

**Security Council**

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**Letter dated 3 February 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council**

The Counter-Terrorism Committee has received the attached fourth report from Tajikistan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ellen Margrethe **Løj**  
Chairman

Security Council Committee established pursuant to  
resolution 1373 (2001) concerning counter-terrorism

**Annex**

**Note verbale dated 31 January 2006 from the Permanent Mission of Tajikistan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee**

The Permanent Mission of the Republic of Tajikistan to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to transmit herewith the fourth Tajikistan report (see enclosure).

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## Enclosure

[Original: Russian]

### Paragraph 1.1

Text of the articles of the Criminal Code of the Republic of Tajikistan regulating issues related to terrorism

#### Article 23. Age of criminal liability

(1) A person who has reached 16 years of age at the time of the commission of an offence may be held criminally liable for the offence.

(2) A person who has reached 14 years of age at the time of the commission of an offence may be held criminally liable for the following offences: murder (article 104), grievous bodily harm with intent (article 110), moderate bodily harm with intent (article 111), kidnapping (article 130), rape (article 138), sexual assault (article 139), terrorism (article 179), hostage-taking (article 181), theft of weapons, ammunition, explosive substances or explosive devices (article 199), illicit trafficking in narcotic drugs or psychotropic substances with intent to sell (article 200), illicit trafficking in narcotic drugs or psychotropic substances (article 201), theft of narcotic drugs or psychotropic substances (article 202), theft of narcotic drugs, psychotropic substances or precursors (article 202), illicit cultivation of plants containing narcotic substances (article 204), illicit trafficking in virulent or toxic substances with intent to sell (article 206), destruction of transport or communication equipment (article 214), hooliganism with aggravating circumstances (article 237, paragraphs 2 and 3), theft (article 244), aggravated theft (article 248), theft with violence (article 249), extortion (article 250), taking of a motor (road) or other vehicle without intent to steal (article 252), intentional destruction of or damage to property with aggravating circumstances (article 255, paragraph 2) (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(3) In separate cases specified in the Special Section of this Code, the age of criminal liability may be more than 16 years.

(4) A minor who has reached the age specified in paragraphs 1 or 2 of this article but who, at the time of the commission of a socially dangerous act, was unable to appreciate fully the nature of his or her actions or their danger to society or to control them owing to a developmental delay not connected with a psychiatric disorder shall not be held criminally liable (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

#### Article 179. Terrorism

(1) Terrorism, i.e. causing an explosion, committing arson, discharging a firearm or committing other acts that endanger human life, cause significant damage to property or have other consequences dangerous to society for the purpose of violating public security, intimidating the population or influencing decision-making by the authorities, as well as threatening to commit such acts for the same purpose, shall be punishable by imprisonment for 5 to 10 years.

- (2) The same acts, if committed:
  - (a) By a group of persons acting in collusion;
  - (b) More than once;

shall be punishable by imprisonment for 8 to 15 years.

- (3) The acts specified in paragraphs 1 and 2 of this article, if:
  - (a) Committed by an organized group;
  - (b) Combined with the threat to use weapons of mass destruction or radioactive materials or to commit other acts capable of causing massive loss of life;
  - (c) Committed by an especially dangerous repeat offender;
  - (d) Resulting through negligence in loss of life or other serious consequences;

shall be punishable by imprisonment for 15 to 25 years with confiscation of property or by the death penalty (Act of the Republic of Tajikistan No. 46 of 15 July 2004).

Note:

(1) A person who participates in the preparation of a terrorist act shall be exempt from criminal liability if, by warning the authorities in a timely manner or by some other means, he or she helps to prevent the commission of the terrorist act, provided that the acts of this person entail no other *corpus delicti*.

(2) For the purposes of this article, an act committed “more than once” is an act committed following the commission of one or more offences specified in this article or in articles 179 (1), 180, 181, 185, 310 or 402 of this Code (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

Article 179 (1). Involving a person in the commission of a terrorist offence or otherwise facilitating the commission of such an offence

(1) Involving a person in the commission of an offence specified in articles 179, 181, 184, 185, 310 or 402 of this Code, persuading a person to participate in the activities of a terrorist organization, arming or training persons for the purpose of committing the specified offences, as well as financing a terrorist act or a terrorist organization, shall be punishable by imprisonment for 5 to 10 years.

