

# UKRAINE



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## NATIONAL POLICY

The fight against terrorism is one of the top priorities of the foreign and domestic policy of Ukraine. It is impossible to combat terrorism without the constant development of the legal system in the conditions of the emerging threats and challenges.

In accordance with the Law of Ukraine "On the National Security of Ukraine" dated June 21, 2018, the National Security and Defense Council of Ukraine (hereinafter - NSDC) shall determine conceptual approaches, directions, and measures to ensure national security and defense, taking into account changes in the security environment, as well as to approve the draft strategies, concepts, state programs and other strategic documents that specify the main directions and tasks of state policy in the spheres of national security and defense, coordination and control over its implementation.

The National Security Strategy of Ukraine, approved by the Decree of the President of Ukraine No. 392 dated September 14, 2020, sets out main directions of Ukraine's foreign and domestic policy in the sphere of national interests and security, in particular:

- *at the international level* – participation in combating terrorism, proliferation of weapons of mass destruction, international organized crime, drug and human trafficking, political and religious extremism, illegal migration, cyber threats, the negative effects of climate change, as well as in preventing and overcoming the consequences of natural and man-made disasters;
- *at the national level* – prevention, detection and cessation of separatism, terrorism, extremism, activities of illegal armed groups, politically motivated violence and other encroachments on the constitutional order; obtaining complete and reliable proactive information about the situation in Ukraine and the world, countering external threats to Ukraine's national security, promoting the realization of Ukraine's national interests.

The Concept of Combating Terrorism in Ukraine, approved by the Decree of the President of Ukraine No. 53 dated March 5, 2019, defines the main priorities of combating terrorism:

- prevention, detection and suppression of terrorism;
- elimination and minimization of the consequences of terrorist activities;
- counter-terrorism protection of objects of possible terrorist attack;
- informational, scientific and other support of the fight against terrorism;
- development of international cooperation in the field of combating terrorism.

Currently, the aggressive policy of the Russian Federation aimed at destabilizing the situation in Ukraine is the greatest terrorist threat.

## Basic principles of combating terrorism

According to the national legislation, the fight against terrorism in Ukraine is based on principles of:

- legality and strict observance of human and civil rights and freedoms;
- complex usage of legal, political, socioeconomic, informational, propagandistic, and other means for this purpose;
- priority of preventive measures;
- unavoidability of punishment for participation in terrorist activities;
- priority of protection of life and rights of individuals endangered by terrorist activity;
- using both overt and covert methods to combat terrorism;
- non-disclosure of information about the techniques and tactics of anti-terrorist operations, as well as its participants;
- unity of command in the management of forces and means involved in anti-terrorist operations;
- cooperation in the sphere of counter-terrorism with foreign states, their law enforcement agencies and special services, as well as with international organizations engaged in the fight against terrorism;
- an anti-terrorist operation may be carried out simultaneously with repelling armed aggression in accordance with Article 51 of the UN Charter and/or in the conditions of martial law or state of emergency in accordance with the legislation and the Constitution of Ukraine.

## LEGAL FRAMEWORK

The legal basis for combating terrorism is the Constitution of Ukraine, the Criminal Code of Ukraine, the Law of Ukraine "On Combating Terrorism" and other laws of Ukraine, the European Convention on the Suppression of Terrorism (1977), the International Convention for the Suppression of Terrorist Bombings (1997), International Convention for the Suppression of the Financing of Terrorism (1999), other international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine, decrees and orders of the President of Ukraine, resolutions and orders of the Cabinet of Ministers of Ukraine, as well as other legislative acts adopted in pursuance of the laws of Ukraine.

Ukraine has taken practical steps to implement international treaties and relevant resolutions of the UN Security Council on the establishment of an effective state anti-terrorism system. In particular, the Verkhovna Rada of Ukraine has approved a number of amendments to the Criminal Code and the Criminal Procedure Code of Ukraine, laws of Ukraine, as well as adopted a number of new regulatory legislative acts on countering terrorism and its financing.

The Law of Ukraine "On Combating Terrorism" defines the legal and organizational basis of the fight against terrorism, the powers and duties of executive authorities, associations of citizens and organizations, officials and individuals in this sphere, the coordination procedure of their activities, guarantees of legal and social protection of citizens in connection with participation in the fight against terrorism.

According to the Law, 'terrorism' is a socially dangerous activity that consists in the intentional use of violence, in particular, hostage-taking, arson, murder, torture, intimidation of the population and authorities or other attempts on the life or health of innocent people; or threats to commit criminal acts in order to achieve criminal purposes.

The Criminal Code of Ukraine defines 'an act of terrorism' as the use of weapons, explosions, arson or any other actions that exposed human life or health to danger or caused substantial pecuniary damage or any other grave consequences, where such actions sought to violate public security, intimidate population, provoke an armed conflict, or international tension, or to exert influence on decisions made or actions taken or not taken by government authorities or local governments, officials and officers of such bodies, associations of citizens, legal entities, or to attract attention of the public to certain political, religious or any other convictions of the culprit (terrorist), and also a threat to commit any such acts for the same purposes (Article 258). Committing a terrorist act shall be punishable by

imprisonment for a term of five years to life imprisonment (depending on aggravating circumstances) with or without confiscation of property.

The Resolution of the Cabinet of Ministers of Ukraine No. 92 dated February 18, 2016 approved the Regulation on the unified state system of prevention, reaction and termination of terrorist acts and the minimization of their consequences that introduced the classification of terrorist threat levels and defined the response measures of the entities of combating terrorism to the threat of committing or committing a terrorist act.

