



КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
БИРИККЕН УЛУТТАР
УЮМУНДАГЫ
ТУРУКТУУ ӨКҮЛЧҮЛҮГҮ

ПОСТОЯННОЕ
ПРЕДСТАВИТЕЛЬСТВО
КЫРГЫЗСКОЙ РЕСПУБЛИКИ ПРИ
ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ
НАЦИЙ

PERMANENT MISSION OF THE
KYRGYZ REPUBLIC TO THE UNITED
NATIONS

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The Permanent Mission of the Kyrgyz Republic to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and with the reference to its Note Verbale dated 8 January 2019 (Ref. No. LA/COD/11/1) has the honour to forward herewith the information on measures to eliminate international terrorism.

The Permanent Mission of the Kyrgyz Republic to the United Nations avails itself of this opportunity to the Office of legal Affairs of the United Nations the assurances of its highest consideration.

New York, June 4, 2019

Office of Legal Affairs
United Nations
New York



INFORMATION

of the Kyrgyz Republic on measures to eliminate international terrorism

The Kyrgyz Republic continues to implement multilateral, regional and bilateral agreements to counter terrorism, including through the use of membership in regional and international organizations such as the UN, CSTO, CIS, SCO, OSCE, etc.

At the same time, the main regulatory documents are:

- UN Charter, resolutions of the UN Security Council and the UN General Assembly;

- UN Global Counter-Terrorism Strategy.

The Kyrgyz Republic has joined to the following international agreements:

1. Convention on Offenses and Certain Other Acts Committed on Board Aircraft, signed in Tokyo on September 14, 1963 (The Law of the Kyrgyz Republic of July 21, 1999 No. 88);

2. 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, adopted in Montreal on September 23, 1971 (The Law of the Kyrgyz Republic dated July 21, 1999 No. 88);

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on September 23, 1971 (The Law of the Kyrgyz Republic dated July 21, 1999 No. 88);

4. Convention for the Suppression of Unlawful Seizure of Aircraft, signed in the city of The Hague on December 16, 1970 (The Law of the Kyrgyz Republic dated July 21, 1999 No. 88);

5. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed in Montreal on March 1, 1991 (The Law of the Kyrgyz Republic dated January 15, 2000 No. 18);

6. Protocol concerning the amendments to the Convention on International Civil Aviation, signed in Montreal on September 30, 1977 and accession to the International Convention on the Suppression of Terrorist Bombings, open for signature on 12 January 1998 (The Law of the Kyrgyz Republic dated January 16, 2001 No. 10);

7. International Convention for the Suppression of the Financing of Terrorism, adopted by resolution 54/109 of the UN General Assembly in New York on December 9, 1999 (The Law of the Kyrgyz Republic dated April 15, 2003 No. 79);

8. International Convention against the Taking of Hostages, adopted at the 105th plenary meeting of the UN General Assembly in New York on December 17, 1979 (The Law of the Kyrgyz Republic dated April 15, 2003 No. 78);

9. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted at the 2202nd plenary meeting of the UN General Assembly in New York on December 14, 1973 (The Law of the Kyrgyz Republic dated April 15, 2003 No. 77);

10. International Convention for the Suppression of Acts of Nuclear Terrorism, open for signature on September 14, 2005 (The Law of the Kyrgyz Republic dated April 28, 2007 No. 59);

11. Convention on the Physical Protection of Nuclear Material, signed in Vienna and New York March 3, 1980 (The Law of the Kyrgyz Republic dated July 14, 2015 No. 155);

12. Amendment to the Convention on the Physical Protection of Nuclear Material of October 26, 1979 (The Law of the Kyrgyz Republic dated July 9, 2016 No. 110)ж

13. Agreement on cooperation of the CIS member states in the fight against terrorism of 1999;

14. Charter of the Shanghai Cooperation Organization (SCO), signed on June 7, 2002 in St. Petersburg (The Law of the Kyrgyz Republic of July 15, 2003 No. 133);

15. The Shanghai Convention on the Suppression of Terrorism, Separatism and Extremism of June 15, 2001 (The Law of the Kyrgyz Republic of April 10, 2002 No. 50);

16. The SCO Convention on Terrorism of June 16, 2009 (The Law of the Kyrgyz Republic of July 11, 2011 No. 90);

17. The SCO Convention on Countering Extremism of June 9, 2017 (The Law of the Kyrgyz Republic of December 5, 2018 No. 97).

