

**RESOLUTION OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS
No.1256 dated December 30, 2014**

**ON APPROVAL OF THE REGULATION ON PROCEDURE OF COMPILING THE LIST
OF PERSONS INVOLVED IN TERRORIST ACTIVITIES AND LINKED TO
PROLIFERATION OF WEAPONS OF MASS DESTRUCTION OR CONTROLLED BY
SUCH PERSONS, APPEALING AGAINST LISTING DECISIONS, CONSIDERING
OTHER REQUESTS OF LISTED PERSONS AND COMMUNICATING THE LIST TO
ENTITIES ENGAGED IN FINANCIAL TRANSACTIONS AND TO THE FINANCIAL
MONITORING AGENCY**

Pursuant to par.11 of clause 1 of Article 6 of the RB Law on Measures for Prevention of Laundering of Criminal Proceeds, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction dated June 30, 2014 the Council of Ministers of the Republic of Belarus HEREBY RESOLVES:

1. To approve the proposed Regulation on Procedure of Compiling the List of Persons Involved in Terrorist Activities and Linked to Proliferation of Weapons of Mass Destruction or Controlled by such Persons, Appealing against Listing Decisions, Considering other Requests of Listed Persons and Communicating the List to Entities Engaged in Financial Transactions and to the Financial Monitoring Agency.

2. To invalidate:

RB Council of Ministers' Resolution No.336 of March 11, 2006 on Procedure of Compiling the List of Parties to Financial Transactions Known to be Involved in Terrorist Activities or Controlled by Persons Involved in Terrorist Activities and Communicating the List to Entities Engaged in Financial Transactions (the RB National Register of Legislative Acts: 2006, No.42, 5/21050);

Par.1.23 of clause 1 of RB Council of Ministers' Resolution No.1615 of November 27, 2007 on Amendments to Certain Resolutions of the RB Council of Ministers Pertaining to Registration of Citizens in Places of their Permanent and Temporary Residence and on Invalidation of Certain Resolutions of the Council of Ministers of the Republic of Belarus (the RB National Register of Legislative Acts: 2007, No.292, 5/26272);

Par.1.12 of clause 1 of RB Council of Ministers' Resolution No.646 of May 19, 2009 on Amendments and Modifications to Certain Resolutions of the RB Council of Ministers Pertaining to Involuntary Migration (the RB National Register of Legislative Acts: 2009, No.31, 5/29780);

RB Council of Ministers' Resolution No.1287 of September 6, 2010 on Amendments and Modifications to RB Council of Ministers' Resolution No.336 of March 11, 2006 (the RB National Register of Legislative Acts: 2010, No.222, 5/32441).

3. This Resolution shall come into force on January 4, 2015.

Prime Minister of the Republic of Belarus

A. Kobaykov

REGULATION
ON PROCEDURE OF COMPILING THE LIST OF PERSONS INVOLVED IN
TERRORIST ACTIVITIES AND LINKED TO PROLIFERATION OF WEAPONS OF
MASS DESTRUCTION OR CONTROLLED BY SUCH PERSONS, APPEALING
AGAINST LISTING DECISIONS, CONSIDERING OTHER REQUESTS OF LISTED
PERSONS AND COMMUNICATING THE LIST TO ENTITIES ENGAGED IN
FINANCIAL TRANSACTIONS AND TO THE FINANCIAL MONITORING AGENCY

1. This Regulation established the procedure of compiling the list of persons involved in terrorist activities and linked to proliferation of weapons of mass destruction or controlled by such persons (hereinafter the List), appealing against listing decisions, considering other requests of listed persons and communicating the list to entities engaged in financial transactions and to the financial monitoring agency.

2. The list shall be compiled and maintained by the State Security Committee (hereinafter the Committee).

3. Subject to inclusion in the List shall be legal entities, irrespective of their government registration and actual location, and the RB citizens, foreign nationals, stateless persons and individual entrepreneurs, irrespective of their government registration and actual residence (hereinafter entities, natural persons and individual entrepreneurs), that/who are known to be involved in terrorist activities and linked to proliferation of weapons of mass destruction or controlled by entities, natural persons and individual entrepreneurs involved in terrorist activities and linked to proliferation of weapons of mass destruction as well as terrorist (extremist) organizations and entities, natural persons and individual entrepreneurs linked to activities of Al-Qaeda and Taliban.

4. The List shall be posted at the official website of the Committee in compliance with the domestic laws and regulations.

5. Entities, natural persons and individual entrepreneurs shall be listed (included in the List) on the following grounds:

5.1. Valid ruling of the Supreme Court regarding recognition of an organization as terrorist (extremist) one, prohibition of its activities and liquidation;

5.2. Valid ruling of the Supreme Court regarding recognition of a foreign or international organization as terrorist (extremist) one, prohibition of its activities in the territory of Belarus and liquidation of its representative office in Belarus, if any;

5.3. Valid conviction by the RB court of a natural person who was found guilty of committing criminal offences covered by Articles 124-131, 134, 287, 289-293, 294(4), 295(4), 309(4), 311(3), 322-324, 359, 360 and 361 of the RB Criminal Code;

5.4. Indictment brought against a natural person charged with committing criminal offences covered by Articles 124-131, 134, 287, 289-293, 294(4), 295(4), 309(4), 311(3), 322-324, 359, 360 and 361 of the RB Criminal Code;

5.5. The list of persons involved in terrorist activities and linked to proliferation of weapons of mass destruction or controlled by such persons compiled by international organizations or agencies authorized by them and recognized by the Republic of Belarus, where there are factual circumstances and actions that pose threat to the national security of the Republic of Belarus;

5.6. Convictions or rulings of courts or other competent authorities of foreign countries in respect of persons involved in terrorist activities and linked to proliferation of weapons of mass destruction or controlled by such persons, that (convictions/rulings) are recognized by the Republic of Belarus in compliance with the international treaties (agreements) signed by it, where there are factual circumstances and actions that pose threat to the national security of the Republic of Belarus.

