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CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

**Government of the Republic of the Union of Myanmar
Ministry of Home Affairs
(Counter-Terrorism Rules)
Notification No. (239/2023)
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Exercising the authority conferred by section 72(a) Counter-Terrorism Law, the Ministry of Home Affairs has issued these rules with the approval of the Union Government.

**Chapter 1
Name and definitions**

1. These rules shall be called the Counter-Terrorism Rules.
2. Expressions in these rules shall have the same meanings as in the Counter-Terrorism Law. Furthermore, the following expressions shall have the meanings given hereunder:
 - (a) “**Law**” means the Counter-Terrorism Law.
 - (b) “**Commander**” means the captain or the co-pilot who is responsible for the safety and flight control during the flight, or, if they are incapacitated, the pilot who commands and steers the aircraft.
 - (c) “**Consul**” means a consul appointed by a state. This term includes the consul general.
 - (d) “**Tokyo Convention**” means the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed in 1963.
 - (e) “**Flight time**” includes any of the following periods:
 - (1) Period from the time the aircraft doors close for departure to the time the aircraft doors open for passengers to disembark after the aircraft moved or flew;
 - (2) period from the time the aircraft doors close until the time when, as per the responsibilities and powers of the commander, the aircraft doors are opened for disembarkation because there is danger to the persons and property on the plane, or the commander hands over the persons and property on board to the police or other competent authority in case of an emergency landing;



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- (3) the time spent landing for any reason on sea or land that is not the territory of any country.
- (f) **“Contracting state”** means any other state that is a member to any convention on terrorism to which the Union has acceded.
- (g) **“Member of a terrorist group”** means any member of a terrorist group who commits, attempts to commit, or aides and abets any offence under section 3(b) Counter-Terrorism Law, or participates as an accomplice in the commission of such offence.
- (h) **“Financial Investigation Unit”** means a team established under the Anti-Money Laundering Law to investigate and identify money laundering.
- (i) **“Interception”** means the transmission, capture or interception of, or the listening to, information communicated by any person orally or in any other way, using any electronic or communication device, whether wired or wireless.
- (j) **“Working committee”** means any working committee formed by the Central Committee in relation to the fighting of terrorism according to the Counter-Terrorism Law and these rules.
- (k) **“Working groups”** means any working group formed by the Central Committee in relation to the fighting of terrorism according to the Counter-Terrorism Law and these rules.
- (l) **“Diplomat”** means any person belonging to a diplomatic corps included in the expression “internationally protected person” as defined in section 3(h) Counter-Terrorism Law. The term includes the following persons:
- (1) Members of the mission and members of the staff of the mission as per article 1 of the Vienna Convention on Diplomatic Relations;
 - (2) diplomatic agents holding a royal passport, diplomatic passport or special passport who enter and pass through the Union if the Union is a third state in the meaning of article 40 of said convention.
- (m) **“Maritime Defence Forces”** means the Tatmadaw (Navy), Myanmar Coast Guard and Maritime Police.
- (n) **“Central Committee Office”** means the office established by the Ministry of Home Affairs to assist the Central Committee as well as the working committees and groups established according to the law in carrying out their duties.



- (o) “Associated organisations and persons” means those who are in any way involved in, communicate with, or are associated with a group or organisation that has been designated as a terrorist organisation.

Chapter 2

Establishing working committees and working groups and assigning their tasks

3. The Central Committee shall:

- (a) In order to assist in the implementation of its duties and powers under the Anti-Terrorism Law, the following working committees shall be formed, headed by a person at the federal level or the head of a services personnel organisation, and consisting of appropriate persons from the government departments and organisations concerned:

- (1) Working committee to prevent and suppress terrorism;
- (2) working committee for security in national civil aviation;
- (3) working committee to combat terrorism with biological, chemical and nuclear weapons;
- (4) working committee against terrorism targeting maritime transport and facilities for underwater resources exploration;
- (5) working committee to prevent and suppress offences related to the financing of terrorism;
- (6) working committee for international relations to counter terrorism;
- (7) other working committees as required.

- (b) In order to assist in the implementation of its duties and powers and those of the working committees under the Anti-Terrorism Law, the following working groups shall be formed, consisting of the head of the services personnel organisation from the government department or organisation concerned and other appropriate persons:

- (1) Working group for awareness against terrorism;
- (2) working group for anti-terrorism legal affairs and prosecution;
- (3) working group to supervise and maintain the fund to prevent and suppress terrorism;



- (4) working group to resettle and rehabilitate victims of terrorism;
 - (5) working group against explosive substances and terrorism;
 - (6) other working groups as required.
- (c) The working committees and working groups established under sub-rules (a) and (b) may be reorganised as required.
4. (a) The Central Committee shall by notification specify the responsibilities according to the Counter-Terrorism Law and these rules and, as required, other responsibilities of the working committees and working groups established under rule 3.
- (b) The working committees and working groups established under rule 3 shall carry out their responsibilities specified in the Counter-Terrorism Law and these rules as well as the responsibilities specified under sub-rule (a) in accordance with the guidelines of the Central Committee.

Chapter 3

Designating terrorists and terrorist groups and revoking the designation

5. If in an area of jurisdiction under section 2 of the Counter-Terrorism Law any act of terrorism under section 3(b) Counter-Terrorism Law was committed, attempted, aided and abetted, or anybody was an accomplice in the commission of any such offence, the working committee to prevent and suppress terrorism shall, either based on valid information obtained by itself, or based on the report of a prevention and suppression force, submit to the Central Committee a declaration of designation as an individual terrorist with form (a), or a declaration of designation as a terrorist group with form (b), and a list of associated organisations and persons with form (c), together with the following information and evidence:
- (a) Summary of the acts of terrorism and the maximum penalty for the offences committed;
 - (b) Information and evidence related to terrorism that were obtained;
 - (c) name of the identified terrorist or terrorist group, names and addresses of each member of the terrorist group, contact phone numbers, fax numbers and e-mail addresses (if known);
 - (d) profile of the terrorist or terrorist group;
 - (e) reason why a designation as terrorist or terrorist group is required;



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- (f) location and detailed evidence (if any) of money and assets belonging to the terrorist or terrorist group to be designated;
 - (g) information related to the financing of terrorism;
 - (h) report of the findings and analysis.
6. If acts of terrorism are committed in a foreign state and the foreign state wishes to make known in Myanmar the names of terrorists, terrorist groups or associated organisations and persons that are present in the Union, it shall prepare a dossier either in Burmese or English or in both languages composed of the specified forms (a), (b) and (c), the information and evidence according to rule 5, and the following details, and have it sent to the Central Committee through diplomatic channels via the Ministry of Foreign Affairs, or directly to the Central Committee Office if the state is a contracting state.
- (a) Status in the foreign state of the designation as terrorist or terrorist group;
 - (b) status of the action taken in relation to terrorism;
 - (c) name, address, phone number, fax number and e-mail address of the requesting state's authority or person in charge.
7. If the Ministry of Foreign Affairs or the Central Committee Office receives a request from a foreign state under rule 6, it shall immediately notify the Central Committee and forward forms (a), (b) and (c) attached to the request letter.
8. If neighbouring states and concerned foreign states are used as a base to enter the area of jurisdiction under section 2 Counter-Terrorism Law to commit, attempt, or aid and abet any offence under section 3(b) Counter-Terrorism Law, or to participate as an accomplice in any such offence, the working committee for international relations to counter terrorism shall, in order to request the authority of the concerned foreign state to release a list of names of individual terrorists, a list of names of terrorist groups, or a list of associated organisations and persons, with the consent of the Central Committee prepare a dossier consisting of the specified forms (a), (b) and (c) and the information and evidence under rules 5 and 6, and send it either to the Central Committee or to the Ministry of Foreign Affairs for it to be forwarded through diplomatic channels.
9. If, concerning acts of terrorism committed within the area of jurisdiction under section 2 Counter-Terrorism Law, the United Nations Security Council resolved to declare any individual, organisation, association or group in the Union a terrorist, terrorist group or associated organisation and person, the Ministry of Foreign Affairs or the Central Committee Office shall,



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upon learning of the announcement, immediately notify the Central Committee and the working committee for international relations to counter terrorism of the decision.

