

**Decision of the Ministry of Internal Affairs
November 12, 2004 № 247**

**On Approval of Instruction on the operation of AND USE Genetic Fingerprinting
ALLOWANCE**

In accordance with the Decision of the Council of Ministers of the Republic Belarus of July 29, 2002 № 1010 "On creation of the Programme Automatic Identification System genetic fingerprint based on "The Ministry of Internal Affairs Republic of Belarus has decided: To approve the Instruction on the order of reference and the use of genetic fingerprints counts.

Minister Militia Major General Vladimir Naumov

AGREED

**Chairman of the Chief State
Republic of Belarus Republic of Belarus
08/23/2004**

AGREED

**Public Safety forensic expert
LT Erin A. Gusakov
08/31/2004**

AGREED

**Minister of Justice Belarus
VG Golovanov
02/11/2004**

APPROVED Ruling

**Ministry of Interior Belarus
12.11.2004 № 247**

INSTRUCTION on the operation and use of genetic fingerprint registrations

1. Instructions on the operation and use genetic fingerprint registrations (hereinafter - Regulations) regulates the organization, management and maintenance of automated identification of genetic fingerprints of registrations (hereinafter - AISGDU), and also sets the terms and conditions of use AISGDU relevant government authorities of the Republic Belarus.

2. AISGDU has ordered electronic information genetic traits:

2.1. Citizens of the Republic of Belarus, foreign citizens and stateless persons Citizenship (hereinafter - the person), suspects (accused) of committing crimes against sexual integrity or sexual freedom, as well as in the commission of other serious and very serious crimes;

2.2. persons convicted or having outstanding or unexpunged conviction for crimes against sexual integrity or sexual freedom, as well as the performance of serious and very serious crimes;

2.3. persons detained under direct suspicion of crimes;

2.4. Biological traces recovered from the undisclosed locations crime;

2.5. unidentified corpses.

3. AISGDU organized and conducted in the State forensic center of the Ministry of Internal Affairs Belarus (hereinafter - GEKTS MVD) and consists of the following databases:

3.1. DNA database of suspects (accused) in crimes against sexual integrity or sexual freedom, as well as in the commission of other serious and very serious crime;

3.2. DNA database of persons convicted or have any unexpunged outstanding conviction for crimes against sexual integrity or sexual freedom, as well as the performance of serious and very serious crimes;

3.3. a database of persons detained on direct suspicion of committing a crime;

3.4. DNA database of biological traces, recovered from the field unsolved crimes;

3.5. DNA database of unidentified corpses.

5. DNA database under subsections 3.1, 3.2 and 3.3 paragraph 3 of this Instruction, are formed GEKTS MIA.

6. Database of DNA under subparagraph 3.4 of paragraph 3 this Instruction, is formed in GEKTS MIA based on the information obtained in the process of genetic examination in GEKTS Interior Ministry, the Public Service medical forensic examinations (Hereinafter - the HS ITU), research institution Scientific-Research Institute for Criminology, Criminology and Forensic Sciences, Ministry of Justice of the Republic Belarus (hereinafter - INST "SRI PAC and SE Ministry of Justice Belarus).

7. Database of DNA under subparagraph 3.5 of paragraph 3 this Instruction, is formed in GEKTS MIA based on the information obtained during the process of genetic examination in HS ITU GEKTS MIA and INST "SRI PAC and SE Ministry of Justice Belarus.

8. Mandatory registration with the data subject AISGDU DNA biological traces, seized from their places of unsolved crimes, according criminal cases, a preliminary investigation which suspended pursuant to paragraphs 1 and 6 of Article 246 Criminal Procedural Code of the Republic of Belarus (hereinafter - CCP).

9. The grounds for obtaining information on the availability of information in AISGDU (using AISGDU interested state authorities of the Republic of Belarus) in relation to a person are:

9.1. Protocol on the detention of persons on direct suspicion of a crime, compiled by officers the perpetrator of the actual arrest, and issued on Based on this protocol body of inquiry, the investigator, Attorney detention order;

9.2. decision on the application of preventive measures to suspect, by a body conducting the criminal proceedings, to make the established order of the CPC of the bill of person as the accused;

9.3. Resolution recognizing the suspect issued body of criminal prosecution;

9.4. order of business establishments operating accounting rendered in accordance with the Law of the Republic of Belarus "On operative-search activity ";

9.5. decision to institute criminal proceedings against a person suspected of committing a crime by a body inquiry, investigator, prosecutor;

9.6. resolution to bring a person as a defendant, by a body of criminal prosecution;

9.7. entered into force on the verdict.