(2) The same acts, if committed more than once or by a person using his or her official position, shall be punishable by imprisonment for 10 to 15 years with forfeiture of the right to hold certain posts or engage in certain activities for up to 5 years.

Note: A person who commits an offence specified in this article shall be exempt from criminal liability if, by providing information to the authorities voluntarily and in a timely manner or by some other means, he or she helps to prevent the commission of a terrorist offence, provided that the acts of this person entail no other *corpus delicti*.

Article 180. Knowingly providing false information  
concerning a terrorist act

Knowingly providing false information about an explosion, arson or other acts that endanger human life, cause significant damage to property or have other consequences dangerous to society shall be punishable by punitive deduction of earnings for up to two years or imprisonment for the same period (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

Article 310. Attempts on the life of a statesperson or public figure  
of the Republic of Tajikistan

An attempt on the life of a statesperson or public figure of the Republic of Tajikistan committed for the purpose of undermining the constitutional order and public security, stopping that person's State or other political activities or in revenge for such activities (a terrorist act) shall be punishable by imprisonment for 12 to 20 years (Act of the Republic of Tajikistan No. 45 of 1 August 2003).

Article 332. Acts that disrupt the work of places of detention

(1) Acts committed by a person serving a sentence in a place of detention that entail:

- (a) Terrorizing convicted persons;
- (b) Attacking representatives of the administration of the place of detention;
- (c) Organizing a group for that purpose or actively participating in the activities of such a group;

shall be punishable by imprisonment for two to five years.

(2) The same acts, if committed by a person who has been convicted of a grave or especially grave offence, shall be punishable by imprisonment for five to eight years.

**Paragraph 1.5**

Surveillance and monitoring of the activities of civic organizations are carried out in accordance with the Act of the Republic of Tajikistan on Civic Organizations.

Article 26. Surveillance and monitoring of the activities  
of civic organizations

Surveillance of civic organizations in the territory of the Republic of Tajikistan to ensure strict and uniform compliance with the law shall be carried out by the Public Prosecutor and the prosecutors under his or her authority, within the limits of their powers.

The financial and tax agencies shall be responsible for monitoring the sources of income of civic organizations, the volume of funds received by them and their tax payments, respectively, in accordance with the legislation of the Republic of Tajikistan.

The State agency that registers a civic organization shall be responsible for monitoring the organization's compliance with the provisions of its statute

concerning the purpose of its activities. The registering agency shall have the right to request the governing body of the civic organization to submit any resolutions it adopts, to send representatives to attend events organized by the civic organization and to seek clarification from members of the civic organization and from other citizens concerning issues related to the organization's compliance with its statute.

Surveillance and monitoring of the implementation by civic organizations of existing regulations and standards shall be carried out by the environmental, fire-safety, sanitary and epidemiological and other State supervisory and monitoring bodies.

#### **Paragraph 1.6**

The Act of the Republic of Tajikistan on Combating Terrorism entered into force on 16 November 1999, pursuant to decision No. 846 of the Majlis-i Oli of Tajikistan.

The Criminal Code of the Republic of Tajikistan establishes criminal liability not only for terrorism (article 179) but also for terrorist offences, that is, the offences specified in articles 179 to 182, 184, 185, 310 and 402 of the Criminal Code.

The proposal regarding the introduction of special legislation to freeze funds derived from legitimate sources but used or intended to be used in carrying out terrorist activities should be supported.

The courts in Tajikistan regard as terrorist organizations organizations that are established for the purpose of carrying out terrorist activities or that allow the possibility of using terrorism in their activities. An organization is deemed to be a terrorist organization if just one of its constituent entities carries out terrorist activities with the knowledge of just one of the organization's governing bodies.

