

that it is justified under a new or emerging exception under international customary law to the prohibition in Article 2(4) of the UN Charter. They claim this new exception allows use of force against a State without Security Council approval if this is the only way to prevent human rights abuses on a massive scale, and the only way to avert a humanitarian disaster.

3. NATO's military action undermines the United Nations and its aims and values

The NATO military action against Yugoslavia is being conducted under the rubric of 'democracy, human rights and the rule of law' (British Prime Minister, Tony Blair, Parliamentary Debates, 26 April 1999).

In fact the NATO military action does not strengthen or support these values. On the contrary, it attacks and undermines them.

The United States claims it is acting for the sake of human rights and freedom, but that raises one interesting question: what about the handful of situations during which it has done nothing? During the 1994 Rwanda Genocide (500,000 innocent Rwandans dead), the United States was the only country to veto a Security Council resolution meant to send peacekeeping forces to control the situation. Their actions enabled the genocide to continue unhindered.

How about Colombia? Colombia has the same rate of political murders at the hands of the government as Kosovo, yet it is still the highest recipient of U.S. arms and aid in the Western Hemisphere. And Turkey? They have relentlessly pursued the Kurds and caused refugee flights of a magnitude greater than that of Kosovo, yet still remain the highest importer of U.S. arms in the world. Does the United States have the moral authority to wage such a bombing campaign, against international opinion? No.

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С каждым годом проблема отмывания денег становится все более актуальной. Международное Сообщество очень обеспокоено распространением «грязных» денег, годовой оборот которых по разным оценкам

составляет от \$ 500 миллиардов до 1 триллиона. Осознавая важность этой проблемы, Республика Беларусь предприняла эффективные правовые методы по предотвращению отмыwania денег, которое как преступление, преследуется статьей 235 нового Уголовного кодекса.

В Беларуси созданы серьезные предпосылки для эффективной борьбы с отмыwанием денег. В тоже время, преступное сообщество не стоит на месте. Исходя из этого, необходимо детально изучать тенденции в отмыwании денег и постоянно улучшать законодательство, противодействующее легализации преступно нажитых средств.

LEGAL WAYS OF COMBATING MONEY LAUNDERING IN BELARUS

Every year the problem of money laundering is getting more and more serious. The International Community is very anxious about the spread of the «dirty» money, the annual amount of which according to different estimates varies anywhere from \$ 500 billion to 1 trillion.

Realizing the potential impact of this problem, the Republic of Belarus has taken very effective legal measures for preventing money laundering which as an independent offence is punished under Article 235 of the new Criminal Code. According to this Article money laundering is characterized as «conducting of financial operations and other deals with money, securities or property, that were derived from a criminal offence, as well as use of such means for carrying out business or any other economic activity for the purpose of concealment and disguising of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property». Furthermore Article 235 of the Code provides for aggravating circumstances in the event such offence is committed by organized group or state officials and etc. The maximum penalty can now extend up to 10 years in prison (with or without confiscation of the property). Yet, it is important to note that along with penalties, the Code has introduced a stimulatory norm, according to which a person, involved in the process of

money laundering, becomes free from criminal prosecution if he voluntarily assists in disguising the crime.

The Criminal Code is not the only legal act that directly deals with issues connected to money laundering. Just recently, a new Law « On Measures Preventing Legalization of Proceeds Acquired by Unlawful Means» came into force. Unlike the Criminal Code, the Law deals with any proceeds derived from *unlawful* actions, whereas the Criminal Code implies *illegal* proceeds. So the scope of the Law « On Measures Preventing Legalization of Proceeds Acquired by Unlawful Means» is significantly wider and includes proceeds derived for example from acts, violating any branch of law (tax law, banking law and etc). The law can be characterized as a major breakthrough in the field of combating money laundering; it is mostly in compliance with the international standards. The Law requires for conducting of obligatory identification of a client, mandatory maintenance of primary documentation with regards to financial operations in foreign currency; it also requires banks and other relevant subjects of law to present appropriate state agencies with information about operations, subject to compulsory control and etc.

Evidently, Belarus has created the necessary prerequisites for fighting money laundering. At the same time, the criminal society is not staying still. It skillfully studies and rapidly adjusts to any innovations. Hence, it is necessary to study trends in money laundering and constantly improve legislation, combating illegal proceeds.

Thereupon «Global Anti-Money-Laundering Guidelines for Private Banking» (**Wolfsberg AML Principles**) that were developed by eleven leading banks of the world in the year 2000, present great interest. They contain principal methods for preventing money laundering in the banking environment and were developed with consideration of many years' experience. We believe the National Bank of the Republic of Belarus should bring these Principles to the notice of all banks and non-banking institutions.