operational interaction among the governmental bodies engaged in combating terrorism, and for collection and processing of terrorism-specific information.

The Situational Center shall be the facility subject to special security and secrecy, and the procedure of access thereto shall be implemented in accordance with the legislation of the Kyrgyz Republic.

6. The governmental bodies engaged in combating terrorism shall submit all available counter-terrorism activity materials to the National Security Committee of the Kyrgyz Republic.

Article 21. Revelation of terrorist activity

1. Governmental bodies of the Kyrgyz Republic engaged in combating terrorism shall employ all powers, resources, forms and methods available at their disposal to reveal the terrorist activity.

2. Pecuniary recompense shall be established for providing the law enforcement bodies with information, which has contributed to arrest or conviction of persons participating in terrorist activity and to prevention or suppression of a terrorist act, with obligatory arrangements envisaged by laws of the Kyrgyz Republic for non-disclosure of information about the persons who have provided the assistance.

The amount, grounds and procedure of pecuniary recompense payments shall be determined by the Government of the Kyrgyz Republic.

Article 22. Suppression of the terrorist activity

1. Suppression of the terrorist activity or an individual terrorist act shall involve special actions up to physical liquidation of terrorists.

2. The right to special actions shall be vested only in those governmental bodies engaged in combating terrorism, which are envisaged by this Law, within the powers assigned to them.

Chapter 6. Counteraction to financing of the terrorist activity

Article 23. Measures of counteraction to the terrorism financing

The measures of counteraction to the terrorism financing shall be implemented within the framework of the national system of counter-terrorism measures. These include:

- obligatory procedures of internal control;

- obligatory control;
- prohibition of informing clients and other persons on the measures taken against the terrorism financing; and
- other measures to be taken pursuant to the Law of the Kyrgyz Republic "On Countering the Terrorism Financing and Legalization (Money Laundering) of Proceeds from Crime".

Article 24. Verification of information about terrorist activity financing

Where the entities engaged in combating terrorism or involved in this activity within their powers and entitled to criminal investigation receive the information about participation of specific individuals or legal entities irrespective of their citizenship or forms of ownership in financing of the terrorist activity, these entities shall act immediately using the whole complex of necessary open and secret arrangements envisaged by the laws of the Kyrgyz Republic for verification of the received information.

Article 25. Freezing or arrest of funds and other financial assets or economic resources of individuals or legal entities involved in the terrorist activity

1. Subject to availability of evidences confirming the participation of individuals or legal entities irrespective of their citizenship or forms of ownership in financing the terrorist activity, a judicial body based on a solicitation by the Financial Intelligence Service of the Kyrgyz Republic shall decide on prohibition (freezing) of use and disposal of the funds, financial assets or economic resources of such individuals and organizations.

2. The funds of individuals or legal entities shall be frozen or arrested provided that there is evidence demonstrating that these funds were to be used for the purpose of terrorist activity or support thereof, or that they have been received as a result of commitment of a terrorist crime.

Freezing or arrest shall be also applied to the individuals' or legal entities' assets, which are directly or indirectly owned or controlled by the persons reasonably supposed to participate in the terrorist activity or support it, as well as individuals or legal entities acting on behalf or by instruction of such persons, including the assets received or obtained through using the property directly owned or controlled by such persons and individuals or legal entities related to them.

3. In order to detect and preclude the terrorism financing in the timely manner, the Financial Intelligence Service shall publish the list of individuals and legal entities, whose assets were subject to blockage.

The reasons for including a legal entity or an individual into the list are as follows:

- Legally effective judgment on finding a person guilty of commission of terrorist crimes;
- Legally effective court decision on declaring an organization as a terrorist one and its liquidation;
- Lists of individuals and legal entities connected with terrorist organizations or terrorists, prepared by international counter-terrorism organizations or their authorized bodies and acknowledged by the Kyrgyz Republic;
- Judgments (decisions) of foreign courts and other competent authorities of foreign states with regard to organizations or individuals involved in the terrorist activity, acknowledged pursuant to an international treaty.

An application on listing other legal entities and individuals directly or indirectly related with the terrorist activity or support thereof, shall be submitted to court by the Prosecutor General of the Kyrgyz Republic or by prosecutors subordinate to him/her.

