Combating terrorism is one of the priorities of the foreign and domestic policy of Ukraine, the implementation of which is impossible without constant development of the state legal system in the context of new threats and challenges.

The Law of Ukraine "On basis of national security of Ukraine", adopted in June 2003, determines that the main directions of state security policy on combating terrorism are the following:

- Ukraine's participation in measures to combat international organised criminal groups and international terrorism, counteraction of nuclear weapons and other weapons of mass destruction expansion and their transportation;
- Ukraine's participation in international co-operation on combating international criminality, terrorism, drug trafficking and illegal migration.

Main principles of combating terrorism

According to the Law of Ukraine "On combating terrorism" (20.03.2003), combating terrorism is based on the following principles:

- legality and steady adherence to the rights and freedoms of persons and citizens;
- complex usage of legal, political, socio-economic, information, propaganda and other possibilities; priority of preventive measures;
- inevitable punishment for participation in terrorist activity;
- priority of the protection of the life and rights of persons who are threatened by terrorist activity;
- combination of overt and covert methods of fight against terrorism;
- non-disclosure of information about counterterrorist operations tactics, personnel and technical methods;
- centralisation of counterterrorist operations management;
- co-operation on combating terrorism with foreign states, their law enforcement and special services, as well as with international organisations.

According to the Article 4 of the Law of Ukraine "On combating terrorism", the Security Service of Ukraine is the main body in the state counterterrorist system. This Law determines a list of authorities that combat terrorism under their jurisdiction and a list of authorities that are involved in a case of necessity. Article 5 sets out responsibilities of authorities that take part in combating terrorism.

LEGAL FRAMEWORK

The legal basis for the fight against terrorism is provided by the Constitution of Ukraine, the Criminal Code of Ukraine, the Law of Ukraine "On combating terrorism" and other Laws of Ukraine, European convention on combating terrorism (1977), International convention on combating nuclear terrorism (1997), International convention on terrorism financing combating (1999), other international agreements, that are adopted by the Verhovna Rada of Ukraine (Parliament), Orders and Decrees of the President of Ukraine, resolutions and decisions of the Cabinet of Ministers of Ukraine, as well as other legal acts.

Ukraine has made a number of practical steps for international agreements and appropriate resolutions of UN Council implementation to establish an effective state counter-terrorism system. In particular, 22 April 2003 the Law "On combating terrorism" entered into force. It defines the legal and organisational basis of the fight against this dangerous phenomenon. Besides that, the Verhovna Rada (Parliament) of Ukraine has adopted a new Criminal Code that includes the article "Terrorist act" and about thirty other relevant articles.

Furthermore, the Law of Ukraine "On introducing amendments into some legislative acts of Ukraine" was adopted as a result of the adoption of the Law of Ukraine "On combating terrorism" which made changes to the Criminal Procedural Code of Ukraine and to, inter alia, the Laws of Ukraine "On investigative activity", "On Security Service of Ukraine", "On State Border Service of Ukraine" and "On nuclear security questions regulation ".
On the basis of the Decree of the President of Ukraine №1119 (10.12.2010) a draft of the Law of Ukraine "On introducing amendments into some legislative acts of Ukraine (about the development of combating terrorism principles)" is being elaborated by the executive branch authorities.

The Laws of Ukraine "On introducing amendments into the Criminal Code of Ukraine and the Criminal Procedural Code of Ukraine about the prevention of terrorism" (№ 170-V, 21.09.2006) and "On introducing amendments into the Law of Ukraine "On money laundering prevention and counteraction" (№ 2258) VI, 18.05.2010) supplement the Criminal Code of Ukraine with the Article 258-1 "Involving in fulfillment of act of terrorism", the Article 258-2 "Public appeals for fulfillment of act of terrorism", the Article 258-3 "Creation of terrorist group or terrorist organisation", the Article 258-4 "Terrorist attack abetment" and the Article 258-5 "Financing of terrorism".

