

Translated from Russian

Information from the Republic of Belarus concerning the scope and application of universal jurisdiction

In accordance with General Assembly resolution 73/208 of 20 December 2018, we should like to report that the principle of universal jurisdiction is understood in the Republic of Belarus as the competence of a State to prosecute and punish persons guilty of committing the most dangerous crimes, irrespective of the country of nationality of the criminals or the locality where the crime was committed. This principle is reflected in article 6 of the Criminal Code of the Republic of Belarus.

Foreign nationals or stateless persons not permanently residing in the Republic of Belarus who have committed serious¹ and very serious² crimes abroad directed against the interests of the Republic of Belarus³ are held responsible under the Criminal Code.

The Criminal Code is applied irrespective of the criminal law in force in the locality where the act is committed in relation to the following crimes:

- Genocide (Criminal Code, art. 127)
- Crimes against the security of humankind (Criminal Code, art. 128)
- Production, stockpiling or proliferation of prohibited weapons of war (Criminal Code, art. 129)
- Ecocide (Criminal Code, art. 131)
- Use of weapons of mass destruction (Criminal Code, art. 134)
- Violation of the laws and customs of war (Criminal Code, art. 135)
- Criminal violations of the rules of international humanitarian law during armed

¹ Serious crimes are premeditated crimes punishable by a maximum term of imprisonment of 12 years (Criminal Code, art. 12, para. 4).

² Very serious crimes are premeditated crimes punishable by a term of imprisonment exceeding 12 years, life imprisonment or the death penalty (Criminal Code, art. 12, para. 5).

³ Criminal Code, art. 6, para. 2.

conflicts (Criminal Code, art. 136)

- Failure to act or the issuance of a criminal order during an armed conflict (Criminal Code, art. 137)
- Trafficking in persons (Criminal Code, art. 181)
- Other crimes committed outside Belarus which are prosecutable on the basis of an international treaty to which the Republic of Belarus is a party⁴

Persons who have not been convicted in a foreign State and are being prosecuted in the Republic of Belarus for the crimes listed above shall be held criminally responsible under the Criminal Code.⁵

Exemption from criminal responsibility and punishment under articles 83⁶ and 84⁷ of the Criminal Code on the grounds of expiry of the statute of limitations does not apply in the case of crimes against peace, crimes against the security of humankind or war crimes.⁸ The list of such crimes includes all crimes set forth in article 6, paragraph 3, of the Criminal Code, with the exception of trafficking in persons and other crimes not specified in the Criminal Code but which are prosecutable on the basis of an international treaty to which the Republic of Belarus is a party.

The Supreme Court of the Republic of Belarus has reported no convictions for the period from 2014 to 2018 for the crimes set forth in article 6, paragraph 3, of the Criminal Code.

It should be noted that the Republic of Belarus is party to international treaties that make reference to the principle of universal jurisdiction, including the following:

1. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (10 March 1988)

⁴ Criminal Code, art. 6, para. 3.

⁵ Criminal Code, art. 6, para. 4.

⁶ Exemption from criminal responsibility on the grounds of expiry of the statute of limitations.

⁷ Exemption from punishment on the grounds of expiry of the statute of limitations for the execution of the conviction.

⁸ Criminal Code, art. 85.

2. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (10 March 1988)
3. Convention on Offences and Certain Other Acts Committed on Board Aircraft (14 September 1963)
4. Convention for the Suppression of Unlawful Seizure of Aircraft (16 December 1970)
5. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (23 September 1971)
6. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (12 August 1949)
7. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (12 August 1949)
8. Geneva Convention relative to the Treatment of Prisoners of War (12 August 1949)
9. Geneva Convention relative to the Protection of Civilian Persons in Time of War (12 August 1949)
10. Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (8 June 1977)
11. Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II) (8 June 1977)
12. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (25 May 2000)
13. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (26 November 1968)

14. Convention for the Protection of Cultural Property in the Event of Armed Conflict (14 May 1954)

15. Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (14 May 1954)

16. Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (26 March 1999)

17. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (10 December 1976)

18. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (10 October 1980)

19. Protocol on Non-Detectable Fragments (Protocol I) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (10 October 1980)

20. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (10 October 1980)

21. Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (10 October 1980)

22. Protocol on Blinding Laser Weapons (Protocol IV) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (13 October 1995)

23. Protocol on Explosive Remnants of War (Protocol V) to the Convention on

Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
(28 November 2003)

24. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (3 September 1992)

25. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (18 September 1997)

26. Convention on the Prevention and Punishment of the Crime of Genocide
(9 December 1948)

27. International Convention on the Suppression and Punishment of the Crime of Apartheid (30 November 1973)

28. International Convention against the Taking of Hostages (17 December 1979)

29. United Nations Convention against Transnational Organized Crime
(15 November 2000)

30. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)

31. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (14 December 1973)

32. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (2 December 1949)

33. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (25 May 2000)

34. Council of Europe Convention on Action against Trafficking in Human Beings
(16 May 2005)