The tasks of the unified state system:

- prevention of terrorist activities, including timely detection and elimination of causes and conditions that facilitate the commission of terrorist attack;
- informing the population about the level of threat of committing or committing a terrorist act;
- ensuring security of the objects of possible terrorist attacks.

This system allows round-the-clock monitoring, analysis and information assessment regarding the state and trends of the spread of terrorism in Ukraine and abroad.

In order to improve the effectiveness of the national anti-terrorism system, the Concept of Combating Terrorism in Ukraine was approved by the Decree of the President of Ukraine No. 53 dated March 5, 2019. This document defines: the purpose, objectives, basic principles and directions of improving the national counter-terrorism system, the main priorities of the fight against terrorism; the expediency of systematic evaluation of the effectiveness of the counter-terrorism entities and improvement of their interaction; the need to enhance international cooperation in the field of counter-terrorism, etc.

The said Decree instructed:

- The Cabinet of Ministers of Ukraine in cooperation with the designated state bodies - to develop a plan for the implementation of the Concept of Combating Terrorism in Ukraine;
- the Security Service of Ukraine - to provide proposals on the procedure for reviewing the national system of combating terrorism.

Based on the results of these assignments, the following were developed:

- Plan for the implementation of the Concept of Combating Terrorism in Ukraine, approved by the order of the Cabinet of Ministers of Ukraine No. 7-p dated January 5, 2021;

- The Procedure for the Review of the National Counter-Terrorism System, approved by the Decree of the President of Ukraine No. 506 dated July 9, 2019 (hereinafter referred to as the Procedure).

In accordance with the Procedure, Ukraine introduced the assessment of the state and readiness of counter-terrorism entities to perform anti-terrorist tasks.

The main directions of this review:

- analysis of the state and prospects for the development of anti-terrorist security and the national counter-terrorism system;
- review of the capabilities of counterterrorism entities;
- planning of forces and means;
- resource planning;
- formation of a promising model of the national counter-terrorism system.

In 2021, the Review of the National Counter-Terrorism System was conducted in Ukraine for the first time. Based on its results, the decision of the NSDC of Ukraine dated June 4, 2021 regarding Report on the results of the Review of the National Counter-Terrorism System was put into effect by the Decree of the President of Ukraine No. 251 dated June 17, 2021.

## Liability

Ukraine adheres to the principle of unavailability of punishment for participation in terrorist activities.

The Criminal Code of Ukraine classifies terrorism as a felony and envisages severe punishment for committing terrorist acts, including life imprisonment.

The investigation of cases related to terrorist activities is carried out exclusively within the framework of the Criminal Code of Ukraine. The procedure for criminal proceeding is determined by the Criminal Procedural Code of Ukraine.

Individuals guilty of terrorist activities shall be held criminally liable for acts defined by the relevant articles of the Criminal Code of Ukraine:

- involvement in the commission of a terrorist act (Article 258-1);
- public calls to commit a terrorist act (Article 258-2);
- creation of a terrorist group or terrorist organization (Article 258-3);
- facilitating the commission of a terrorist act (Article 258-4);
- financing of terrorism (Article 258-5).

According to the law, managers and officials of enterprises, institutions and organizations, as well as

citizens who contributed to terrorist activities, are responsible for:

- financing of terrorists, terrorist groups (terrorist organizations);
- provision or collection of funds directly or indirectly with the intention of using it to commit terrorist acts or crimes related to terrorism;
- conducting transactions with funds and other financial assets;
- providing funds, other financial assets or economic resources, relevant services directly or indirectly for use in the interests of individuals who commit terrorist acts, or facilitate or participate in its commission or in the interests of legal entities whose property is directly or indirectly owned or controlled by terrorists, or individuals who facilitate terrorism, as well as legal entities and individuals acting on behalf of or as directed by these persons;
- providing assistance to individuals who participated in the commission of terrorist acts;
- recruiting individuals to involve them into terrorist activities, facilitating the creation of channels for supplying weapons to terrorists and the movement of terrorists across the state border of Ukraine;
- hiding persons who financed, planned, supported or committed terrorist acts or crimes related to terrorism;
- use of the territory of Ukraine to prepare or commit terrorist acts or crimes related to terrorism against other states or foreigners.

National legislation also provides for criminal liability for other actions that have signs of terrorist activity, in particular:

- trespass against life of a statesman or a public figure (Art. 112 of the Criminal Code of Ukraine);
- hostage taking (Art. 147 of the Criminal Code of Ukraine);
- knowingly false report of a threat to the safety of citizens, destruction or impairment of property (Art. 259 of the Criminal Code of Ukraine);
- creation of unlawful paramilitary or armed formations (Art. 260 of the Criminal Code of Ukraine);
- trespass against life of a foreign state representative (Art. 443 of the Criminal Code of Ukraine);
- criminal offenses against internationally protected persons and institutions (Art. 444 of the Criminal Code of Ukraine), etc.

An organization responsible for committing a terrorist attack and recognized as a terrorist organization by a court decision shall be subject to liquidation, and its property shall be confiscated.

If the activity of an organization (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 organization should be prohibited. Its Ukrainian office (subsidiary or representative office) should be liquidated on the basis of a court decision and the organization's property on the territory of Ukraine should be confiscated.

Applications to bring organizations involved in terrorist activity to justice are submitted to the court by the General Prosecutor of Ukraine, prosecutors of the Autonomous Republic of Crimea, regions, and the cities of Kyiv and Sevastopol, in accordance with national legislation and procedures.

