

LAW OF TURKMENISTAN

On the fight against terrorism

This Law determines legal and organizational framework of the fight against terrorism in Turkmenistan, the order of activities and interaction of state agencies, organizations regardless of their form of ownership, and public unions in the fight against terrorism as well as guarantees to citizens in connection with the fight against terrorism.

Chapter 1. GENERAL PROVISIONS

Article 1. General terms, used in this Law

The terms contained herein have the following definition:

- 1) “terrorism” – policy and tactics of actions with the purpose to take over the power and to forcefully alter constitutional structure of society, violate public safety, intimidate population, create environment of chaos or impact decision-making process carried out by the authorities for the purpose of making decisions in favor of terrorists or to satisfy their unlawful proprietary and/or other interests;
- 2) “terrorist activity” – activity representing:
 - distribution or propaganda of ideology of terrorism;
 - organization, planning, preparation and implementation of the acts of terrorism;
 - instigation of the act of terrorism, violence towards persons or organizations, destruction of material objects for terrorist goals;
 - organization of an unlawful armed unit, criminal association (criminal organization), organized group for the purpose of implementation of an act of terrorism as well as participation in such act;
 - hiring, arming, training and using terrorists;
 - knowingly financing a terrorist organization, terrorist group or an individual terrorist or any other assistance provided to them;
- 3) “international terrorist activity” – terrorist activity implemented:
 - by a terrorist, a group of terrorists or a terrorist organization on the territory of more than one country or causing damage to the interests of more than one country;
 - by citizens of one country against the citizens of another country or on the territory of another country;
 - in case when both a terrorist and a terrorism victim are the citizens of the same country or different countries provided that the crime was committed outside such country or countries;
- 4) “the act of terrorism” – is the actual perpetration of a crime of the terrorist nature in the form of an explosion, arson, application of explosive devices, radioactive, chemical, biological, bacterial, explosive, toxic agents, potent, poisonous substances; destruction, damage to or seizure of vehicles, material and other objects; infringement on the life of the President of Turkmenistan, or some other state or public official, a representative of a national, ethnic, religious or some other group of population, representatives of foreign countries and the staff of international organizations entitled to international legal protection or diplomatic immunity as well as on premises or vehicles of such

persons; taking hostage, kidnapping; creation of hazardous conditions for life, health or property for an indefinite number of persons by causing anthropogenic accidents or by threatening to create such peril or by distribution of threats in any form and by any means; as well as some other actions creating hazardous conditions for life and health of people, damage to property or some socially hazardous consequences;

5) crimes of the terrorist nature – are crimes provided for by articles 130, 170, part one of article 176, articles 271 - 273 of the Criminal Code of Turkmenistan. Other crimes provided for by the Criminal Code of Turkmenistan, if they have been committed for the purpose of terrorism can be referred to as crimes of the terrorist nature;

6) “terrorist” is a person participating in the implementation of the terrorist activity in any form;

7) “the terrorist group” is a group of persons who have gathered together for the purpose of implementation of terrorist activity;

8) “the terrorist organization” is the organization created for the purpose of implementation of the terrorist activity or recognizing a possibility of utilization of terrorism in its activities. The organization is considered to be a terrorist organization if at least one of its structural subdivisions or a certain member of this organization implements the terrorist activity with the consent of at least one of the governing bodies of such organization;

9) “fight against terrorism” is the activity preventing, detecting, eliminating the terrorist activity and minimizing its consequences;

10) “the anti-terrorist operation” is the special measures directed at suppression of a act of terrorism, providing security to persons, neutralization of terrorists and minimization of consequences of the acts of terrorism;

11) “the zone of anti-terrorist operation” is a certain area of land or water, a vehicle, a building, an establishment, installations or other areas within which such operation is being executed;

12) “hostage” – a person, captured and (or) held or for the purpose of forcing a country, an organization or a group of persons to commit some action or refrain from committing any action as a condition to set a detained person free.

Article 2. Legal framework of the fight against terrorism

The legal framework of the fight against terrorism is the Constitution of Turkmenistan, the resolutions of the Halk Maslahaty of Turkmenistan, the Criminal Code of Turkmenistan, this Law, as well as other laws of Turkmenistan, Decrees and Resolutions of the President of Turkmenistan, generally recognized principles of international law, international treaties of Turkmenistan and legal acts of appropriate government agencies passed in accordance with them.