The grounds for listing of foreign individuals or legal entities may include an appropriate formal inquiry or confidential information of a foreign government and competent authorities of a foreign state or an international organization, which have been submitted on the basis of an international treaty or under reciprocity conditions and confirming the involvement in the terrorist activity or its support.

4. In these cases, where the court infers that disclosure of the information underlying its decision may prejudice the national security interests or threaten the safety of an individual, it shall be entitled to classify the relevant information as secret one.

Article 26. Liability for the financing of terrorist activity

1. Individuals guilty of financing the terrorist activity shall bear criminal liability as envisaged by the legislation of the Kyrgyz Republic.

2. Legal entities as well as registered or non-registered organizations not being legal entities, even one division of which has financed the terrorist activity shall be subject to liquidation as per court decision, and the property belonging to them shall be appropriated to the revenues of the Kyrgyz Republic for the purposes of further combating terrorism and liquidation of terrorist actions' consequences. Moreover, the heads and officials of the liquidated legal entities and organizations, who immediately participated in the terrorist activity financing, shall bear criminal liability in accordance with Paragraph 1 of this Article.

Article 27. Confiscation of individuals' or legal entities' property used for the terrorist activity or its support or obtained as a result of the terrorist activity

1. The property used for the terrorist activity or its support or obtained as a result of the terrorist activity shall be subject to compulsory and ultimate expropriation (confiscation) according to court decision.

2. The confiscation procedure may be carried out in the order envisaged by the criminal procedure, civil procedure or administrative procedure legislation of the Kyrgyz Republic.

Confiscation shall be administered to the property:

- obtained as a result of the terrorist activity as well as to profits and other benefits received from using this property;

- used for committing of a terrorist crime or received as a payment for committing of a terrorist crime;

- used for direct or indirect support of committing a terrorist crime;

- being under direct or indirect management or control of terrorists or terrorist organizations (groups); and

- located in premises or other places used by terrorists, terrorist group or terrorist organization for meetings, propaganda, storage of terrorist crime instruments, or used by them for other unlawful purposes.

3. The procedure of selling the property confiscated pursuant to this Article, and using the funds received from sale of such property including for payment of damages to victims, as well as the body authorized to perform these tasks shall be defined by the Government of the Kyrgyz Republic.

Chapter 7. Execution of a counter-terrorism operation

Article 28. Decision on execution of a counter-terrorism operation

1. The counter-terrorism operation shall be carried out to preclude a terrorist act where its suppression by other forces or means is impossible.
2. Without establishing the operational control headquarters, the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic may entrust the counter-terrorism operation to the entities engaged in combating terrorism, which shall appoint a commander in charge of the counter-terrorism operation.
3. The counter-terrorism operation shall commence as soon as the governmental bodies engaged in combating terrorism receive any reliable information about an imminent or committed terrorist act.

Article 29. Command and control of the counter-terrorism operation

1. The Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic is the body responsible for organization of the counter-terrorism operation.
2. The decision made by the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic on organization of the counter-terrorism operation is mandatory for the entities engaged in combating terrorism.
3. Considering the scope and extent of public danger, anticipated adverse consequences and the nature of a terrorist act, the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic shall establish the state control headquarters for immediate control of the counter-terrorism operation, under the direction of an official (head of operational control headquarters) to be appointed by the Head of the National Security Committee of the Kyrgyz Republic and personally responsible for its execution.
4. Regional control headquarters may be established in regions (provinces, districts) of the Kyrgyz Republic, the number and structure of which shall depend on the specifics of local conditions and the nature of potential terrorist acts on the territories of regions (provinces, districts) of the Kyrgyz Republic.
5. The counter-terrorism operation control headquarters in a region (province, district) of the Kyrgyz Republic is headed by the director of a territorial body (division) of the Counter-Terrorism Center of the National Security Committee of the Kyrgyz Republic. Where the nature of a terrorist act changes, the commander in charge of the counter-terrorism operation may be replaced according to decision of the Chairperson of the National Security Committee of the Kyrgyz Republic.
6. Considering the scope and extent of public danger, the head of control headquarters may be appointed by instruction of the President or the Prime Minister of the Kyrgyz Republic.
7. Wrongful interference of another official in operational direction of the counter-terrorism operation irrespective of his/her position shall not be allowed.