### **Victim and witness protection**

The Law of Ukraine "On the Protection of Criminal Proceedings Participants" defines the protection of persons who take part in criminal proceedings as the use of legal, organizational, technical, and other measures by law enforcement bodies with the aim to protect lives, housing, health and property of these people from illegal infringements in order to create appropriate conditions for justice. It is applied in the detection, prevention, suppression, and investigation of crimes and also in the court proceedings of criminal cases.

Resolution of the Cabinet of Ministers of Ukraine of July 28, 2004, No. 982 approved the Procedure for the social rehabilitation of victims of terrorism.

According to Article 20 of the Law of Ukraine "On Combating Terrorism", social rehabilitation for victims of terrorism aims to return them to normal life. These persons are provided, if necessary, with psychological, medical, and vocational rehabilitation, legal assistance, housing, and employment.

The social rehabilitation of victims of terrorism is funded under the national budget (as well as the social rehabilitation of persons involved in the fight against terrorism and members of their families, if the need to ensure the protection is a result of their counterterrorism activity).

Payments are granted from the state budget to compensate those who suffered damage due to terrorism according to the law and with further sum recovery from persons who caused the damage.

The compensation of damage, caused by the terrorist attack to an organization, enterprise, or institution, is exercised according to the law.

### **Prevention of terrorism financing**

In order to execute the requirements of UN Security Council Resolutions 1267 (1999), 1333 (2000), 1373 (2001), 1390 (2002), 1455 (2003), 1526 (2004), 1540

(2004), 1617 (2005), 1673 (2006), 1718 (2006), 1735 (2006), 1810 (2008), 1822 (2008), 1904 (2009), 1977 (2011), 2055 (2012), 2231 (2015), 2325 (2016), 2462 (2019), etc., Ukraine takes measures to counter terrorism financing and implements international standards into national legislation, in particular, special recommendations of the Financial Action Task Force on Money Laundering (FATF), requirements of international conventions ratified by Ukraine, as well as standards in line with the EU law.

The Cabinet of Ministers of Ukraine has studied a number of UN Security Council resolutions and made decisions aimed at:

- immediate blocking of funds and other financial assets or economic resources of individuals who commit or intend to commit a terrorist act, take part or assist in a terrorist act (freezing of assets);
- prohibiting entry into the Ukrainian territory or transit through its territory for individuals listed in the UN Security Council resolutions (travel ban);
- preventing the direct and indirect procurement, sale, or transfer to these individuals and organizations - from their territory, by their nationals abroad, or through vessels and aircraft under their flag - of weapons and relevant equipment, spare parts, and also technical advice, assistance or training on military activities (arms embargo), etc.

In order to implement into the Ukrainian legislation the requirements of Directive (EU) 2015/849 of the European Parliament and of the Council of May 20, 2015, on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and Regulation (EU) 2015/847 on information accompanying transfers of funds, which are mandatory for implementation by EU Member States and candidate countries, on December 06, 2019, the Law of Ukraine "On Prevention and Counteraction to Legalization (Laundering) of the Proceeds of Crime or Terrorist Financing and Financing Proliferation of Weapons of Mass Destruction" was adopted.

Taking into account the requirements of the new Law, Resolution of the Cabinet of Ministers of Ukraine of July 29, 2015 No. 537 (as amended) approved the Regulation on the State Financial Monitoring Service of Ukraine.

The State Financial Monitoring Service of Ukraine (hereinafter referred to as the "SFMS") is a central executive body, which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Finance. It implements the state policy of prevention and counteraction to the legalization (laundering) of proceeds of crime, terrorist financing, and financing of the proliferation of weapons of mass destruction.

In accordance with the Law of Ukraine "On Ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism" of November 17, 2010, and paragraph 13 of Article 46 of this Convention, the SFMS performs the functions of the Financial Intelligence Unit (FIU) of Ukraine.

According to the Procedure for compiling a list of individuals related to terrorist activities or subject to international sanctions, approved by Resolution of the Cabinet of Ministers of Ukraine No. 622 of July 22, 2020, the SFMS is, in particular, tasked with the listing.

Listing or delisting of individuals, entities, and organizations related to terrorist activities or subject to international sanctions are carried out by a court decision.

If the Security Service of Ukraine (hereinafter referred to as the "SSU") identifies individuals, entities, and organizations that meet the criteria defined by the UN Security Council resolutions to be included in the sanctions lists or establishes the fact of their compliance with such criteria, it initiates in court the listing of individuals related to terrorist activities or subject to international sanctions and/or submits proposals to the UN Security Council Committees and/or foreign states for the listing of such individuals.

Article 284 of the Code of Administrative Procedure of Ukraine determines the peculiarities of proceedings in cases initiated by the SSU concerning assets seizure on an indefinite term that is connected with terrorist financing and is related to financial transactions suspended in accordance with the decision made on the basis of UN Security Council resolutions, seizure removal from such assets and providing access to them.

In case counterterrorism bodies detect assets related to terrorism and its financing, the proliferation of weapons of mass destruction, and its financing, they shall immediately inform the SSU of the detected assets.

The assets related to terrorism and its financing, the proliferation of weapons of mass destruction and its financing shall be frozen by the primary financial monitoring entities in accordance with the Law of Ukraine "On Prevention and Counteraction to Legalization (Laundering) of the Proceeds of Crime or Terrorist Financing and Financing Proliferation of Weapons of Mass Destruction" with the obligatory informing of the SSU.

The SSU immediately verifies the applications of clients of the primary financial monitoring entities and informs about the results.

