

Law on the Security Service

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03.04.2003, BVR, 2003, No. 27, p. 209; No. 747-IV of 15.05.2003, BVR, 2003, No. 29, p. 236;

No. 965-IV of 19.06.2003, BVR, 2003, No. 45, p. 357; No. 1703-IV of 11.05.2004, BVR, 2004, No. 32, p. 394

PART I. GENERAL PROVISIONS

Article 1. Security Service of Ukraine

The Security Service of Ukraine is a state law-enforcement organ of special purpose that provides the state security of Ukraine.

The Security Service of Ukraine is accountable to the President of Ukraine and the Verkhovna Rada of Ukraine.

Article 2. Tasks of the Security Service of Ukraine

The Security Service of Ukraine, within the competences determined by the legislation, is responsible for protection of the state sovereignty, constitutional order, territorial integrity, economic, scientific, technical and defence potential of Ukraine, legitimate interests of the state and the rights of citizens against intelligence-subversive activities of foreign special services, and encroachments by individual organisations, groups and persons, as well as is responsible for protection of the state secret.

The tasks of the Security Service of Ukraine also include prevention, identification, suppression and disclosure of the crimes against peace and security of mankind, terrorism, corruption and organized crime in the sphere of management and economy, and other unlawful acts that pose a threat to the vital interests of Ukraine. (Article 2 includes changes

made by the Law No. 1703-IV of 11.05.2004)

Article 3. Principles of the activity of the Security Service of Ukraine

Activity of the Security Service of Ukraine, its organs and employees is based on the principles of legality, respect for the rights and dignity of the person, non-membership in political parties and civil responsibility.

In operational activities, the Security Service of Ukraine combines the principles of undivided authority and collective approach, publicity and conspiracy.

Article 4. The Legal basis for the activity of the Security Service of Ukraine

The legal basis for the activity of the Security Service of Ukraine is the Constitution of Ukraine, this Law and other legislative acts of Ukraine, relevant international legal acts recognized by Ukraine.

Article 5. Activity of the Security Service of Ukraine and human rights

Activity of the Security Service of Ukraine is carried out on the basis of observance of human rights and freedoms. Organs and employees of the Security Service of Ukraine should respect dignity of the person and give him/her a humane treatment, avoid disclosure of the data on private life of the person. In exceptional cases, with the purpose of suppression and detection of treasons, individual rights and freedoms of the person can be temporarily restricted in accordance with the procedure and limits determined by the Constitution and laws of Ukraine.

Unlawful restriction of legitimate rights and freedoms of the person is inadmissible and entails legal liability.

The Security Service of Ukraine in case of violation by its employees while on duty of human rights and freedoms should take measures to restore these rights and freedoms, compensate for the moral and material damage and bring the infringer to account.

The Security Service of Ukraine at the request of the citizens of Ukraine is obliged to give them an explanation in writing in a month period regarding the restriction of their rights or freedom. Such persons have the right to appeal against the wrongful actions of officials and organs of the Security Service of Ukraine.

Article 6. Non-membership in political parties of the Security Services of Ukraine employees

The use of the Security Service of Ukraine in the interests of a party, group or person is prohibited.

Activities of the parties, movements and other public associations pursuing political aims in the Security Service of Ukraine are forbidden.

For the period of service or work under the work contract, membership of employees of the Security Service of Ukraine in such associations is discontinued.

As an exception, membership in unions of the workers who have concluded a work contract with the Security Service of Ukraine is allowed.

Article 7. The Right of the public to be informed about the activities of the Security Service of Ukraine

The people of Ukraine through the mass media, in other forms and according to the procedure determined by the legislation, are informed about the activity of the Security Service of Ukraine.

It is forbidden to put restrictions on information regarding the general budget of the Security Service of Ukraine, its competences and basic areas of activity, as well as regarding the cases of unlawful actions by the organs and employees of the Security Service of Ukraine.