Article 30. Counter-terrorism operation control headquarters

1. The operating procedure of the counter-terrorism operation control headquarters is determined by the provisions on control headquarters to be approved in the established order by an interdepartmental statutory act of the governmental entities engaged in combating terrorism.

The provisions on the counter-terrorism operation control headquarters shall contain the scope, tasks, authorities, procedures of the control headquarters' activity arrangement and support, and duties of its director and personnel.

2. The director of the counter-terrorism operation control headquarters has the following authorities:

- determination of the structure and operating procedure of the control headquarters as well as of tasks and duties of the control headquarters officials;
- delimitation of the zone (area) and objects wherein (whereon) the legal regime of the counter-terrorism operation is established, and specification of the set of measures and temporary limitations;
- definition of and making decisions on deploying the forces and facilities involved in the counter-terrorism operation as well as other persons, and coordination of their activity and organization of interaction;
- granting access to persons for carrying out negotiations with terrorists, approval of their tactics and line of conduct;
- determining the procedure for informing mass media about the scope of a terrorist act, the course and results of the counter-terrorism operation in such form and extent that would exclude the possibility of disclosure of information on counter-terrorism operation's techniques and tactics, and its participants; as well as appointment of a control headquarters' representative responsible for liaison with mass media and public representatives;
- making decisions and instructing the control headquarters regarding preparation of estimates and proposals on execution of the counter-terrorism operation, and giving the combat instruction (command) on the commencement of counter-terrorism operation;
- deciding on declaring the counter-terrorism operation as completed and reporting to the President or the Prime Minister of the Kyrgyz Republic on its results.

From the commencement of the counter-terrorism operation, the head of the control headquarters becomes its commander in charge and, at the same time, the commander for all military personnel, officials and specialists involved in its execution.

Article 31. Forces and facilities used in the counter-terrorism operation

1. For the purposes of execution of the counter-terrorism operation, the control headquarters is entitled to use all necessary forces and facilities of the governmental bodies engaged in combating terrorism in accordance with Article 4 of the present Law.

2. Local self-governments of the Kyrgyz Republic shall provide, if necessary, the financial, material and technical support for the execution of counter-terrorism operation.

3. In accordance with the international treaties ratified by the Kyrgyz Republic, special units from foreign states may be involved, and special air and space observation technologies may be used, where necessary, for suppression of a terrorist act.

4. In order to eliminate the threat of a terrorist act in air space or on water bodies of the Kyrgyz Republic and to suppress such terrorist act, the Armed Forces of the Kyrgyz Republic shall use weapons and military equipment following the order and conditions established by the statutory acts of the Kyrgyz Republic.

Article 32. Legal regime in the counter-terrorism operation zone

1. In order to preclude and reveal a terrorist act, minimize its consequences and protect essential interests of an individual, society and the state, the head of the counter-terrorism operation control headquarters may decide on introduction of the legal counter-terrorism operation regime for the period of its execution.

2. The decision on introduction of the legal counter-terrorism operation regime (including delimitation of the area (listing of the objects) wherein (whereon) the regime is introduced, and list of applied measures and temporary restrictions) and the decision on cancellation of the legal counter-terrorism operation regime shall be immediately communicated through the mass media.

3. The following measures and temporary restrictions may be applied in the area (objects) wherein (whereon) the legal counter-terrorism operation regime is introduced in the order envisaged by the legislation of the Kyrgyz Republic for the duration of the counter-terrorism operation:

1) Inspection of identification documents of citizens and officials; if such identification documents are unavailable, these persons shall be detained for clearance in accordance with the legislation of the Kyrgyz Republic;

2) Temporary restriction or prohibition of vehicular and pedestrian traffic on streets and roads, particular areas and sites to prevent the access of vehicles including those of diplomatic representations and consular offices and citizens to particular areas and sites, or removal of citizens from particular areas and sites and towing away of vehicles;

3) Enhanced protection of public order and state guard objects, facilities ensuring population's life support and transport functioning as well as the objects of particular material, historical, scientific, artistic or cultural value;

4) Control of telephone calls and other communications transmitted through telecommunication system channels, and scanning of electrical communication channels and postings, in order to detect the information about circumstances of terrorist act and individuals, who have prepared and committed it, as well as to prevent other terrorist acts;