Ukrainian legislation foresees criminal punishment for other actions that have features of terrorism: seizure of hostages (Article 147 of the Criminal Code of Ukraine) and creation of illegal militarized or paramilitary units (Article 260 of the Criminal Code of Ukraine).

The Law of Ukraine "On combating terrorism" sets out a list of unlawful terrorist-related actions, which meet the requirements of UN Security Council Resolution 1373 (2001).

In order to increase effectiveness of activities taken on combating terrorism, detection and elimination of causes and conditions that facilitate fulfillment of act of terrorism and other related crimes, the President of Ukraine annually approves a relevant programme on combating terrorism.

The Anti-terrorist Activities Programme for 2011-2013, approved by the Decree of the President of Ukraine, aims at the further development of legal regulations of combating terrorism and the improvement of its organisational and institutional system. Also Ukraine participates in CIS member-countries Programme of cooperation on combating terrorism and other violent manifestations of extremism for 2011-2013.

**Liability**

Ukraine abides by the principle that punishment for participation in terrorist activity is inevitable.

The Ukrainian legislation qualifies terrorism as a socially dangerous activity that lies in conscious, goal-oriented use of violence by taking hostages, making arsons, murdering, using torture, intimidating people and authorities or putting at risk the life or health of individuals or threatening to commit such crimes to achieve criminal goals.

The Criminal Code of Ukraine qualifies terrorism as one of the most serious crimes and envisages a severe penalty for the fulfillment of acts of terrorism, including the most severe penalty - life imprisonment.

The investigation of cases, connected with terrorist activities, is conducted exclusively within the framework of the Criminal Code of Ukraine. The Code of Criminal Procedure of Ukraine determines the procedure of a criminal case execution. Persons, accused of terrorist activities, are brought to justice. Furthermore, an organisation responsible for the fulfillment of an act of terrorism and which has been recognised by the court as a terrorist organisation is subject to liquidation with confiscation of its property.

If the activity of an organisation (subsidiary and representative offices), which is registered outside Ukraine, is found to be terrorist by the court of Ukraine, taking into account its international and legal obligations, the activity of this organisation should be prohibited. Its Ukrainian office (subsidiary or representative office) should be liquidated on the basis of a court decision and the organisation's property on the territory of Ukraine should be confiscated.

Applications to bring organisations involved in terrorist activity to justice are submitted to the court by the General Prosecutor of Ukraine or by regional, or city prosecutors, in accordance with national legislation and procedures.

**Victim and witness protection**

The Law of Ukraine "On the protection of criminal proceedings participants" (23.12.1993) defines the protection of persons who take part in criminal proceedings as the use of legal, organisational, technical and other measures by the law enforcement bodies with the aim to protect lives, health and property of these people from illegal infringements in order to create appropriate conditions for justice. It is applied in detection, prevention, suppression, solution of a crime investigation and also in the court proceedings of criminal cases.

Protection of persons, who suffered from terrorist actions, is put into practice on the basis of the Cabinet of Ministers' of Ukraine Decree № 982 (28.07.2004) "On approval of procedures of social rehabilitation of people who suffered from terrorist act".
With the aim to protect natural persons or legal entities, that are the victims of terrorist acts, Ukrainian legislation provides for compensation of damage caused by terrorist attack. The compensation of damage, caused by terrorist attack, is carried out of state budget assets according to the law and with further sum recovery from persons who caused this damage. The compensation of damage, caused by the terrorist attack to organisation, enterprise or company, is exercised according to the law.

In order to return people, who suffered from a terrorist act, to their normal life, social rehabilitation activities are carried out. With this purpose, where necessary, they are provided with psychological, medical, professional rehabilitation, legal support, accommodation and employment.

### Prevention of terrorism financing


This Law takes into account requirements of the leading international standards in the sphere of fight against money laundering and financing of terrorism: 40 and 9 special Recommendations of the Financial Action Task Force (FATF); UN Convention for the Suppression of the Financing of Terrorism, Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism; the European Parliament and the EU Council Directive 2005/60 (26.10.2005) on prevention of financial system use with the aim of proceeds laundering and financing of terrorism and other international standards.