Information, which is the state, military, official or trade secret, as well as confidential information, divulging of which will do harm to the national security of Ukraine, to honour and dignity of the person, or will violate his/her legitimate rights, cannot be disclosed, except for the cases envisaged by the legislation in the interests of justice.

Article 8. Relations of the Security Service of Ukraine with state organs, enterprises, institutions, organisations, officials, citizens and their associations

The Security Service of Ukraine cooperates with state organs, enterprises, institutions, organisations and officials, which assist in the fulfilment of its tasks.

Citizens of Ukraine and their associations, other persons can assist in lawful activities of the Security Service of Ukraine on a voluntary basis.

PART II. SYSTEM AND ORGANISATION OF THE ACTIVITY OF THE SECURITY SERVICE OF UKRAINE

Article 9. System of the Security Service of Ukraine

The system of the Security Service of Ukraine is composed of the Central administration of the Security Service of Ukraine and regional organs subordinated to it, the Security Service of the Republic of the Crimea, organs of military counter-intelligence, military formations, as well as educational, research and other establishments of the Security Service of Ukraine.

The organisational structure of the Security Service of Ukraine is determined by the President of Ukraine.

The Central administration of the Security Service of Ukraine and other organs and establishments that belong to the system of the Security Service of Ukraine are legal persons, and have a seal with an imprint of the State Emblem of Ukraine and its name, other seals and stamps, accounts in banks, including currency accounts.

To organize and carry out antiterrorist operations and to coordinate the activities of the bodies that combat terrorism or are involved in antiterrorist operations, the Antiterrorist centre attached to the Security Service of Ukraine is created. The Regulations on the Antiterrorist centre of the Security Service of Ukraine are approved by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.

(Article 9 includes changes made by the No. Law 965-IV of 19.06.2003)

Article 10. The Central administration of the Security Service of Ukraine

The central administration of the Security Service of Ukraine is responsible for the state security, it coordinates and manages the activities of other organs of the Security Service of Ukraine. It is composed of the Staff of the Head of the Security Service of Ukraine and of the following functional departments: intelligence, counter-intelligence, military counter-intelligence, protection of state sovereignty, struggle against corruption and organized crime, information-analytical, operational-technical, documentation, investigatory, governmental communications, human resources, administrative, financial, military-medical and other according to the organisational structure of the Security Service of Ukraine. The functional subdivisions in the structure of the Central administration of the Security Service of Ukraine have the status of an intelligence organ of the Security Service of Ukraine.

The Central administration of the Security Service of Ukraine issues regulations, orders, decrees, instructions and gives instructions, obligatory for performance in the system of the Security Service of Ukraine. The abovementioned acts shall not be executed if they establish additional authorities for the organs and employees of the Security Service of Ukraine, not envisaged by the legislation, or impose anti-constitutional restrictions on the rights and freedoms of citizens.

Within the limits of its competences, the Central administration of the Security Service of Ukraine submits proposals to the President of Ukraine on the acts concerning the state secret, obligatory for performance by the state organs, enterprises, institutions,

organisations and citizens.

(Article 10 includes changes made by the No. Law 3111-III of 07.03.2002)

Article 11. Regional organs of the Security Service of Ukraine

With the purpose of effective accomplishment of its tasks, the Security Service of Ukraine creates its regional organs: regional administrations of the Security Service of Ukraine and their inter-regional, regional and city departments, the location and territorial competence of which may not coincide with the administrative-territorial division of Ukraine.

In the interests of the state security, the organs and departments of the Security Service of Ukraine can be created at various state strategic installations and territories, and in military formations.

In their operational activities, the regional organs of the Security Service of Ukraine are independent of the organs of local state administration and local self-government, officials, parties and movements.

Article 12. Organs of military counter-intelligence

Military counter-intelligence services are created for counter-intelligence support of the Armed Forces of Ukraine, the State Border Service of Ukraine and other military formations deployed on the territory of Ukraine.