In order to ensure more effective international cooperation in criminal matters, the criminal legislation of Tajikistan establishes criminal liability in respect of persons who commit offences in the territory of the Republic of Tajikistan (article 14 of the Criminal Code) and in respect of persons who commit offences outside the Republic of Tajikistan (article 15 of the Criminal Code, which also provides for the extradition of persons who commit offences [outside] the Republic of Tajikistan).

#### **Paragraph 1.10**

Excerpts from the Criminal Code of the Republic of Tajikistan

Article 14. Application of criminal law in respect of persons who commit offences in the territory of the Republic of Tajikistan

(1) A person who commits an offence in the territory of the Republic of Tajikistan shall be held liable under this Code, unless otherwise provided in the international legal instruments recognized by Tajikistan (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(2) The following acts shall be regarded as offences committed in the territory of the Republic of Tajikistan:

(a) An act begun, continued or completed in the territory of the Republic of Tajikistan;

(b) An act committed outside the Republic of Tajikistan the criminal result of which manifests itself in the territory of Tajikistan;

(c) An act committed in the territory of the Republic of Tajikistan the criminal result of which manifests itself outside Tajikistan;

(d) An act committed with the complicity of persons who have engaged in criminal activities in the territory of another State.

(3) A person who commits an offence on a vessel or aircraft navigating lawfully on the open sea or in airspace outside the Republic of Tajikistan and flying the flag or bearing the identification marks of the Republic of Tajikistan shall be held criminally liable under this Code, unless otherwise provided in the international legal instruments recognized by Tajikistan. A person who commits an offence on a military vessel or aircraft of the Republic of Tajikistan, irrespective of its location, shall also be held criminally liable under this Code (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(4) If an offence is committed in the territory of the Republic of Tajikistan by a diplomatic representative of a foreign State or other national enjoying immunity, the issue of criminal liability shall be decided based on the norms of international law.

Article 15. Application of criminal law in respect of persons who commit offences outside the Republic of Tajikistan

(1) Nationals of the Republic of Tajikistan and stateless persons who are habitually resident in Tajikistan shall be held criminally liable under this Code for offences committed in a foreign State if the act committed is considered an offence in the State in whose territory it was committed and if the person concerned has not been convicted of the offence in a foreign State. In the event that the person is convicted, the penalty shall not exceed the maximum sanction provided for in the law of the foreign State in whose territory the offence was committed (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(2) Foreign nationals and stateless persons not habitually resident in Tajikistan shall be held liable under this Code for offences committed outside the Republic of Tajikistan in the following cases:

(a) If they commit an offence specified in the international legal norms recognized by the Republic of Tajikistan or in an inter-State treaty or agreement;

(b) If they commit a grave or especially grave offence against nationals of Tajikistan or against the interests of the Republic of Tajikistan.

(3) These rules shall apply if the foreign nationals and stateless persons not habitually resident in the Republic of Tajikistan have not been convicted in another State.

(4) Convictions and other penal consequences of offences committed by a person in the territory of a foreign State shall not be taken into account in classifying an act committed by this person or in fixing the penalty for an offence committed by this person in the territory of the Republic of Tajikistan, unless

otherwise provided in the international legal instruments recognized by Tajikistan (Act of the Republic of Tajikistan No. 35 of 15 May 2004).

#### Article 16. Criminal extradition

(1) A national of the Republic of Tajikistan who has committed an offence in the territory of another State shall not be liable to extradition to that State unless otherwise provided in a bilateral treaty (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(2) Foreign nationals and stateless persons who have committed an offence outside the Republic of Tajikistan but are present in its territory may be extradited to a foreign State for criminal prosecution or to serve a sentence in accordance with an international treaty (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

#### **Paragraphs 1.11 and 1.13**

There have been no instances in Tajikistan of extradition of foreign nationals to States that practise gross, egregious and wide-scale human rights violations.

In recent years, Tajikistan has ratified a significant number of international human rights treaties, thereby assuming the simultaneous obligations of developing and protecting various types of human rights. In addition, institutional mechanisms exist to ensure the protection of human rights.

