

Cabinet of Ministers of Ukraine

DECREE ON THE IMPLEMENTATION OF UNITED NATIONS

SECURITY COUNCIL RESOLUTION 1373 (2001) OF

28 SEPTEMBER 2001

Kyiv, 26 December 2001

Following the adoption by the United Nations Security Council of resolution 1373 (2001) of 28 September 2001, the Cabinet of Ministers decrees that:

1. The Ministries, other central and local executive authorities and the Council of Ministers of the Autonomous Republic of Crimea shall:

- Implement the requirements of United Nations Security Council resolution 1373 (2001) of 28 September 2001 in such a way as to minimize the possible losses to Ukraine, and draw up, within the limits of their authority, a plan of appropriate steps to be taken;
- Provide information when required by the Ministry of Foreign Affairs on progress in implementing the above-mentioned resolution;

2. The Ministry of Foreign Affairs, the Ministry of Economic Affairs and European Integration, the Ministry of the Interior, the Ministry of Defence, the Ministry of Transport, the Ministry of Industrial Policy, the State Committee on the Protection of the State Border, the State Customs Service and the State company for the export and import of military and special products and services (Ukrspetseksport) shall, with the participation of the Security Service, ensure compliance with the requirements to prohibit the provision of any form of support, active or passive, to organizations or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the channels for the supply of weapons to terrorists;

3. The Ministry of Finance, the Ministry of the Interior, the State Tax Administration, with the participation of the Security Service and other central and local executive authorities, and the Council of Ministers of the Autonomous Republic of Crimea, in accordance with Ukrainian legislation and within the limits of their authority, shall take urgent steps to:

- Freeze funds and other financial assets (suspend bank account operations) or economic resources of persons who commit or attempt to commit terrorist acts or participate in or facilitate the commission of terrorist acts, and of organizations owned or controlled by such persons, and of persons and organizations acting on behalf of or at the direction of such persons and organizations, including funds and economic resources derived or generated from property owned or controlled by such persons and organizations linked to them;
- Prevent and suppress the provision, directly or indirectly, by natural and legal persons of any funds, financial assets or economic resources or financial or other related services for the benefit of persons

who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of organizations owned or controlled by such persons and of persons and organizations acting on behalf of or at the direction of such persons;

– Request the National Bank to inform banks of the requirements of United Nations Security Council resolution 1373 (2001) of 28 September 2001 with respect to financing.

4. The State Committee on the Protection of the State Border, the State Customs Service, the Ministry of the Interior and the Ministry of Transport, with the participation of the Security Service, shall take steps to prevent the movement of terrorists and terrorist groups and shall establish for that purpose effective border controls and controls on issuance of identity papers and travel documents and shall intensify efforts to prevent counterfeiting, forgery or fraudulent use of papers;

5. The State Committee on Nationalities and Migration of Ukraine, the Ministry of the Interior and the Ministry of Justice, with the participation of the Security Service, shall:

– Take steps to deny asylum or refugee status to persons who finance, plan, support or commit terrorist acts;

– Take measures, in conformity with legislation and the norms of international law, to ensure, before deciding to grant asylum or refugee status, that the asylum-seeker or person applying for refugee status has not planned, facilitated or participated in the commission of terrorist acts;

– Ensure, in conformity with the norms of international law and Ukrainian legislation, that asylum and refugee status are not abused by the perpetrators or organizers of terrorist acts or their accomplices, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition by interested States of persons suspected of involvement in terrorism.

6. The Ministry of Justice, the Ministry of the Interior and the Security Service shall provide legal assistance in instituting criminal proceedings relating to counter-terrorism;

7. The Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence, the Security Service and other central executive authorities shall implement international treaties on the prevention and suppression of terrorist acts to which Ukraine is party and shall take action against those guilty of committing such acts;

8. The Security Service, together with the Ministry of Defence, the Ministry of the Interior, the State Tax Administration, the State Committee on the Protection of the State Border and the State Customs Service shall draw up and approve, within one month, a procedure for providing and exchanging information regarding natural and legal persons suspected of terrorist activity; actions or movements of terrorists or terrorist networks; traffic in arms, explosives or dual-use materials; the use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

The State Committee on the Protection of the State Border, the Ministry of the Interior, the State Customs Service, the Ministry of Transport, the State Tax Administration and the Ministry of Defence of Ukraine shall immediately notify the

Security Service, other law enforcement agencies and the State Export Control Service of Ukraine if they discover that an importer of the above-mentioned goods and services may have links with international terrorist groups, for the purpose of verification and of taking appropriate measures to halt actual exports;

9. The Security Service, the State Customs Service, the State Committee on the Protection of the State Border, the State Export Control Service, the State company for the export and import of military and special products and services (Ukrspetseksport), the Ministry of Industrial Policy, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior, the Ministry of Economic Affairs and European Integration and the Ministry of Transport of Ukraine shall take additional steps to strengthen control of international transfers of military and dual-use goods which could be used to commit terrorist acts;

The State Export Control Service, when considering applications for the export, import or transit through Ukrainian territory of military or dual-use goods, shall, if necessary with the participation of the Security Service and the Ministry of Foreign Affairs, check whether the parties to contracts for such international transfers are involved with terrorist groups;

10. The Ministry of Industrial Policy, the Ministry of Defence, the Ministry of the Interior, the Security Service, the Ministry of Health, the National Academy of Science, the Academy of Medical Science, the State Committee for Nuclear Regulation, the Ministry of Fuel and Energy and the Ministry of Agricultural Policy shall take steps to increase the level of protection of vulnerable facilities under the physical protection system and to complete an inventory of articles, materials, equipment and technology which could be used to produce weapons of mass destruction and also conventional weapons and means of delivery, so as to prevent terrorist groups from gaining access to them;

11. The Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice and the Security Service, within the limits of their authority, shall:

- Monitor the counter-terrorism measures which Ukraine is implementing in association with international organizations;

- Take steps to ensure the accession of Ukraine to international treaties against the financing of terrorism, the European Convention on the Compensation of the Victims of Violent Crimes and the draft convention on cybercrime and to implement United Nations Security Council resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001 on increasing cooperation in order to prevent and suppress terrorist acts;

– Expedite the preparation of the draft acts of Ukraine “on counterterrorism”, “on revisions to certain legislative acts of Ukraine on strengthening the fight against terrorism” and of the national counterterrorism programme.

Prime Minister of Ukraine A. Kinakh