(Article 12 includes changes made by the Laws No. 2171-III of 21.12.2000, No. 662-IV of 03.04.2003)

Article 13. The Head of the Security Service of Ukraine

All activities of the Security Service of Ukraine and its Central administration are managed by the Head of the Security Service of Ukraine. He/she bears personal responsibility for the accomplishment of the tasks assigned to the Security Service of Ukraine. The Head of the Security Service of Ukraine is appointed by the Verkhovna Rada of Ukraine upon the submission of the President of Ukraine. The Head of the Security Service of Ukraine has deputies appointed upon his submission by the President of Ukraine.

Article 14. College of the Security Service of Ukraine

A collective advisory organ – the college – is created in the Security Service of Ukraine.

It determines ways of accomplishment of the Security Service of Ukraine tasks, takes decisions concerning the basic directions and problems of operational activity and concerning human resources management.

Decisions of the college are taken by the majority of votes and are promulgated by the orders of the Head of the Security Service of Ukraine.

The structure of the college includes the Head of the Security Service of Ukraine, his/her deputies, the Head of the Security Service of the Republic of Crimea and other persons, except for the People's Deputies of Ukraine, appointed by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine. Membership in parties, movements, other public associations pursuing political goals by the members of the college is suspended in accordance with Article 6 of this Law.

The Regulations on the college of the Security Service of Ukraine are approved by the President of Ukraine.

Article 15. The Procedure of appointment of the heads of organs and departments of the Security Service of Ukraine

The heads of the following departments of the Central administration of the Security Service of Ukraine: intelligence, counter-intelligence, military counter-intelligence, protection of state sovereignty, struggle against corruption and organized crime, information-analytical, operational-technical, documentation, investigatory, governmental communications, human resources, as well as the heads of regional organs - regional administrations of the Security Service of Ukraine - are appointed by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine.

The Head of the Security Service of the Republic of Crimea is appointed to office according to the legislation of the Republic of Crimea with consent of the Head of the Security Service of Ukraine.

The procedure of appointment of other officials of the Security Service of Ukraine is determined by the Head of the Security Service of Ukraine. Heads of regional organs of the Security Service of Ukraine are appointed with consent of the head of local state administration.

Article 16. Interaction between the Security Service of Ukraine and security organs of foreign states

For the accomplishment of the assigned tasks, the Security Service of Ukraine can come into contact with the security service organs of foreign states and cooperate with them on the basis of the norms of international law, agreements and treaties.

Article 17. Interaction between the Security Service of Ukraine and law-enforcement and other state organs of Ukraine

The Security Service of Ukraine cooperates with the Directorate on protection of higher officials of Ukraine, law-enforcement and customs organs of Ukraine in accordance with the procedure and on the bases determined by the laws, decrees of the President of Ukraine and the acts of the Security Service of Ukraine.

(Article 17 includes changes made by the Law No. 2171-III of 21.12.2000)

Article 18. Financing and logistical support of the Security Service of Ukraine
Financing and logistical support of the Security Service of Ukraine is carried out by the Cabinet of Ministers of Ukraine in accordance with the procedure defined by the Verkhovna Rada of Ukraine from the State Budget of Ukraine.

Organs of local state administration and local self-government help the Security Service of Ukraine, its organs and departments solve housing and other problems, help with provision of transport and communication facilities.

The Security Service of Ukraine has administrative premises and other buildings, health, educational, research, economic and cultural resources and a housing fund.

PART III. SECURITY SERVICE PERSONNEL

Article 19. Composition of the personnel of the Security Service of Ukraine

The personnel of the Security Service of Ukraine includes: employees-military men, employees who have concluded work contracts with the Security Service of Ukraine and military men on regular military service.

The Security Service of Ukraine employs on a competitive, voluntary and contractual basis the citizens of Ukraine, whose professional and moral qualities, level of education and the state of health will allow to effectively execute official duties.