The Law places an obligation on legal entities and natural persons who suspect or have reason to suspect that financial operations are connected with, related to or intended for the financing of terrorist activities, to report such financial operations immediately to the special body authorised by the executive power on countering money laundering and terrorist financing - the State Committee on Financial Monitoring (Derzhfinmonitoring) or to the law enforcement authorities as defined in legislation - Security Service of Ukraine.

The Criminal Code of Ukraine is supplemented with a new Article 258-5 which provides criminal responsibility for the financing of terrorist activities. All property of a party convicted is a subject for confiscation. The maximum term of punishment for terrorist act fulfillment is life imprisonment.


- immediate blocking of money and other financial assets or economic resources of persons who fulfill or have intention to fulfill act of terror, take part or assist in terrorist act fulfillment (assets freeze);
- prohibition of entry on the Ukrainian territory or transit through its territory of persons enlisted in the UN Security Council Resolutions (prohibition on trips);
- prevention of direct and indirect procurement, sale or transfer to mentioned persons and organisations – from its territory, by their citizens who are abroad or with the help of ships and aircrafts under their flag – of weapons and relevant means, spare parts and also technical consulting, providing help or studies connected with military activities (embargo on arms procurement).

With the aim to implement the Law of Ukraine "On introducing amendments into the Law of Ukraine "On prevention of money laundering and its counteraction or financing of terrorism" and to be in compliance with recommendations of the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) to the Ukrainian legislation on identification and "freezing" of terrorist assets, on 21 April 2011 the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On introducing amendments to some legislative acts on seizure of assets connected with financing of terrorism and financial operations that are stopped according to the decision made on the basis of UN Security Council Resolutions and determination of access procedure to such assets" (further - draft of the law).

This Law amends the Code of Administrative Procedure, the Laws of Ukraine "On combating terrorism", "On the Security Service of Ukraine". In particular, the Security Service of Ukraine receives the right to initiate the question of assets seizure (on the indefinite term) that are connected with
financing of terrorism and related to financial operations, stopped according to the decision made on the basis of UN Security Council Resolutions. The Security Service of Ukraine is also authorised to remove seizure from such assets and provide access to them on the appeal of a person who can documentary prove the need to cover main and exceptional expenses.

The Code of Administrative Procedure of Ukraine is supplemented with the new Article 183-4 that determines the peculiarities of proceedings in cases initiated by the Security Service of Ukraine concerning assets seizure on the indefinite term that are connected with financing of terrorism and are related to financial operations, stopped according to the decision made on the basis of UN Security Council Resolutions, seizure removal from such assets and providing access to them.

Legal agreements/contracts aimed at financing of terrorism are declared void.

Legal entities, which conduct financial operations related to money laundering and financing of terrorism, are dissolved by the court and their assets are confiscated. Article 81 of the Code of Criminal Procedure of Ukraine foresees that according to the court decision proceeds from crime are transferred to the state income.

The Criminal Code of Ukraine foresees a penalty up to 15 years’ imprisonment with the expropriation of the proceeds from crime or other criminally gained property and with property expropriation for crime execution that is defined in Article 209/3 “Laundering of criminally gained money” of this Code.

Ukraine ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism that comes into force for Ukraine on 01 June 2011.

Moreover on the 09.03.2011 the action plan for 2011 on prevention of money laundering and its counteraction or financing of terrorism was approved (the Cabinet of Ministers of Ukraine Resolution №270).

Ukraine co-operates with FATF, the Council of Europe Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), the Eurasian Group on money laundering counteraction, and other law enforcement and special foreign bodies in order to increase the level of co-operation with other countries in the sphere of money laundering counteraction.

At present Derzhfinmonitoring signed 54 memorandums of mutual understanding with foreign financial intelligence services.