5) Use for official purposes of communication facilities including specialized ones, and vehicles belonging to organizations irrespective of their forms of ownership (except for vehicles of diplomatic representations, consular and other missions of foreign states and international organizations), and in emergency cases – the vehicles belonging to individuals to convey people needing urgent medical care to medical institutions, and to pursue the individuals suspected of a terrorist act, where delay may cause a real threat to people's life or health. The procedure of reimbursing the costs related to such use of vehicles shall be defined by the Government of the Kyrgyz Republic;

- 6) Suspension of activity of dangerous factories and organizations using explosive, radioactive, chemically and biologically hazardous substances;
 - 7) Suspension of communication servicing of legal entities and individuals or restriction of operation of communication networks and facilities;
 - 8) Temporary resettlement of population living within the area wherein the legal counter-terrorism operation regime is introduced to safe areas with obligatory provision of permanent or temporary accommodation;
 - 9) Establishment of quarantine, implementation of sanitary and anti-epidemic, veterinary and other quarantine arrangements;
 - 10) Free access of people participating in the counter-terrorism operation to residential quarters and other premises and lands belonging to individuals; to territories and premises of legal entities irrespective of their forms of ownership, as well as to transport facilities in order to perform counter-terrorism activities, where any delay may cause a real threat to people's life and health;
 - 11) Inspection of individuals and officials irrespective of their positions and their belongings as well as inspection of vehicles and items transported in them including with use of technical devices, when these individuals/vehicles are entering the area wherein the legal counter-terrorism operation regime is introduced and when they are leaving this area;
 - 12) Restriction or prohibition of selling arms, ammunition, explosives, special and poisonous substances, and establishment of a special regime as regards the circulation of medicinal products containing narcotic substances, psychotropic and potent substances, ethanol, alcoholic beverages and spirit-based products;
 - 13) Arrest and conveyance to internal affairs departments of individuals, who have committed or are committing offences or other actions aimed at hindering the lawful requirements of persons engaged in the counter-terrorism operation, and the actions related to unauthorized access or attempted access to the counter-terrorism operation area.
4. The entire set of measures and temporary restrictions envisaged in Paragraph 3 of this Article, or individual measures and temporary restrictions may be applied in the area (on the sites) wherein (whereon) the legal counter-terrorism operation regime is introduced.
 5. The actions of individuals engaged in the counter-terrorism operation from its commencement until its completion shall be deemed as the actions committed due to justifiable defense or absolute necessity, subject to observance of the conditions envisaged by the Penal Code of the Kyrgyz Republic.
 6. The presence of mass media representatives in the counter-terrorism operation area is only allowed following the permission of the head of control headquarters.

Article 33. Negotiations with terrorists

1. Negotiations with terrorists are allowed in course of the counter-terrorism operation with a view to save life and health of people, material values, and to examine the possibility for suppression of a terrorist act.

Only persons specially authorized by the head of control headquarters shall be admitted to negotiations.

2. Negotiations with terrorists shall not concern the issues of handing any persons over to terrorists, passing to terrorists of arms and other devices or items as a condition of abortion of the terrorist act, which may cause a threat to people's life and health if used; and the issues of fulfilling political demands of terrorists.

3. Negotiations with terrorists cannot serve as ground or condition for their exemption from liability for committed acts.

4. Liberation of hostages and voluntary surrender of terrorists to authorities cannot be the ground or the condition of their exemption from liability for committed acts, but shall be considered as circumstance mitigating the punishment for committed acts.

5. Where negotiations with terrorist(s) fail to achieve their goal because of his/her (their) refusal to stop the terrorist act, and where the real threat to people's life and health remains, the head of control headquarters shall have the right to decide on liquidation of the terrorist(s).

Article 34. Informing community on a terrorist act

1. During the counter-terrorism operation the community shall be informed on the terrorist act in the ways and extent specified by the head of the counter-terrorism operation control headquarters or its representative responsible for public relations.

2. The information shall not be disseminated where it:

- discloses the special techniques and tactics of the counter-terrorism operation;
- may hamper the counter-terrorism operation and pose threat to life and health of people within or outside the counter-terrorism operation area;
- serves for propaganda or justification of terrorism; and
- concerns the staff of special units, members of the counter-terrorism operation control headquarters during the execution of counter-terrorism operation, and the persons supporting the execution of this operation.