Article 3. Goals of the fight against terrorism

In Turkmenistan the fight against terrorism is carried out for the purpose of:

- 1) protection of individuals, society and the state against terrorism;
- 2) prevention, detection, suppression of terrorist activities and minimization of its consequences;
- 3) detection and elimination of causes and conditions, facilitating implementation of terrorist activities.

Article 4. Main principles of the fight against terrorism

The fight against terrorism in Turkmenistan is based on the following principles:

- 1) legality;
- 2) prevalence of measures to prevent terrorism;
- 3) inevitability of punishment for terrorist activities;
- 4) combination of public and secret methods in the fight against terrorism;
- 5) complex use of preventive, legal, political, social, economic and propagandistic measures;
- 6) priority of protection of the rights of citizens, subjected to danger as a result of the act of terrorism;
- 7) undivided authority in control over the forces and resources during used for implementation of anti-terrorist operations;
- 8) nondisclosure of technical methods and tactics of anti-terrorist operations as well as the list of participants of such operations.

Article 5. International cooperation of Turkmenistan in the area of fight against terrorism

1. In accordance with the international treaties Turkmenistan shall cooperate in the sphere of fight against terrorism with foreign countries, their juridical authorities and special services as well as with international organizations, implementing the fight against terrorism; shall provide assistance to other states in connection with criminal investigation or prosecution of persons financing or supporting terrorist activities, including cooperation in transferring evidence necessary for such prosecution.

2. Turkmenistan for the sake of providing security for the individual, the society and the state shall prosecute persons involved in the terrorist activity, including cases of planning or implementing terrorist acts outside Turkmenistan, which cause damage to Turkmenistan and other cases provided for by the international treaties of Turkmenistan.

Turkmenistan in accordance with its national legislation and the standards of the international Law shall prevent, eliminate financing of terrorist activities, immediately block funds and other assets, deposits, economic resources, stocks of materials and capital funds of persons, who commit or try to commit terrorist acts or assist in their implementation; of organizations related directly or indirectly to these persons or function under their control, as well as the persons or organizations acting on behalf and by instructions of such persons and organizations, including receiving or obtaining funds using property, directly or indirectly belonging to such persons and persons and organizations connected with them.

Chapter 2. ORGANIZATION OF THE FIGHT AGAINST TERRORISM

Article 6. Government agencies implementing the fight against terrorism.

1. General control over the fight against terrorism and provision of necessary forces, means and resources shall be implemented by the President of Turkmenistan and the Cabinet of Ministers of Turkmenistan.

2. The government agencies implementing the fight against terrorism within terms of their reference shall be:

- The Ministry of National Security of Turkmenistan;
- The Ministry of Interior;
- The Security service of the President of Turkmenistan;
- The Ministry of Defense of Turkmenistan;
- The State Service of Turkmenistan for Registration of Foreign Citizens;
- The State Customs of Turkmenistan;
- The General Office of Prosecution.

3. Other government agencies shall also participate in prevention, detection and elimination of terrorism within their terms of reference.

4. Coordination of activities and provision of interaction between government agencies which implement the fight against terrorism shall be carried out by the State Committee on the Fight against Terrorism, established by the President of Turkmenistan.

Article 7. Principal tasks of the State Committee on the Fight against Terrorism

The State Committee on the Fight against Terrorism shall work on the following principal tasks:

- on the instructions of the President of Turkmenistan it shall develop the basis of the state policy in the area of the fight against terrorism in Turkmenistan as well as recommendations directed at strengthening of effectiveness of work on detection and elimination of causes and conditions facilitating emergence of terrorism and implementation of terrorist activities;
- it shall carry out collection and analysis of information on condition and tendencies of suspected terrorist activities in Turkmenistan;
- it shall coordinate activities and facilitate interaction of government agencies implementing the fight against terrorism as well as public unions for the purpose of coordination of activities on prevention, detection and suppression of terrorist acts and detection and suppression of causes and conditions facilitating preparation and implementation of terrorist acts;
- it shall determine the list of critical government installations, structures and communications subject to protection;
- it shall take part in drafting international treaties of Turkmenistan in the area of the fight against terrorism;
- it shall provide training and education of specialists, conducting scientific research on the fight against terrorism studying and using international experience;
- it shall develop proposals on improvement of legislation of Turkmenistan in the area of the fight against terrorism.