**INSTITUTIONAL FRAMEWORK**

The Cabinet of Ministers of Ukraine is competent to make the arrangements for combating terrorism in Ukraine and to provide the necessary forces, means and resources.

The central executive bodies take part in combating terrorism within their authority, which is defined by law and other legal acts.

The Security Service of Ukraine fights against terrorism by conducting investigative measures aimed at prevention, detection and suspension of terrorist activity including at the international level; obtaining and collecting information about foreign and international organisations; using technical searching measures in telecommunication systems and channels that can be used by terrorists exceptionally with the aim to obtain warning information in case of terrorist attack threat; conducting counterterrorist operations, coordination of counterterrorist task forces activity through the Anti-Terrorist Centre (ATC) at the Security Service of Ukraine within its authority; conducting of pre-trial investigation in cases connected with terrorist activity; ensuring protection of Ukrainian institutions abroad, their employees and members of their families from terrorist threats in interaction with intelligence service of Ukraine.

On 11 December 1998 the Anti-Terrorist Centre (ATC) at the Security Service of Ukraine was established by the President’s of Ukraine Decree. Its main functions are:

- development of conceptual counterterrorist bases and principles, programmes and recommendations aimed at increasing effectiveness of fulfillment of measures on detection and elimination of causes and conditions that assist terrorist acts and other terrorist related crimes;
- collection, processing, analyzing and evaluation of information about current state and tendencies of terrorism expansion in Ukraine and abroad;
- counterterrorist operations management and conducting, coordination of counterterrorist task forces activity;
- organisation and conducting of headquarters management training, task force tactical and special exercises;
- participation in international treaties development, devising of propositions on Ukrainian legislation improvement in the field of combating terrorism. Financing of counterterrorist operations that are conducted by counterterrorist task forces, taking measures on prevention, detection and suspension of terrorist activity;

- cooperation with special services, law enforcement bodies of foreign states and international organisations on combating terrorism.

According to the President’s of Ukraine Edict "On procedure of co-operation with international antiterrorist organisations", the Anti-Terrorist Centre and the Ministry of Foreign Affairs of Ukraine are entrusted with the task of coordinating the bodies of Ukraine’s executive branch in the fulfillment of its international obligations in combating terrorism.

According to the Law of Ukraine "On combating terrorism", the ATC coordinates the activities of the Ministries and Departments of Ukraine in the execution of a complex programme aimed at widening Ukraine's diplomatic, economic and military potential to counter threats connected with international terrorism.

The ATC has now developed an organisational and legal mechanism which comprises the forces and means of the Ministries and Departments involved in carrying out counterterrorist operations.

In order to ensure the effective usage of the available resources, the most critical infrastructure was categorised, preventive plans on counterterrorist operations were drafted. About 100 combat trainings are being carried out according to these plans annually.

With a view to improving co-operation on combating terrorism and coordinating measures in the implementation of state policy in the field of the prevention and suppression of the critical situations that emerged as the result of extremist and terrorist activities in November 2002, in accordance with the President’s of Ukraine Decree, the Anti-Crisis Centre was created. The Centre is headed by the President of Ukraine.

Control and supervision of the legality of the fight against terrorism

In accordance with the Constitution of Ukraine, the Verhovna Rada of Ukraine controls the laws observation on combating terrorism.

At the same time, the President and the Cabinet of Ministers of Ukraine supervise counterterrorist activity in accordance with the Constitution of Ukraine and Ukrainian law.

Supervision of the legislation observation by the state bodies, which take part in combating terrorism, is carried out by the Attorney General of Ukraine and by the authorised attorneys in accordance with Ukrainian law.

**INTERNATIONAL COOPERATION**

**Exchange of information**

With a view to providing relevant information to the national Anti-Terrorist and Anti-Crisis Centres, all possible measures are currently being undertaken in order to implement the telecommunication element of the joint information system on combating terrorism - the System of Protected Electronic Mail.

With a view to preventing and effectively combating terrorism, Ukraine has established effective operational exchanges of information on questions connected with combating international terrorism.