Professional requirements, in particular knowledge in the sphere of law, are determined by the qualification-normative documents approved by the Head of the Security Service of Ukraine.

The numerical strength of the Security Service of Ukraine servicemen is determined by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine, proceeding from the need of effective protection of the state security of Ukraine, within the limits of the budget.

Article 20. Security Service of Ukraine servicemen

Conditions and the procedure of performance of the duties by the Security Service of Ukraine servicemen are determined in the concluded agreement (contract). They and military men on regular military service follow the same procedure of doing military service in the Armed Forces of Ukraine, defined by the legislation. The Security Service of Ukraine servicemen administer the Military oath of allegiance to the people of Ukraine.

The Security Service of Ukraine servicemen are given service identity cards; they wear the uniform approved by the President of Ukraine.

The use of military ranks, insignia, uniform, service identity cards of the Security Service of Ukraine servicemen by other persons entails legal liability.

Article 21. Legal regulation of labour relations of the Security Service of Ukraine employees

Labour relations of the employees who have concluded work contracts with the Security Service of Ukraine are regulated by the legislation on labour of Ukraine.

Article 22. Training of specialists for the Security Service of Ukraine

Training, re-training, raising the level of professional skills of specialists of the Security Service of Ukraine is carried out according to the Law of Ukraine "On education" and other legislative acts.

To ensure the vocational training of its personnel, the Security Service of Ukraine creates relevant educational establishments.

Article 23. The Reserve of the Security Service of Ukraine

The reserve of the Security Service of Ukraine is made up of military men, who have completed the term of service in the Security Service of Ukraine, as well as of other persons liable for military service, who have been enlisted with their consent to the reserve of the Security Service of Ukraine.

These persons are registered with the regional organs of the Security Service of Ukraine and do training according to the procedure determined by the legislation.

PART IV. THE POWERS OF THE SECURITY SERVICE OF UKRAINE

Article 24. Duties of the Security Service of Ukraine

The Security Service of Ukraine, according to its tasks, is obliged to:

1) carry out information-analytical work to ensure effective internal and external activity of the state power and government organs of Ukraine, and to solve defence, social and economic development, scientific and technical progress, ecology and other questions connected with the national security of Ukraine;

1.1) carry out intelligence activity according to the law;

2) provide counter-intelligence support to diplomatic representatives, consular and other official organs, as well as take measures connected with the protection of state interests in the sphere foreign policy and foreign trade activities, security of citizens of Ukraine abroad;

3) identify, suppress and disclose crimes, investigation of which is in the competence of the Security Service of Ukraine in accordance with the legislation; carry out investigations and inquiries on these matters; search persons who abscond in connection with commitment of the specified crimes;

4) carry out counter-intelligence operations with the purpose of prevention, identification, suppression and disclosure of any forms of intelligence-subversive activities against Ukraine;

5) provide protection of the state sovereignty, constitutional order and territorial integrity of Ukraine from illegal encroachments from individual persons and their associations;

6) provide counter-intelligence support to the defence complex, the Armed Forces of Ukraine, other military formations deployed on the territory of Ukraine, power systems, transport, communication facilities, as well as important installations of other branches of the economy;

7) take part in the development and implementation of the measures on protection of the state secret and confidential information belonging to the state according to the Law of Ukraine "On the state secret" and other acts of the legislation, assist, according to the procedure established by the legislation, enterprises, institutions, organisations and businessmen in keeping the trade secret, disclosure of which can damage vital interests of Ukraine;

8) prevent offences in the sphere of state security according to the legislation;

9) within the limits of its competences, determined by the legislation, provide protection of personal security of citizens and persons participating in criminal legal proceedings, or in case of receiving a declaration from them, members of their families or

close relatives, or a declaration from the head of the relevant state organ or operational and other information about a threat to their life, health, house or property; take part in rehabilitation and restoration of the rights of the illegally prosecuted persons;