Currently, the Kyrgyz Republic has not acceded to the Protocol supplementing the Convention for the Suppression of Unlawful Seizure of Aircraft, signed in Beijing on September 10, 2010, as well as to the Convention for the Suppression of Unlawful Acts concerning International Civil Aviation, adopted in Beijing September 10, 2010. It should be noted that at the moment the competent authorities of the Kyrgyz Republic are actively working to ratify the above-mentioned international agreements.

In implementation of the above-mentioned international documents, as well as within the framework of the ongoing judicial and legal reform, on January 1, 2019, a number of codes came into force in the territory of the Kyrgyz Republic, including the Criminal Code of the Kyrgyz Republic. Chapter 35 of the Criminal Code of the Kyrgyz Republic included articles related to crimes against public safety, such as:

1. Article 239 - Act of terrorism;
2. Article 240 - Financing of terrorism;
3. Article 241 - Facilitating terrorist activities;
4. Article 242 - Public calls for terrorist activities;
5. Article 243 - Participation of a citizen of the Kyrgyz Republic in armed conflicts or military actions on the territory of a foreign state or undergoing terrorist training;
6. Article 244 - Hostage taking;
7. Article 245 - Capture of buildings and structures;
8. Article 246 - knowingly a false report on an act of terrorism;
9. Article 247 - Forcing a person to engage in criminal activity;
10. Article 248 - The creation of an organized group or participation in it;
11. Article 249 - Establishment or participation in a criminal organization;
12. Article 250 - The creation of an illegal armed formation or participation in it;
13. Article 251 - Theft or seizure of a ship.

In accordance with paragraph 1 of Article 240 of the Criminal Code, the concept of financing terrorist activities was criminalized. At the same time, the financing of terrorist activities means the illegal provision of funds, the provision of financial services or the collection of funds by any means or methods, directly or indirectly, with the intention or the knowledge that the funds are intended or will be used in whole or in part to finance the terrorist and/or terrorist organization or to finance, prepare or commit terrorist activities on the territory of the Kyrgyz Republic.

As a result of counter-terrorism activities, the State Committee for National Security of the Kyrgyz Republic, initiated 82 criminal cases in 2018, including:

- under Article 375 “mercenary” - 32;
- under Article 226- (1) “financing of terrorist activities” -3;
- under Article 226- (2) “involvement in the commission of crimes of a terrorist or extremist nature or other assistance in their commission -3;
- under Article 226- (3) “Public appeals for terrorist activities or public justification of terrorism - 2;
- under Article 226- (4) “participation of a citizen of the Kyrgyz Republic in armed conflicts or military actions on the territory of a foreign state or undergoing terrorist and extremist training” -41;
- under Article 226- (6) “Public approval of terrorist or extremist activities”.

Currently, the State Committee for National Security of the Kyrgyz Republic is developing the following drafts of regulatory legal acts with regard to the fight against terrorism:

- a draft law with a view to bringing into conformity with the norms of the Criminal Code of the Kyrgyz Republic the norms of the current Law “On Countering Terrorism” regarding crimes of a terrorist nature and separatist activities;
- a draft decision of the Government of the Kyrgyz Republic in order to resolve the issue of determining the procedure for the implementation of social rehabilitation of victims of a terrorist act.

It should also be noted that in the second half of 2018, the following regulatory legal acts of the Kyrgyz Republic were adopted:

1. The Law of the Kyrgyz Republic “On Counteracting the Financing of Terrorist Activities and the Legalization (Laundering) of Criminal Proceeds” No. 87 of August 6, 2018 (entered into force on September 1, 2018);
2. The Law of the Kyrgyz Republic “On Amendments to Certain legislative acts on countering the financing of terrorist activities and the legalization (laundering) of criminal proceeds” No. 88 of August 6, 2018 (entered into force on September 1, 2018);
3. Decree of the Government of the Kyrgyz Republic “On measures to implement the Law of the Kyrgyz Republic“ On countering the financing of terrorist activities and legalizing (laundering) criminal proceeds ”No. 606 of December 25, 2018 (entered into force on January 12, 2019).