Access to assets related to terrorism and its financing, the proliferation of weapons of mass destruction, and its financing is provided by a court decision in case of exceptional conditions set out in the relevant UN Security Council Resolutions.

According to Article 209 of the Criminal Code of Ukraine, legalization (laundering) of proceeds of crime is punishable by up to 12 years in prison with deprivation of the right to hold certain positions or engage in certain activities for up to three years and confiscation of property.

In addition, the Criminal Code of Ukraine is supplemented with Article 209<sup>1</sup> "Intentional violation of the requirements of the legislation on prevention and counteraction to legalization (laundering) of proceeds of crime, terrorist financing and financing of proliferation of weapons of mass destruction", which provides for a fine of up to five thousand tax-free minimum incomes with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Legal agreements aimed at legalization (laundering) of the proceeds of crime or terrorist financing or financing of proliferation of weapons of mass destruction shall be declared void in the procedure established by law.

By order of a court, the proceeds of crime are subject to confiscation or are returned to the owner whose rights or legitimate interests have been violated, or their market value is reimbursed.

Within its competence, the SFMS ensures the functioning of the Unified Information System (UIS) in the field of prevention and counteraction to legalization (laundering) of proceeds of crime, terrorist financing, and financing of proliferation of weapons of mass destruction.

In accordance with the approved regulations, the UIS operates 24/7 and provides round-the-clock and continuous technological processes for receiving, processing, and storing information from financial monitoring entities, as well as supporting the information environment for interaction and work of independent SFMS units.

In order to improve the coordination of the entities of the national financial monitoring system, Resolution of the Cabinet of Ministers of Ukraine No. 613 of September 08, 2016, established the Council on Prevention and Counteraction to Legalization (Laundering) of the Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction as an advisory body of the Cabinet of Ministers of Ukraine.

Moreover, the Cabinet of Ministers of Ukraine, at the request of the SFMS, adopted Order No. 435-r of May 12, 2021 "On Approval of the Main Directions for the Development of the System for Preventing and

Counteracting the Legalization (Laundering) of Proceeds of Crime, Terrorist Financing and Financing the Proliferation of Weapons of Mass Destruction in Ukraine for the period up to 2023 and the Action Plan for their Implementation". This document defines the current risks and threats in this field, as well as the state policy directions for risk mitigation and development of the financial monitoring system.

The SFMS's major priority is cooperation with international institutions and foreign partners in effective counteraction to money laundering or terrorist financing.

The SFMS actively cooperates with the Financial Action Task Force on Money Laundering (FATF), the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering and the Financing of Terrorism (MONEYVAL), the Egmont Group of Financial Intelligence Units, the Council of Europe and the European Commission, the United Nations Office on Drugs and Crime (UNODC), the World Bank, the International Monetary Fund, the Organization for Security and Cooperation in Europe (OSCE), the Organization for Democracy and Economic Development (GUAM) and other international organizations.

At present, the SFMS has signed 81 memoranda of understanding with foreign financial intelligence units.

The cooperation with competent foreign FIUs is carried out through the secure channel of the Egmont Group in order to exchange information, search for assets, trace the movement of funds and freeze assets at the request of the FIU.

In 2018, the SFMS's investigation was recognized as the best of the global FIU community. The FIUs of 150 countries voted for the SFMS for the Best Egmont Case Award (BECA) for the investigation that resulted in the USD 1.5 billion confiscation in 2017.

## **INSTITUTIONAL FRAMEWORK**

The Cabinet of Ministers of Ukraine, within its competence, takes measures to organize the fight against 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.

According to the Law of Ukraine "On Combating Terrorism", the SSU is the main body in the national counterterrorism system.

The SSU fights against terrorism by conducting investigative and counter-intelligence measures aimed at preventing, detecting, and suppressing terrorist activity, including at the international level;

collects information on the activities of foreign and international terrorist organizations; uses technical searching measures in telecommunication systems and channels that can be used by terrorists, within the powers defined by the current law, exceptionally for the purpose of obtaining preventive information in response to a terrorist threat or during an anti-terrorist operation; conducting counterterrorist operations, coordination of counterterrorism task forces activity through the Anti-Terrorist Center (ATC) at the Security Service of Ukraine within its authority; conducts pre-trial investigations in cases related to terrorist activity; initiates assets seizure on an indefinite term that is connected with terrorist financing and is related to financial transactions suspended in accordance with the decision made on the basis of UN Security Council resolutions, seizure removal from such assets and providing access to them at the request of a person who can document the needs to cover basic and emergency expenses; ensures the protection of Ukrainian institutions abroad, their employees, and members of their families from terrorist threats in interaction with the intelligence services of Ukraine.

Government agencies responsible for the fight against terrorism include:

- Security Service of Ukraine;
- Ministry of Internal Affairs of Ukraine;
- National Police;
- Ministry of Defence Ukraine;
- State Emergency Service of Ukraine;
- State Border Guard Service of Ukraine;
- State Criminal Executive Service of Ukraine;
- Department of the State Protection of Ukraine;
- Economic Security Bureau of Ukraine.

If necessary, other entities of the fight against terrorism may be involved, who, within the scope of their competence, carry out measures to prevent, detect and stop terrorist acts and criminal offenses of a terrorist nature; develop and implement preventive, regulatory, organizational, educational and other measures; provide conditions for conducting anti-terrorist operations at objects under their management; provide relevant units during such operations with logistical and financial means, means of transport and communication, medical equipment and medicines, other means, as well as information necessary for the performance of tasks to combat terrorism.