10) assist the State Border Service of Ukraine in the protection of the border of Ukraine;

11) assist in the observance of the legal regime during martial law or state of emergency, as well as in liquidation of the consequences of natural disasters, serious accidents, catastrophes, epidemics, epizootic diseases and other emergencies;

12) render help by available forces and means, including technical, to organs of internal affairs, other law-enforcement organs in their fight against crimes;

13) take part in the elaboration of measures concerning arrival to and departure from Ukraine, the stay on its territory of foreigners and persons without citizenship, border regime and customs rules;

14) provide the state organs of Ukraine and officials according to the list established by the Cabinet of Ministers of Ukraine with secret and encoded communication facilities; carry out cryptographic and technical protection of classified information;

15) carry out scientific research activities and implement their results into the work of the Security Service of Ukraine;

16) carry out tasks concerning the provision of internal and external security of the state on behalf of the Verkhovna Rada of Ukraine or the President of Ukraine other;

17) take part in the development and implementation of measures on physical protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionizing radiation, as well as take part in special checks concerning the admission to special works.

(Article 24 includes changes made by the Laws No. 1381-XIV of 13.01.2000, No. 3111-III of 07.03.2002, No. 662-IV of 03.04.2003, No. 747-IV of 15.05.2003, No. 1703-IV of 11.05.2004)

Article 25. The Rights of the Security Service of Ukraine

For performance of the assigned duties, the Security Service of Ukraine, its organs and employees are given the following rights:

1) to demand from the citizens and officials to stop the offences and activities that prevent the Security Service of Ukraine from execution of its powers; to check in this connection the documents proving their identity, as well as to examine the persons, their belongings and vehicles if there is a threat of escape of a suspect, or of destruction or concealment of proofs of criminal activity;

2) to submit to organs of state power, local self-government organs, enterprises, institutions, organisations of all forms of ownership obligatory for consideration proposals concerning national security, including protection of the state secret;

3) to receive at the request of the head of the relevant organ of the Security Service of Ukraine from the Ministries, state committees, other departments, enterprises, institutions, organisations, military units, citizens and their associations the data necessary for ensuring the state security of Ukraine, as well as to use for this purpose service documentation and reports. The procedure of receiving information from banks that contain bank secret is carried out in accordance with the procedure established by the law of Ukraine "On banks and banking";

4) to enter on the territory and in offices of enterprises, institutions and organisations and command of military units in accordance with the procedure agreed with their administrations;

4.1) to draw up reports on administrative offences that belong in accordance with the law to the competence of the Security Service of Ukraine, to carry out inspection of persons, of belongings, to seize things and documents, and to take other measures envisaged by the law on administrative offences;

6) [sic] to use with subsequent reimbursement of expenses and losses the vehicles belonging to enterprises, institutions and organisations, military units and citizens (except for vehicles of diplomatic, consular and other representative offices of foreign states and organisations, special purpose vehicles) for travel to a place of event, cessation of crimes, prosecution and detention of the persons suspected in commitment of crimes, transportation to medical establishments of the persons requiring urgent medical care;

7) exclusively during cessation of crimes, investigation of which belongs to the competence of the Security Service of Ukraine in accordance with the legislation, prosecution of the persons suspected of commitment of crimes, to enter into houses, offices, industrial and other premises, territories and land areas and to examine them with the subsequent notification of the public prosecutor within 24 hours;

8) to conduct publicly and privately operational activities in accordance with the procedure determined by the Law of Ukraine "On operational-investigation activity";

9) to carry out cooperation with the citizens of Ukraine and other persons, including on a contractual basis, observing the conditions of voluntariness and confidentiality in these relationships;

10) to use the offices of enterprises, establishments, organisations, military units, as well as living quarters and other premises of citizens on a contractual basis;