Mutual bilateral exchange of information with foreign states on problems connected with combating international terrorism is carried out on the basis of signed agreements.

In accordance with the requirements of national legislation and its international legal commitments, Ukraine provides information to foreign states on problems connected with combating international terrorism on the basis of their requests.

At the same time, information on these problems can be provided without a prior request from a foreign country if it does not hinder the pre-trial inquiry or court hearing of a case and if it can help the foreign state authorities in preventing terrorist acts.

With the aim of creating appropriate legal bases for the use of proper sanctions, Ukraine, in co-operation with other states, is developing the mechanism of mutual recognition of lists of organisations and persons related to terrorist activity.

Currently the exchange of information on the above-mentioned problems is conducted most actively within the framework of the CIS member states’ Anti-Terrorist Centre.

An information exchange, including at operational level, on combating terrorism, organized crime, drugs and human trafficking, money laundering and
illegal migration are ensured within the Organization for Democracy and Economic Development – GUAM (Georgia, Ukraine, Azerbaijan, Moldova). It is also aimed at verification of vehicles and documents, examination of commercial agents' activities, search and identification of persons and confirmation of their identity, examination of validity of official documents, verification of stolen or lost fire arms etc.

This cooperation is developed on the basis of the Virtual Centre (VLEC) for Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crime and the GUAM Interstate Information Management System (IIMS), which were created in the context of the Framework GUAM-USA Program on Facilitation of Trade and Transportation, Securing Border and Customs Control and Combating Terrorism, Organized Crime and Drug Trafficking.

In summer 2011 the Cryptographic Protection System becomes operational within the GUAM, which increases operational and other possibilities of the GUAM member states' interaction in the mentioned fields.

Measures to further improve exchange of information among security services and law enforcement bodies of other states are implemented for the purposes of prevention and providing an adequate and timely response to any terrorist threats.

**Mutual legal assistance and extradition**

To ensure the security of individuals, society and the state, Ukraine pursues within its territory persons involved in terrorist activity, including cases where terrorist acts are planned or committed beyond Ukraine’s borders, but may cause damage to Ukraine, and other cases provided by international treaties.

The Law of Ukraine "On combating terrorism" provides for the extradition of individuals who take part in terrorist activity. The extradition of these individuals with the aim of instituting criminal proceedings against them and of executing enforcement acts of foreign states is carried out in accordance with Ukrainian legislation and with the obligations assumed by Ukraine upon its ratification of the European Convention on Extradition (1957), the European Convention on the Suppression of Terrorism (1977), Convention on Cybercrime (2001), Council of Europe Convention on the Prevention of Terrorism (2005) and other international treaties that are obligatory according to the decision of Verkhovna Rada of Ukraine, and on the basis of mutuality.

Ukraine undertakes the necessary measures in applying appropriate sanctions to organisations and individuals involved in terrorist activities listed by the UN Security Council.

According to the Law of Ukraine “On introducing amendments to the Criminal Procedural Code of Ukraine on extradition” (21.05.2010) the Criminal Procedural Code of Ukraine was supplemented by Chapter 9 "Extradition" that regulates the extradition and its legal proceedings. This Law determines:

- Ukrainian central bodies' authority, responsible for international treaties on extradition fulfillment;
- preparation procedures and transfer of petition by authorities of pre-trial investigation and courts of Ukraine on extradition of persons who committed crimes on the territory of Ukraine;
- clearly regulates procedures of detention, temporal and extraditional arrest of persons who committed crimes outside the territory of Ukraine and which extradition is demanded by foreign states;
- grounds and procedure of appeal against actions and decisions of Ukrainian authorities on extradition, settlement of such complaints procedures.

**Measures at international level**

In accordance with the international treaties concluded by Ukraine, it co-operates in the fight against terrorism with foreign states, law enforcement bodies and special services, as well as with international organisations combating terrorism. Ukraine is a party to all 12 of the universal anti-terrorist conventions, including those on countering the financing of terrorism, and the European Convention on the Suppression of Terrorism (1977).

