

American University of Central Asia



***The problem of combating terrorism in the
Kyrgyz Republic: Aspects of Criminal Law
and Criminology***

International and Business Law Department

Senior Thesis Paper

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Abstract:

This paper is devoted to identify whether there is threat of terrorism for the Kyrgyz Republic and in general for the Central Asian region. And what measures we have and what we should do to combat with such challenge. Because terrorism in all its forms and demonstrations, now turned into one of the most burning and pressing issues in our time. Demonstration of terrorism involves extensive loss of life, destroying the spiritual, physical, cultural values, which cannot be recreated. This causes hatred and mistrust between the social and national groups. Therefore, I have analyzed books and articles both local and foreign experts who delimit the concept of terrorism. Next is the description of counter financing terrorism in general and in the legal framework of Kyrgyz Republic. And then is following methods and means of fighting terrorism where is discussed use of force, duty of media, examples of vulnerability and consequences. And in the end of the senior thesis paper there is conclusion with some recommendations.

First Chapter:

Aspects of criminal law and criminological definition

Introduction

The formation and development of the sovereign Kyrgyz Republic is related to fundamental changes aimed at creating a democratic state with a constant and active integration into a peaceful community. It is mean improvement the social life of citizens through the provision of guarantees and security of individuals, society and the state as a priority for development of the state. However, current geopolitical realities (the social, economic and legal impact of negative events is related to terrorism) are affecting in the further development of the Kyrgyz Republic.

During two years (1999 and 2000) the southern region of Kyrgyzstan suffered because of unlawful entry of international terroristic religious groups, which aimed to create the state of "Islamic Caliphate" in Central Asia.¹ This invasion, which resulted in the hostage-taking, robbery and murder of civilians, revealed in significant shortcomings of the legal and institutional aspects of counter-terrorism in Kyrgyz Republic. In the next two years (2002-2003), after series of bombings in the cities of Osh and Bishkek, which the Kyrgyz Republic has pointed it out as an evident threat of terrorism and a direct threat to national security, society and the individuals.² An important factor in the effectiveness to combat all forms of terrorist is to fight, that is the physical elimination or prevention of an act from terrorist groups or groups financing these terrorist organizations. This (physical elimination) will reduce the effectiveness

¹ [Batken 1999-2000] <http://www.easttime.ru/batken>

² [Newspaper Evening Bishkek, article "*Greetings from Osama*", 2003]
<http://www.centrasia.ru/newsA.php?st=1059255660>

of terrorist organizations and will increase the ability of law enforcement to address the consequences, than environment of the terrorism, which conducts terroristic activities.

It is very scary for many people, groups and organizations that terrorism has become a simple way to solve their political, national, religious and personal problems. Terroristic invasions are often used by those people, that otherwise cannot win in open battle, political rivalry and public approval. It is wrong to assume that terrorism is relevant only of the 20th century. Despite the scale and extremely serious consequences in our country and around the world, terrorism in domestic science has been completely under-researched. There are brief commentaries on criminal law, some articles in magazines and small sections in the textbooks on criminal law and criminology, a collection of documents about the history of terrorism. "However, until now, there have not been made any major work on this subject; hence there is a lack of well conceived and well thought-legal aspects on prevention and suppression of acts of terrorism." ³

A. I. The concept of terrorism

It is necessary to define a few of the basic notions commonly used in the discussion as terrorism, in literature and in legal acts, in order to eliminate any confusion about the meaning as the term. The Russian scholar V.P. Emelyanov pointed that, "terror and terrorism - is multi-level phenomena in the hierarchy of social relations, as in nature, and on the significance of the impacts on the community. They can be represented as two parallel rows."

First concept we will examine is "terror." This term is related to such thing as a "war," "aggression," and "genocide." As word synonyms for the concept of "terror" are the words such as "politics of terror," "mass terror," and "total terror." Second concept is "terrorism" related to such concepts as "hostage-taking," "assassination," "banditry," and "extortion."⁴ As synonyms

³ Antonian, Yu. M., Terrorism "*Criminological and legal-criminal research*", Moscow, 2001, 5.

⁴ Antonian, Yu. M., Terrorism "*Criminological and legal-criminal research*", Moscow, 2001, 14.

for the concept of "terrorism" are the concept as "terrorist act" and "terrorize" can be used.⁵ Terrorism is understood by most researchers as a form of violence (political and criminal), affecting international relations to some degree. The Russian scholar E. Poles pointed out, "an act of international terrorism is assessed as a crime not only of criminal law, but also encroaching on international relations, international law."⁶ International terrorism has undergone extensive research, so another Russian scholar N.V. Zhdanov said that "international terrorism includes not only violence against the representatives of a foreign state, but also subversion of one state against another or the promotion of such activities in the territory of one State to the territory of another."⁷

Very deep meaning disclosure of the nature of international terrorism has paid attention to a Russian scholar I.I. Karpets, who said that terrorism – "is a crime of the international nature of a special kind. It is international or domestic, but with an international (spanning two or more states) the nature. Terrorists form of special groups and organizations to commit murder and attempted murder, assault, violence and to capture people as hostages for ransom, forced deprivation of liberty, torture and blackmail. Terrorism can be accompanied by the destruction and plunder of buildings, premises and other facilities."⁸ In the opinion of this author, the purpose of terrorism is to do damage to democratic and progressive social change, property organizations, individuals, intimidation of people and the physical destruction for the reaching aims in their ideology, as well as getting criminal's material benefit. The purpose of terrorism is just another disruption and damage to normal relations between states.⁹ Therefore, given the above stated reasons, seems real to interpret our present approach to the definition of terrorism in the Kyrgyz Republic. Today Kyrgyzstan is going through the initial stages of the natural development of an independent sovereign state. This includes the basic properties inherent in a

⁵ Emelyanov V.P., *"Terrorism as a phenomenon and as an offense"*, Kharkov, "right", 1999, 289.

⁶ Lyakhov E.G., Popov A.B., *Terrorism: national, religious and international control*, Rostov-on-Don., 1999, 81.

⁷ Zhdanov N.V., *"Legal aspects of the terroristic acts of an international character"*, Moscow, 1975, 24.

⁸ Karpets I.I., *International crimes*, Moscow, 1979, 45.

⁹ Karpets I.I., *International crimes*, Moscow, 1979, 46-47.

democratic state: a) the desire to ensure that the national revival of the people, protection and promotion of interests of all ethnic groups forming the people of Kyrgyzstan, based on the precepts of their ancestors to live in unity, peace and harmony, and b) of its commitment to human rights and freedoms and the idea of the national state, and c) determination to develop economic, political and legal institutions, and culture in order to ensure a decent standard of living for all, and d) the declaration of their commitment to universal moral principles and moral values of the national traditions, and e) a desire to establish itself among the nations of the world as a free and democratic civil society.¹⁰

B. II. The content of terrorism

The Kyrgyz Republic is based on the generally accepted principles of international law and seeks greater integration and development of socio-economic development and democratic reforms in the country. The Kyrgyz Republic strongly favors the collective efforts of a large-scale and regional security. Our country is actively involved in collecting forms of interstate cooperation in the fight against international terrorism, extremism and drug trafficking by placing on its territory the U.S. military air base (subsequently named the Transit Center "Manas" airport security) in the Central Asian region.