The coordination of the activities of anti-terrorism entities to prevent terrorist acts against government officials, critical objects of life support for the population, objects of increased danger, acts that threaten the life and health of a significant number of people, and their termination, is carried out by a permanent body - Anti-Terrorist center at the Security

Service of Ukraine (hereinafter - ATC at the Security Service of Ukraine), established in accordance with the Decree of the President of Ukraine dated 11.12.1998 No. 1343.

The main tasks of the ATC at the Security Service of Ukraine :

- development of conceptual principles and programs for combating terrorism, recommendations aimed at increasing the effectiveness of measures to identify and eliminate the causes and conditions that contribute to the commission of terrorist acts and other criminal offenses committed for terrorist purposes;
- collecting in the established order, summarizing, analyzing and evaluating information on the state and trends of the spread of terrorism in Ukraine and abroad;
- organization and conduct of anti-terrorist operations and coordination of activities of entities fighting terrorism or involved in specific anti-terrorist operations;
- organization and conduct of command and staff and tactical special exercises and trainings;
- participation in the preparation of drafts of international treaties of Ukraine, preparation and submission in the established order of proposals for improving the legislation of Ukraine in the field of combating terrorism, financing the conduct of anti-terrorist operations by entities fighting terrorism, implementation of measures to prevent, detect and stop terrorist activities;
- interaction with special services, law enforcement agencies of foreign countries and international organizations on issues of combating terrorism.

In accordance with the Decree of the President of Ukraine "On Amendments to Certain Decrees of the President of Ukraine" dated 09.06.2022 No. 398, the ATC at the Security Service of Ukraine was assigned new tasks:

- assistance to the intelligence agencies of Ukraine in performing their tasks and functions provided for by the Law of Ukraine "On Intelligence";
- assistance to the operative units of the entities of the fight against terrorism in solving the tasks of operational and investigative activities;
- participation in countering sabotage in accordance with the established procedure.

These amendments are aimed at timely prevention, detection, disclosure and investigation of crimes

related to terrorist activities in compliance with the Laws of Ukraine "On Operative and Investigative Activity", "On Combating Terrorism", improvement of cooperation of the ATC at the Security Service of Ukraine with intelligence agencies and intelligence community, as well as participation in countering sabotage.

ATC at the Security Service of Ukraine consists of:

- The Interagency Coordination Commission is an advisory body whose main form of activity is meetings, but at least once a quarter, and in the event of a terrorist act or threat thereof - extraordinary or emergency meetings are convened.
- Headquarters – is the executive working body of the ATC at the Security Service of Ukraine, which carries out the current organizational work on the implementation of its tasks;
- Coordination groups and headquarters - are consultative and advisory bodies created at the regional bodies of the Security Service of Ukraine in accordance with the state administrative-territorial system, with the aim of increasing the capabilities of the ATC at the Security Service of Ukraine in terms of place and time in solving its tasks.

Military-civilian administrations can also be created and operate as part of the ATC at the Security Service of Ukraine - temporary state bodies appointed to ensure the operation of the Constitution and laws of Ukraine, ensure the safety and normalization of the life of the population, law and order, participation in countering acts of sabotage and terrorist acts, prevention of humanitarian catastrophe in the area of the anti-terrorist operation.

The Regulation on the Joint Center for the Coordination of the Search and Release of Prisoners of War, Persons Illegally Deprived of Liberty in the area of measures to ensure national security and defense, repulsion and deterrence of armed aggression of Russian Federation in Donetsk and Luhansk Regions, approved by a joint order of the Security Service of Ukraine, the Ministry of Defense of Ukraine and the Ministry of Internal Affairs of Ukraine dated 08.04.2019 No. 573/152/252, regulated the activities of the mentioned center, which has been operating at the Security Service of Ukraine since 2015.

In accordance with the assigned tasks, the Joint Center:

- coordinates measures carried out with the participation of entities of the fight against terrorism, as well as (with the consent of) public associations and individuals, regarding the

release of illegally detained persons in the area of measures to ensure national security and defense, repulsion and deterrence of armed aggression of Russian Federation in Donetsk and Luhansk regions;

- ensures the conduct of the negotiation process, including on international platforms, regarding the search and release of illegally detained persons who are captured and held by illegal armed formations in the temporarily occupied territories in Donetsk and Luhansk regions;
- examines applications, appeals, messages on issues within the competence of the Center;
- prepares proposals for the preparation of draft regulatory and legal acts and acts of organizational and administrative management on issues related to the activities of the Center.

In order to counter cyberterrorism, identify potential and real threats, protect state electronic information resources and critical information infrastructure, the National Cyber Security Coordination Center was established in Ukraine as part of the NSDC of Ukraine in March 2021. One of the main tasks of the Center is to analyze the state of cybersecurity, the results of the review of the national cybersecurity system, the state of readiness of cybersecurity entities to perform tasks to counter cyber threats, etc.

### **Control and supervision of the legality of the fight against terrorism**

Control of the legality of the fight against terrorism is carried out by the Verkhovna Rada of Ukraine in accordance with the procedure established by the Constitution of Ukraine .

Supervision of counterterrorism entities is carried out by the President of Ukraine and the Cabinet of Ministers of Ukraine in accordance with the procedure established by the Constitution and laws of Ukraine.

Supervision of compliance with the requirements of the legislation by the bodies involved in anti-terrorist measures is carried out by the Prosecutor General and authorized prosecutors in accordance with the procedure established by the laws of Ukraine.

