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Translated from French

Official Journal of the Grand Duchy of Luxembourg

Compendium of legislation

A — No. 123

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Act of 29 July 2008 approving the International Convention for the Suppression of Acts of Nuclear Terrorism, opened for signature in New York on 14 September 2005

We, Henri, Grand Duke of Luxembourg, Duke of Nassau,

The Council of State having been consulted;

With the assent of the Chamber of Deputies;

In view of the decision of the Chamber of Deputies of 12 June 2008 and that of the Council of State of 1 July 2008 that there is no need for a second vote;

Have decreed as follows:

Article 1. The International Convention for the Suppression of Acts of Nuclear Terrorism, which was opened for signature in New York on 14 September 2005, is hereby approved.

Article 2. (1) Any person who, unlawfully and with the intent to cause death, serious bodily injury or significant damage to property or to the environment, commits one of the following acts shall be punished by imprisonment for a term of five to ten years and a fine of 12,500 to 25,000 euros, or by one of those penalties only:

(a) The possession, manufacture or use of radioactive or nuclear material or a device as defined in article 1 of the Convention;

(b) The use, in any way, of radioactive or nuclear devices or material, or the use of or damage to a nuclear facility in a manner which releases or risks the release of radioactive material;

(c) The act of threatening to commit any of the offences referred to in paragraph (b) of the present article, regardless of the form that such threat takes and whether or not it is accompanied by an order or condition.

(2) The same penalties shall be imposed on any person who unlawfully, by means of violence or threats, demands the handing over of devices, radioactive material or nuclear facilities.

(3) If the acts referred to in paragraphs (1) and (2) of the present article result in physical injury, they shall be punishable by imprisonment for a term of ten to fifteen years. If they result in physical injury leading to an apparently incurable illness, permanent incapacity to work, loss of full use of an organ or severe disfigurement, they shall be punishable by imprisonment for a term of fifteen to twenty years. If they result in death, they shall be punishable by life imprisonment.

Article 3. For the purposes of application of the Convention, the courts of Luxembourg shall have jurisdiction and Luxembourg criminal law shall apply to the offences referred to in article 2 of the Convention where the alleged offender is present on the territory of Luxembourg and is not extradited to another State party, regardless of the nationality of the alleged offender and the place where the offence was committed.

This Act shall be published in the Official Gazette, to be enforced and observed by all concerned.

Jean Asselborn
Minister for Foreign Affairs and Immigration

Port Douglas, 29 July 2008
Henri

Luc Frieden
Minister of Justice

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Parliamentary document 5851; ordinary session 2007-2008