In international relations, Kyrgyzstan has consistently pursued a policy of peace and cooperation by actively cooperating with other countries and international organizations in the maintenance of regional and international security. However, the socio-political life of the country runs a real threat from international terrorism, religious extremism and criminal groups involved in drug trafficking and transit of drugs. In this regard, it is quite natural that one of the priorities of the national development strategy of the Kyrgyz Republic to 2010 appears "secure

¹⁰ Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 16.

development in the existence of external and internal threats, including effective action against international terrorism, religious extremism, drug trafficking, organized crime ..."¹¹

According to the Law of the Kyrgyz Republic "On combating terrorism" (later – the Law on Terrorism) from September 28, 1999, it defines terrorism as an explosion, arson or other actions that endanger people's lives, causing significant damage or other socially dangerous consequences, if committed in violation of the public order security, terrorizing the population in order to undermine or weaken existing state authority or intimidation or coercion of the state bodies, international, commercial, public and other organizations to commit or refrain from committing to an action for the benefit of terrorists and terrorist organizations, including threats of such acts for the same purpose (Article 2).¹² In addition, article 7 of the Law on Terrorism, provisions of which govern the prevention of terrorism, it is established that: "in the territory of the Kyrgyz Republic followings shall be prohibited:

- The creation, registration and operation of terrorist organizations;
- Activities related to the promotion of terrorism;
- Entry, exit or transit through the territory of the individuals who were involved in terrorist activities, or suspected of involvement in it".

Pointing to these signs of terrorist activity, Russian scholars E.G. Poles and A.V. Popov said that the Law on Terrorism lists all major terrorist activity in the usual sense. However, when it comes to the legalization of such acts, then separate them from similar offenses would be very difficult.¹³ Therefore, it is necessary to turn to the criminal legal interpretation of the term "terrorism" on the problem in our Kyrgyz legislation. According to Article 226 of the Criminal

¹¹ Kompleksnoe razvitie Kyrgyzskoj Respubliki do 2010 goda, Nacional'naja strategija, Bishkek, 2001, 38 [Integrated Development of the Kyrgyz Republic before 2010, National Strategy, Bishkek, 2001, 38] (KYR)

¹² Zakon Kyrgyzskoj Respubliki po bor'be s terrorizmom 1999 goda [The law "On combating with terrorism" of Kyrgyz Rpublic 1999] (KYR)

¹³ Lyakhov E.G., Popov A.B., *Terrorism: national, religious and international control*, Rostov-on-Don., 1999, 169-170.

Code of the Kyrgyz Republic (later- CC KR) terrorism manifests itself in committing "an explosion, arson or other acts that endanger people's lives, causing significant property damage, or other socially dangerous consequences" or threat "to commit such acts." Terrorism is a multi-object crime, which impinges on the lives and health of citizens, property, public safety and the proper functioning of government. The deterrent effect of terrorism are often drawn to the wide range of people, to the inhabitants of entire cities, administrative districts or neighborhoods, as well as to specific officials and authorities empowered to adopt organizational, administrative, judicial or other decisions. An act of terrorism can be addressed by religious, political and public figures, cultural figures, and in respect of the business community, even against members of other criminal organizations.¹⁴

C. III. Elements of terrorism

Under Article 18 of the CC KR, the subject of terrorism can be considered any sane person who has reached the age of fourteen. The subjects of terrorism may be citizens of the Kyrgyz Republic, foreigners and even persons without citizenship. The voting age is especially important because, in practice, quite a lot of teenagers that are relatively easily influenced by adults and commit criminal or terrorist activity participate in terrorist acts.¹⁵ "Object of terrorist attacks are on the one hand, people - the victims of such abuse, and on the other - the existing law and order in the country, including order management, territorial integrity, justice and political system."¹⁶ The subjective side of terrorism in accordance with Article 23 of the CC KR is a crime committed intentionally, with direct or indirect intent, where a crime is considered committed with direct intent if the person was realizing the social danger of his actions (inaction), foresaw its socially dangerous consequences and offensively wished them to happen. A crime is considered to have been committed with indirect intent, if a person realized the social danger of his actions or (inaction), foresaw the possibility of socially dangerous consequences,

¹⁴ Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 18-19.

¹⁵ Ugolovnyj kodeks Kyrgyzskoj Respubliki 2010 [Criminal code of Kyrgyz Republic 2010] (KYR)

¹⁶ Antonian, Yu. M., *Terrorism "Criminological and legal-criminal research"*, Moscow, 2001, 14.

however, did not want to, but deliberately allowed it to happen. Objective side of the terrorism is 1) an explosion, arson or other acts that endanger people's lives, causing significant property damages or other socially dangerous consequences: either the threat of such action (Article 226 part 1 of the CC KR).¹⁷ Analysis of the rules on terrorism leads to the conclusion that, in cases of commitment of explosion, arson or other acts of terrorism, the person foresees the possibility or inevitability of death of many citizens and wants this (direct intent), but the loss of life does not occur due to circumstances from that person's control, then the article 226 part 1 of the CC KR should be used, however, it is not sufficient. So, the assassin who shot at his victim and overshot may be punished by a term from twelve to twenty years in prison (paragraph 8, paragraph 2, Article 97, Paragraph 1 of Article 57 of the CC KR). In case if the person who planted a bomb in the air vessel when the latter was promptly defused or even exploded a few minutes before placing in the plane of people will be sentences for a term from five to ten years.¹⁸ Consequently the discussion with the position of the international and national approaches, it is possible to stop at the next enlarge the definition of terrorism as a phenomenon expressed in the act, where a terrorism - is publicly committed socially dangerous acts or threats of actions aimed at intimidating the population or specific social groups, in order to direct or indirect impact on the adoption of certain decisions or waived in the interests of the terrorists. In the next chapter we will consider terroristic attacks, different groups, and ways and means of financing terrorism. It is also necessary to don't forget that the phenomenon of terrorism cannot be self-existent. As in any business, exactly in terrorist or promoting it should be supported in part by financial flows which are also illegal as the phenomenon as terrorism.

Second chapter:

Financing of terrorism

A. I. Criminal - legal measures to counter the financing of terrorism in the Kyrgyz Republic.

¹⁷ Ugolovnyj kodeks Kyrgyzskoj Respubliki 2010 [Criminal code of Kyrgyz Republic 2010] (KYR)

¹⁸ Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 28.

As I mentioned in the first chapter terrorism is a serious problem and threat to the national security of any country, including Kyrgyzstan. Extremist organizations in several countries use any opportunity to initiate and integrate in the Islamic environment by demonstrating religious extremism and interethnic conflicts. The most organized and most powerful terrorist organizations operating in Central Asia and Kyrgyzstan as such are the Islamic Movement of Uzbekistan (IMU) and the "Islamic Party of Liberation" (Hizb ut-Tahrir). IMU have plans to create Islamic caliphate at the territory of Central Asian which must include the population of Muslim states in the region. Nucleus of the future caliphate, according to leaders of the movement should be the Fergana Valley where Islamists have the strongest position. IMU's armed activity is directed against secularism in Uzbekistan and against Kyrgyz Republic.¹⁹ The Kyrgyz Republic was under attack because of its geographical position the terrorists tried to pass through the territory of Uzbekistan to Kyrgyzstan.