In accordance with the Decree of the President of Ukraine dated 18.05.2007 No. 427, constant control over the observance of the constitutional rights of citizens and legislation in the field of operational investigative activities and activities in the field of protection of state secrets of bodies and units of the Security Service of Ukraine, as well as control over compliance of the Security Service of Ukraine regulations, orders, instructions and directives with the Constitution and laws of Ukraine are carried out

by the Commissioner of the President of Ukraine for Oversight of the Security Service of Ukraine.

## **INTERNATIONAL CO-OPERATION**

Under the international treaties concluded by Ukraine, it cooperates in the field of counter-terrorism with foreign states, their law enforcement agencies and special services, as well as with international organizations engaged in the fight against international terrorism.

In accordance with the Decree of the President of Ukraine dated 26.07.2001 No. 570 On the procedure for cooperation with international anti-terrorist organizations, the ATC at the Security Service of Ukraine is defined as a body that interacts with international anti-terrorist organizations.

The ATC at the Security Service of Ukraine, together with the Foreign Intelligence Service and the Ministry of Foreign Affairs of Ukraine (hereinafter referred to as the MFA of Ukraine), is tasked with coordinating the execution of Ukraine's obligations in the field of combating international terrorism by executive authorities.

For coordination of actions, the central executive authorities submit to the MFA of Ukraine draft agreements on international cooperation in the field of combating terrorism and information on international initiatives, and to the ATC at the Security Service of Ukraine - programs, plans of international cooperation, information on initiatives and proposals in the field of combating terrorism.

The MFA of Ukraine is tasked with informing the ATC at the Security Service of Ukraine in accordance with the established procedure on issues related to international terrorism.

## **Information exchange**

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

Ukraine provides information to a foreign state on problems connected with combating international terrorism on the basis of their request, in compliance with the requirements of Ukrainian legislation and its international legal obligations. Such information may be provided even without a prior request from a foreign state, if it does not hinder the pre-trial investigation or trial and if it can help the foreign state authorities in preventing terrorist acts.

In order to ensure a proper and timely response to terrorist threats, Ukraine takes measures to establish



an effective exchange of information with special services and law enforcement agencies of foreign countries.

### **Mutual assistance and extradition**

Guided by the interests of ensuring the security of the individual, society and the state, Ukraine prosecutes on its territory persons involved in terrorist activities, including in cases where terrorist acts or criminal offenses of terrorist orientation were planned or committed beyond Ukraine's borders, but cause damage to Ukraine, and in other cases provided for by international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.

Participation of foreigners or stateless persons who do not permanently reside in Ukraine in terrorist activities may be grounds for extradition of such persons to another state for criminal prosecution.

The extradition of mentioned persons, for the purpose of criminal prosecution and execution of coercive acts of a foreign state, is carried out in accordance with the legislation and obligations undertaken by Ukraine in connection with the ratification of the European Convention on Extradition (1957), the European Convention on the Suppression of Terrorism (1977) and other international treaties, ratified by the Verkhovna Rada of Ukraine, as well as on the basis of reciprocity.

Chapters 42–46 of the Criminal Procedure Code of Ukraine regulate the general principles, order and procedure for providing international legal assistance in criminal proceedings of Ukraine. In accordance with the provisions of international treaties of Ukraine, the Criminal Procedure Code of Ukraine, the following main forms of international cooperation can be distinguished in criminal proceedings:

- international legal assistance in conducting procedural actions (Chapter 43 of the Criminal Procedure Code of Ukraine);
- surrender of persons who have committed a criminal offense (extradition) (Chapter 44 of the Criminal Procedure Code of Ukraine);
- criminal proceedings in the order of transfer (Chapter 45 of the Criminal Procedure Code of Ukraine);
- recognition and execution of sentences of foreign courts and transfer of convicted persons (Chapter 46 of the Criminal Procedure Code of Ukraine).

The procedure for preparing and submitting a request by pre-trial investigation bodies and courts of Ukraine for surrender (extradition) of persons who have committed crimes on the territory of Ukraine,

peculiarities of detaining, provisional and extradition arrest of persons who have committed criminal offences out of borders of Ukraine and whose extradition is requested by foreign states, as well as grounds and the procedure for appealing the actions and decisions of the state authorities of Ukraine on surrender (extradition) of persons and the procedure for resolving such complaints is regulated by Chapter 44 of the Criminal Procedure Code of Ukraine.

The central bodies of Ukraine for the surrender (extradition) of persons, unless otherwise stipulated by international treaties of Ukraine, are:

- Prosecutor General's Office of Ukraine - during the pre-trial investigation;
- The Ministry of Justice of Ukraine - during court proceedings or the execution of a sentence.

On October 18, 2022, the Verkhovna Rada of Ukraine ratified the Convention on Extradition (1957). Accession to the Convention creates legal grounds for cooperation with the competent authorities of the member states on extradition for the purpose of prosecution or execution of a sentence of persons who, trying to evade responsibility for committed crimes, are hiding in the territory of one of them.

The Convention obliges the member states to extradite persons who may be in their territory and who are accused or convicted, as well as to initiate proceedings against a person in case of refusal of extradition on the grounds of citizenship.

Ukraine will not extradite its citizens to another state, and may also refuse to extradite a person if there are reasonable grounds to believe that extradition is contrary to Ukraine's national security interests.