According to Article 13 of the Law of August 6, 2018 No. 88, individuals and legal entities operating in the territory of the Kyrgyz Republic, including financial institutions, non-financial categories of individuals should not, directly or indirectly

(through third parties), fully or partially provide any funds or provide financial services to individuals and legal entities, groups, organizations included in the Sanctions List, and are also obliged to immediately freeze transactions (transactions) and (or) funds of an individuals or legal entities, groups, organizations included in the Sanctions list, without prior notification of these individuals and legal entities.

At the same time, financial institutions and non-financial categories of persons within three hours from the moment of fulfillment of these requirements report this to the financial intelligence agency, including attempts to make transactions by individuals and legal entities, groups, organizations included in the Sanctions List.

In accordance with Part 2 of Article 13 of the Law of August 6, 2018 No. 88, any funds that are owned or controlled by individuals, groups, organizations included in the Sanction List, funds that are fully or jointly, directly or indirectly (through third parties) own or are subject to freezing are subject to freezing. control persons, groups, organizations included in the Sanctions List, funds received or produced by using funds that are fully or jointly, directly or indirectly (through third parties) owned or controlled by individuals, groups, organizations included in the Sanctions List, funds of individuals, groups, organizations acting on behalf of or instructions from individuals, groups, organizations included in the Sanctions List, funds intended for financing terrorist and extremist activities, terrorists and extremists, terrorist and extremist organizations or individuals distributing weapons of mass destruction, funds identified in the relevant resolutions of the UN Security Council.

At the same time, transactions (transactions) and (or) funds of a natural and legal person, group, organization included in the Sanctions list are frozen indefinitely and are unfrozen when the individuals, legal entities, groups, organizations are excluded from the Sanction list.

We note that when applying targeted financial sanctions, the rights of bona fide third parties acting with honest intentions are protected in accordance with the legislation of the Kyrgyz Republic in the area of countering the financing of terrorist activities and the legalization (laundering) of criminal proceeds.

In addition, in order to implement the Law No. 88 of August 6, 2018, the Regulation on the lists of individuals and legal entities, groups, organizations in respect of which there is information about their participation in terrorist and extremist activities, the proliferation of weapons of mass destruction and legalization (laundering) criminal proceeds and the Regulation on the procedure for suspending a transaction, freezing and defrosting a transaction (transaction) and/or funds, providing access to frozen funds and managing frozen funds, approved by Decree of the Government of the Kyrgyz Republic of December 25, 2018 No. 606.

These provisions regulate the following issues: the procedure for the formation and updating of the Consolidated Sanctions List of the Kyrgyz Republic (hereinafter referred to as the List of the Kyrgyz Republic); the procedure for excluding from the list of the Kyrgyz Republic and appealing the decision to include in the list of the Kyrgyz Republic; the order of publication of the list of the Kyrgyz Republic; the procedure for forming the Consolidated Sanctions List of the UN Security Council (hereinafter referred to as the UN Security Council list); the procedure for making proposals for inclusion in the UN Security Council list; the procedure for excluding from the list of the UN Security Council and appealing the decision to include the UN Security Council; a list of

individuals who have served a sentence for legalizing (laundering) criminal proceeds, terrorist or extremist activities, as well as for financing these activities; the procedure for suspending transactions (transactions); the procedure for freezing transactions (transactions) and (or) funds; access to frozen funds, management of frozen assets and the procedure for defrosting transactions (transactions) and (or) funds.