In early September in 2000 in Kabul there was a meeting of representatives of the Afghan Taliban, the IMU, representatives of the Chechen and Uighur separatists, as well as radical groups from Malaysia, India, Indonesia, Thailand and other countries with the participation of "Hizb ut-Tahrir." In that summit, for first time "Hizb ut-Tahrir" announced its intention to interact with other groups.²⁰ In 2000, eighty members of "Hizb ut-Tahrir" were convicted for the illegal activity in Jalal-Abad region, Kyrgyzstan. They were most active in cities of Jalal-Abad, Suzak and Bazar-Korgon districts of the region and in densely populated Uzbek district. In autumn of 2000, before the presidential elections, in the south of Kyrgyzstan and in Bishkek appeared some informational literature which called the population of Kyrgyzstan to not obey and overthrow the government.²¹ In 2003, the local police found and detained people who were distributing the literature of the radical nature in the market "Kara-Suu". According to police, the

¹⁹ Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 84.

²⁰ A. Knyazev, *History of the Afghan war and the transformation of Afghanistan into a source of threat to Central Asia*, Moscow, 1990, 175.

²¹ Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 85.

members of the extremist party "Hizb ut-Tahrir" use market places, parks and places of recreation in order to distribute their extremist papers.²²

The Intelligence agency involved in combating terrorism realizes that the terrorist party or movement could not act without sufficient financing at all stages of preparation and implementation of their acts. Therefore, the attention of security officials today turns to the collection of information on the sources of financing, committed acts. It is crucial to identify the financiers and determine the level of force that must be held for the elimination of an outbreak of a seat of aggression. The General and Specific parts of the Criminal Code of the Kyrgyz Republic are the means of combating and fighting against terrorism. Article 183 of the Special Part of the Criminal Code prevents financing terrorism. Particularly, the article 183 states that legalization (laundering) of income is legalization of finances or other property acquired by illegal means; also it sets liability for financing the terrorism.

Let's now look at what generally "money laundering" is. Money laundering is a set of operations where money earned by illegal means (theft, drug trafficking, etc.) is conducted in such way as to create the impression in society that it was a legitimate source. The most common method of money laundering is investment of illegal income in banks.²³ Banks do not try to learn the sources of those investments therefore not particularly interested in the legality of their origin. It is well known that the terrorist activity needs constant and powerful recharge; it was especially seen in the Batken events of 1999-2000, when the formation of illegal gangs tried to enter the Kyrgyzstan. Terrorism and drug trafficking interlace with "dirty money" that are used for financial support of terrorism and extremism.²⁴

Kyrgyz Government in their direction took certain measures. The Governmental Decree on August 25, 2003 № 503-p, a working group finalized the draft law "On combating the

²² In Kara-Suu again appeared informational literature of Hizb ut-Tahrir. The newspaper "Vecherniy Bishkek", 30 May 2003

²³ http://www.topknowledge.ru/index.php?option=com_content&view=article&id=1987:2011-08-18-06-32-35&catid=126:2011-08-15-06-48-57&Itemid=79

²⁴ Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 89.

financing of terrorism and "laundering" proceeds by the crime", which was approved by the Governmental Decree on 2 December 2002, № 818.²⁵ This bill is designed to protect the legitimate rights and interests of citizens, society and the state, as well as the integrity of the financial system in Kyrgyzstan against crime by creating a legal framework to combat the financing of terrorism. According to the bill for banking operations; it follows special requirements (following) in order to counter the financing of terrorism.²⁶ Banks and financial and credit institutions which have rights to open and maintain bank accounts, do not have the right to open anonymous bank accounts, accounts payable to bearer and carry out any financial transaction without identifying counterparties or clients. Persons providing information in which law classifies banks, financial and credit institutions, the participants of the securities markets, insurance companies, individuals, bookmakers, organizers of lotteries, sweepstakes, etc. They should carry out special procedures such as identification of the client's identity, the identity, and then verify the legal status of the client entity, information about the name or customer name, address, statutes governing the activities of the customer.²⁷ The law requires this to ensure the person has the right to dispose of the funds held in the account, as well as perform other procedures stipulated regulations. The Problem in curbing the activities related to the financing of terrorism is not only to identify the person to collect funds or receive funds for terrorist actions, but also the mechanism for tracking transactions and procedures for freezing of funds.

B. II. *Legal rules to counter the financing terrorism*

The law "On combating the financing of terrorism and the "laundering" of proceeds by the crime" provides that if there is information about participation in terrorist activities against natural and legal persons, bank or other financial institution is obliged to suspend their operations in three business days. The financial institute is required to provide information to the

²⁵[The law of Kyrgyz Republic "On Combating and Financing of Terrorism and "laundering" of proceeds of crime", 2009] (KYR) http://www.bankir.kg/ruhome/general_bankiram/zakon/zakon_fourteen

²⁶ *Id.* at chapter 1.

²⁷ Zakon Kyrgyzskoj Respubliki "O protivodejstvii i finansirovaniem terrorizma i "otmyvaniem" dohodov ot prestuplenij", 3 stat'i 2009 goda [The law of Kyrgyz Republic "On Combating and Financing of Terrorism and "laundering" of proceeds of crime", article 3, 2009] (KYR)

authorized state body. Only in the absence of the competent authority's decision to extend the deadline, the bank carries out transactions with money or other property upon the customer. Suspension of committing suspicious transactions carried out on the basis of a court, the investigating authorities – a prosecutor. According to the Criminal Code of the Kyrgyz Republic; Article 226-1 Financing of Terrorism is defined as:

(1) Support for terrorist activity, expressed in the form of intentional transmission or gathering organizers or perpetrators of terrorist acts by any means and ways of or an attempt to provide or collect funds to be used terrorist or terrorist organization in the preparation or commission of terrorist crimes, as well as the provision of financial services for terrorist activities, shall be punished by imprisonment for a term of three to six years with confiscation of property.

(2) The same acts committed by a group of persons by prior conspiracy, shall be punished by imprisonment for a term of five to ten years with confiscation of property.

(3) Actions envisaged in parts one and two of this article, if committed by an organized criminal group shall be punished by imprisonment for a term of eight to fifteen years with confiscation of property.

(4) Preparation and storage facilities or performance of transactions or dealings with them belonging to persons who have committed a terrorist crime or are preparing such an offense, or which are under the control of a terrorist group or terrorist organization, and management tools such shall be punished by imprisonment for a term of eight to fifteen years with confiscation of property.

Notes to the article 226-1 of the Criminal Code of Kyrgyz Republic;

1. As of this article covers the assets of any kind, tangible or intangible, movable or immovable, however acquired, as well as documents or instruments in any form, including electronic or digital, evidencing title to such assets or participate in them, including bank credits, travelers checks, bank checks, money orders, securities.

2. A person who commits an offense under this Article shall be exempt from criminal liability if he has a timely message to the authorities or otherwise facilitated the prevention or suppression of crime, which it financed and (or) which facilitated the commission, and if he committed no other crime .

The authorized state body established by the Government of the Kyrgyz Republic, stop and check for 5 days transactions with money or other property, if there is information about the client's participation in the financing of terrorism. Within the competence of such a body is²⁸:

- A) To collect and analyze information related to monetary transactions
- B) Develop and implement measures to improve the prevention, detection and suppression of suspicious transactions
- C) To the court, the prosecutor, the investigation documents and other materials related to the financing of terrorism and "money" income
- D) To coordinate the activities of state authorities to prevent and combat "money laundering"
- E) Has full access rights to the databases (list or registers), the formation and maintained by government agencies, for good cause, testifying that the operation (transaction) is associated with the financing of terrorism and the "laundering" of proceeds of crime, provide relevant information and materials to law enforcement agencies in accordance with their competence. Important meanings in the suppression of the financing of terrorism have mutual legal assistance and coordination of joint efforts with other countries, as well as the financing of terrorism is global.