Article 35. Completion of the counter-terrorism operation

1. The counter-terrorism operation shall be deemed complete where the terrorist act has been suppressed (ceased) and the threat to life, health, property and other legally protected interests of people within the counter-terrorism operation area is eliminated.

2. The decision on declaring the counter-terrorism operation completed shall be made by the head of counter-terrorism operation control headquarters.

Article 36. Interment of terrorists deceased in the course of the terrorist act suppression

The interment of terrorists deceased in the course of the terrorist act suppression shall be carried out in the order established by the Government of the Kyrgyz Republic.

In doing so, their corpses shall not be handed over for burial, and the place of their interment shall not be disclosed.

SECTION IV. MINIMIZATION OF TERRORISM CONSEQUENCES

Chapter 8. Compensation for damage resulting from the terrorist act, and social rehabilitation of persons who suffered from the terrorist act

Article 37. Compensation for damage resulting from the terrorist act or counter-terrorism operation

1. The damage caused to individuals and legal entities as a result of the terrorist act or the counter-terrorism operation on the territory of the Kyrgyz Republic shall be compensated through the funds of the state and local budget of the province/district, wherein the terrorist act was committed and/or the counter-terrorism operation was executed, with subsequent collection of the amount of compensation from the person, who caused the damage, according to the procedure established by the legislation of the Kyrgyz Republic.

2. The funds received from confiscation on the basis and in the order envisaged hereby, may also be used for payment of compensations to the victims of terrorist crimes and their family members.

The damage caused to a person as a result of precluding his/her participation in the terrorist act shall not be compensated.

3. The damage caused to citizens as a result of the terrorist act committed in thronged places used by organizers (public associations and organizations irrespective of their forms of ownership) of commercial events shall be indemnified from the insurance compensation under the obligatory insurance agreements concluded in compliance with the laws of the Kyrgyz Republic.

4. The amount and procedure of compensation payment to individuals and legal entities that incurred the damage because of the terrorist act or the counter-terrorism operation shall be determined by the Government of the Kyrgyz Republic.

Article 38. Social rehabilitation of persons who suffered from the terrorist act

1. Social rehabilitation of persons who suffered from the terrorist act and the persons listed in the Article 39 of the present Law shall be implemented with a view of recovering these persons to normal life at the expense of the state budget and local budget of the province/district wherein this terrorist act has been committed, and shall include free-of-charge legal assistance, psychological, medical and professional rehabilitation, employment and provision of well-furnished accommodation and other assistance envisaged by the legislation of the Kyrgyz Republic.

2. The procedure of social rehabilitation of persons who suffered from the terrorist act shall be determined by the Government of the Kyrgyz Republic.

Chapter 9. Legal and social protection of persons participating in combating terrorism

Article 39. Persons participating in combating terrorism subject to legal and social protection

Persons participating in combating terrorism shall be under the state protection.

The legal and social protection shall be provided to:

- military personnel, officials and specialists of the governmental bodies of the Kyrgyz Republic who directly participate (have been participating) in combating terrorism (the list of these persons shall be coordinated with the governmental bodies engaged in combating terrorism and approved by the Government of the Kyrgyz Republic);
- persons permanently or temporarily assisting the governmental bodies engaged in combating terrorism in prevention, revelation and suppression of the terrorist activity and minimization of its consequences;
- persons who provided information about the terrorist activity and any other circumstances, which could contribute to prevention, revelation and suppression of the terrorist activity; and
- family members of the persons listed in the third, fourth and fifth paragraphs of this Article, where their protection is necessitated by participation of such persons in combating terrorism.

Article 40. Preferential calculation of the years of service

1. For the military personnel and officials who are serving (or have served) in the units of governmental bodies that directly participate (participated) in combating terrorism, the years of service (duration of employment) for assigning pension shall be calculated as follows:

- one day of service equals to one day and a half;
- for personnel serving in mountainous districts and areas equated to them – one day of service equals to two days; and
- during participation in a counter-terrorism operation, one day of services equals to three days, and the official salary shall be increased by fifty percent.