10. To perform a scan GEKTS MIA provides one biological samples, individuals and the following materials:

10.1. the operational units of the bodies exercising operational-search activity, - the ratio to conduct research, the decision on the appointment of examination;

10.2. entities, leading the criminal process - ruling (Definition) an examination.

11. Investigation of biological samples of persons detained under direct suspicion of committing a crime, and design of detention (Help) expert produced in a period not more than 48 hours from receipt of GEKTS MIA.

12. The decision, determination, respect, referred to in paragraph 10 of this Instruction, the audited person reported following Information:

12.1. Surname, first name;

12.2. Date of birth;

12.3. Place of birth;

12.4. Basis for verification.

13. Biological samples of individuals are:

13.1. Blood sample;

13.2. Scraping the epithelium from the inside cheeks (buccal swab);

13.3. Hair from the head man.

14. Obtaining biological specimens is made in person accordance with Article 234 of the CPC and articles 11 and 12 of the Act Belarus "On operative-search activity.

15. Information about the genetic characteristics of persons in AISGDU be destroyed:

15.1. in respect of persons referred to in subparagraphs 2.1, 2.3, paragraph 2 these Regulations, - after 5 years from the date of opinion (references) expert;

15.2. in respect of persons referred to in subparagraph 2.2 of paragraph 2 these Regulations, - on expiry of the conviction, established by Article 97 of the Criminal Code of the Republic of Belarus (Hereinafter - CC), or in connection with the removal of a conviction in accordance with Article 98 of the Criminal Code. Biological samples of persons in accordance with the second part of Article 236 of the CPC after the examination (studies) are sent to their initiator.

16. For the production genetic examination unidentified dead bodies in the establishment of an expert (GEKTS MIA, HS ITU, INST Research Institute of the PAC and SE of the Ministry of Justice of the Republic of Belarus ") sent a resolution (definition) an examination, biological sample of the corpse.

17. Biological samples of the corpse are:

17.1. Blood

17.2. Muscle;

17.3. fragments of parenchymatous organs;

17.4. cartilage;

17.5. bone.

18. Biological samples of unidentified corpses removed forensic expert in forensic examination of the corpse.

19. Information about the genetic characteristics of unidentified corpses stored in AISGDU to determine the identity of the deceased (the deceased) but not more than 25 years.

20. To replenish the DNA databases of biological traces seized from the field of unsolved crimes and unidentified corpses in AISGDU GEKTS Ministry of Internal Affairs of the HS ITU INST "SRI PAC and SE Ministry of Justice Belarus weekly with registration in the appropriate journals for magnetic and paper carriers transmitted information obtained by After the genetic examination process, appointed by unsolved crimes and the facts of the detection of unidentified corpses.

21. When sending information to replenishment of databases of DNA biological traces, seized from their places of unsolved crimes, and unidentified corpses in AISGDU GEKTS MIA reported following Information:

21.1. Date and place of the crime;

21.2. Name of the body, opened a criminal case (Wound cause operational records);

21.3. criminal legal qualification of the crime (if information in the decision);

21.4. date and place of discovery of an unidentified corpse;

21.5. number of expert opinion;

21.6. species and genetic characteristics of DNA trace (trace), not belonging to the victim;

21.7. in cases of mixed tracks - except for the genetic traits mixed trace DNA and genetic characteristics of the victims;

21.8. genetic traits to the DNA of an unidentified corpse.

22. Information about the genetic characteristics of biological traces, withdrawn from the field of unsolved crimes, remains in AISGDU to identify the person subject to prosecution as the accused.

23. In cases where placement in AISGDU information about genetic characteristics of

persons, biological traces, recovered from the field unsolved crimes and unidentified bodies may disclosure of information constituting a state or other protected by law, the authority of the criminal process or carrying out operational investigative activities, has the right not provide this information in AISGDU, as a mark of order an examination, for the holding study.

24. Registration for entering premises in AISGDU materials relevant journals, maintaining genetic fingerprint counts on paper, verification and duplication of information produced in accordance with the rules of the secret proceedings.

25. Officials of state bodies engaged receipt, use, storage and destruction of information genetic characteristics of persons responsible for the violation rules of the receipt, use, storage, destruction of information about genetic characteristics of persons, the transfer of biological samples to third those unfounded premise information about a person in a AISGDU accordance with the laws of the Republic of Belarus.

26. Establishing the genetic traits of DNA to replenish all databases of DNA AISGDU conducted using the method polymerase chain reaction (hereinafter - PCR) for automatic devices for capillary electrophoresis and detection multihromnoy fluorescently labeled PCR products with mandatory use following genetic markers (loci): D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, vWA, TPOX, D18S51, D5S818, FGA, Amelogenin.