At the same time, some of the countries guided in combating the financing of terrorism with their «list» of banned organizations on their territory and do not recognize the decision by the competent authorities of other countries. Financing terrorism has a global character, therefore states international cooperation and providing legal assistance to each other is important in combating terrorist forces. At the same time, some countries do not recognize the other country's means and methods of combating terrorism. Financing of organized crime, especially terrorism

²⁸Zakon Kyrgyzskoj Respubliki "O protivodejstvii i finansirovaniem terrorizma i "otmyvaniem" dohodov ot prestuplenij", 3 stat'i 2009 goda [The law of Kyrgyz Republic "On Combating and Financing of Terrorism and "laundering" of proceeds of crime", article 5, 2009] (KYR)

and extremism is the process which is carefully concealed and always masked.²⁹ "As a rule, the delivery of money from abroad to country of destination is made through the method of "hawala" which means physical movement of money across the border. For example, some extremist groups used hide money under the skin of animals. For Central Asia the typical transfer of money is through the method of "hawala" or women who are not searched by border guards.³⁰ As a rule, identifying the sources and channels of funding is a lengthy process which requires the significant cooperation between the several countries which is conducted by the special services of states on the bases of the international treaties or agreements on suppression of the organized criminal activity.³¹ Therefore, the law foresees the exchange of information and legal assistance to the competent authorities of foreign states at the stages of collecting information, the preliminary investigation, the trial and execution of judicial decisions in the field against the "money laundering" and terrorist financing.

On April 2003, Kyrgyzstan joined to the International Convention "On the Suppression of the Financing of Terrorism" of 1999. Kyrgyzstan addressed the same problem for the implementation of the Convention, as well as other participating States. In detection and control of the operations carried out in support of terrorist activities is the establishment of the final destination which is a terrorist organization or group. The problem of combating the financing of terrorism is one of the most important. The competent approach, professional organization, forecasting, expertise to identify growth factors terrorism, preventing terrorist activities. The timely detection of terrorist financing and their overlap can significantly reduce the likelihood of its deployment, threat to human life and damage from terrorism.³² In the opinion of the Russian

²⁹ Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 109.

³⁰ Panenkov A.A. *"The fight against terrorist financing"*, Moscow, 2009, 32.

³¹ [Igor Khokhlov, *"Shadow and Light of Hawala"*, Moscow, 2007] <http://vpk-news.ru/articles/4318>

³² Bazarbaev A.S., *Countering terrorism and its financing: "Criminological aspects"*, Bishkek, 2010, 111.

scholar V.V. Ustinov it is important to consider the following steps in order to stop financing the terroristic groups:³³

- 1) to have criteria for identifying terroristic group and application of administrative, civil and criminal penalties to such organizations.
- 2) to discuss the initiatives with the participation of not only authorities which fight against terrorism but also the participation of finance institutions and representatives of other relevant agencies (in discussing such mechanisms prevent the use of computer technology for the collection, transfer funds, recruitment of mercenaries and ets).
- 3) to consist the law the development of substantive and procedural national laws against terrorism with the laws of other countries.
- 4) to use all existing mechanisms for international cooperation in combating the financing of terrorism and the expansion of a regional response.
- 5) to freeze and confiscate terrorist assets through appropriate laws that will allow the confiscation of property and other resources used to finance terrorism.
- 6) to educate and train financial institutions that are able to recognize and report suspicious transactions.
- 7) to register and license the individuals and entities involved in the formal and official remittances.³⁴

C. III. Problem

There are international standards for combating money laundering and terrorist financing. Such standard is the FATF convention 1999 (Financial Action Task Force on money) which

³³ [Vladimir Ustinov "Charged with Terrorism", Moscow, 2002] http://www.e-reading-lib.org/bookreader.php/148863/Ustinov_-_Obvinyaetsya_terrorizm.html

³⁴ [Vladimir Ustinov "Charged with Terrorism", Moscow, 2002] http://www.e-reading-lib.org/bookreader.php/148863/Ustinov_-_Obvinyaetsya_terrorizm.html

develops and promotes policies to combat the financing terrorism. Documents of FATF, in particular 40/9 Recommendations are a comprehensive set of organizational and legal measures to establish in each country an effective regime against money laundering and terrorist financing.³⁵ The complexity and versatility is expressed in:³⁶

- the broadest possible coverage of issues related to the organization of anti-money laundering and terrorist financing on the national and international levels;
- close relationship with the international conventions, UN Security Council resolutions, acts of specialized international organizations devoted to AML / CFT (Counter action to legalization (laundering) of proceeds received by criminal way and financing terrorism);³⁷
- providing countries with opportunities for flexibility in the implementation of the recommendations of the FATF 40/9 taking into account national specificities and characteristics of the legal system.

The FATF Recommendations do not duplicate or replace the relevant provisions of other international instruments, and, if necessary, complementing them together into a single system of organizational principles and the rule of law, while playing an important role in the codification of the rules and regulations in the field of AML / CFT.

- 40 recommendations of the FATF 9 (Special Recommendations Methodology for assessing compliance with 40 Recommendations)
- 9 Special Recommendations of FATF
- Guidance to countries and experts to conduct assessments and mutual evaluations on AML / CFT.³⁸

³⁵ [The Federal Service for Financial Monitoring, documents] <http://www.fedsfm.ru/documents/international-fatf>

³⁶ [The Federal Service for Financial Monitoring, documents] <http://www.fedsfm.ru/documents/international-fatf>

³⁷ [Informational portal]<http://115fz.ru/podft---chto-eto/>

³⁸ [The Federal Service for Financial Monitoring, documents] <http://www.fedsfm.ru/documents/international-fatf>

But the Kyrgyz Republic is not a party of FATF convention. The authorities of the country must sign and ratify the convention that will improve legislation of the Republic it will promote to us efforts to keep track of information about blockage or freeze of exchange or accounts and will allow working with all participating countries to effectively deal with this problem. We have not only the problem with financing terrorism, but also problem with fighting with it and in the third chapter I will show methods and means.

Third Chapter:

Methods and means of fighting terrorism

At the turn of the century, Central Asian countries have faced the problems of terrorism and extremism. After the collapse of the USSR, religious movements in the region gained momentum and began to preach the idea of the Ferghana Valley Islamic state based on adherence to Sharia religious law which is not secular law. In particular, the idea of creating such state is advocated by the religious party "Hizb-ut-Tahrir" ("Islamic Party of Liberation") which is banned in several countries in the region. Extreme poverty, unresolved domestic problems and unwillingness of the local authorities to address those issues fosters the idea of creating a just Islamic state.³⁹ The population of Kyrgyzstan has long been considered to be not much Islamized unlike neighboring countries Uzbekistan and Tajikistan. However, after the collapse of the former Soviet Union and the abolishment of all restrictions on religious aspects, there was a led broad flow of followers of different religious branches to the country. Particularly, the idea of Islamisation was the most popular. Soon, the number of mosques in Kyrgyzstan has reached to two thousand in number and even exceeded the number of high schools buildings.⁴⁰

A.I. Historical Background

³⁹ [Political extremism, terrorism and the media in Central Asia, Bishkek / Copenhagen, 2008]
<http://www.monitoring.kg/?pid=139>

⁴⁰ [Political extremism, terrorism and the media in Central Asia, Bishkek / Copenhagen, 2008]
http://www.monitoring.kg/?pid=139#_ftn10