2. For the specialists and other persons involved in the counter-terrorism operations, the years of service for assigning their pension shall be calculated as one day of participation equaling to three days of service.

Article 41. Protection of persons participating in combating terrorism

The change of appearance, surname, name and patronymic and the place of employment and residence may be implemented for the officials serving in the units of the government bodies directly engaged in combating terrorism and for the persons assisting in combating terrorism as well as for their family members at their request if their lives and health are threatened, using the funds assigned to these bodies.

Article 42. Compensation for damage of persons participating in combating terrorism

1. The damage caused to health or property of persons listed in the Article 39 of this Law in connection with their participation in counter-terrorism activities shall be compensated in the order specified in the Article 37 of the present Law.

2. In case of death of a person who participated in a counter-terrorism activity or in course of a counter-terrorism operation, or his/her death as a result of mutilation (wound, injury, contusion) or disease occurred in course of a counter-terrorism operation, the family members of the dead (deceased) person and his/her dependents shall be paid from the state budget the lump-sum benefit at the rate of 200-times official and rank salary as of the insured accident date, the loss-of-

breadwinner pension shall be granted, and the benefits for housing and payment of municipal services shall remain if the dead (deceased) had such benefits.

3. Where a person who participated in a counter-terrorism activity or a counter-terrorism operation has received a mutilation (wound, injury, contusion) involving his/her disability and excluding the possibility of his/her further service, he/she shall be granted the pension in accordance with the laws of the Kyrgyz Republic and paid from the state budget the lump-sum benefit at the following rates:

- Group I disability – 150-times position and rank salary;
- Group II disability – 100-times position and rank salary; and
- Group III disability – 50-times position and rank salary.

4. Where a person, who participated in a counter-terrorism activity or a counter-terrorism operation, has received a mutilation (wound, injury, contusion) not involving his/her disability, this person shall be paid from the state budget the lump-sum benefit at the following rates:

- 20-times position and rank salary – in case of a severe mutilation (wound, injury, contusion); and
- 10-times position and rank salary – in case of a light mutilation (wound, injury, contusion).

5. Other categories of persons listed in the third, fourth and fifth paragraphs of the Article 39, who suffered from life and health damage, shall be paid the lump-sum benefit as established in Paragraphs 2, 3 and 4 of this Article.

6. Where the property of a person, who participated in a counter-terrorism activity or a counter-terrorism operation, has been lost or damaged, this person shall be eligible for the reimbursement of its cost in the order established by the Government of the Kyrgyz Republic.

The loss or damage of the property and the damage to health and life of a person participating in counter-terrorism activity shall be certified by the relevant superior bodies.

7. Where several grounds for the above lump-sum benefits occur simultaneously, in accordance with the legislation of the Kyrgyz Republic the payment shall be made for one ground only, at the beneficiary's option.

8. The procedure of payment of lump-sum benefits and other allowances to the persons who suffered from a terrorist act or in course of a counter-terrorism operation shall be defined by the Government of the Kyrgyz Republic.

Article 43. Exemption from liability for causing harm to a terrorist

During a counter-terrorism operation, the compulsory damage to life, health and property of terrorist and to other law-protected interests is allowed on the basis and within the bounds established by the present Law. Moreover, the military personnel, specialists and other persons participating in counter-terrorism activities shall be exempted from liability for damage caused in course of the counter-terrorism operation or for the decision on elimination of a terrorist in accordance with the laws of the Kyrgyz Republic.

Chapter 10. Liability for participation in the terrorist activity

Article 44. Liability of persons for participation in the terrorist activity

1. The persons guilty of the terrorist activity shall bear the criminal liability envisaged by the legislation of the Kyrgyz Republic.
2. The persons, who contributed to legalization of terrorist organization (group) members through provision of certifying or permissive documents and who directly or indirectly rendered any other assistance thereto, shall bear the liability envisaged by the laws of the Kyrgyz Republic.
3. A person, who took part in preparation of the terrorist act, shall be exempted from the criminal liability, if he/she contributed to prevention of the terrorist act through timely warning of governmental bodies or otherwise, and if his/her actions do not contain other *corpus delicti*.