10. The Central Committee shall:

- (a) If any individual, organisation, association or group in the Union has been declared a terrorist, terrorist organisation or associated organisation or person by the United Nations Security Council for committing acts of terrorism and there is a danger to the Union and the public, exercise the power granted under section 6(e) Counter-Terrorism Law and designate by notification the individuals and groups so declared as terrorists and terrorist groups. The public shall be informed accordingly through publications such as newspapers and magazines and the media such as radio and television.
- (b) Notify, so that necessary action may be taken, the authorities concerned in the foreign state and Interpol of terrorists and terrorist groups designated under sub-rule (a) as well as terrorist organisations from abroad that support and in any way finance them.

11. The Central Committee shall:

- (a) If the report of the working committee to prevent and suppress terrorism under rule 5 or the request of a foreign state under rule 6 has been verified and it is found according to the information and evidence obtained that acts of terrorism were committed within the area of jurisdiction of section 2 Counter-Terrorism Law, exercise the powers granted under section 6(e) Counter-Terrorism Law and, with the approval of the Union Government, designate by notification those who commit, attempt, or aid and abet any offence under section 3(b) Counter-Terrorism Law, or participate as an accomplice in any such offence, as terrorist, terrorist group or associated organisations and persons, in order to take action to prevent and suppress danger to the Union and the public and in order to effectively prevent, suppress and take action against terrorism in accordance with resolutions of the UN Security Council nos. 1269 of 1999; 1368, 1373 and 1377 of 2001; 1516 of 2003; 1989 of 2011; 2253 of 2015; 2347, 2368 and 2396 of 2017; and 2462 of 2019; and related UN resolutions. The public shall be informed accordingly through publications such as newspapers and magazines and the media such as radio and television.
- (b) To enable the UN Security Council to take necessary action, notify the Counter Terrorism Committee Executive Directorate (CTED) of the United Nations of the designation under sub-rule (a) as terrorist, terrorist group or affiliated organisations and persons, either through diplomatic channels via the Ministry of Foreign Affairs or through the Central Committee Office.



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- (c) If there is any connection between those who support or in any way provide financial support to terrorists and terrorist groups so designated under sub-rule (a) and terrorist organisations from foreign states, notify the authority of the respective foreign state for it to take required action against those persons and organisations and promptly notify Interpol.
 - (d) Forward information on terrorists and terrorist groups so designated by their own states to the United Nations and international counter-terrorism organisations and take all possible action.
- 12. After the Central Committee by notification designated as such a terrorist, terrorist organisation, or associated organisations and persons under rule 11(a), the Ministry of Foreign Affairs shall initially notify the United Nations Counter Terrorism Committee Executive Directorate (CTED) in order to implement sanctions against these terrorists and terrorist groups based on the notification of the Central Committee. Then, the working committee to prevent and suppress terrorism shall send the complete information required for the official addition to the sanctions list to the United Nations Counter-Terrorism Committee Executive Directorate (CTED) as per the CTED's requirements.
- 13. If, after the announcement that the United Nations Security Council declared any individual, association or group in the Union a terrorist, terrorist group or associated organisations or persons, the situation changes and the terrorist, terrorist group or associated organisations and persons no longer pose a danger to the Union and the public, the Central Committee may, in exercising the power granted under section 6(e) Counter-Terrorism Law, by notification revoke the designation made according to rule 10 as terrorist, terrorist organisation or associated organisations and persons.
- 14.
 - (a) The working committee to prevent and suppress terrorism shall, if a person, group or organisation that was designated as a terrorist, terrorist group or associated organisation and person under rule 11 never committed acts of terrorism or committed them in the past but ceased to do so, review and submit the case to the Central Committee with valid evidence in order to revoke the designation as terrorist, terrorist group or associated organisation and person.
 - (b) If a person, group or organisation that was declared a terrorist, terrorist group or associated organisations and persons by the United Nations Security Council requests with strong evidence to review and revoke the designation, the Central Committee shall review the investigation report of the working committee to prevent and suppress terrorism and ask, through diplomatic channels via the Ministry of Foreign Affairs or



through the Central Committee Office, the United Nations Counter Terrorism Committee Executive Directorate (CTED) whether it objects to the revocation.

15. After verifying the submission under rule 14(a) regarding an individual, group or organisation that was declared a terrorist, terrorist group or associated organisations or persons, the Central Committee -
 - (a) shall order the working committee to investigate and report whether the terrorist, terrorist group or associated organisations and persons pose any danger to the Union and the public and whether they are likely to continue to commit acts of terrorism;
 - (b) may exercise the power conferred by section 6(e) Counter-Terrorism Law and, with the approval of the Union Government, by notification revoke the designation as terrorist, terrorist group or associated organisations and persons, if according to the investigation report of the working committee to prevent and suppress terrorism it is found that the terrorist, terrorist group or associated organisations and persons are no longer a danger to the Union and the public, and that they are unlikely to continue to commit acts of terrorism.

Chapter 4

Control of money and assets belonging to terrorists, terrorist groups or associated organisations and persons

16. The Central Committee shall:
 - (a) Issue a control order to prevent the transfer, exchange, concealment, obliteration and conversion in any way of money and assets belonging to a terrorist, terrorist organisation or associated organisations and persons so designated under rules 10 and 11. In addition, a prohibition shall be issued to prevent anyone from conducting financial service transactions with these money and assets.
 - (b) Order the working committee to prevent and finance terrorism to effectively prevent, suppress and take action against designated terrorists, terrorist groups and associated organisations and persons in order to investigate, discover and seize their money and assets.
17. The working committee to prevent and suppress terrorism shall, when ordered by the Central Committee under rule 16(b), assign relevant forces to investigate, surveil, discover, seize and take action against money and assets of designated terrorists, terrorist groups and associated organisations and persons.



18. To prevent and suppress crimes related to the financing of terrorism, the provisions of the Counter Financing of Terrorism Rules shall be followed.