11) to send the Security Service of Ukraine servicemen to work in other establishments, enterprises and organisations during fulfilment of concrete tasks in the interests of intelligence, counter-intelligence, fight against corruption and organized crime; in some cases, in accordance with the procedure determined by the college of the Security Service of Ukraine, such servicemen can be sent to institutions, enterprises and

organisations at the request of their heads;

12) in the interests of investigation, counter-intelligence and operational-investigation activity, to create information systems and to conduct operational registration in volumes and according to the tasks assigned to the Security Service of Ukraine by this Law;

13) to reward morally and financially the employees of the Security Service of Ukraine and other persons according to their merits in ensuring the state security; to recommend them, in accordance with the established procedure, for state awards;

14) to get tickets for all means of transport out of turn, irrespective of availability of seats, and to stay in hotels upon presentation of a certificate about business trip;

15) to travel free-of-charge by all means of public transport (except for taxi), local railway and water transport and buses, as well as by incidental transport;

16) to provide weapons, special means of individual protection and means of notification about danger in case of danger to the life and health of the persons under their protection, according to the current legislation.

During anti-terrorism operations and operations concerning fight against financing of terrorist activity, the Security Service of Ukraine, its organs and employees have the right:

1) to receive, according to the procedure established by the law, at the request of the head of an organ or operational subdivision of the Security Service of Ukraine from customs, financial and other establishments, enterprises, organisations (irrespective of the form of ownership) information and documents on operations, the state of accounts and movement of means during a concrete time interval (with indication of the sums, date, purpose and the certified copies of the documents on the basis of which an account for a legal or physical counteragent of payment), deposits, internal and external economic transactions, as well as the procedure of receiving information from banks that contain bank secret is carried out in accordance with the procedure established by the law of Ukraine "On banks and banking". Documents and information should be presented immediately, and if it is impossible - not later than within 10 days;

2) to involve, according to the procedure established by the legislation, qualified experts of control and financial organisations and organs in checks, audits and examinations;

3) to receive, according to the procedure established by the legislation, at the request of the head of an organ or operational subdivision of the Security Service of Ukraine information from automated information and reference systems and databanks created by the Supreme Court of Ukraine, the State Office of Public Prosecutor of Ukraine, the National bank of Ukraine, the Antimonopoly committee of Ukraine, the State Property Fund of Ukraine, Ministries, other central organs of executive power and local self-government organs of Ukraine;

4) to bring an action on the basis of the materials of operational-investigation activity concerning cancellation of registration and termination of activity of entrepreneurial bodies, as well as, to file an action concerning invalidation of agreements in accordance with the

procedure established by the legislation of Ukraine:

5) to enter upon a written instruction from the head of an organ or operational subdivision of the Security Service of Ukraine and upon presentation of official documents on the territory, in premises, warehouses and storehouses of enterprises, institutions and organisations (except for foreign diplomatic representatives) irrespective of form of ownership, border and customs check points, and in production premises of the citizens engaged in entrepreneurial activity;

6) upon the decision of the investigator and sanction of the public prosecutor on supervision over the observance of the laws during operational-investigation activity, and in urgent cases - with the subsequent notification of the public prosecutor within a day, in case of a threat of destruction, concealment or loss of things or documents that can be used in investigation of criminal activity, for the period of up to 10 days to seal up archives, cash registers, premises (except for inhabited) or other storehouses, to put them under protection, to sequester money resources and other valuables of physical and legal persons, to seize things and documents with issuance of an act to this end. Copies of the act are handed over to the citizen or the representative of the enterprise, establishment, or organisation.

Organs and departments of the Security Service of Ukraine that carry out fight against terrorism, have the powers of an inquiry organ.