Article 45. Liability of organizations for execution of terrorist activity

1. An organization shall be considered terrorist and subject to elimination on the basis of the court decision.

The court adjudgement of a foreign or international organization (its branch, affiliate, mission) as the terrorist one shall be based on the materials confirming the organization's involvement in the terrorist activity, which are available or have been provided by a foreign state under an international treaty or reciprocity conditions.

2. Where the court adjudges a foreign or international organization (its branch, affiliate, mission) the terrorist one, the activity of such organization in the Kyrgyz Republic shall be prohibited, and its branches, affiliates, and missions shall be liquidated with their property and the property of this organization located in the Kyrgyz Republic being confiscated and appropriated to the revenues of the state following the court decision.

The confiscation shall be also applied to the property under direct or indirect control of the terrorist organization and to other property being managed and used in its interests.

3. The application for holding an organization liable for the terrorist activity shall be submitted to court by the public prosecution bodies of the Kyrgyz Republic.

Article 46. Particular features of criminal and civil proceedings on terrorist activity cases

Subject to the court decision, the terrorist crime cases and the cases on compensation of damage resulting from a terrorist act or a counter-terrorism operation may be considered at closed judicial sittings with observance of all rules of legal proceeding.

SECTION V. FINAL PROVISIONS

Chapter 11. Material and technical support of the counter-terrorism units of governmental bodies of the Kyrgyz Republic

Article 47. Material and technical support of the counter-terrorism units of governmental bodies of the Kyrgyz Republic

Material and technical support of the counter-terrorism units of governmental bodies of the Kyrgyz Republic (the list of which shall be agreed with the governmental bodies engaged in combating

terrorism and approved by the Government of the Kyrgyz Republic) shall be carried out at the expense of the state budget.

Chapter 12. International cooperation of the Kyrgyz Republic in the field of combating terrorism

Article 48. Legal framework of the international cooperation in the field of combating terrorism

The legal framework of the international cooperation in the field of combating terrorism comprises the generally recognized principles and norms of the international law, international treaties of the Kyrgyz Republic, resolutions of the UN Security Council, and the legislation of the Kyrgyz Republic.

Article 49. Basic principles of the international cooperation in the field of combating terrorism

The international cooperation in the sphere of combating terrorism shall be based on the following principles:

- Realization of the need to joint efforts of the countries of the world for overcoming the most dangerous forms of terrorist threats;
- Compliance with the generally recognized norms and principles of the international law, human rights and freedoms; and
- Respect for the national interests of other states, observance of the principle of non-intervention in their internal affairs.

Article 50. Goals and objectives of the international cooperation in the field of combating terrorism

1. The goals of the international cooperation in the field of combating terrorism include:

- Protection of individual, society and the state, and the security of world community as a whole against terrorist threats;
- Detection and elimination of causes for expansion of terrorist threats and the conditions contributing to terrorist activities;
- Prevention, revelation and suppression of the terrorist activity against one or more states, and minimization of consequences of the committed terrorist acts.

2. The above goals shall be achieved through solving the integrated and interrelated tasks identified by the international statutory acts.

Article 51. Forms of international cooperation in the field of combating terrorism

1. The basic forms of international cooperation of the Kyrgyz Republic in the sphere of combating terrorism include:

- Exchange of information;
- Cooperation in revelation, freezing or arrest of any funds used or intended for commission of terrorist crimes and confiscation of the property received as a result of such offences;

- Extradition of persons who committed terrorist crimes or reasonably suspected thereof;
- Transfer of persons convicted for terrorist offences for service of sentence, joint investigations and criminal proceedings;
- Provision of mutual legal, operational, methodological, technical and other assistance;
- Implementation of joint operational, investigating and other activities;
- Transfer of criminal case materials for criminal prosecution;
- Execution of requests for operational and other actions;
- Training of personnel;
- Cooperation in military sphere;
- Elaboration of counter-terrorism statutory acts;
- Joint efforts for prevention and elimination of the reasons and conditions contributing to terrorist crimes; and
- Development of coordinated policy and interaction in informational and propagandistic support of combating terrorism.