Chapter 5

Suppressing and eliminating unlawful acts against the safety of civil aviation and airports

19. According to article 1 Tokyo Convention, in relation to the commission of an offence specified in section 7(a) Counter-Terrorism Law by a person on board of an aircraft in service, any person intentionally committing any offence under any law in force while the aircraft is in service for the purpose of endangering civil aviation and airports commits a crime under the law.
20. (a) In case of the extradition to a foreign state of a person accused of acts of terrorism on an aircraft under section 7 Counter-Terrorism Law and mutual assistance in criminal matters referred to in section 60 Counter-Terrorism Law, this shall not be refused with the argument that it is a political offence or an offence connected with it or an offence committed for political purposes.
- (b) Any unlawful act of terrorism that endangers civil aviation and airports under sections 7, 8, 9 and 10 of the Anti-Terrorism Act:
- (1) Must be unrelated to aircraft used for military purposes, customs collection, or security or police work. However, if the aircraft was not used for these purposes, but terrorism was committed when the aircraft was used for transportation services to the public, the provisions of the Counter-Terrorism Law shall apply.
- (2) If the offense is committed on an aircraft registered under the Aircraft Act in force in the Union, the person who committed the offense shall be prosecuted according to section 2 Counter-Terrorism Law, regardless of where the aircraft is located.
21. If, during the flight service and the flight time, the commander of an aircraft departing from any airport in the Union or landing at any airport in the Union is of the opinion that an offender will cause danger to the aircraft or the persons and property on the aircraft, or destroy the order on the aircraft, he may, in order to ensure safety and order, remove the offender from the aircraft or personally search, arrest and detain him or request the help of the flight crew and passengers to search, arrest and detain him.
22. The flight crew may, for any reason set forth in rule 21, search, arrest and detain an offender when the commander requests assistance or they become aware of the situation themselves.



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23. When commander and flight crew search, arrest and detain a female offender according to rules 21 and 22, this shall be done with the assistance of women to the furthest degree possible.
24. (a) The commander shall:
- (1) When landing in the Union, hand over persons detained under rules 21 and 22 to the concerned police officer or immigration officer. If the aircraft lands in a contracting state, hand them over to a police officer or immigration officer of the contracting state.
 - (2) Immediately notify the civil aviation authority of the state concerned before landing of any acts done according to rules 21 and 22 and the measures taken, as well as of any hijacking situation.
- (b) Proceed to the competent authority of the state concerned or the embassy or consulate and inform them if a police officer or immigration officer to whom an offender was handed over under sub-rule 1(a) forced this person to leave the aircraft for any of the acts referred to in rules 21 and 22.
25. (a) Embassies and consulates of the Union situated in any foreign state shall, in respect of civil aviation aircraft registered in the Union, immediately report the following to the Ministry of Foreign Affairs if there was an unlawful act of terrorism under sections 7, 8, 9 and 10 Counter-Terrorism Law endangering civil aviation and airports:
- (1) Summary of the offence and how it was committed;
 - (2) personal information of the terrorist and terrorist group (if known);
 - (3) measures taken by the commander and the flight crew and status of their completion.
- (b) The Ministry of Foreign Affairs shall immediately notify the working committee for security in national civil aviation of any information obtained under subsection (a).
26. The civil aviation officer of any airport within the Union shall immediately report the following to the working committee for security in national civil aviation in relation to a terrorist attack under section 10 Counter-Terrorism Law on an airport serving civil aviation:
- (a) Summary of the offence and how it was committed;
 - (b) personal information of the terrorist and terrorist group (if known);



- (c) measures taken by the commander and the flight crew and status of their completion.
27. The working committee for security in national civil aviation shall report to the Central Committee the information obtained in relation to unlawful acts of terrorism under sections 7, 8, 9 and 10 Counter-Terrorism Law that endanger civil aviation and airports.
28. The working committee for security in national civil aviation:
- (a) Shall establish and supervise the implementation of civil aviation and airport security plans in accordance with Annex 17 to the Chicago Convention 1944 adopted by the International Civil Aviation Organization (ICAO Annex 17: Security - Safeguarding International Civil Aviation Against Acts of Unlawful Interference).
 - (b) Shall draft and submit the following civil aviation security plans in accordance with Annex 17 (Security - Safeguarding International Civil Aviation Against Acts of Unlawful Interference), and the Directorate of Civil Aviation shall be responsible for ensuring compliance by, and close supervision of, relevant sectors in accordance with the standard operating procedures (SOP):
 - (1) National civil aviation security programme;
 - (2) national civil aviation qualification control programme;
 - (3) national civil aviation security training programme.
 - (c) Shall assign the implementation of the civil aviation and airport security plans formulated in accordance with sub-rules (a) and (b) to airline owners, airport and air transportation operators, airport services providers, airport authorities, airport security forces and the Myanmar Police, and if necessary, Tatmadaw personnel, and supervise the implementation.
29. Concerned airline owners, airport and air transport operators, airport authorities and airport security forces shall coordinate the following tasks with departments and organisations concerned in accordance with the established civil aviation and airport security plans:
- (a) Determining restricted areas in and around the airport and establishing special security programmes;
 - (b) having a card system for entry to and exit from the restricted area of the airport and a guest card system for entering and exiting the airport;
 - (c) providing air traffic services 24-hour round-the-clock;



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- (d) enabling airport and air services providers to operate with a security card system;
- (e) installation of security cameras on the airport premises for supervision and control;
- (f) inspection and search of the following persons and goods to be transported by air with screening devices:
 - (1) Passengers with boarding pass;
 - (2) aircraft crew with verification card;
 - (3) luggage and handbags accompanying passengers;
 - (4) goods and mail that are unaccompanied by passengers;
- (g) ensuring that in-flight meals are carried out in accordance with the certified operator's security plan;
- (h) certified freight forwarders are responsible for the shipping of air cargo, service material, special parcels and mail;
- (i) airport and aviation security officers to provide professional training to screening officers; these officers shall request assistance from the police if required when providing security;
- (j) denying access to the airport to persons who refuse to be searched, refusing to allow access to unauthorised persons, and taking required action if the person who was denied access tries to force access;
- (k) if any prohibited or restricted items are detected, notifying the police concerned and handing over those items so that action can be taken under applicable laws;
- (l) weapons and ammunition which is held legally may not be carried by passengers, but shall be kept by the aircraft crew;
- (m) If prohibited weapons, ammunition, explosive materials, and flammable materials are found, reporting this immediately to the relevant security forces and handing over the items;
- (n) allowing persons who are not allowed to enter the Union to leave without entry;
- (o) if the concerned airline operator, airport operator and airport authority are not present when a situation referred to in sub-rules (m) and (n) arises, notifying them immediately;