Many young Kyrgyz people went to study in the spiritual centers of Islamic states. Not everything that has come under the name of Islam in Kyrgyzstan was harmful. The idea of building an Islamic state where would be no needy and poor and where the justice would prevail began to get more and more supporters among the Kyrgyz people. The frequent reports in the media about the arrest of members of a religious group "Hizb-ut-Tahrir" and their propaganda about creating the Islamic state is the strong evidence of the said above. In addition to the idea of justice and diffusion of the idea of creating an Islamic state facilitated the ignorance of the majority of the population and the powerlessness of the local Kyrgyz Islamic clergy to stand against such radical agitators. As recognized by Toigonbek Kalmatov who was a former director of the State Agency for Religious Affairs of the Kyrgyz Republic, currently Kyrgyz mosques hold more than 12,000 worships.⁴¹ "Seventy percent of which are self-taught not graduated from special education. In Kyrgyzstan, there are about 50 madrasas and none of them have passed certification. This means that graduates of these Islamic institutions are not recognized by the state structures of the Republic ", - said T. Kalmatov (Director of the State Agency for Religious Affairs of the Kyrgyz Republic).

The attractiveness for Kyrgyzstan's religious, extremist and terrorist-separatist organizations, according to experts, is also explained by the fact that the statutory conditions of Kyrgyzstan does not comply with today's requirements. "Today Kyrgyz law in this respect is more loyal, so it is advantageously for destructive forces of neighboring states. This is especially concern the "Hizb ut-Tahrir al-Islami" - explains T. Kalmatov. According to him, the number of supporters of this party in Central Asia has increased in the country over the last five years by 10 times and has about 10 thousand people. The first open confrontation with the terrorists in Kyrgyzstan occurred in 1999 when a group of militants, "the Islamic Movement of Uzbekistan" (IMU) tried to break through Kyrgyzstan to Uzbekistan. A similar attempt was made in the

⁴¹ Toigonbek Kalmatov, Director of the State Agency for Religious Affairs of the Kyrgyz Republic: In Kyrgyzstan, *"all madrassas must be certified"*, 10.09.2007, Informational Agency (IA) «24.kg»

following year. Only with the help of Russia, the United States and other friendly countries, Kyrgyzstan has managed to destroy the plans of the IMU.⁴²

In the following years Kyrgyzstan suffered a series of terrorist attacks⁴³:

- December 2002. A group of fighters of the Islamic Movement of Uzbekistan (IMU) committed terrorist acts in the market "Oberon" and in Osh city where victims were the civilian population. During the investigation it was found that the aim of the terrorists were the U.S. Embassy and the hotel "Ak-Keme", however, due to difficult approaches and reliable security, performance of terrorist attack was deferred to a more accessible objects.

- November 2004. In Osh, at the time of a raid, the police stopped car in which there were four unidentified persons, upon delivery to the Department of the Interior, the detainees escaped. While trying to arrest one of the criminals, he blew up himself with a grenade which killed a police officer. During the preliminary investigation, it was determined that the victim and the criminals themselves were citizens of Uzbekistan, IMU, and were wanted for terrorist activities.

- December 2005. Unknown persons blasted a conference room of Osh oblast state administration. There were no victims. The law enforcement agencies declared the likely involvement in the terrorist act was the members of extremist organizations operating in the territory of the Kyrgyz Republic.

- March 2006. In Uzgen, the Ministry of Internal Affairs (MVD) and the National Security Service (NSS) of the Kyrgyz Republic opened and suppressed the activity of underground religious extremist groups. As a result, 16 people were arrested; the detainees had large quantities of ammunition, firearms and bladed weapons, a large number of religious literature and audio extremist content. Among the detained were members of "Hizb-ut-Tahrir." Another group, during a shootout with security forces has escaped.

⁴² [Political extremism, terrorism and the media in Central Asia, Bishkek / Copenhagen, 2008]http://www.monitoring.kg/?pid=139#_ftn8

⁴³ "Uzgen - Kadamzhaj - Jalalabad: trend or coincidence?", Independent research center "Peaceful Asia", 24.08.2006

- May 2006. An armed group of 7 persons attacked the Tajik border post "Lyakkan", the result of attack two soldiers of the border troops killed and one wounded. Criminals seized 19 guns of "Kalashnikov" machine gun and plenty of ammunition, than in two cars "Mercedes" and "Opel" fled in an unknown direction.

After half an hour, they attacked the Kyrgyz customs station "Ak-Turpak." Special Forces of the Ministry of the Interior and the National Security Service of Kyrgyzstan blocked the armed group in a mountainous area near the village of Kadamzhai. Assumptions that events have possible relation to IMU had been confirmed after the liquidation and arrest of two members of armed groups: Rakhmanov Nuralym and Hujayev Abdurahman. The first one was a citizen of Kyrgyzstan, a native and resident of the Osh city; the second one was a citizen of neighboring Uzbekistan, who was wanted for terrorist activities since 2000. Both of them are IMU gunmen and members of terroristic group who were hiding in the Sogdian province of Tajikistan and the border areas of the Batken region of the Kyrgyz Republic.

-June 2006. In 9th of June in Jalalabad at 19.30, while trying to stop a car with unidentified persons, a police officer was killed. In 10th of June at combing the countryside, one unknown group of 10 people put up armed resistance and fled away to Uzbekistan border, wounding several police officers.

B.II. Problems

We have a problem in the area of articles in Criminal Code of Kyrgyz Republic in comparison with Criminal Code of Russian Federation it is the weak penalties. We have weak punishment for terrorism: 5-10 (article 226 – *Terrorism, that is, an explosion, arson or other acts that endanger the lives of people, causing significant property damage, or other socially dangerous consequences, if committed for violating public security, intimidating the population or influencing the decision-making bodies authorities or international organizations, as well as the threat to commit such actions for the same purposes -shall be punished by imprisonment for a term of five to ten years.*

(2) The same acts committed:

1) a group of persons by prior agreement;

2) with a deadly weapon -shall be punished by imprisonment for a term of eight to fifteen years.

(3) Actions envisaged in parts one and two of this Article, if committed by an organized criminal group or resulted in the death of a person or other grave consequences -shall be punished by imprisonment for a term of fifteen to twenty years.

Note for article. A person involved in the preparation of a terrorist act is exempt from criminal liability if he timely warning to the authorities or otherwise help to prevent an act of terrorism, and if the actions of the person does not contain other crime) years and for financing terrorism: 3-6 (article 226.1 mentioned in second chapter) years.⁴⁴ But for example Russian Federation under their Criminal Code has punishment: For terrorism 15- 20 (article 205, changes in this article has not happened yet but it is approved by the State Duma of the Russian Federation and is just waiting for the president's signature) and for financing terrorism (article 205.1) 5-11 years + penalty 500.000 rubles.⁴⁵ We should perform changes in the articles of Criminal Code of Kyrgyz Republic to increase liability for such crimes.

Another problem is that we don't have special institute that will monitor companies or non-profit organizations which is sponsored by foreign countries and which would control and regulate activities of people who study abroad in international religious institutions. For example in the South of Kyrgyzstan on April 17, 2013 was detected fact of recruitment of Kyrgyz men in the ranks of the opposition; fighting against the government in Syria.⁴⁶ No one would know it if the relatives of guys would not went to police and say information about missing, so my suggestion is to create peculiar coordinating centre of expert's under Security Council of Kyrgyz Republic, to solve such kinds of problems.