6. Entities, natural persons and individual entrepreneurs shall be delisted (excluded from the List) on the following grounds:

6.1. Revocation of a valid ruling of the Supreme Court regarding recognition of an organization as terrorist (extremist) one, prohibition of its activities and liquidation;

6.2. Revocation of a valid ruling of the Supreme Court regarding recognition of a foreign or international organization as terrorist (extremist) one, prohibition of its activities and liquidation of its representative office in Belarus, if any;

6.3. Revocation of a valid conviction by the RB court and termination of criminal proceedings on the grounds set forth in paragraphs 1 and 2 of Article 29(1) of the RB Criminal Procedure Code;

6.4. Termination of criminal prosecution of a natural person charged with committing criminal offences covered by Articles 124-131, 134, 287, 289-293, 294(4), 295(4), 309(4), 311(3), 322-324, 359, 360 and 361 of the RB Criminal Code and termination of criminal proceedings against a natural person on the grounds set forth in paragraphs 1 and 2 of Article 29(1) of the RB Criminal Procedure Code;

6.5. Modifications in the lists of persons involved in terrorist activities and linked to proliferation of weapons of mass destruction or controlled by such persons compiled by international organizations or agencies authorized by them and recognized by the Republic of Belarus;

6.6. Modifications in (revocation of) convictions or rulings of courts or other competent authorities of foreign countries in respect of persons involved in terrorist activities and linked to proliferation of weapons of mass destruction or controlled by such persons, that (convictions/rulings) are recognized by the Republic of Belarus;

6.7. Documented proof of liquidation of an entity (organization), death of a natural person and termination of activity of an individual entrepreneur;

6.8. Documented proof of discharge of the record of conviction of a natural person convicted for committing criminal offences covered by Articles 124-131, 134, 287, 289-293, 294(4), 295(4), 309(4), 311(3), 322-324, 359, 360 and 361 of the RB Criminal Code.

7. Entities, natural persons and individual entrepreneurs shall be listed and delisted and information on listed entities, natural persons and individual entrepreneurs shall be modified by the decision of the Committee's chairman and his deputies based on the information specified in clauses 5 and 6 hereof and also based on the information received by the Committee from the single national database on offences and provided by:

Agencies directly involved in combating terrorism;

Prosecutorial authorities, investigative committee and general jurisdiction courts of the Republic of Belarus;

Foreign competent authorities in compliance with the international treaties (agreements) signed by the Republic of Belarus;

International organization and foreign law enforcement agencies and special services in established manner.

8. Upon receipt of factual data indicating occurrence of the circumstances listed in clauses 5 and 6 hereof, the government authorities and other agencies specified in paragraphs 2 and 3 of clause 7 hereof shall inform the Committee thereof on the next business day.

9. In order to identify entities, natural persons and individual entrepreneurs, the government authorities and other agencies listed in paragraphs 2 and 3 of clause 7 hereof shall provide the Committee with the following data, in addition to data specified in clauses 5 and 6 hereof:

In respect of entities – taxes, charges (duties) payer identification number (or other identification number in case of not residents); registration number and date of government registration; location; ID information on CEO (other person authorized by articles of incorporation to act on behalf of entity), chief accountant and (or) other executive officers authorized by the law or by the senior management to act on behalf of entity; and types of activity entity is engaged in;

In respect of natural persons – details of ID document (passport (residence permit card, refugee certificate), series (if any) and number, date of issue, name of government agency that issued the document, identification number (if any) and period of validity); place of residence and (or) temporary residence; and contact phone number(s);

In respect of individual entrepreneurs (their representatives) – details of registration documents, including registration number, date of government registration of an individual entrepreneur and name of government registration agency; taxpayer identification number; types of business activities; place of residence or temporary residence (as per the ID document); and contact phone number(s).

10. Within three days following listing or delisting entities, natural persons and individual entrepreneurs or introducing modifications into the List, the Committee shall communicate this information, in hard copy or electronically, to the government agencies in charge of overseeing entities engaged in financial transactions and to the financial monitoring agency.

Upon receipt of such information, the government agencies in charge of overseeing entities engaged in financial transactions shall communicate it, in hard copy or electronically, directly to entities engaged in financial transactions.

11. If entities, natural persons and individual entrepreneurs disagree with the decisions on their inclusion in the list made by the Committee, they shall have the right to appeal against such decisions in court in a manner established by the law.

Appeals (delisting requests) filed by listed entities, natural persons and individual entrepreneurs shall be considered in the manner established by the BR Law on Applications of Individuals and Legal Entities dated 18.07.2011 (the RB National Register of Legislative Acts and Regulations, 2011, No.83, 2/1852).