Under the Council of Europe Action Plan for Ukraine for 2008-2011 (chapter "Rule of law", section "Fighting corruption, organized crime and terrorism") a project against money laundering and financing terrorism was carried out from May 2006 to April 2009. Funding was provided under the Joint program of the Council of Europe and European Commission "Project against Money Laundering and Terrorist Financing - MOLI-UA-2".


Ukraine recognises the importance of the development of international co-operation on combating terrorism and collaborates actively with international organisations. In order to execute the relevant UN Security Council resolutions and transpose the conventions on countering terrorism into its national legislation, Ukraine co-operates with the UN Security Council Counter-Terrorism Committee and annually submits reports on the action it has taken.

In the framework of OSCE Ukraine contributes to the political dialogue and expert discussions aimed at strengthening regional cooperation in the fight against terrorism, which is based on the OSCE's comprehensive approach to security, addressing politico-military, economic and environmental and human dimensions of security.

Ukraine joined NATO counter-terrorist operation Active Endeavour in the Mediterranean in 2006. It was the second NATO partner-country that joined NATO-led international efforts aimed at detecting and deterring terrorist activity in the region. Since 2006 Ukraine's corvettes "Ternopil" and "Lutsk" and frigate "Hetman Sagaidachny" took part in the operation. Ukraine participates in the mentioned operation and fulfills the following actions:

- exchange of information on control of civil ships movement between the primary national Contact point of the Ukrainian Navy and the headquarters of operation;
- sending of the Navy ships and units for tasks performance as a part of constant presence forces in the zone of the Mediterranean Sea;
- liaison officers exchange between the Navy and NATO during the sending of Ukrainian forces to the zone of the Mediterranean Sea (if necessary).

Ukraine takes part in the work of the CIS Anti-Terrorist Centre, which is the standing specialised branch body responsible for coordinating the interaction among the authorities of CIS member states in the field of countering terrorism.

On 7 April 2004, the Verkhovna Rada of Ukraine ratified the "Protocol concerning the approval of the Statute regulating the order of organisation and conduction of joint antiterrorist measures on the territory of CIS member-states" with the aim of developing Ukraine's co-operation within the CIS framework.

Ukraine conducts an active law enforcement cooperation and operational interaction within the Organization for Democracy and Economic Development GUAM. This activity is based on the Agreement on Cooperation among the Governments of the GUAM Participating States in the Field of Combating Terrorism, Organized Crime and Other Dangerous Types of Crimes of 20 July 2002 and the Protocol to the Agreement of 04 December 2008, and the Agreement on Establishing GUUAM Virtual Centre on Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crime (VLEC) and GUUAM Interstate Information Management System (IIMS) of 04 July 2003.

The National Inter-Agency Group and the Ukrainian segment of VLEC/IIMS were created in Ukraine. Ukraine takes an active part in regular meetings of the GUAM Working Group on Combating Terrorism, Organized Crime and Drug Trafficking (WGCTOC) as well as four Working Sub-Groups within the WGCTOC - on Combating Terrorism, Corruption and Money Laundering, Drug Trafficking, Trade-in-Persons and Illegal Migration. Coordinated measures and operations in the mentioned fields are conducted by Ukraine jointly with other GUAM member states.

Ukraine also participates in meetings, conferences and workshops, which are held by the GUAM and other international organizations and structures as well as within their framework, in particular, the United Nations, including the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC/TPB), in the framework of the OSCE, the Council of Europe Committee of Experts on Terrorism (CODEXTER), the OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN) etc.

Ukraine joined the Global Initiative to Combat Nuclear Terrorism (GICNT) on 13 March 2007. By joining Global Initiative Ukraine assumed obligation to follow the main principles of GICNT aimed at building the national and international capacities to combat the global threat of nuclear terrorism.

GICNT plays a significant role in consolidation of countries, international organizations, state and private sector to counteract the threats of nuclear terrorism.
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