⁴⁴ Ugolovnyj kodeks Kyrgyzskoj Respubliki 2010 [Criminal code of Kyrgyz Republic 2010] (KYR)

⁴⁵ <http://www.zakonrf.info/uk/205.1/> Ugolovnyj kodeks Rossiskoi Federacii 2011 [Criminal code of Russian Federation 2011] (RUS)

⁴⁶ [A belligerent Syria recruiting Kyrgyz jihadists] http://rus.azattyk.org/content/kyrgyzstan_syria/24959885.html

C.III. Use of force in legal framework

Officers of Interior Ministry established the identity of one of the criminals. He was a 27-year-old resident of Uzgen, Zhamaldin Abdrashitov. Today, it is definitely possible to say that religious extremist group was responsible for those events. This is evidenced by weapons seized in the house, where extremists could possible live. Weapons such as grenade RGD-5, hundred rounds of ammunition from a Kalashnikov, sawed-off hunting rifle with ammunition, air rifle, 30 magazine cases of AK, the book "Infantry Weapons," published in Minsk, fifteen books and over 30 brochures of religious extremist movement "Hizb-ut-Tahrir" were found. In addition, 14 people were detained on implication in a crime, including a woman, who was a direct participant in the crime.

- July 2006. In 14th of July in Jalalabat, forces and special units of the NSS MIA in front of the regional Department of Internal Affairs (UVD) were blocked by a group of armed militants of the Islamic Movement of Uzbekistan. The group consisted of 5 people, which resisted NSS MIA, using grenades, automatic weapons and rocket-propelled grenade. The strategy of the liquidated group showed a high level of training. According to preliminary reports, the gunmen intended to hold a series of attacks in the southern provinces to provoke ethnic conflict between Kyrgyz and Uzbek nationalities.

During the parliamentary elections, religious party "Hizb-ut-Tahrir" perhaps attempted to gain influence in political life in the country. In December 14, 2007 press service of the City Department of Internal Affairs (police) of Bishkek issued a press release stating that the distributors of leaflets of religious extremist organization "Hizb ut-Tahrir" were arrested and kept in detention by police in Bishkek. The aim of distributors was to disrupt the upcoming elections in the parliament.⁴⁷ According to the police report, in 12 of December 2007, Leninsky District Department of Internal Affairs (police department) detained a 23-year-old native of Naryn at Osh

⁴⁷ Informational Agency "AKIpress.kg", December 14, 2007, 15:00

bazaar, a resident of Ak-Bosogo. 504 Leaflets and 21 CDs of "Hizb-ut-Tahrir", entitled "Parlamenttik shayloolorgo katyshuunun shary Okumu" (Sharia condition of participation in the parliamentary elections) were found and confiscated. Moreover, such leaflets were found in Sokuluk district of Chui oblast, where a 35-year-old man was arrested by Internal Affairs of Bishkek. In December 12, 2007, CD and leaflet of "Hizb ut-Tahrir" were seized in the office of the Association of operators of Kyrgyzstan. A similar finding had also been seized in the Sverdlovsk regional administration in Bishkek. In Dec. 11, in the intersection of Guliyev and Moscovskiy streets, a 28-year-old native of Jalalabad had been arrested. 173 leaflets of "Hizb ut-Tahrir" were confiscated. In the place of residence were seized 35 CDs.⁴⁸

Further, the same facts had been reported by the State Committee of National Security. Committee assumes that party "Hizb ut-Tahrir" shifted to the political methods of struggling to establish Caliphate. This was reported in the press center of the State Committee of National Security of the Kyrgyz Republic, referring to the arrest of three activists of an extremist organization in the town Naryn. 23 leaflets and the same number of CDs, with agitations not to support democratic institutions, but to vote for candidates who are true Muslims and who will contribute to the establishment of Islamic law in society, had been seized. The intelligence agency notes that leaflets and videos evidence the fact that it was a propaganda of a certain political religious party. At the places of distribution of those materials had been seized more than 100 copies of leaflets and CDs.⁴⁹ After Batken events, countries of Central Asia, Russia and China realized the importance of coordinating their actions against religious extremism and terrorism. In the framework of the CSTO (Organization of the Collective Security Treaty) was established headquarters for the fight against terrorism. One of the main objectives of the Shanghai Cooperation Organization was to set coordination against extremism, terrorism and separatism. There are a huge number of agreements in the framework of the CSTO, SCO and agreements between the States themselves on joint action to fight extremism and terrorism.

⁴⁸ Informational Agency "AKIpress.kg", December 14, 2007, 15:00

⁴⁹ Informational Agency "AKIpress.kg", December 14, 2007, 12:40

However, most of those agreements, as discussed earlier, only struggle with religious extremism and terrorism. As the history of Kyrgyzstan's development shows, recent years occurred new type of extremism such as political. It can be defined as intimidation (persecution) of political opponents by opposition and the government, represented by the ruling elite, to make a certain political concessions. As an illustration of political extremism can be brought provocations in March 24, 2005, which became triggers for further processes, leading ultimately to a change of government.⁵⁰ All actions to combat terrorism have little effect since their reasons are not overruled: a marked decline in living standards, combined with the unprecedented increased social differentiation, economic and energy crisis, the rise in prices, inflation, rising unemployment, which cause the problem of migration, psychological and professional degradation and disorientation of the individuals in a market economy, etc...

The spread of extremist ideas promotes a high level of corruption in Kyrgyzstan. Russian specialists, A.G. Pavel and A.M. Ivanov, believe that corruption is a catalyzer for organized crime, thus exerting its influence on the spread of terrorism. This influence can be direct (directly aiding terrorists) or indirect (for example, aiding organized criminal groups which are involved in drug trafficking, the proceeds of which accrue to the terrorists).⁵¹ Although the media often reports of religious extremism and terrorism, it should be noted that after all their danger to the integrity of the state of Kyrgyzstan is definitely small compared to the risk of political extremism. Religious extremism and terrorism is still "imported product" and its activities are funded from outside of the country, while political extremism is the "domestic product", which has its roots in the modern realities of Kyrgyzstan.⁵²

D.IV. Duty of the media in the coverage of terrorist acts

⁵⁰ [Political extremism, terrorism and the media in Central Asia, Bishkek / Copenhagen, 2008]http://www.monitoring.kg/?pid=139#_ftnref11

⁵¹ A.G. Pavel, A.M. Ivanov, "*Law and Politics*", Moscow, 2010, 143.