Article 8. Terms of reference of government agencies directly involved in the fight against terrorism

1. In their activities government agencies directly involved in the fight against terrorism shall be governed by the Constitution of Turkmenistan, resolutions of Halk Maslahaty of Turkmenistan, this Law and other laws of Turkmenistan, resolutions of the President of Turkmenistan and international treaties of Turkmenistan.

2. The Ministry of National Security of Turkmenistan shall carry out the fight against terrorism using:

- prevention, detection and suppression of crimes of terrorist nature, including crimes pursuing political goals, as well as prevention, detection and suppression of international terrorist activities in accordance with procedural criminal law and it shall conduct preliminary investigation of such criminal cases;
- protection of institutions of Turkmenistan located outside Turkmenistan, personnel of such institutions and members of their families;
- collection of information on activities of foreign and international terrorist organizations;

3. Ministry of Interior of Turkmenistan within its terms of reference shall be involved in the fight against terrorism via prevention, detection and suppression of criminal acts of terrorist nature.

4. Security service of the President of Turkmenistan shall carry out the fight against terrorism by providing security to the President of Turkmenistan, members of his family and by protecting installations assigned to the service.

5. Ministry of defense of Turkmenistan shall protect and keep safe military equipment, weapons systems, ammunition and explosives, protect military installations and also participate in providing safe navigation to the sea fleet of Turkmenistan, securing Turkmenistan airspace and participate in anti-terrorist operations.

6. The state service of Turkmenistan on Registration of Foreign Citizens shall be involved in the fight against terrorism by providing within its terms of reference control over entry, exit and stay of foreign citizens in Turkmenistan, in association with other law enforcement agencies of Turkmenistan it shall carry out appropriate measures provided for in the legislation of Turkmenistan on prevention, uncovering and suppression of suspected crimes in case of identification of suspected threat of terrorist nature.

7. The State Border Service of Turkmenistan shall be involved in the fight against terrorism via prevention, detection and suppression of attempts to cross the State Border of Turkmenistan by terrorists and via preventing illegal shipments of weapons systems, explosives, toxic agents, radioactive and other substances which can be used for the purpose of perpetrating a crime of terrorist nature through the State Border of Turkmenistan, it shall also participate in securing national sea navigation within the territory of territorial waters, economic zone of Turkmenistan and in carrying out anti-terrorist operations.

8. The State Customs Service of Turkmenistan within its terms of reference shall be involved in the fight against terrorism by suppressing attempts of illegal shipments of weapons systems, ammunition, explosives, toxic agents, radioactive substances and materials, publications and other materials containing calls to overthrowing of the existing constitutional structure, or conducting other actions undermining public safety,

directed at physical elimination of state figures, as well as instigation of malicious disobedience to the law and public morale.

9. Office of public prosecutor general of Turkmenistan and its subordinate agencies, by carrying out in accordance within its terms of reference of supervision over accurate and unified observance of normative legal acts of Turkmenistan, shall facilitate suppression of violations of legislation, causes and conditions which can cause emergence of terrorism, and carries out investigations on criminal cases of terrorist nature.

10. Government agencies listed in this article within their terms of reference shall develop and implement preventive, scheduled, organizational and other measures of prevention, detection and elimination of terrorist activities, and shall create and maintain ready for action institutional systems of counteraction to terrorist acts.

Article 9. Terms of reference of other government agencies in the fight against terrorism

1. Ministries and agencies not listed in the Article 8 of this Law, bodies of local executive power and local government shall participate in the fight against terrorism within their terms of reference by development and implementation of preventive, scheduled, organizational, educational and other measures of prevention and elimination of terrorist acts, creation and maintenance of readiness at the appropriate level of institutional systems for preventive measures of counteraction against criminal acts of terrorist nature, as well as by provision of financial funds, information, transportation and communications, logistics and medical equipment, supplies and services.