### **Measures at international level**

International cooperation on the fight against terrorism is carried out in three main areas:

- general - under the auspices of the UN, at the level of accession to key doctrinal documents and international acts, that define the main directions of interaction and cooperation between countries in a certain area;
- regional - interaction at the international level through such associations as: the European Union, the Eastern Partnership, the Lublin Triangle, the League of Arab States, the Organization of American States, etc.;
- bilateral - at the level of treaties (agreements) between two or more states, aimed at settling issues related to information exchange, providing mutual assistance and maintaining cooperation of special services of the parties for the purpose of effective fight against terrorism.

Ukraine is a party to almost all basic international conventions and protocols regulating various aspects of counter-terrorism activities and adheres to all resolutions and decisions of the UN Security Council in this area. The practice of applying the provisions enshrined in the international legal acts ratified by Ukraine, in particular the UN Global Counter-Terrorism Strategy and its Action Plan, is reflected in the norms of the current national legislation. The Government of Ukraine has signed about 200 interstate and intergovernmental agreements and protocols in the field of counter-terrorism.

According to the Concept of Combating Terrorism in Ukraine, one of the areas of its implementation is the development of international cooperation, which includes:

- intensifying cooperation with international organizations engaged in the fight against terrorism to involve their assistance in order to improve the effectiveness of counter-terrorism efforts in Ukraine;
- continuing activity on Ukraine's accession to international counter-terrorism treaties concluded in the framework of the UN and other international organizations of which Ukraine is a member;
- coordination and improvement of interaction between the counter-terrorism entities and the law enforcement and special services of foreign states, counter-terrorism entities of the UN, OSCE, NATO, EU, other international organizations engaged in combating terrorism on the basis of international treaties;
- conclusion of international agreements on cooperation in the field of counter-terrorism between counter-terrorism entities and relevant agencies of foreign states;
- establishing permanent sharing of experience with the competent authorities of foreign states and international organizations involved in the fight against terrorism.

Ukraine has developed cooperation with law enforcement agencies and special services of many European countries, the USA, counter-terrorism entities of the UN, OSCE, NATO, EU and other international organizations engaged in combating terrorism.

To implement relevant resolutions of the UN Security Council and integrate the conventions into the national legislation, Ukraine cooperates with the UN Security Council Counter-Terrorism Committee (to which it submits annual reports on measures taken), as well as with the Terrorism Prevention Branch of the UN Office on Drugs and Crime (UNODC/TPB).

Representatives of Ukraine have been included in the Council of Europe Committee on Counter-Terrorism (CDCT), the Council of Europe Cybercrime Convention Committee, Ukrainian delegations participate in negotiations within the OSCE Forum for Security Cooperation, the Joint Consultative Group and the Open Skies Consultative Commission.

In 2018, an official representative of the National Police of Ukraine started working at the Europol Headquarters. The Ukrainian segment of the Europol secure communication channel operates on the basis of the Department of International Police Cooperation of the National Police of Ukraine; the channel enables the EU member states, third parties and the Europol to exchange information (including terrorism-related).

Ukraine carries out active law enforcement cooperation and operational interaction in the framework of the Organization for Democracy and Economic Development - GUAM (Georgia, Ukraine, Azerbaijan, Moldova). This activity is based on the Agreement on Cooperation between the Governments of the GUAM Participating States in the Field of Combating Terrorism, Organized Crime and Other Dangerous Types of Crimes of June 20, 2002, and the Protocol to the Agreement of December 04, 2008, as well as the Agreement on Establishment of the GUAM Virtual Law Enforcement Center for Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crimes (VLEC) and the GUAM Interstate Information Management System (IIMS) of July 04, 2003.

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 in the four sub-groups of the WGCTOC: on combating terrorism; corruption and money laundering; drug trafficking; human trafficking and illegal migration.

Ukraine cooperates with temporary special missions of international organizations in Ukraine: the OSCE Special Monitoring Mission (operated until March 31, 2022), the Red Cross Humanitarian Assistance Mission, the UN Human Rights Monitoring Mission, the international mission to investigate the causes of the Malaysian Airlines aircraft crash in the area of the Anti-Terrorist Operation in eastern Ukraine.

In order to support Ukraine in fulfilling its obligations as a member state of the Council of Europe, Action Plans - strategic program documents for a determined period of time - have been implemented since 2005. Within the Council of Europe Action Plan for Ukraine for 2008-2011 (chapter 'Rule of Law', section 'Fight against corruption, organized crime and terrorism'), from May 2006 to April 2009 a project aimed at combating money laundering and terrorism financing was implemented. Funding was provided under the

Joint Program of the Council of Europe and the European Commission 'Project against Money Laundering and Terrorism Financing in Ukraine - MOLI-UA-2'. Currently, the Council of Europe Action Plan for Ukraine for 2018-2022 is being implemented, which has undergone changes due to Russia's aggression.

The key instrument for implementing reforms in Ukraine with the NATO's support is the Annual National Program of NATO-Ukraine Cooperation (ANP). Ukraine's implementation of this program is an exceptional practice in NATO's relations with other countries. Central executive authorities, other state authorities and NGO's are involved in the ANP implementation. The NATO assesses progress and prepares recommendations that are taken into account when preparing the next year's ANP.

Ukraine adheres to a clear position on the need to take all measures to prevent and eradicate the phenomenon of growing cross-border flows of terrorist fighters and eliminate the related threats to the international community. The role of a coordinator of Ukraine's implementation of UN Security Council resolutions on non-proliferation of weapons of mass destruction and prevention of their use for terrorist purposes has been entrusted to the Ministry of Foreign Affairs of Ukraine in accordance with the President's Decree No 528 of December 02, 2020.