In accordance with article 16 of the Constitution of the Republic of Tajikistan, criminal extradition is permitted on the basis of bilateral agreements.

Tajikistan has a range of bilateral agreements and treaties on rendering legal assistance and on extradition:

(a) Bilateral treaties:

- Treaty with the People’s Republic of China on Legal Assistance in Civil and Criminal Matters (1996);
- Agreement with the Republic of Turkey on Legal Cooperation in Civil, Commercial and Criminal Matters, of 6 May 1996;
- Treaty with the Kyrgyz Republic on Legal Cooperation in Civil, Commercial and Criminal Matters, of 6 May 1998;
- Treaty with the Republic of India on Legal Assistance in Criminal Matters, of 10 May 2001;
- Treaty with the Republic of Uzbekistan on Extradition, of 15 June 2000;
- Treaty with the Republic of India on Extradition, of 14 November 2003;
- Treaty with Ukraine on Extradition and on the Transfer of Convicted Persons to Serve Their Sentences, of 2 April 2004;

(b) Multilateral treaties:

Tajikistan has signed the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, of 22 January 1993, which entered into force for Tajikistan on 20 December 1994. Based on article 56, the Contracting Parties are obligated, under the conditions stipulated in this Convention, to extradite



on request, persons present in their territories for criminal prosecution or to serve a sentence.

The Kishinev Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, of 7 October 2002, was ratified by Tajikistan on 1 October 2004. Based on article 66, the Contracting Parties are obligated, under the conditions stipulated in this Convention, to extradite on request, persons present in their territories for criminal prosecution or to serve a sentence. Tajikistan is a party to the Convention of the Commonwealth of Independent States (CIS), on the Transfer of Convicted Persons to Serve Their Sentences, of 6 March 1998, which was ratified by the Parliament of Tajikistan on 13 November 1998.

Article 82 of the Minsk Convention and article 86 of the Kishinev Convention are without prejudice to the rights and obligations of Tajikistan arising from other international treaties to which it is or may become a party. Thus, they do not prevent Tajikistan from fulfilling its obligations under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Under article 6, paragraph 1, of the Treaty between the Republic of Tajikistan and the Republic of India on Extradition, of 14 November 2003, if the requested State refuses extradition in a case, it must transfer this case to its own competent authorities for prosecution.

Based on the provisions of article 7 of this Treaty, if in accordance with this Treaty permission to extradite a person is denied, the requested Party must prosecute this person for the offence under its own legislation.

Under article 5 of the Treaty between the Republic of Tajikistan and the Republic of Uzbekistan of 15 June 2000, each Contracting Party may, in the absence of conditions permitting extradition, request the other Contracting Party to prosecute a person suspected of committing an offence under the legislation of the requested Contracting Party, if this is in the interests of justice.

Under article 5 of this Treaty, each Contracting Party may, in the absence of conditions permitting extradition and at the request of the other Contracting Party, prosecute its own nationals or other persons habitually resident in its territory under the legislation of the requested Contracting Party if these persons are suspected of committing an offence.

Article 59 of the Treaty between the Republic of Tajikistan and the Kyrgyz Republic on Legal Cooperation in Civil, Commercial and Criminal Matters, of 6 May 1996, provides that, if in accordance with this Treaty extradition of a person is denied, the requested Contracting Party must, on the basis of instructions from the requesting Contracting Party, prosecute this person under its own legislation.

Under article 35, paragraph 2, of the Agreement between the Republic of Tajikistan and the Republic of Turkey on Legal Cooperation in Civil, Commercial and Criminal Matters, if extradition of a person is denied, the requested Contracting Party must, on the basis of instructions from the requesting Contracting Party, prosecute this person under its own legislation.

The Republic of Tajikistan has signed the following treaties on extradition:

- Treaty with the Republic of Uzbekistan on Extradition, of 15 June 2000;
- Treaty with the Republic of India on Extradition, of 14 November 2003;

- Treaty with Ukraine on Extradition of and on the Transfer of Convicted Persons to Serve Their Sentences, of 2 April 2004.