2. The order of provision by government agencies listed in the first part of this Article of logistics and financial funds, information, means of transportation and communications, medical equipment and medical supplies shall be established by the Cabinet of Ministers of Turkmenistan.

Article 10. Assistance to government agencies directly involved in the fight against terrorism

1. Government agencies as well as organizations regardless of their form of ownership, public unions and officials of Turkmenistan must provide support and necessary assistance to the government agencies directly involved in the fight against terrorism.

2. Citizens must without delay notify government agencies directly involved in the fight against terrorism of any information about terrorist activities which they have gained knowledge of. Concealment of such information shall entail liability established by the legislation of Turkmenistan.

11. The role of public unions and mass media in the fight against terrorism

1. Public unions must provide adequate assistance to the government agencies involved in the fight against terrorism in detection of causes and conditions facilitating implementation of terrorist activities, as well as in prevention and suppression of terrorism.

2. Mass media in association with concerned ministries, institutions and public unions shall carry out universal and purposeful work directed at further education of the

citizens of Turkmenistan in the spirit of high spiritual and moral standards, formation of the sense of national pride among the young generation, of being faithful to their people's traditions and to their people, constant readiness to sacrifice their life for the beloved Fatherland, for its security and inviolability.

3. The organizations listed in the first part of this Article shall provide for appropriate events directed at formation of strong intolerance to various anti-constitutional manifestations in their line of work, which may serve as a source for emergence of terrorist activities.

Chapter 3. PERFORMANCE OF ANTI-TERRORIST OPERATIONS

Article 12. Control over anti-terrorist operation

1. For direct control over anti-terrorist operations according to the President of Turkmenistan an operational staff shall be established which shall be led by the representative of the Ministry of National Security of Turkmenistan or the Ministry of Interior of Turkmenistan depending on whose terms of reference is in prevalence in the anti-terrorist operation.

2. The order of operation of the operative staff shall be determined by the Resolution approved by the President of Turkmenistan.

3. Depending on the scale and degree of public threat as well as expected negative consequences of the terrorist act the President of Turkmenistan can appoint a representative of the State Committee on the Fight against Terrorism or another official to act as a chief of operative staff.

4. All military personnel, employees and specialists involved in an anti-terrorist operation since the commencement of the above mentioned operation shall report to the chief of operational staff on control over anti-terrorist operation.

5. The chief of operative staff on control over anti-terrorist operation shall determine the borders of the zone of anti-terrorist operation and make the decision on the use of forces and resources, including special means used in such operation. Interference of any other person regardless of his rank with an anti-terrorist operation is prohibited.

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Article 13. Forces and means for anti-terrorist operation

In order to carry out an anti-terrorist operation the staff in charge of the anti-terrorist operation shall have the right to involve necessary forces and means of the government agencies directly involved in the fight against terrorism. The bodies of executive power shall allocate means of transportation, financial funds, means of communication and other material and technical means necessary for carrying out of the anti-terrorist operation.

Article 14. Legal regime in the zone of anti-terrorist operation

1. Persons carrying out an anti-terrorist operation within the zone of anti-terrorist operation shall have the right:

1) to take necessary measures for timely restriction and suspension of traffic of vehicles and pedestrians in the streets and roads, for sealing off of certain areas or objects from vehicles including vehicles of consular representatives, consular services and citizens, as well as for removal of citizens from certain areas and objects and towing of vehicles;

2) to check identity cards of citizens and officials and in case if they do not have them on their person to detain them until identification;

3) to detain and pass to the authorities of interior persons who have committed or are committing a crime or some other act directed at interfering with lawful demands of persons executing anti-terrorist operation, as well as perpetrating other actions connected with unauthorized penetration or an attempt to penetrate the zone of the anti-terrorist operation;

4) to enter houses or other premises belonging to citizens unhindered as well as steadings, summer cottages, garden plots, territory and premises of enterprises regardless of form of ownership, to enter vehicles while suppressing acts of terrorism, prosecuting the persons suspected of committing the act of terrorism, provided that a delay can pose a real threat to people's life and health;

5) to conduct personal search of citizens, inspection of their belongings, vehicles and items transported on them, including using specialized hardware;

6) to use communications equipment for the service purposes, including special equipment and vehicles, belonging to citizens and organizations, regardless of form of ownership (with the exception of diplomatic, consular and other representatives of foreign states and international organizations), for the purpose of suppression of the act of terrorism, for prosecution and detention of persons, who have committed the act of terrorism or for delivery of persons, who require urgent medical aid, to hospitals or as transportation to the location of the incident;

7) to use weapons and special means against terrorists without warning and restrictions provided for by the Law of Turkmenistan in case of threat to life and health of hostages, other persons or officers, members and specialists of special purpose units.