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- (p) preventing and taking action against disorderly conduct on the plane;
 - (q) taking action according to the law in force if any flight equipment on an aircraft is destroyed or damaged;
 - (r) prohibiting the carrying on board of inflammable and explosive materials, liquids, liquid gasses and gels, items prohibited or restricted by the airport authority from time to time;
 - (s) when carrying out airport and civil aviation security and terrorism prevention, requesting assistance from the Myanmar Police and, if required, from the Tatmadaw;
 - (t) complying with the provisions of the rules and procedures issued under any law in force on safety and security relating to airports and civil aviation, and of the rules and procedures issued according to Annex 17 (Security - Safeguarding International Civil Aviation Against Acts of Unlawful Interference).
30. With regard to airport security, the working committee for security in national civil aviation shall coordinate with the concerned airport authorities and aviation and airport services providers and carry out the following:
- (a) Deployment, installation and use of screening equipment and technical and skills training to security forces and personnel for the screening for biological, chemical and nuclear weapons as well as radioactive materials, devices, objects and related goods, in order to prevent that, at the airport and during flight, biological, chemical and nuclear weapons, radioactive materials, explosive substances, and devices, objects and related goods that are similar to radioactive materials - which all may, during flight, kill a person or cause severe injury, or cause severe damage to infrastructure, and state-owned buildings, vehicles and machinery and equipment - are used, transported, disposed of from an aircraft, or discarded.
 - (b) Providing training to security forces and employees on the standard operating procedures (SOP) in order to properly maintain, without causing danger, biological, chemical and nuclear weapons, and radioactive materials, devices and objects.
 - (c) In order to help with rescue and treatment when damage occurs to an airport and an aircraft in flight, teaching and training for the relevant security forces so that they may understand and follow procedural standards for decontamination of biological, chemical and nuclear weapons, and radioactive materials, devices and objects.
 - (d) Complying with international conventions to prevent the transportation by air, and arrangements for transportation by air, of biological, chemical and nuclear weapons and



of radioactive materials, devices and objects, of resources to produce them, of the technology used in their design, production or transport and of related software, or of similar devices and objects; carrying out capacity building activities for the relevant security forces working at the airports such as training in basic concepts of biological, chemical and nuclear weapons and radioactive materials, training in technical skills, and providing necessary equipment and protective clothing; cooperation, integration, exchange of information and enhanced planning between authorities and departments of the Union.

31. Conducting research in compliance with international conventions with the approval of the concerned ministries for the defence and security of the Union or for the peaceful use of nuclear energy; use in medical applications; technology and software research; as well as transportation and transportation services to carry out these activities in accordance with the law shall not amount to unlawful acts of terrorism endangering civil aviation and airports as per sections 7, 8, 9 and 10 Counter-Terrorism Law.
32. The security forces shall carry out the following tasks in the exercise of their powers as directed by the working committee for security in national civil aviation:
 - (a) The prevention and investigation of offenses against civil aviation facilities;
 - (b) regular monitoring and patrolling of airport facilities;
 - (c) monitoring of arriving and departing passengers who may pose a threat to civil aviation and the airport;
 - (d) carrying out control and response actions in cooperation with relevant organisations against aircraft hijacking, sabotage, other threats with bombs or explosives, attacks on the ground, and mob riots;
 - (e) collaborating with special security teams such as the anti-terrorism team, hostage negotiation team, and bomb disposal team;
 - (f) if there is a security emergency at an international airport of the Union, defeating terrorists in an assault;
 - (g) in matters related to airport and aviation security, training the security forces to effectively carry out prevention and suppression activities and conducting corresponding exercises;
 - (h) in-flight security.



33. If the working committee for security and national civil aviation requests assistance, the Tatmadaw personnel shall carry out the following tasks:
- (a) Armed patrols at the airport, armed assault at the airport, assistance to other armed forces, conducting specialised training in prevention and countermeasures;
 - (b) if the Tatmadaw is jointly using the air traffic facilities of a civil airport or if the aforementioned air traffic facilities are located within the Tatmadaw's premises, being in charge of entry and exit control and other security procedures;
 - (c) assessing the risk of threats to civil aviation and disseminating the received information as required;
 - (d) carrying out bomb detection and clearance operations;
 - (e) patrolling, guarding and randomly inspecting airport premises and other airport building areas;
 - (f) cooperating with relevant organisations to control and respond to aircraft hijacking, sabotage, other threats with bombs or explosives, attacks on the ground, and mob riots;
 - (g) carrying out duties such as surveillance and use of force in emergency security situations that occur at airports.

Chapter 6

Preventing and suppressing offences against internationally protected persons

34. Concerning acts of terrorism against internationally protected persons, the working committee for international relations to counter terrorism in accordance with the guidelines of the Central Committee:
- (a) Shall take measures for prevention, suppression and action to prevent acts of terrorism from occurring;
 - (b) shall communicate directly with contracting states or through international organisations and exchange information on terrorism and coordinate and cooperate to prevent and combat terrorism;
 - (c) shall report acts under sub-rules (a) and (b) to the Central Committee.
35. The working committee for international relations to counter terrorism shall provide knowledge and training courses to the prevention and suppression forces in order to ensure the rights and



immunities of members of the mission, members of the staff of the mission and members of the diplomatic staff and to protect them from acts of terrorism.

36. (a) If internationally protected persons are to enter and transit through the Union on an official visit, the Ministry of Foreign Affairs shall notify the Union Government and coordinate with the concerned Union ministries and the working committee to prevent and suppress terrorism, disclosing the following information, to ensure that no act of terrorism under section 15 Counter-Terrorism Law is committed.
- (1) Name and nationality of the internationally protected person;
 - (2) passport number and date of issue;
 - (3) region where, and period of time during which, the internationally protected person enters or transits through the Union;
 - (4) matters of interest concerning the entry into or transit through the Union.
- (b) Other Union ministries and government organisations shall do the same if they have visitors who are internationally protected persons.
37. The working committee for international relations to counter terrorism shall, if it is informed by the Ministry of Foreign Affairs under rule 36 that internationally protected persons are to enter or transit through the Union, or if it obtained this knowledge in any other way, provide required protection to ensure that no acts of terrorism under section 15 of the Counter-Terrorism Law are committed, and if an act of terrorism occurs, report it to the Central Committee so that preventive and suppressive measures and action against terrorists may be taken; the working committee to prevent and suppress terrorism shall assign prevention and suppression forces to the task.
38. The prevention and suppression forces:
- (a) Shall take preventive and suppressive measures and take action against terrorists using required weapons and force if any of the terrorist offences under section 15 Counter-Terrorism Law are committed against internationally protected persons.
 - (b) Shall report acts under sub-rule (a) to the working committee for international relations to counter terrorism in a timely manner.
39. The working committee for international relations to counter terrorism and the working committee to prevent and suppress terrorism shall promptly report to the Central Committee any



acts concerning the protection of internationally protected persons from acts of terrorism, prevention and suppression, assault, and action taken.

Chapter 7

Preventing and suppressing hostage-taking

40. The working committee to prevent and suppress terrorism:
- (a) Shall draw up required work plans to prevent, suppress and take action in order to prevent offences of terrorism from occurring by which persons are seized and detained as a hostage as per section 17 Counter-Terrorism Law.
 - (b) Shall instruct prevention and suppression forces to implement the work plans drawn up under sub-rule (a) and supervise their activities.
 - (c) Shall communicate directly with contracting states or through international organisations to exchange information on such acts of terrorism and coordinate and cooperate for the prevention and suppression of terrorism.
 - (d) Shall promptly report actions under sub-rules (a), (b) and (c) to the Central Committee.
41. The working committee to prevent and suppress terrorism:
- (a) Shall, concerning the prevention and suppression of offences of terrorism, including the offence of seizure and detention as a hostage under section 17 Counter-Terrorism Law, and how they are defined in and punished by the law, coordinate with the relevant government departments and organisations in order to organise educational talks in schools, neighborhoods and villages with the aim of educating the public, including students, especially women and children.
 - (b) Shall coordinate with the relevant government departments and organisations to disseminate true information to the public through television, radio, news websites and social networks on the internet, newspapers, journals, and brochures so that the public does not misunderstand the propaganda of terrorists.
 - (c) Shall, upon the receipt credible information through its sources that an offence of terrorism has been committed or is likely to be committed, including the offence of seizing and detaining a hostage, take preventive measures to free the hostages and take action in cooperation with the relevant ward and village tract administrator, township administrator, township police chief, and the prevention and suppression forces.



