

Job 22-21681 (submission from Mexico on nuclear terrorism – fair copy)

Translated from Spanish

Legal provisions implemented in Mexico with respect to the International Convention for the
Suppression of Acts of Nuclear Terrorism

Federal Act against Organized Crime

Article 2. When three or more persons arrange to engage, on a continuing basis or repeatedly, in conduct which in itself or in combination with other conduct has as its purpose or result the perpetration of one or more of the following offences, they shall be punished, solely by virtue of that fact, as members of organized crime:

- I. Terrorism as established in articles 139 to 139 ter, financing of terrorism as established in articles 139 quater and 139 quinquies and international terrorism as established in articles 148 bis to 148 quater; [...]

Federal Criminal Code

Book One

Part One – Criminal liability

Chapter I – General rules on offences and liability

Article 11 bis

For the purposes of the provisions of part X, chapter II, of the National Code of Criminal Procedure, legal persons may face some or several of the legal consequences provided for when they have participated in the commission of the following offences:

- A. An offence established in this Code:
- I. Terrorism as established in articles 139 to 139 ter and international terrorism as established in articles 148 bis to 148 quater; [...]

Federal Criminal Code

Book Two

Part One – Offences against the security of the nation

Chapter VI – Terrorism

Article 139

A prison sentence of 15 to 40 years and a fine of 400 to 1,200 day-fine units shall be imposed, without prejudice to any penalties that may be applicable for other offences, on:

- I. Any person who, using toxic substances, chemical, biological or similar weapons, radioactive material, nuclear material, nuclear fuel, radioactive ore, a radiation source or instruments that emit radiation, explosives or firearms, or by causing fire or flooding, or by any other violent means, intentionally carries out acts against property or services, whether public or private, or against the physical or emotional integrity or the life of persons, where such acts cause alarm, fear or terror among the population or within a group or sector thereof, in order to undermine national security or place the authorities or an individual under pressure, or to compel an individual to take a decision.

II. Any person who agrees to or prepares a terrorist act that is planned, is being committed or has been committed in the national territory. The penalties referred to in the first paragraph of this article shall be increased by one half when, in addition:

- I. The offence is committed against immovable property that is publicly accessible;
- II. The offence causes damage or harm to the national economy; or
- III. During the commission of the offence, a person is held hostage.

Article 139 bis

A penalty of one to nine years' imprisonment and a fine of 100 to 300 day-fine units shall be imposed on any person who harbours a terrorist in the knowledge of that terrorist's activities or identity.

Article 139 ter

A penalty of 5 to 15 years' imprisonment and a fine of 200 to 600 day-fine units shall be imposed on any person who threatens to commit the offence of terrorism as referred to in the first paragraph of article 139.

Federal Criminal Code

Book Two

Part Two – Offences against international law

Chapter III – International terrorism

Article 148 bis

A prison sentence of 15 to 40 years and a fine of 400 to 1,200 day-fine units shall be imposed, without prejudice to any penalties that may be applicable for other offences, on:

- I. Any person who, using toxic substances, chemical, biological or similar weapons, radioactive material, nuclear material, nuclear fuel, radioactive ore, a radiation source or instruments that emit radiation, explosives or firearms, or by causing fire or flooding, or by any other violent means, carries out in Mexican territory acts against property, persons or services of a foreign State or of any international body or organization, where such acts cause alarm, fear or terror among the population or within a group or sector thereof, in order to place the authorities of that foreign State under pressure or compel the foreign State, or an international body or organization, to take a decision.
- II. Any person who commits the offence of homicide or any act against the freedom of an internationally protected person;
- III. Any person who carries out, in Mexican territory, any violent act against official premises, private accommodation or means of transport of an internationally protected person where such act endangers the person's life or freedom; or
- IV. Any person who agrees to or prepares in Mexican territory a terrorist act that is planned, is being committed or has been committed abroad.

For the purposes of this article, "internationally protected person" means a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, as well as family members who accompany him or her, and any representative or official of a State or any official or other agent of an intergovernmental organization who, at the time when and in the place where an offence is committed against

that person, against family members living with him or her or against the person's official premises, private accommodation or means of transport, is entitled to special protection pursuant to international law.

Article 148 ter

Any person who harbours a terrorist in the knowledge of the terrorist's identity or of the fact that he or she is engaged in an activity covered by this chapter shall be punished by imprisonment for a term of 5 to 10 years and a fine of 100 to 300 hundred day-fine units.

Article 148 quater

Any person who threatens to commit the offence of terrorism as referred to in items I to III of article 148 bis shall be punished by imprisonment for a term of 6 to 12 years and a fine of 200 to 600 day-fine units.

Federal Code of Criminal Procedure

Article 194. For all legal purposes, the offences established in the following legal instruments are classified as serious offences, since they significantly affect core values of society:

- I. In the Federal Criminal Code, the following offences:
 - (4) Terrorism as established in articles 139 to 139 ter, financing of terrorism as established in articles 139 quater and 139 quinquies and international terrorism as established in articles 148 bis to 148 quater; [...]