2. Presence of the representatives of mass media at the zone of the anti-terrorist operation shall be allowed by authority of the leader of the operational staff who is authorized to regulate their activity in the this zone.

Article 15. Negotiations with terrorists

1. During the performance of the anti-terrorist operation for the purpose of protecting people's life and health, stocks of materials and capital equipment as well as for exploration of a possibility of suppression of an act of terrorism without the use of force it shall be permitted to negotiate with terrorists. Only personnel dully authorized by the chief of operative staff in charge of the anti-terrorist operation shall be allowed to conduct negotiations with terrorists.

2. While conducting negotiations with terrorists issues of handing over to them of persons, weapons and other means or articles which if used may create a threat to people's life or health as well as the issues of satisfaction of political demands of the terrorists shall not be considered.

3. The fact of conducting of negotiations with terrorists may not be considered as a basis or condition for their release or for their exemption from liability.

Article 16. Notification of public about an act of terrorism

1. When conducting an anti-terrorist operation notification of public about an act of terrorism shall be carried out in a form and volume defined by the chief of operative staff in charge of the anti-terrorist operation or a representative of this staff in charge of public relations.

2. Disclosure of the following information is prohibited:

1) information gained by video-recording or direct radio or television broadcasts from the zone of an anti-terrorist operation;

2) information revealing special technical methods and tactics of the anti-terrorist operation;

3) information capable of hindering performance of the anti-terrorist operation and posing a threat to the life and health of the people, who found themselves in the zone of anti-terrorist operation or outside the zone;

4) information facilitating propaganda or justifying the terrorism and extremism;

5) information containing the data on the members of special units, officers of the operational staff in charge of anti-terrorist operation during its implementation and on persons assisting the implementation of the anti-terrorist operation.

3. The persons, distributing the information, indicated in the second part of the present article, are to be brought to account in accordance with the legislation of Turkmenistan in force.

Article 17. Completion of the anti-terrorist operation

1. The anti-terrorist operation shall be considered completed when the act of terrorism is suppressed (terminated) and the threat to life and health of people located in the zone of the anti-terrorist operation is eliminated.

2. The decision on declaring the completion of anti-terrorist operation shall be made by the leader of the operational staff in charge of the anti-terrorist operation.

Chapter 4. COMPENSATION OF DAMAGE AND SOCIAL REHABILITATION OF PERSONS WHO HAVE SUFFERED FROM THE ACT OF TERRORISM

Article 18. Compensation of the damage caused by the act of terrorism

Compensation of damage caused by the act of terrorism shall be done using the funds of the State budget of Turkmenistan with the subsequent recovery of the sum of such compensation from the tortfeasor in the order, established by the Law of Turkmenistan.

Article 19. Social rehabilitation of persons, who have suffered from the act of terrorism

Social rehabilitation of persons, who have suffered from the act of terrorism includes legal assistance, psychological and medical aid in the order established by the Cabinet of Ministers.

Chapter 5. LEGAL AND SOCIAL PROTECTION OF PERSONS WHO PARTICIPATED IN THE FIGHT AGAINST TERRORISM

Article 20. Persons who participate in the fight against terrorism and are subject to legal and social protection

1. Persons who have participated in the fight against terrorism shall be protected by the state. The following persons shall be subject to social and legal protection:

- 1) servicemen, employees and specialists of government agencies directly involved (or who was directly involved) in the fight against terrorism;
- 2) persons who assist government agencies permanently or temporarily, who fight crime, prevent, detect and suppress terrorist activity and minimize its consequences.
- 3) family members of persons listed in paragraphs 1 and 2 of the first part of this Article if the need for their protection emerges from their participation in the fight against terrorism.