The consolidated sanctions list of the Kyrgyz Republic today consists of:

- 71 persons convicted of terrorist activities, including the financing of terrorist activities;

- 131 persons wanted for participation in terrorist activities, as well as individuals and in respect of who have been prosecuted for participating in armed conflicts on the side of international terrorist organizations, undergoing sabotage and terrorist training in a combat zone in Syria;

- 453 persons were included in the Consolidated Sanctions List of the Kyrgyz Republic in the framework of the project for mutual inclusion in the list of persons involved in terrorist and extremist activities as a result of joint activities carried out by the State Financial Intelligence Service;

- 2 individuals involved in terrorist activities were included in the Consolidated Sanctions List of the Kyrgyz Republic at the request of Australia;

- 347 convicted for extremist activities;

- 22 organizations recognized by the decision of the court of the Kyrgyz Republic as terrorist and extremist, including Al-Qaida, Jamaat Ansarulloh, At-Takfir Val-Hijra, East Turkestan Islamic Party, Jihad Group, Taliban Movement, Jund-al-Khalifat, Zhaishul Mahdi, Islamic Movement of Uzbekistan, Islamic State of Iraq and Levante, People's Congress of Kurdistan, Hizb-ut Tahrir, Jannat Oshiklari, Jamaat- Tawhid va Jihad "and others.

The actual amount of frozen funds for the period from 2015 to the present is 464,482 soms (in national currency) for 10 persons involved in terrorism.

In addition, by the decisions of the judicial authorities, 71 persons recognized to be involved in terrorism were brought to criminal responsibility and 131 are currently on the wanted list.

We note that the relevant information on frozen and unfrozen money is regularly sent to law enforcement agencies of the Kyrgyz Republic.

In accordance with the legislation on the implementation of targeted financial sanctions of the UN Security Council, the official website regularly posts and sends to financial institutions and non-financial categories of persons information about the changes and additions to the lists of persons formed by UN Security Council committees, including the ISIL (DAIS) and Al-Qaida and related individuals, groups and organizations.

At the same time, to date, there has been no record of the freezing of financial assets due to coincidence with the Consolidated Sanctions List of the UN Security Council.

In addition, the State Financial Intelligence Service regularly exchanges and monitors information that has contacts with countries of increased terrorist activity in order to identify individuals involved in the activities of international terrorist organizations in accordance with the Regular Operation Plan of the Council of Heads of Financial Intelligence Units of the Member States of the Commonwealth of Independent

States (CHFIU) (operation under the code name - "Barrier"). At the same time, financial monitoring is carried out on 9 states (Afghanistan, Jordan, Lebanon, Syria, Turkey, Iraq, Pakistan, Libya and the Sahara-Sahel zone) and 42nd regions. According to the results of monitoring, information on financial transactions is periodically sent to law enforcement agencies of the Kyrgyz Republic.

It should be noted that the State Financial Intelligence Service regularly conducts financial monitoring of persons declared interstate search and listed as mercenaries on the list of the Antiterrorist Center of the Commonwealth of Independent States (hereinafter referred to as the ATC of the CIS) for terrorist crimes and extremist.

The list of the CIS ATC, in turn, was sent to the accountable persons and law enforcement agencies of the Kyrgyz Republic for the purpose of conducting continuous monitoring and control. At the same time, as part of the exchange of information, this list was also sent to the financial intelligence units of the member states of the CHFIU. To date, the number of persons under monitoring control has more than 9,000.

It is necessary to add that the main method of prompt exchange of information by the State Financial Intelligence Service with foreign intelligence units of foreign countries is a secure communication channel of the Egmont Group, which includes 159 countries of the world.

Referring to the statistics of the State Financial Intelligence Service, notes that in 2018 more than 30 requests were sent to such countries as Russia, Poland, Sweden, Turkey, the United States, Syria, Tajikistan, Uzbekistan, Kazakhstan and other countries. In addition, we inform that more than 29 requests of financial intelligence units of foreign countries such as Finland, Ukraine, Russia, Georgia, Turkey, Kazakhstan, Uzbekistan and other states have been received by the State Financial Intelligence Service. At the same time, we note that all requests were promptly reviewed and relevant information was sent, including materials on the results of the conducted financial investigation regarding persons in the international wanted list for involvement in the financing of terrorism.