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- (d) Shall, before raiding the terrorists, assign the task of conducting all possible negotiations with the hostage-takers to a negotiating team consisting of appropriate experts.
42. When instructed under rule 40(b), the prevention and suppression forces shall carry out the following tasks:
- (a) Making the public aware of the habits of the terrorist offenders, their offences, the objects used by them in the commission of the offences, and their weapons;
 - (b) investigating and identifying those who, behind the scenes, aid the terrorist offenders with money and assets or abet them, and cutting off the channels and methods of communication with the terrorist offenders;
 - (c) increasing security in cooperation with the armed forces or law enforcement agencies;
 - (d) advance deployment of specially trained security forces; studying the building plans of the buildings where the hostages are held;
 - (e) prioritising as much as possible the release of the hostages held by the terrorist offenders and the avoidance of injury and death;
 - (f) establishing rescue teams to help the injured after the occurrence of terrorism;
 - (g) investigating, identifying and arresting offenders involved in terrorism; identifying those who behind the scenes aid, abet, or plan and direct, and taking effective action against them;
43. The prevention and suppression forces:
- (a) May search and arrest terrorists who commit the offence of seizing and detaining a hostage according to section 17 Counter-Terrorism Law without a warrant in accordance with the provisions of the Code of Criminal Procedure.
 - (b) May enter a place or building without restraint to rescue the hostage when receiving information that a person or persons are being held hostage or arbitrarily held there. May destroy barriers such as doors and windows to enter and exit in order to rescue the hostage.
 - (c) May shoot to kill terrorists when entering to rescue a hostage if the terrorists use life-threatening force to resist or try to escape.



- (d) Have the right to defend themselves and others according to sections 96 to 106 Penal Code when entering to rescue a hostage in order to prevent danger to life, limb and property.

Chapter 8

Offences related to nuclear facilities, and prevention and suppression of biological, chemical and nuclear weapons and radioactive materials

44.-45. [Omitted.]

Chapter 9

Preventing and suppressing illegal activities that endanger shipping and facilities for underwater resources exploration

46.-55. [Omitted.]

Chapter 10

Marking for investigative purposes, and prevention and suppression of offences related to unmarked plastic explosives

56.-63. [Omitted.]

Chapter 11

Prevention and suppression of offences related to terrorist bombings

64.-67. [Omitted.]

Chapter 12

Preventing, suppressing and combating terrorism

68. The working committee to prevent and suppress terrorism shall carry out the following duties in accordance with the guidelines of the Central Committee in relation to the prevention, suppression and combating of terrorism:
- (a) In order to successfully prevent, suppress and combat terrorism, obtaining assistance from the relevant government department, government organisations, non-governmental organisations, and the public, in addition to coordinating and cooperating with the relevant working committee;
 - (b) providing support to the Central Committee for the signing of bilateral and multilateral agreements in order to increase communication and cooperation with international organisations and regional organisations;



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- (c) establishing prevention programmes to combat terrorism; setting up a domestic and international computer network for communication and information exchange;
- (d) educating the public about the dangers of terrorism and its consequences and effectively carrying out information dissemination activities for the prevention of terrorism;
- (e) in order to avert, investigate, prevent and suppress, combat, and counterattack against terrorism, providing training to the terrorism investigation group, financial intelligence unit, special prevention and suppression forces, Maritime Police, and the prevention and suppression forces, to ensure that they are qualified and competent;
- (f) supervising the coordination and cooperation among the groups in sub-rule (e) to avert, investigate, prevent and suppress, combat, and counterattack against terrorism;
- (g) in the investigation of acts of terrorism, permitting, if required, controlled investigation techniques for terrorism-affected areas if so requested, and communicate and coordinate with foreign states if required;
- (h) establishing, assigning tasks to, and training a rescue team, comprising professional staff and medical staff, to search, rescue and treat victims of terrorism if there is a case of terrorism;
- (i) obtaining advice from the working group for anti-terrorism legal affairs and prosecution in order to be able to file charges against terrorists, terrorist groups and associated organisations and persons with strong evidence;
- (j) regarding terrorism committed as a trans-national offence, submitting matters to the Central Committee and acting accordingly if this is required for multilateral assistance;
- (k) providing required assistance to the relevant forces in order to prosecute and take action against terrorists, terrorist groups, and associated organisations and persons;
- (l) reporting to the Central Committee on the investigative acts and recommendations of the investigation group against incidents of terrorism;
- (m) reporting to the Central Committee for necessary action in relation to the financing of terrorism;
- (n) carrying out other tasks assigned by the Central Committee from time to time.



Chapter 13 Investigating and taking action

69. The working committee to prevent and suppress terrorism may, if so authorised by the Central Committee, issue any of the orders below in relation to terrorism-related money and assets to be used as evidence:
- (a) Prohibition and freezing order issued to the person owning or possessing the evidence and the person under investigation for terrorism in order to prevent items to be preserved as evidence in relation to any offence of terrorism from being altered, transferred, eliminated, or concealed, and order revoking this order;
 - (b) if the money, assets and profits to be preserved as evidence for which the order was issued are deposited in any bank or financial institution, an order issued to the officials of the relevant bank and financial institution to allow the search for and seizure of the evidence, and the inspection, copying, and if necessary the seizure as evidence of relevant records;
 - (c) if the money, assets and profits to be preserved as evidence are deposited in any bank or financial institution, a prohibition issued to the bank and financial institution to withdraw the money, assets and profit, and to hand over the evidence to the depositor.
70. The working committee to prevent and suppress terrorism shall send a copy of the order issued under rule 69 to the relevant investigation group and prevention and suppression force for it to be used as necessary when conducting examinations and investigations.
71. No person to whom an order under rule 69 was issued shall contravene any prohibition or freezing order contained therein.
72. The working committee to prevent and suppress terrorism shall, in order to examine, investigate and take action against terrorism, on a case-by-case basis establish and assign tasks to the following groups with a member of the relevant working committee or working group as leader and at least 3 appropriate civil servants and staff from the relevant government department or organisation as members:
- (a) Investigation team;
 - (b) prevention and suppression force.
73. The investigation team or the prevention and suppression force shall, in accordance with the guidelines of the relevant working committee and working group, conduct necessary



investigations to prevent money and assets of non-governmental organisations and associations or not-for-profit organisations from reaching terrorists, terrorist groups or associated organisations and persons and to identify the sources of funding for them, and identify terrorists, terrorist groups or associated organisations and persons and take effective action against them according to the law.