2. Social protection of persons who were involved in the fight against terrorism shall be carried out with consideration of the legal status of such persons, established by laws and other normative legal acts in accordance with the order determined by the Cabinet of Ministers of Turkmenistan.

Article 21. Compensation of damage for persons participating in the fight against terrorism

1. The damage caused to the health or property of the persons listed in Article 20 of this Law in connection with their participation in the fight against terrorism, shall be compensated in the order established by the legislation of Turkmenistan.

2. In case of death of the person who has participated in the fight against terrorism, the family members of the perished shall be granted a lump sum allowance at the expense of the State budget at the rate established by the legislation of Turkmenistan, and his dependants shall be granted an allowance due to the loss of the bread-winner, the privileges connected with receiving a flat, payment for housing services are to be reserved if the perished had them before his death.

3. In case if the person who participated in the fight against terrorism was mutilated in the course of anti-terrorist operation receiving a disability, he shall be paid a lump sum allowance at the rate established by the legislation of Turkmenistan at the expense of the

State budget, and he shall be granted a disability allowance in accordance with the legislation of Turkmenistan.

4. In case if the person who participated in the fight against terrorism was injured in the course of anti-terrorist operation and received disability, he shall be paid a lump sum allowance at the rate established by the legislation of Turkmenistan.

5. For the military personnel, the staff and specialists who have served or serve in the special units directly involved (or who was directly involved) in the fight against terrorism:

1) while assigning the pension for long service each day of the service shall be calculated as one and a half days, and the period of time when the person participated in the anti-terrorist operation – one day shall be calculated as three days;

2) for hazardous work conditions of service during the service in special units personnel shall be paid a thirty percent salary increase.

Article 22. Exemption from liability for damage

During the performance of the anti-terrorist operation on the basis and within the limits established by this Law, forced damage to life, health and property of terrorists is permitted as well as damage to their other protected interests. Servicemen, specialists and other personnel participating in the fight against terrorism shall be relieved from the damage caused in the course of the anti-terrorist operation.

Chapter 6. LIABILITY FOR PARTICIPATION IN TERRORIST ACTIVITIES

Article 23. Liability of persons for participation in terrorist activities

Persons participating in terrorist activities shall be held accountable in accordance with the Criminal Code of Turkmenistan.

Article 24. Liability of an organization for terrorist activities

1. An organization which has carried out terrorist activities shall be recognized as a terrorist organization and shall be subject to liquidation on the basis of a court order (kazyet order). At the time of liquidation of organization recognized to be a terrorist organization its property shall be confiscated and sold in the order established by law, while the proceeds shall be transferred to the centralized budget of Turkmenistan.

2. In case if an international organization (its departments, branches, representative offices) registered outside Turkmenistan was recognized as a terrorist organization by a court order (kazyet order), the activities of such organization (its departments, branches, representative offices) in Turkmenistan shall be prohibited and shall be liquidated, and their property as well as the property of such international organization shall be confiscated and sold in the order established by the Law, while the proceeds shall be transferred to the centralized budget of Turkmenistan.

3. An application regarding bringing to account of such organization for participating in the terrorist activity has to be submitted to the court (kazyet) by the Prosecutor General of Turkmenistan or by the prosecutors subordinate to him.

Chapter 7. FINAL PROVISIONS

Article 25. Control over implementation of the fight against terrorism

Control over implementation of the fight against terrorism in Turkmenistan shall be executed by President of Turkmenistan and the Cabinet of Ministers of Turkmenistan.

Article 26. Supervision on the legality of implementation of the fight against terrorism

Supervision on the legality of implementation of the fight against terrorism shall be executed by the Prosecutor General of Turkmenistan and prosecutors subordinate to him.

Article 27. Liability for violation of the legislation on the fight against terrorism

Violation of the legislation on the fight against terrorism shall result in liability in accordance with the legislation of Turkmenistan.

PRESIDENT OF TURKMENISTAN
Chairman of Halk Maslakhaty of Turkmenistan
Saparmurat TURKMENBASHI

The city of Turkmenbashi,
Alp Arslan (August) 15, 2003