⁵² [Political extremism, terrorism and the media in Central Asia, Bishkek / Copenhagen, 2008]
http://www.monitoring.kg/?pid=139#_ftnref11

The law "On Combating Terrorism" of November 8, 2006 in comparison to the law "On Countering Extremist Activity" has more articles that regulate the activities of the media as a part of counter-terrorism. In particular, this law imposes the duty on the media to assist in countering terrorism (Section 2 Ch. 3 tbsp. 12). It states that "members of the media in covering the events related to terrorist acts and anti-terrorism activities must take into account that people's right to life and security is primary in relation to the right to freedom of access to information and its dissemination", members of the media as in obtaining information about impending terrorist attack must immediately inform the relevant state agencies, as well as they should provide information or documentary material that can serve as material evidence at the trial for the crimes of a terrorist nature, or may be used in the interest of preventing a terrorist attack.⁵³ The Act includes measures to prevent the use of the media. Thus, in particular, the leaders of the media have a responsibility to ensure that media materials are not used to justify terrorist activities, do provoke it, and do not include promotion of inter-religious, inter-ethnic, racial hatred. State agencies and local governments are required to fully promote and encourage the involvement of the media in preventing terrorist acts, as well as in the formation of anti-terrorism awareness in society. People engaged in combating terrorism are obliged to provide the media objective information about the facts of the preparation, execution and suppression of acts of terrorism, as it is regulated in the Article 2 of this Law. Employees and media executives who violated the obligations in terms of counter-terrorism assistance, must be held accountable up to the criminal prosecution and termination of the body of the mass media (Section 2 Ch. 3 tbsp. 14). Under Criminal Code (CC) of Kyrgyzstan, there are Articles when a person can be held criminally responsible for the acts of a terrorist nature (Articles 226-229, 232, 294, 296, 376). However, in CC there are no direct articles on extremist activities yet. There is a proposal of the law that includes articles that will regulate extremist activities. This law was developed in 2004 and signed in December 11, 2002 in Beijing, as part of the approval by Parliament of the

⁵³ Zakon "O bor'be s terrorizmom" na 8 nojabrja 2006 [Law "On Combating Terrorism" on November 8, 2006] (KYR)

"Agreement between the Kyrgyz Republic and the People's Republic of China on Cooperation in Combating Terrorism, Separatism and Extremism." It should be noted that the Criminal Code of the Kyrgyz Republic in comparison with the Criminal Code of other states does not prohibit membership in banned organizations, unless they are openly campaigning for the change of the constitutional order. This loophole in Kyrgyzstan actively used, in particular, by representatives of the religious party "Hizb-ut-Tahrir."⁵⁴

Certain regulations and laws restrict activity of media in covering the topic of extremism and terrorism. This is, first of all, already noted above the law "On the Protection of State Secrets." It was effectively used as a military base for the failure of information about the war of 1999-2000 in the Batken region, where armed gangs of the Islamic Movement of Uzbekistan (IMU) tried to enter to the territory of Uzbekistan through Kyrgyzstan. A good example can be "first Batken war" of 1999, when Uzbek military aircraft bombed Kyrgyz village, Kara-Teyit. During that war three people were killed and 17 injured. The authorities of Bishkek and Tashkent strictly metered information and did not give access to journalists to the war zone, consequently this tragic event did not gain wide acknowledge in Kyrgyzstan. As Kuban Mambetaliyev (media expert) notes, one of the first task was to make that bombing by newspaper "Slovo Kyrgyzstan", "... there was a wide prevention efforts of the authorities to such coverage. Government did not want to spoil relations with its neighbor before the heating season. According to Tashkent report, there were no victims and the pilots mistakenly bombed the empty barns in the mountains of Kyrgyzstan. And this was the end of the scandal."⁵⁵ Quite a long list of different kind of secrets can be hidden by government as unwanted disclosure of information. It re-qualifies information to state, military or official secret that causes a lack of confidence from the media in such issues as extremism and terrorism. Ignorance or negligence can possibly cause

⁵⁴ Abdumomun Mamaraimov, *"Islamic Group Quietly Builds Support in Kyrgyzstan"*, IWPR, RCA № 516, 16 November 2007

⁵⁵ Kuban Mambetaliyev, *"Legal protection of journalists and the media in Kyrgyzstan"*, 1999

prosecution. All this facts show that media and journalists are reluctant to cover these topics, or cover them with a great care.

E.V. Examples of the vulnerability of terrorist organizations

All terrorist organizations, regardless of their ideology, and opportunities share common vulnerabilities. The main ones are the following:

1) The activity of terrorists.

Terrorists cannot operate in isolation. They are bound to maintain contacts with co-gunmen and associates. Tracking such contacts with a special technique allows us to understand the scheme of action, explore the plans of terrorists, as well as to detect and eliminate them. It is important to record all movements and actions of members of terrorist organizations. Moreover, paying close attention to the collection and analysis of information on terrorists help to achieve tangible progress in the fight with them. Thus, the German authorities effectively eliminated the Baader-Meinhof group ("Red Army Faction") through creating database on analysis of the facts relevant to the terrorists.⁵⁶

2) The possibility of arrest or elimination of the leaders of terrorist groups.

The leaders of terrorist organizations have a significant impact on the activities of their organizations. Their role is reduced if the terrorists are guided by other objectives, for example, a certain world view, or if they are backed by security forces of a State. However, in most cases the activity of terrorist depends on the objectives of their leaders. The terrorist attacks require planning and careful preparation. Therefore, the capture or elimination of a leader helps to destroy terrorists. In recent years, intelligence agencies were successful in preventing many attacks. For example, the arrest of the leader of the PKK, Abdullah Ocalan, completely paralyzed the structure of terrorist group. A similar result had been achieved by capturing the leader of the

⁵⁶ [K. Melnichuk, "Terrorism and organized criminality", 2010] <http://modernarmy.ru/article/24>

Peruvian organization, "Sendero Luminoso" ("Shining Path"), Abimael Guzman. Thus, the elimination of the leader of the terrorist organization can lead to its complete destruction, or as minimum, reduce handling and fighting capacity.⁵⁷

3) The struggle for power within the terrorist groups.

There is a competition for fame, influence and money within members of terrorist groups. For example, in Iraq, terrorist groups are fighting with each other in a greater extent than government and coalitions. Such state of enmity is permanent. In many cases, this leads to weakening level of competition, and even destruction of powerful organizations. Due to internal disagreements during 1970-1980-ies disappeared "Japanese Red Army" and the Palestinian "Black June" terrorist groups. For the same reasons, sharply had been reduced the activity of Colombian FARC (Fuerzas Armadas Revolucionarias de Colombia or the radical left rebel group in Colombia) and Philippine "New People's Army." Thus, in planning antiterrorist operations is needed to identify and use such kind of clashes of interests within terrorist group. It will stir up tension between terrorist leaders and groups, thereby preventing them to carry out actions against the state.⁵⁸

4) The terrorist organization made up of people who can be eliminated or returned to a normal life through persuasion and demonstration of a good will.

The state should conduct a series of measures to conquer the minds of members of terrorist organizations, convincing them in the futility of the struggle. These measures include:

- Eradication of corruption in government;
- Improvement of standards of living in areas that support terrorists;

⁵⁷ [K. Melnichuk, "Terrorism and organized criminality", 2010] <http://modernarmy.ru/article/24>

⁵⁸ [K. Melnichuk, "Terrorism and organized crime", 2010] <http://modernarmy.ru/article/24>

- Undermining the financial and food base of terrorists;
- Inclining the leader of the terrorist group to finish the armed struggle;
- To amnesty members of terrorist groups;
- Explanation of the futility of terrorism.⁵⁹

5) All of the states, even competing on the international stage, should join to the fight against terrorism.

While making attacks around the world, terrorists increase their enemies in the face of various countries. Understanding of the need for a joint struggle against terrorism becomes stronger every day. An example of such cooperation led to the destruction of the Iraqi leader "Al-Qaeda," a Jordanian al-Zarqawi. After the commission of a terrorist attack in the Jordanian city of Amman, the Jordanian intelligence services identified his location and gave that information to the American government. Special operation took place where Al-Zarqawi was killed.⁶⁰

6) Certain states support terrorists, and therefore we need to keep them out of it by military force.