2. Based on the grounds and provisions stipulated by the laws of the Kyrgyz Republic, the entities combating terrorism shall undertake the measures necessary for cooperation with competent bodies of other states and international organizations with a view of preventing terrorist acts, including:

- Provision of early warning to other states including information exchange;
- Exchange of operational information, particularly about actions and movements of terrorists, terrorist groups or organizations; forged or false travel documents; arms trade, explosives or dual-purpose materials, about use of communication technologies by terrorists, terrorist groups and organizations, and the threat posed by weapons of mass destruction if held by terrorist groups and organizations; and
- Cooperation and exchange of information on administrative and judicial matters for prevention of terrorist acts.

Article 52. International cooperation in extradition of persons who committed terrorist crimes or who are suspected thereof

1. In pursuance of the international commitments under international counter-terrorism treaties, and in the order established by the legislation of the Kyrgyz Republic, the competent authorities of the Kyrgyz Republic shall consider and resolve the requests of other states on extradition of persons, who have committed terrorist crimes or are suspected thereof.

2. Following the interests of protection of individual, society and state security, the governmental bodies of the Kyrgyz Republic engaged in combating terrorism shall pursue in their domains the persons concerned with the terrorist activity including the cases when the terrorist crimes were planned or committed outside the Kyrgyz Republic, however do damage to the Kyrgyz Republic, and in other cases envisaged by international treaties of the Kyrgyz Republic.

3. In case of refused extradition of a foreign citizen or a stateless person having no permanent residency in the Kyrgyz Republic, who has committed a terrorist crime or is suspected thereof, to another state, such person shall be subject to criminal liability on the grounds and in the order envisaged by the Criminal Code of the Kyrgyz Republic.

4. Granting the refugee status to a person who committed a terrorist crime or who is suspected thereof, shall not be the reason for refusal of his/her extradition requested by another state.

5. Prior to granting the refugee status, the competent authorities of the Kyrgyz Republic shall take proper actions in accordance with relevant legislative provisions of the Kyrgyz Republic and the international law to make sure that the persons seeking asylum did not plan, contribute to or participate in terrorist crimes.

6. The asylum and refugee status cannot be granted to a person, who is reasonably suspected of current (former) participation in the terrorist activity or current (former) support of its execution.

Chapter 13. Control and supervision of lawfulness in combating terrorism

Article 53. Control of the execution of combating terrorism

In the Kyrgyz Republic, the control of the execution of combating terrorism is performed by the President, Zhogorku Kenesh (Supreme Assembly) and the Government of the Kyrgyz Republic.

Article 54. Supervision of lawfulness in combating terrorism

1. Observance of laws during implementation of counter-terrorism activities shall be supervised by the Prosecutor General of the Kyrgyz Republic and his/her subordinate prosecutors.

2. The Public Prosecution Office of the Kyrgyz Republic shall also take measures aimed at combating terrorism within the limits of its competence, and in accordance with the Criminal Procedure Code of the Kyrgyz Republic conduct investigation and supervise the criminal case investigations related to the terrorist activity, supporting prosecution on such cases, and take other actions in compliance with the legislation of the Kyrgyz Republic.

Chapter 14. Final provisions

Article 55. Entry of the present Law into force

The present Law shall enter into force as from the date of its official publication.

It has been published in the "Erkintoo" Newspaper No. 85, on November 17, 2006

Article 56. Invalidation of the statutory acts of the Kyrgyz Republic

The Law of the Kyrgyz Republic "On the fight against terrorism" (Bulletin of the Zhogorku Kenesh of the Kyrgyz Republic No. 2, 2000) and Article 6 of the Law of the Kyrgyz Republic "On Amendments and Addenda to Some Statutory Acts of the Kyrgyz Republic" (Bulletin of the Zhogorku Kenesh of the Kyrgyz Republic No. 3, 2005) shall be deemed invalid as from date of entry into force of this Law.

Article 57. Bringing of the statutory acts of the Kyrgyz Republic in compliance with this Law

Within three months from the date this Law enters into force, the Government of the Kyrgyz Republic shall:

- prepare and submit to the Zhogorku Kenesh in the established order the proposals on bringing the statutory acts of the Kyrgyz Republic in compliance with this Law;
- bring its statutory acts in compliance with this Law;
- adopt the statutory acts ensuring implementation of this Law.

K. Bakiev,

President of the Kyrgyz Republic

Adopted by the Zhogorku Kenesh

of the Kyrgyz Republic on September 7, 2006