



Criminal Procedure of the Republic of Belarus and the international treaties to which Belarus is a party.

Thus, article 6, paragraph 3, of the Criminal Code sets out the universal principle of the spatial applicability of criminal law, in accordance with which, for the following offences, the Criminal Code of Belarus is applied independently of the criminal law of the place in which the act was committed: genocide (art. 127 of the Criminal Code); crimes against the security of humankind (art. 128); production, stockpiling or distribution of prohibited instruments of war (art. 129); ecocide (art. 131); use of a weapon of mass destruction (art. 134); violation of the laws and customs of war (art. 135); criminal violations of the norms of international humanitarian law in time of armed conflict (art. 136); inaction or issuance of a criminal order in time of armed conflict (art. 137); human trafficking (art. 181); and other offences committed outside Belarus which are prosecutable on the basis of an international treaty by which Belarus is bound.

Persons who have committed the aforementioned crimes are liable under the Belarusian Criminal Code if they have not been convicted in a foreign State of the crime committed and are prosecuted in the Republic of Belarus (art. 6, para. 4, of the Criminal Code).

Furthermore, in application of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968, article 85 of the Criminal Code prohibits the release from criminal responsibility, in connection with the expiration of statutory limitations, of persons who have committed these acts.

A foreign national or stateless person who has committed crimes outside Belarus and who is on Belarusian territory may be extradited to a foreign State for criminal prosecution or to serve a prison term under an international treaty to which Belarus is a party (art. 7, para. 2, of the Criminal Code). The specific details of extradition of a perpetrator are determined by his or her nationality and the existence of relevant international treaties, such as the Commonwealth of Independent States Conventions on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 and 7 October 2002, as well as a number of bilateral international treaties on legal assistance to which Belarus is a party.

In the absence of an international treaty, under article 7, paragraph 3, of the Criminal Code, a foreign national or stateless person may be extradited to a foreign State on the basis of the principle of reciprocity, in accordance with the procedure set out in section XV of the Code of Criminal Procedure.

Belarus exercises extraterritorial jurisdiction, but only with regard to crimes covered by the relevant international treaties to which Belarus is a party. In order for the principle of universal jurisdiction to be established in its legislation, the relevant provisions of the international treaties to which Belarus is a party must be incorporated into Belarus's legal system, and legislation regulating the procedural conditions for implementation of the principle must be adopted.

Belarus attaches great importance to the principles of equal rights and sovereign equality of nations large and small and non-interference in the internal affairs of other States enshrined in the Charter of the United Nations. A reasonable balance must be struck between the desire to advance the development of the

concept of universal jurisdiction and the readiness of States to do so. At the present time, an approach to developing the concept that takes into account the treaty-based nature of universal jurisdiction and is founded on respect for the rule of law would be more acceptable.

Those guilty of international crimes should be prosecuted in accordance with the international obligations of States and the requirements of their national laws or the applicable statutes of international judicial bodies, operating on the basis of complementarity.

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