Under the Treaty between the Republic of Tajikistan and the Republic of India on Extradition, of 14 November 2003, persons who have committed offences referred to in article 4 of the Convention are liable to extradition (article 2 of the Treaty).

In addition, the parties included a separate article concerning the possible refusal of extradition: “If, in accordance with the legislation of the requesting Party, the person whose extradition has been requested could receive the death penalty for the offence in connection with which extradition has been requested, and if the legislation of the requested Party does not provide for the death penalty for this offence, extradition may be refused unless the requesting Party gives such assurances as the requested Party considers are sufficient that the death penalty will not be carried out” (article 14 of the Treaty).

Under article 5 of the Treaty between the Republic of Tajikistan and the Republic of Uzbekistan of 15 June 2000, each Contracting Party may, in the absence of conditions permitting extradition, request the other Contracting Party to prosecute a person suspected of committing an offence under the legislation of the requested Contracting Party, if this is in the interests of justice.

Also under article 5 of the Treaty, each Contracting Party may, in the absence of conditions permitting extradition and at the request of the other Contracting Party, prosecute its own nationals or other persons habitually resident in its territory under the legislation of the requested Contracting Party if these persons are suspected of committing an offence.

Under article 34, paragraph 2, of the Agreement between the Republic of Tajikistan and the Republic of Turkey on Legal Cooperation in Civil, Commercial and Criminal Matters, persons who have committed offences referred to in article 4 of the Convention are liable to extradition. In addition, article 51 of the Agreement provides that only those persons whose actions are deemed offences in the requested Party are liable to extradition.

Under article 66, paragraph 2, of the Kishinev Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, of 7 October 2002, persons who have committed offences referred to in article 4 of the Convention are liable to extradition. Based on the provisions of article 81 of the Convention: “The death penalty shall not be applied by the requesting Contracting Party to a person extradited under this Convention if this penalty is not applied by the requested Party.”

Article 57, paragraph 2, of the Treaty between the Republic of Tajikistan and the Kyrgyz Republic stipulates extradition for offences referred to in article 4 of the Convention.

The Republic of Tajikistan considers commission of the following acts to be grounds for extradition:

- Crimes against humanity referred to in articles II and III of the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) and articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);

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- Crimes referred to in article 85 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977) and articles 1 and 4 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977);
  - Offences referred to in the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971) and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988), supplementary to the above-mentioned Convention of 1971;
  - Serious offences referred to in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);
  - Offences referred to in the International Convention against the Taking of Hostages (1979);
  - Offences referred to in the Convention on the Physical Protection of Nuclear Material (1980);
  - Offences referred to in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988);
  - Offences referred to in the Statute of the International Criminal Court (1998);
  - Offences referred to in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, of 2 December 1949;
  - Offences referred to in the United Nations Convention against Transnational Organized Crime, of 15 December 2000;
  - Offences referred to in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, of 15 December 2000;
  - Offences referred to in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, of 15 December 2000;
  - Offences referred to in the Optional Protocols to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography, of 26 June 2000;
  - Other offences referred to in international treaties.

Tajikistan has been a party to all four Geneva Conventions of 1949, as well as to the two Additional Protocols of 1977, since, 13 January 1993. The provisions of these documents are reflected in the Act of the Republic of Tajikistan on Defence and in the Criminal Code of the Republic of Tajikistan, section XV, "Crimes against

the peace and security of humanity". These circumstances are also grounds for extradition.

#### **Paragraphs 1.14 and 1.15**

In 2004, Tajikistan ratified the following three instruments:

- Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988).

The respective instruments of ratification were sent for transmittal through the United Nations Tajikistan Office of Peacebuilding, which in turn sent them to the United Nations Office of Legal Affairs (a copy of the letter of transmittal from the Office of Peacebuilding is on the same page).

#### **Paragraph 1.16**

Article 195. Illegal acquisition, transfer, sale, possession, transport or bearing of arms, ammunition, explosive substances or explosive devices

(1) The illegal acquisition, transfer, sale, possession, transport or bearing of firearms (with the exception of smooth-bore hunting rifles), ammunition, explosive substances or explosive devices, and gas mixtures and inflammable substances intended or modified for use as weapons shall be punishable by a fine of from 1,000 to 2,000 times the minimum wage or by restriction of liberty for up to five years or by imprisonment for up to three years.