74. The working committee to prevent and suppress terrorism and the relevant working group shall, in accordance with the guidelines of the Central Committee, supervise the activities of the Tatmadaw, Myanmar Police, Bureau of Special Investigation, and other prevention and suppression forces that investigate and take action against terrorism.
75. The working committee for the prevention and suppression of terrorism:
- (a) Shall establish an inspection team consisting of representatives from relevant departments and relevant departments for this purpose and instruct it to conduct regular or random inspections in order to monitor the money and assets of non-governmental organisations and associations or not-for-profit organisations so that they do not reach terrorists, terrorist groups or associated organisations and persons.
 - (b) Shall guide and supervise the investigation groups or the prevention and suppression forces in order to implement investigation, inspection and operative measures so as to prevent and take action against terrorists or terrorist groups masquerading as a non-governmental organisation or not-for-profit organisation with the aim of using this terrorist group as a conduit for funding;
 - (c) Shall coordinate with government departments, banks, financial institutions, and business organizations to monitor and exchange information in order to prevent the conversion into anything legal of money and assets obtained from committing any act of terrorism.
 - (d) Shall review and supervise so that those who commit, aid and abet, or participate in terrorism, and those who commit offences related to the financing of terrorism, are sent to the relevant court for prosecution.
76. The investigation group and the prevention and suppression force shall, in coordination with the financial intelligence unit:
- (a) Conduct investigations to check whether the prohibition and freezing orders issued under rule 69 in order to prevent items to be preserved as evidence in relation to any offence of terrorism from being altered, transferred, eliminated, or concealed.



- (b) If the money, assets and profits ordered to be preserved as evidence for which the order was issued are deposited in any bank or financial institution, shall contact and inform the officials of the relevant bank and financial institution so that evidence may be searched for and seized, and relevant records may be inspected, copied, and if necessary seized as evidence.
 - (c) Shall submit a report to the committee to prevent and suppress terrorism on things done regarding the orders issued under rule 69.
 - (d) Shall obtain the approval of the Central Committee or of the working committee to prevent and suppress terrorism authorised by the Central Committee when identifying and investigating, seizing evidence of, and controlling and prosecuting money and assets as well as funds belonging to terrorists, terrorist groups, or associated organisations and persons, offences relating to the financing of terrorism, and terrorism.
 - (e) Shall submit a written report to the relevant court on how money and assets that were investigated and seized and are to serve as evidence, but may not be easily produced before the court, are being kept in accordance with the instructions of the committee to prevent and suppress terrorism, and act in accordance with the court's order how to handle things.
 - (f) May investigate and question, without violating any law in force, organisations that support the commission of terrorism, and persons involved in banks, financial institutions and business organisations who use money and assets obtained from the commission of terrorism.
 - (g) Shall, as instructed by the relevant court, transfer, confiscate as public property or destroy money and assets belonging to a terrorist, terrorist organisation or associated organisations and persons in accordance with the law.
 - (h) Shall immediately report any incident to the working committee to prevent and suppress terrorism in order to prevent terrorism that may cause an imminent danger to the Union and the public.
77. The relevant members of the investigation group and the prevention and suppression forces as well as troops and staff, when fulfilling tasks in relation to terrorism assigned to them by the Central Committee, a working committee or a working group, shall have, in accordance with the provisions on the right to self-defence and the right to defend others, the right to defend themselves if there is an alarming situation that may endanger life or cause serious injury.



78. If the relevant investigation team or prevention and suppression force arrest a terrorist who committed a crime under section 3(b) of the law and requesting a warrant during the investigation period would entail concerns in terms of security, they may, in order to obtain a warrant, submit a request for a warrant and present the accused to the relevant law officer or judge through video conferencing, or submit a request together with the accused to the law officer or judge in the area where the accused was arrested.

Chapter 14

Intercepting, cutting off, and limiting electronic information; using electronic information to verify location

79. In order to prevent and suppress acts of terrorism that may pose an imminent danger to the Union and the public, and in order to investigate the communication activities of terrorists in a timely manner, whether related to terrorism or to the financing of terrorism, the relevant investigation team or the prevention and suppression force shall, in order to enable the cutting off, limitation, or interception of their telephone and electronic communication, promptly submit the following particulars in writing, by fax or by e-mail to the working committee to prevent and suppress terrorism in order to obtain the approval of the Central Committee:
- (a) Name, position, rank, and the force or department of the person making the submission;
 - (b) name of the terrorist and terrorist group to whom the information was communicated (if known);
 - (c) information relevant to acts of terrorism or the financing of terrorism that were committed or are about to be committed; description of the acts of terrorism that will cause an imminent danger to the Union and the public;
 - (d) phone number, fax number or e-mail address that is to be cut off, limited or intercepted;
 - (e) location (if known) where the cutting off, limitation or interception should take place;
 - (f) requested period of time.
80. (a) The working committee to prevent and suppress terrorism shall, after verifying and approving the submission under rule 79, submit it with comments to the Central Committee to obtain its approval.
- (b) The Central Committee shall review the submission under sub-rule (a) and rule 79 and either grant approval or refuse to grant approval.



- (c) If the working committee to prevent and suppress terrorism has obtained the consent of the Central Committee under sub-rule (b), it shall give permission to the relevant investigation team or the prevention and suppression force to cut off, limit, and intercept electronic communications at the telecommunications business license holder.
 - (d) If permission is obtained under sub-rule (c), the telecommunications business license holder concerned shall not refuse to cut off, limit, and intercept electronic communications.
81. The permission granted under rule 80(a) shall not be valid for more than 60 days at a time.
82. The relevant investigation team or prevention and suppression force shall:
- (a) document the intercepted information related to acts of terrorism or financing of terrorism at a confidential level and submit it to the working committee to prevent and suppress terrorism in a timely manner.
 - (b) If the information related to acts of terrorism or financing of terrorism is not yet complete, submit the matter to the working committee to prevent and suppress terrorism in order to obtain the approval of the Central Committee for extending the time period for cutting off, limiting, or intercepting electronic communications.
83. The working committee to prevent and suppress terrorism:
- (a) May, with the approval of the Central Committee, approve or reject the extension of the time period after having verified a submission under rule 82(a).
 - (b) Revoke, with the approval of the Central Committee, the permission granted under rule 80(c) if it deems it unnecessary to continue to cut off, limit, or intercept electronic communications based on a review made by its working group or working team, or on a review of the report submitted by the relevant investigation team or prevention and suppression force.
84. Information from intercepted electronic communications may, in case of an investigation related to acts of terrorism or terrorism financing, be used in the investigation and presented as evidence in a trial according to the Evidence Act.
85. No one may cut off, limit, or intercept electronic communications related to terrorism without permission from the working committee to prevent and suppress terrorism.