(Article 25 includes changes made by the Laws No. 1381-XIV of 13.01.2000, No. 2922-III of 10.01.2002, No. 3111-III of 07.03.2002, No. 488-IV of 06.02.2003, No. 965-IV of 19.06.2003, No. 1703-IV of 11.03.2004)

Article 26. Bases and procedure of the use of weapons and special means

The Security Service of Ukraine servicemen have the right to keep, carry, use and apply weapons and special means on the bases and according to the procedure established by the Law of Ukraine "On militia", military statutes of the Armed Forces of Ukraine and other acts of legislation.

PART V. SOCIAL AND LEGAL PROTECTION OF MILITARY MEN AND EMPLOYEES OF THE SECURITY SERVICE OF UKRAINE

Article 27. Social and legal protection of military men and employees of the Security Services of Ukraine

The state provides for social and legal protection of military men and employees of the Security Service of Ukraine.

The Security Service of Ukraine servicemen have political, social, economic and personal rights and freedoms, as well as privileges according to the Law of Ukraine "On social and legal protection of military men and members of their families", this Law, and other acts of legislation.

The right to privileges is guaranteed to the Security Service of Ukraine servicemen who are dismissed from service for the reasons of age, illnesses or who have qualified for a pension.

Social protection of the employees who have concluded work contracts with the Security Service of Ukraine is ensured in accordance with general practice according to the labour legislation.

Article 28. Legal guarantees of protection of the Security Service of Ukraine servicemen and the citizens participating in the provision of the state security

The Security Service of Ukraine servicemen during performance of the assigned duties are representatives of the state power, operate on behalf of the state and are under its protection. Inviolability of their person, their honour and dignity are guaranteed by the legislation.

Close relatives of the Security Service of Ukraine servicemen are also under state protection. Offences against close relatives of the Security Service of Ukraine servicemen committed in connection with performance of the duties assigned to these servicemen entail legal liability.

The persons rendering assistance to the Security Service of Ukraine are also under state protection, as well as pensioners of the Security Service of Ukraine.

The persons rendering assistance to the Security Service of Ukraine are guaranteed the confidentiality of relations. Disclosure of data about such relations and other offences against these citizens and members of their families committed in connection with their activity concerning ensuring of the state security entails legal liability.

The employees of the Security Service of Ukraine, in case of their involvement in activities on ensuring the state security not connected directly with their functional duties, have the rights provided to the Security Service of Ukraine employees by items 1, 4, 6 and 7 of Articles 25 of this Law. In these cases they are guaranteed legal protection established for the Security Service of Ukraine servicemen.

Disclosure of the fact about belonging of Security Service of Ukraine employees to operational departments is not allowed.

(Article 28 includes changes made by the Law No. 1381-XIV of 13.01.2000)

Article 29. Indemnifications and payments in case of death or mutilation of the

Security Services of Ukraine employees and the citizens involved in the activities on ensuring the state security, and in case of damage to their property

In case of death of a Security Service of Ukraine serviceman in connection with performance of official duties, his/her family or dependants are paid a lump sum at the rate of ten-year money allowance at the last post, and a pension for the loss of the bread-winner at the rate of the monthly official salary is provided.

In case of mutilation caused to a Security Service of Ukraine serviceman in connection with performance of official duties, as well as in case of physical disability that happened during service or after it but owing to the disease or accident during the service, he/she is paid a lump sum at the rate from three-year to five-year money allowance (depending on the degree of disability) and is provided with a disability pension.

The damages caused to the property of a Security Service of Ukraine serviceman or members of his/her family in connection with performance of official duties are indemnified, and in case of his/her death – the damages are indemnified to the members of family in full from the State Budget.

Provisions of this Article apply to the Security Service of Ukraine employees and the persons involved in the activities on ensuring the state security, as well as to pensioners of the Security Service of Ukraine.

Article 30. Money allowance of the Security Service of Ukraine servicemen

The forms and amounts of money allowances for the Security Service of Ukraine servicemen are established by the President of Ukraine and should provide sufficient material conditions for staffing the Security Service of Ukraine with qualified military personnel, should take into account the nature, work environment, and stimulate the achievement of high results in the service activity.