- (2) The same acts, if committed:
  - (a) More than once;
  - (b) By a group of persons acting in collusion;
  - (c) On a large scale;

shall be punishable by imprisonment for from three to seven years.

(3) An act referred to in paragraph 1 of this article, if committed by an organized group, as well as the illegal acquisition, transfer, sale, possession, transport or bearing of nuclear, chemical, biological (bacteriological) or other types of weapons of mass destruction or materials or equipment that could be used in the manufacture of a weapon of mass destruction, shall be punishable by imprisonment for 7 to 12 years.

(4) The illegal acquisition, transfer, sale or bearing of gas weapons, daggers, Finnish knives or other edged weapons, including throwing weapons, if committed within one year of the imposition of an administrative penalty, shall be punishable by community service for 180 to 240 hours or by a fine of 200 to 500 times the minimum wage or by punitive deduction of earnings for up to two years.

Note:

(1) A person who voluntarily surrenders objects referred to in this article shall be exempt from criminal liability, provided that the acts of this person entail no other *corpus delicti*.

(2) In accordance with paragraph 1 of this article, criminal liability shall be incurred for an illegal act involving cartridges if their number does not exceed 10 pieces and if this act is committed within one year of the imposition of an administrative penalty (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(3) "On a large scale" means, in the case of firearms, two or more; in the case of ammunition, two or more grenades, shells or other ammunition, or 30 or more bullets; and, in the case of gas mixtures and inflammable substances specially intended or modified for use as weapons, two or more litres.

#### Article 196. Illegal manufacture of weapons

(1) The illegal manufacture or repair of firearms and components thereof, as well as the illegal manufacture of ammunition, explosive substances or explosive devices, shall be punishable by a fine of 1,000 to 2,000 times the minimum wage or by imprisonment for up to three years (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(2) The same acts, if committed more than once or by a group of persons acting in collusion, shall be punishable by imprisonment for three to five years (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(3) The acts referred to in paragraphs 1 and 2 of this article, if committed by an organized group or by a dangerous or especially dangerous repeat offender, shall be punishable by imprisonment for five to eight years (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(4) The illegal manufacture of gas weapons, daggers, Finnish knives or other edged weapons, including throwing weapons, shall be punishable by community service for 180 to 240 hours or by a fine of up to 500 times the minimum wage or by restriction of liberty for up to three years (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

Note: A person who voluntarily surrenders objects referred to in this article shall be exempt from criminal liability, provided that the acts of this person entail no other *corpus delicti*.

#### Article 197. Negligent storage of weapons

Negligent storage of firearms, ammunition, explosive substances or explosive devices by the legal owner which creates the conditions for their use by another person and results in serious consequences shall be punishable by a fine of 200 to 500 times the minimum wage or by restriction of liberty for up to two years (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

#### Article 198. Improper performance of duties concerning the safeguarding of weapons, ammunition, explosive substances or explosive devices

(1) Improper performance of duties by a person responsible for safeguarding firearms, ammunition, explosive substances or explosive devices which results in their theft or destruction or other serious consequences shall be punishable by

restriction of liberty for up to five years or by imprisonment for up to three years with or without forfeiture of the right to hold certain posts or engage in certain activities for up to three years.

(2) Improper performance of duties concerning the safeguarding of nuclear, chemical, biological (bacteriological) or other types of weapons of mass destruction or of materials or equipment that could be used in the manufacture of a weapon of mass destruction which results in serious consequences or creates the threat thereof, shall be punishable by imprisonment for three to seven years with forfeiture of the right to hold certain posts or engage in certain activities for up to five years (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

Article 199. Theft of weapons, ammunition, explosive substances or explosive devices

(1) The theft of firearms and components thereof, ammunition, explosive substances or explosive devices shall be punishable by imprisonment for three to five years.