Chapter 15

Extradition of accused terrorists

86. Any offence of terrorism under section 3(b) Counter-Terrorism Law shall be treated as an extraditable offence under anti-terrorism conventions and protocols of which the Union is a member and the ASEAN Convention.
87. Evidence for an offence under section 3(b) Counter-Terrorism Law which shall be treated as an extraditable offence under anti-terrorism conventions and protocols of which the Union is a member and the ASEAN Convention, or under a bilateral agreement on the extradition of the accused, shall be handled in accordance with the provisions of the Extradition Law.
88. If, when carrying out their duties of preventing, suppressing, and taking action against any offence related to terrorism or the financing of terrorism, a relevant working committee and [or?] the working committee to prevent and suppress offences related to the financing of terrorism wants to request the extradition of a citizen in a foreign state accused of terrorism, it shall make the extradition request in accordance with both the provisions of the Extradition Law as well as the laws and regulations of the foreign state from which the extradition is requested.
89. If the relevant investigation team, financial intelligence unit or prevention and suppression force wants to request the extradition of a citizen in a foreign state accused of terrorism in relation to any offence related to terrorism or the financing of terrorism, it shall state the following particulars and submit them to the relevant working committee and [or?] working group:
- (a) Summary of the incidence of terrorism;
 - (b) name, address, contact phone number, fax number and email address (if known) of the accused terrorist and terrorist group to be extradited;
 - (c) section of the law under which action is taken and the maximum penalty that can be imposed;
 - (d) terrorist's personal information;
 - (e) information and evidence obtained;
 - (f) summary of the first complaint by the internal informer and the law and section under which action was taken;
 - (g) status of the examination, investigation and prosecution;
 - (h) things that the foreign state should do;



- (i) time period during which the foreign state should act (if the matter requires urgent action, description of the urgency);
 - (j) action plan to achieve the extradition of the accused and for further investigation and prosecution.
90. The relevant working committee and [or?] working group shall verify the submission under rule 89 and, if it wants to request the extradition of the citizen in a foreign state accused of terrorism, it shall obtain the approval of the Central Committee and notify the working committee for international relations to counter terrorism, stating the information under rule 89.
91. When the working committee for international relations to counter terrorism is notified under rule 90, it shall notify the Ministry of Foreign Affairs, submitting a “request for the extradition, or search, arrest and extradition, of a person accused of terrorism” with form (d), together with the “biography of the terrorist whose extradition is requested” with form (e), for it to request through diplomatic channels the extradition of the citizen in a foreign state accused of terrorism.
92. (a) Upon receiving the foreign state’s reply that the terrorist whose extradition is sought will be extradited to the Union, the Ministry of Foreign Affairs shall notify the Ministry of Home Affairs and the Central Committee so that they accept the extradition.
- (b) The Myanmar Police shall, as instructed by the Ministry of Home Affairs and the Central Committee, communicate with the extraditing foreign state, and shall make adequate security arrangements and receive the terrorist whose extradition was requested.
93. (a) If the Ministry of Home Affairs received a requested terrorist, the request [sic] shall be transferred with adequate security to the working committee for international relations to counter terrorism.
- (b) The working committee for international relations to counter terrorism shall transfer the requested terrorist to the working committee and [or?] working group that requested the extradition of the accused, for it to take further action as demanded.
94. In cases where a request is made by an authority of a foreign state through the Ministry of Foreign Affairs via a diplomatic channel for the extradition of an accused terrorist in the Union, this shall be carried out in accordance with the provisions of chapters 4 and 5 of the Extradition Law.
95. If a request by an authority of a foreign state to extradite an accused terrorist in the Union is rejected according to section 12 or 24 Extradition Law, the Central Committee shall issue prior approval for the prosecution of such accused terrorist after having conducted investigations in relation to any acts of terrorism committed by him.



Chapter 16 Witness protection

96. The Central Committee shall draw up required programmes and instruct the relevant work committee and work group to effectively protect the safety of informers who inform in advance of the plotting of a terrorist or terrorist group, and the safety of informers and witnesses when examining, investigating and prosecuting terrorism and the financing of terrorism.
97. A witness may request the relevant working committee and working group to protect the following rights:
- (a) Right to have their property protected from danger; right to safety and assistance;
 - (b) right to have their safety protected;
 - (c) right to freely report with regard to terrorism;
 - (d) access to an interpreter if needed;
 - (e) right to be made aware of the procedures relating to the investigation and the trial at court;
 - (f) right to relocate to a new address with expenses paid; right to work for a living and access to appropriate support at the new place;
 - (g) access to legal advice and assistance in accordance with the Legal Aid Law;
 - (h) right to request deposition by video conferencing to avoid being face-to-face with the accused in the courtroom.

Chapter 17 International cooperation

98. The Central Committee shall communicate and cooperate with international organisations, regional organisations and contracting states in relation to the fight against terrorism and the financing of terrorism, and guide the working committee for international relations to counter terrorism and the relevant working committee and working group to do the same.
99. The working committee for international relations to counter terrorism and the relevant working committee and working group shall, in relation to the fight against terrorism and the financing of terrorism, communicate and cooperate with international organisations, regional organisations



and contracting states in accordance with the guidelines of the Central Committee regarding the following matters:

- (a) Exchange of information on terrorism;
 - (b) preventing terrorists from using their territory to commit acts of terrorism against other states and citizens;
 - (c) preventing terrorism from being arranged, prepared, guided and financed;
 - (d) promotion of border area controls to control and prevent the movement of terrorists, terrorist organisations or associated organisations and persons across states and across the border;
 - (e) training, technical cooperation, and capacity building to prevent and suppress terrorism;
 - (f) carrying out anti-terrorism awareness campaigns;
 - (g) cooperation to establish a central information centre in the region;
 - (h) collaboration on anti-terrorism research and development activities.
100. The working committee for international relations to counter terrorism and the relevant working committee and working group may submit to the Central Authority, which is established under the Mutual Assistance in Criminal Matters Law, a request for obtaining assistance from a contracting foreign state, or for obtaining assistance from a foreign state, in relation to investigations, prosecutions, and judicial enforcement to combat terrorism and the financing of terrorism.
101. In order to carry out the duties under chapter 3, section 6(g) and (h) of the law, the Central Committee shall request authorisation from the president to sign, ratify, terminate, make exceptions and withdraw from international, regional or bilateral agreements regarding the fight against terrorism, and to sign, ratify, and terminate bilateral agreements to jointly combat transnational terrorism.
102. In relation to the fight against terrorism and the investigation and prosecution of the financing of terrorism, the working committee for international relations to counter terrorism and the relevant working committee and working group:
- (a) May, for prompt action, use appropriate and proper methods, including diplomatic methods, when sending and exchanging information in the communication and



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cooperation with international organisations, regional organisations, and contracting states, when sending and exchanging information.

- (b) Shall prepare standard operating procedures (SOP) and distribute them to the relevant organisations in advance so that they may instantly send and receive information when sending information to and exchanging information with relevant local and foreign organisations in order to prevent terrorists from using their state to commit terrorism.
 - (c) Shall arrange for a list with the names, positions, contact addresses, phone numbers, fax numbers and e-mail addresses as per the organisation of the Union Ministry to enable the responsible decision maker to take immediate action when the situation requires immediate action.
 - (d) Shall constantly review and implement procedures by learning from best practice and experience of cooperating international organisations, regional organisations and contracting states.
 - (e) Shall learn from best international experience in order to protect, in cooperation with international organisations, regional organisations and contracting states, the interests and security of Myanmar citizens living abroad, and to obtain diplomatic immunity and rights for diplomats, members of the diplomatic staff, UN staff and staff of international organisations who entered and serve in the Union.
 - (f) Shall cooperate with international organisations, regional organisations and contracting states to open an anti-terrorism information exchange centre and to exchange information on terrorists.
 - (g) Shall cooperate with international organisations combating terrorism to investigate and identify modern weaponry, equipment and technology used by terrorists.
 - (h) Shall cooperate with international organisations to provide training and upgrade skills and technology in order to effectively prevent and suppress terrorism.
103. The working committee to prevent and suppress terrorism and the working committee for international relations to counter terrorism:
- (a) Shall issue, announce and distribute further orders and directives on resolutions and statements related to terrorist groups and terrorists by the United Nations Security Council and international organisations for the prevention and suppression of terrorism, and may also publish them on the website.