In this area, Ukraine joined the following global initiatives:

- The Global Initiative to Combat Nuclear Terrorism (GICNT) - an international initiative, launched in 2007 and aimed at building national and international capabilities to combat the global threat of nuclear terrorism. The Initiative plays a significant role in consolidating countries, international organizations, public and private sectors to counter the threats of nuclear terrorism.
- The Global Partnership against the Spread of Weapons and Materials of Mass Destruction - an initiative of the Group of Seven (G7), established in 2002 to develop bilateral and multilateral

cooperation in combating the proliferation of WMD and related materials. Ukraine participates in regular meetings of the Working Group of the States-Participants of the initiative.

Ukraine, in accordance with the international treaties ratified by the Verkhovna Rada of Ukraine, may participate in joint anti-terrorist activities by assisting a foreign state or interstate association in the redeployment of troops (forces), special anti-terrorist formations, transportation of weapons or by providing its forces and means in compliance with the requirements of the Laws of Ukraine "On the Procedure for Sending Units of the Armed Forces of Ukraine to Other States" and "On the Procedure for Admission and Conditions of Stay of Units of the Armed Forces of Other States on the Territory of Ukraine."

For practical international cooperation in the field of counter-terrorism, Ukraine organized and conducted international tactical and special exercises Strongboarder-2017 (Ukraine, Moldova) and Bukovina-2018 (Ukraine, Moldova, Romania), as well as practiced anti-terrorist components during annual multinational exercises held in Ukraine, such as Sea Breeze, Rapid Trident and Joint Efforts.

Ukraine cooperates on counter-terrorism with the following international organizations:

- United Nations (UN);
- North Atlantic Treaty Organization (NATO);
- European Union (EU);
- Council of Europe (CoE);
- EU Counter Terrorism Coordinator;
- International Criminal Police Organization (INTERPOL);
- European Union Agency for Law Enforcement Cooperation (EUROPOL);
- Organization for Security and Cooperation in Europe (OSCE);
- OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN);
- Global Coalition to Defeat Daesh/ISIS and others.

<b>Relevant Council of Europe conventions – Ukraine</b>	<b>Signed</b>	<b>Ratified</b>
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism [CETS No. 198]	16/05/2005	17/11/2010
Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]	16/05/2005	31/07/2006
Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 217]	22/10/2015	20/09/2022
Convention on Cybercrime [ETS No. 185]	23/11/2001	07/09/2005
Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems [ETS No. 189]	28/01/2003	21/07/2006
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime [ETS No. 141]	29/05/1997	17/12/1997
European Convention on the Compensation of Victims of Violent Crimes [ETS No. 116]	08/04/2005	
European Convention on the Suppression of Terrorism [ETS No. 90]	21/09/1977	17/01/2002
Protocol amending the European Convention on the Suppression of Terrorism [ETS No. 190]	15/05/2003	20/09/2006
European Convention on the Transfer of Proceedings in Criminal Matters [ETS No. 73]	22/09/1995	28/09/1995
European Convention on Mutual Assistance in Criminal Matters [ETS No. 30]	29/05/1997	16/01/1998
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 99]	29/05/1997	16/01/1998
Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 182]	08/11/2001	01/06/2011
European Convention on Extradition [ETS No. 24]	29/05/1997	16/01/1998
Additional Protocol to the European Convention on Extradition [ETS No. 86]	29/05/1997	16/01/1998
Second Additional Protocol to the European Convention on Extradition [ETS No. 98]	29/05/1997	16/01/1998
Third Additional Protocol to the European Convention on Extradition [CETS No. 209]	10/11/2010	07/06/2017
Fourth Additional Protocol to the European Convention on Extradition [CETS No. 212]	20/09/2012	07/06/2017
<b>Relevant United Nations conventions – Ukraine</b>	<b>Signed</b>	<b>Ratified</b>
Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)		
Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 1970)	16/12/1970	27/12/1971
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)	23/09/1971	26/01/1973
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1988)	24/02/1988	14/03/1989
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)	18/06/1974	26/12/1975
International Convention against the Taking of Hostages (New York, 1979)	08/05/1987	24/04/1987
Convention on the Physical Protection of Nuclear Material (Vienna, 1979)	05/08/1993	08/07/2005
Amendment to the Convention on the Physical Protection of Nuclear Material (Vienna, 2005)	08/07/2005	03/09/2008
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)	02/03/1989	17/12/1993
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (London, 2005)		
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)	02/03/1998	17/12/1993
2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (London, 2005)		
Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)	01/03/1991	03/12/1997
International Convention for the Suppression of Terrorist Bombings (New York, 1997)	15/12/1997	29/11/2001
International Convention for the Suppression of the Financing of Terrorism (New York, 1999)	08/06/2000	12/09/2002
International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005)	14/09/2005	15/03/2006
<b>Resolutions of the UN Security Council / UN General Assembly - Ukraine</b>	<b>Signed</b>	<b>Ratified</b>

Resolution of the UN General Assembly 49/60 of 9 December 1994 on adopting the Declaration on Measures to Eliminate International Terrorism	09/12/1944	09/12/1944
Resolution of the UN Security Council 1456 (2003) of 20 January 2003 on adopting Declaration on the Issue of Combating Terrorism	20/02/2003	20/02/2003
Resolution of the UN Security Council 2178 (2014) of 14 September 2014 on Countering the Threat of Foreign Terrorist Fighters	14/09/2014	14/09/2014
Resolution of the UN General Assembly A/RES/60/288 of 08 September 2006 on the UN Global Counter-Terrorism Strategy	08/09/2006	20/09/2006