E.V. (a) Additional measures against Terrorists

Some countries support terrorists, using them to their advantage. In order to stop such support, the international community imposes economic and political sanctions, but sometimes to solve the problem fundamentally, one needs military intervention. Only after using armed forces against terrorist groups in such countries as Afghanistan, Libya and Iraq, activity of terrorist organizations stopped for some period of time. Based on the above mentioned, we formulated the basic principles of the fight against terrorism:

- 1) The destruction of the network of terrorist groups.

⁵⁹ K. Melnichuk, magazine "Foreign Military Review", Moscow 2009

⁶⁰ K. Melnichuk, "Terrorism and organized crime", 2010 <http://modernarmy.ru/article/24>

Terrorists have traditionally had a strict hierarchy of leaders. Therefore, destruction or arrest of the leaders affects the group destructively. At the same time, the United States, acting in this way, did not achieve much success in Iraq. The reason for this, in particular, is the structure of the Iraqi terrorist groups, each of which has its head. Thus, the elimination of a single leader can destroy a single group, but does not destroy the entire terrorist network. In addition, the leaders of these structures are often engaged in propaganda, but they do not take part in the organization and implementation of the attacks. Network structures are the most stable. They can recover even after the serious injuries. However, both of these structures have weaknesses. First of all, each group consists of professionals in various sectors - specialists in explosives, gunsmiths, as well as computer scientists and experts at the information and psychological warfare, without them serious attacks virtually impossible.⁶¹

2) Political transformation.

In some cases, it is possible to stop the destructive activities of terrorists, directing their efforts in the field of political struggle. For example, this happened with the Palestine Liberation Organization, headed by Yasser Arafat, who commenced peace talks with Israel in the 1990s. Subsequently, members of the PLO entered into the structures of the Palestinian Authority. However, some groups separated from the main forces of the PLO and continued the armed struggle. The elections in Iraq, in January 2005, showed that the leaders of the various groups of terrorists failed to produce a single relationship to them. Some groups took part in the elections and even nominated their candidates, others stepped up terrorist activities, and others reduced their activity to the minimum. In this way terrorists can operate successfully only under certain political conditions. Once these conditions disappear, they lose their power and even former allies begin to quarrel.⁶²

3) Deprivation of terrorists of public support.

⁶¹ K. Melnichuk, magazine *"Foreign Military Review"*, Moscow 2009

⁶² [K. Melnichuk, "Terrorism and organized crime", 2010] <http://modernarmy.ru/article/24>

Terrorist groups can operate for a long time only with the support of the population . This allows them to recruit new fighters to obtain the necessary resources to successfully hide and conduct reconnaissance. However, such assistance could be eliminated. This occurs, for example, if the fear of punishment by the state is stronger than the desire to help terrorists. This mechanism can work by giving local people a real alternative for them. This could be the creation of new jobs, the elimination of discrimination against ethnic or religious minorities, etc.⁶³

4) Conducting military operations and repression.

In many cases, terrorists are destroyed by the troops of secret services and the police. In recent years such operations were carried out by the Turkish armed forces, Sri Lanka, Colombia and Iraq. Before such operations with terrorists were conducted in France, Great Britain and South Africa. However, those operations showed that the use of the army inevitably leads to civilian deaths, the loss of government support for the local population, the economic collapse in those areas, which creates favorable conditions for the actions of terrorists. At the same time in large-scale military operations against terrorists, army units can be used to change the situation fundamentally.⁶⁴

5) The use of modern information technology.

Modern terrorists actively use information technologies for coordination and advocacy. Mobile, email, and other programs to communicate over the Internet led to the creation of "cyber terrorist" organizations. It is therefore necessary to monitor and prevent terrorist use of information technology.⁶⁵

Consequences of third chapter

⁶³ K. Melnichuk, magazine "*Foreign Military Review*", Moscow 2009

⁶⁴ [K. Melnichuk, "Terrorism and organized crime", 2010] <http://modernarmy.ru/article/24>

⁶⁵ K. Melnichuk, magazine "*Foreign Military Review*", Moscow 2009

It is very important to predict actions of terrorist and extremist organizations in Kyrgyzstan, which may enhance their activity. The situation in our region is inextricably linked to the processes in the Afghanistan-Pakistan region. There are located main bases of the Islamic Jihad Union (IJU), Islamic Movement of Turkestan (IMT-IMU), generously supported by "Al-Qaeda" and "Taliban." According to various assumptions, when International Security Assistance Force (ISAF) finishes its work and leaves Afghanistan, there is a possible aggravation of the situation that can lead to escalation of terrorist activity, growth of drug use and total destabilization in Central Asia. Therefore, we must take steps to neutralize and minimize such threats.⁶⁶ The Chairman of the Committee on Defense and Security Parliament, Tokon Mamytov, in an interview with "Central Asia Online," said: "No country cannot cope with such a threat as terrorism on their own, so I would recommend to security agencies to work closely in the coordination of activities, not only with the CSTO and the SCO, but also with NATO and with the European Union. Of course, cooperation with neighboring countries such as China, Russia, Kazakhstan, Tajikistan and Uzbekistan - is the primary task. The second level of cooperation should include a partnership with Canada, Germany, Britain and other countries, and the third level of cooperation is a joint effort with the secret services of Pakistan, Afghanistan. They have a lot to learn, especially counting the fact that a large number of young people are taken away on (terrorist) training."

⁶⁶ [Asker Sultanov, "Anti-terroristic ability", Bishkek, 2012]
<http://centralasiaonline.com/ru/articles/caii/features/main/2012/09/24/feature-01>

Conclusion:

At the conclusion of the work, I would like to say that to get rid of terrorism in all of a sudden is impossible. Especially at the present time, this is characterized by increasing economic crisis and the weakening of the rule of law and crime. Even in a situation of relative political stability, avoid the excesses of terrorism is not very easy. It is necessary to create favorable conditions for the proper uniform development of various ethnic groups and ensure the realization of their interests in order to prevent conflicts on ethnic grounds. The state's task is to create good conditions for peace living for all ethnic groups that self-consciousness would have priority over a factor of ethnicity in the process of self-identification of citizens. One of the most important activities of the heads of state should be a joint cooperation for the prevention, containment and termination of regional bursts of extremism, which is offered by terrorists and it could cause destabilization in other states. And the solving problem of terrorism is one of the most important for modern humanity. Each year, all the world's countries have devoted enormous resources to protect its citizens from possible attacks by international terroristic organizations, but still civilians continue dying. No one in the world cannot be 100% sure of its safety. The terrorist attacks have shown that each of us can become a victim of terrorism. In the last 10-15 years the world community has finally realized that the problem cannot be solved by precision strikes and the creation of special anti-terrorist units. Some laws and policy measures cannot solve the problem of terrorism - to combat this scourge requires the combined efforts of the world community. So because of it I have made some recommendations that will help to combat with demonstration and prevention of terrorism. This is particularly the incensement of the period for crimes of terrorism and financing it which I mentioned in third chapter. The conjunction of Kyrgyz Republic to the FATF Convention 1999 (money laundering and financing of terrorism) that will help us coordinate with the international community. And last is the creation of coordinating centre of expert's under Security Council of Kyrgyz Republic that will include specialists (ex military intelligence agents, ex politics, theologians and etc...) who will

check the activities of not commercial organizations which is financed by foreign sources, and also the control of young people who are going to enter into foreign religious institutions or another activities. I think and hope that these kinds of measures will contribute safety for our citizens.

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