(2) The theft of nuclear, chemical, biological (bacteriological) or other types of weapons of mass destruction or materials or equipment that could be used in the manufacture of a weapon of mass destruction shall be punishable by imprisonment for five to eight years (Act of the Republic of Tajikistan No. 35 of 17 May 2004).

(3) The acts referred to in paragraphs 1 and 2 of this article, if committed:

- (a) More than once;
- (b) By a group of persons acting in collusion;

(c) With the use of force that does not endanger life or health, or with the threat of the use thereof;

shall be punishable by imprisonment for 8 to 12 years with or without confiscation of property.

(4) The acts referred to in paragraphs 1,2, and 3 of this article, if committed:

- (a) By an organized group;
- (b) With the use of force that endangers life or health, or with the threat of the use thereof;
- (c) By a person using his or her official position;
- (d) By a dangerous or especially dangerous repeat offender;

shall be punishable by imprisonment for 12 to 20 years with confiscation of property.

The Customs Code, adopted by Act of the Republic of Tajikistan No. 62 of 3 December 2004, contains separate sections and chapters regulating the procedure and terms with respect to customs registration, declarations and customs inspection of goods and means of transportation being conveyed across the customs border of the Republic of Tajikistan. For these purposes, the concept "goods" includes currency and precious stones and metals.

Transfers of currency to Tajikistan from other States and from Tajikistan to other States are effected on the basis of the Act of the Republic of Tajikistan on

Currency Regulation and Currency Control (Acts of the Republic of Tajikistan Nos. 498 of 12 December 1997, 826 of 3 September 1999, 43 of 10 May 2002 and 64 of 9 December 2004). Under article 11, paragraph 2, of this Act, the currency control agencies in Tajikistan are the National Bank of the Republic of Tajikistan, the Ministry of Finance and the Ministry of State Revenue and Tax Collection, each within the limits of its powers.

In order to fulfil the requirements of the Act of the Republic of Tajikistan on Currency Regulation and Currency Control, the National Bank and the Ministry of State Revenue and Tax Collection jointly approved the Instructions on the procedure for the import into and export from the Republic of Tajikistan of foreign currency cash and foreign currency securities, which was registered with the Ministry of Justice as No. 153 of 11 October 2005.

Pursuant to United Nations Security Council resolution 1373 (2001), Tajikistan has taken specific measures to suppress the financing of terrorist acts and to effectively protect the financial system from use by terrorists.

In particular, Tajikistan has become a member of the Eurasian Group (EAG), which is modelled after the Financial Action Task Force on Money Laundering (FATF), the principal system for combating money-laundering and the financing of terrorism. The main goal of such groups is to secure the implementation in member countries of FATF recommendations, relevant resolutions and generally accepted international standards in the financial sphere and also to render technical assistance.

In the context of cooperation with EAG, an EAG mission visited Tajikistan in November 2005 to study and evaluate the country's needs for technical assistance to combat money-laundering and the financing of terrorism. Based on the results of the EAG mission's work, plans have been made for the provision of technical assistance in the adoption of national legislation to combat money-laundering and financing of terrorism, the establishment of a dedicated agency, the creation of information analysis systems and financial intelligence units, training of personnel, and interaction with the public and the media.

In order to prevent access to weapons by terrorists, pursuant to Government decision No. 111 of 19 February 1997, Government authorization is required to export or import uranium and other radioactive substances and articles made therefrom, including radioactive waste, gunpowder, explosive substances and their wastes, arms and military equipment, components for their manufacture, and service and civilian weapons.

With respect to the legal ban on other forms of active and passive support for terrorism, it may be pointed out that the national legislation of Tajikistan does in fact have serious gaps. However, draft laws on combating money-laundering and the financing of terrorism and on bank secrecy have already been prepared in Tajikistan. They will take into consideration all the proposals to the effect that financial institutions and other organizations should be required to inform law enforcement agencies about suspicious and questionable transactions and that the provision of money, payment instructions, financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, means of communication, equipment, weapons, dangerous chemical or explosive substances, personnel, transportation or other physical assets should be deemed offers of material support or resources.