- (b) Shall issue further orders and directives in accordance with the resolutions and statements of the United Nations Security Council in order to avert, prevent, and inhibit the production of weapons of mass destruction (WMD) including biological, chemical and nuclear weapons that threaten international peace, security and stability, as well as to control and seize without delay the money and assets used in the production of these weapons.
104. The relevant investigation group, financial intelligence unit or prevention and suppression force may, with the approval of the relevant working committee or working group, do the following concerning the fight against terrorism and the investigation and prosecution of the financing of terrorism:
- (a) Communicating with foreign organisations and international cooperation [sic] through diplomatic channels and with electronic communication devices such as telephone, fax and e-mail;
 - (b) precluding and preventing terrorists from using their state to commit acts of terrorism against other states and citizens, and combating such offences;
 - (c) in order to identify and take action against terrorists who gained a foothold in a foreign state to commit terrorist acts in the Union, training and cultivating key informants to obtain first-hand information and achieve prevention, and constantly investigating and preventing the financing of terrorism;
 - (d) communicating with authorities from neighbouring states to control and prevent the movement of terrorists and terrorist groups from neighbouring states or across the border, and promoting cooperation in border area control;
 - (e) reporting their activities related to the fight against terrorism and the investigation and prosecution of the financing of terrorism to the relevant working committee and working group and the Central Committee in a timely manner.

Chapter 18

Fair treatment of terrorists

105. The relevant members of the investigation bodies and prevention and suppression forces shall:
- (a) Promptly report the arrest and detention for terrorism of a foreign terrorist who committed acts of terrorism in the Union as well as where and when it happened to the working committee for international relations to counter terrorism so that the Ministry



of Foreign Affairs may relay the terrorist's personal information without delay to the nearest embassy, consulate or representation of the state of which he is a citizen.

- (b) When investigating and prosecuting terrorists who have committed offences relating to terrorism or the financing of terrorism, treat them fairly in accordance with international human rights law and without prejudice to the rights to which they are entitled.
106. A person charged with an offence of terrorism or financing of terrorism shall have the right to meet with his lawyer, receive legal advice and legal assistance, and the right to defend himself and appeal according to the law.
107. Prison wardens and prison staff:
- (a) Shall deal with an accused [*sic*] terrorist defendant convicted of terrorism while he is held in prison with the main purpose being to prevent him from committing acts of terrorism again, as well as his physical and mental reform, his conversion into a good person, and to teach him good livelihood skill for the time after his release.
 - (b) Shall treat accused [*sic*] terrorists in prison in accordance with the prison laws, rules, procedures and manuals like any other prisoner.

Chapter 19

Fund to prevent and suppress terrorism

108. In accordance with the Central Committee's guidelines, the working group to supervise and maintain the fund for the prevention and suppression of acts of terrorism:
- (a) Shall coordinate with the Office of the Auditor General of the Union, Ministry of Planning and Finance, and draft the necessary financial regulations and procedures regarding the maintenance, use, and management of the fund for the prevention and suppression of acts of terrorism established with income and assets under section 63 Counter-Terrorism Law, and shall act in accordance with the financial regulations and procedures.
 - (b) May submit a request to the Ministry of Home Affairs to receive funding from the Union budget.
 - (c) May manage the fund in accordance with the law to grow it in accordance with the law.
 - (d) When receiving foreign currency from donations by local and foreign donors under section 63(c) Counter-Terrorism Law, open a separate foreign currency bank account with



a bank designated by the Ministry of Planning and Finance in accordance with the financial management regulations of the Union.

109. The Regional or State Government shall include the funds to be submitted to the Central Committee under section 63(b) Counter-Terrorism Law in their budget allocation and pay them to the Central Committee's fund account.
110. The working group to supervise and maintain the fund for the prevention and suppression of acts of terrorism may pay expenses from the fund for the prevention and suppression of acts of terrorism with the approval of the Central Committee if the relevant working committees and working groups request to use the funds in accordance with the financial regulations and procedures to cover costs under section 64 Counter-Terrorism Law.
111. The working group to supervise and maintain the fund for the prevention and suppression of acts of terrorism shall supervise the maintenance, use, management, and accounting of the the fund for the prevention and suppression of acts of terrorism, and have it audited by the Office of the Auditor General of the Union.
112. The working group to supervise and maintain the fund for the prevention and suppression of acts of terrorism shall annually publish an audit report on the use of money and assets donated by international organisations, regional organisations, and domestic and foreign donors to achieve the objectives of the Counter-Terrorism Law, to create transparency for donor organisations and donors.

Chapter 20 Miscellaneous

113. Offences under the Counter-Terrorism Law shall be treated as serious offences.
114. When prosecuting any offence committed under the Counter-Terrorism Law, prior approval must be obtained from the Central Committee or the working group for anti-terrorism legal affairs and prosecution authorised by the Central Committee.
115. Offences of terrorism and financing of terrorism shall not be regarded as political crimes in the process of extradition and in the process of mutual assistance in criminal matters.
116. The Ministry of Social Welfare, Relief and Resettlement shall coordinate with the Central Committee to provide food and reparation to those who have suffered as a result of terrorism.
117. If an offence of terrorism cannot be prosecuted in court:



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- (a) In relation to funds held as evidence in connection with an offense of terrorism or the financing of terrorism, if the money and assets are not those of the person under investigation, but someone else had agreed to pay for them and taken them over, this person may apply with valid evidence to the working committee to prevent and suppress terrorism to have the money and assets kept as evidence returned.
 - (b) The working committee to prevent and suppress terrorism shall, after verifying the application under sub-rule (a), conduct the necessary investigations, and if the applicant can prove that he had agreed to pay for them and taken them over, issue an order for the return of the money and assets.
118. The Central Committee may, in order to provide for the safety of law enforcement personnel involved in the prevention and suppression of terrorists and terrorism and to identify *[sources of]* terrorism financing, confidentially provide rewards from the fund for the prevention and suppression of acts of terrorism to the following individuals and forces involved in the effective prevention and suppression of terrorism to ensure their safety:
- (a) Informers who notified the commission or imminent commission of an act of terrorism;
 - (b) inside informers;
 - (c) excellent investigators and captors who seize money and assets related to terrorism or the financing of terrorism and arrest terrorists;
 - (d) members who actively prevent or suppress terrorism or the financing of terrorism.
119. When the Tatmadaw while carrying out operations, or security organisations while performing security duties, or the prevention and suppression forces find an offender committing an act of terrorism or supporting terrorism with money and assets, the relevant highest-ranking officer:
- (a) May arrest the offender and seize evidence, identification documents, money, vehicles and animals related to the offence;
 - (b) Shall properly hand over persons arrested under sub-rule (a) and evidence to the nearest Myanmar Police station without delay, together with an extract from the daily situation report.
120. Procedures related to the issuance of a search warrant, search, arrest, request of an arrest warrant, keeping of evidence, investigation, surveillance, prosecution, and extradition for any offence of terrorism and terrorism financing shall be carried out as specifically set forth in these



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rules. If there is no specific provision, the provisions of the Code of Criminal Procedure and the Counter Financing of Terrorism Rules shall apply.

Lieutenant General Soe Htut
Union Minister
Ministry of Home Affairs

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