PART VI. CONTROL AND OVERSIGHT OF THE SECURITY SERVICE OF UKRAINE ACTIVITY

Article 31. Control of the Verkhovna Rada of Ukraine over the activity of the Security Service of Ukraine

Constant control over the activity of the Security Service of Ukraine and over observance of the legislation by it is carried out by the Commission of the Verkhovna Rada of Ukraine on defence and state security.

The Head of the Security Service of Ukraine informs on a regular basis the

Verkhovna Rada of Ukraine, the Presidium of the Verkhovna Rada of Ukraine and the Commission of the Verkhovna Rada of Ukraine on defence and state security about the activity of the Security Service of Ukraine, the condition of the state security, observance of the current legislation, the guarantees of human rights and freedoms and about other questions.

The Security Service of Ukraine, in accordance with the procedure established by the legislation, is obliged to answer the inquiries from standing and temporary commissions of the Verkhovna Rada of Ukraine and People's Deputies of Ukraine.

The Head of the Security Service of Ukraine presents annually to the Verkhovna Rada of Ukraine the report on the activity of the Security Service of Ukraine.

Article 32. Control of the President of Ukraine over the activity of the Security Service of Ukraine

Control over the activity of the Security Service of Ukraine is carried out by the President of Ukraine and by the authorized state organs.

Constant control over the observance of constitutional rights of citizens and legislation in operational-investigation activity and in activity in the sphere of the state secret protection by the organs and departments of the Security Service of Ukraine, as well as control over the conformity of the issued by the Security Service of Ukraine of regulations, orders, decrees, instructions with the Constitution and laws of Ukraine is carried out by the officials specially appointed by the President of Ukraine. The powers of these officials and legal guarantees of their activity are determined by the Regulations approved by the President of Ukraine.

The Security Service of Ukraine on a regular basis, in accordance with the procedure determined by the President of Ukraine, informs the President of Ukraine, members of the National Security Council of Ukraine and the officials specially appointed by the President of Ukraine about the main questions of its activity, about cases of infringement of the legislation, as well as submits other necessary data at the request.

The Head of the Security Service of Ukraine presents annually to the President of Ukraine a written report on the activity of the Security Service of Ukraine.

The Head of the Security Service of Ukraine bears personal responsibility for timeliness, objectivity and completeness of the presented information.

(Article 32 includes changes made by the Law No. 1703-IV of 11.05.2004)

Article 33. Control over administrative and financial activity of the Security

Service of Ukraine

Control over administrative and financial activity of the Security Service of Ukraine is carried out in accordance with the procedure determined by the President of Ukraine.

Article 34. Oversight over observance of the laws

Higher oversight over observance and application of the laws by the Security Service of Ukraine is carried out by the Prosecutor General of Ukraine and public prosecutors authorized by him/her.

PART VII. RESPONSIBILITY FOR INFRINGEMENTS IN THE ACTIVITIES OF THE SECURITY SERVICE OF UKRAINE

Article 35. Responsibility of the employees of the Security Service of Ukraine

The employees of the Security Service of Ukraine take decisions independently within the limits of their authority. They should refuse to execute any orders, decrees or instructions contradicting the current legislation. They bear disciplinary, administrative and criminal responsibility for unlawful acts and inactivity.

The employees of the Security Service of Ukraine who perform their duties according to the powers given to them by the legislation and in the framework of the Law, do not bear responsibility for damages caused to property.

Such damages are indemnified according to the legislation from the State Budget by the Security Service of Ukraine.

Article 36. Responsibility for the unlawful acts that prevent the Security Service of Ukraine from execution of its powers

Provision for lawful requirements of the employees of the Security Service of Ukraine during the performance of their official duties is obligatory for citizens and officials.

Disobedience or resistance to lawful requirements of the employees of the Security Service of Ukraine or unlawful interference with their lawful activity entail legal liability.