

Job 21-00058 (extract from Order No. 2011-12 of the Niger – fair copy)

Translated from French

ORDER No. 2011-12 of 27 January 2011 amending and supplementing Act No. 61-27 of 15 July 1961 establishing the Criminal Code

Chapter VII: Nuclear Terrorism

Article 399.1.15: A person shall be punished by imprisonment of fifteen (15) to thirty (30) years if that person unlawfully and intentionally:

- (a) possesses radioactive material or makes or possesses a device with the intent to cause death or serious bodily injury to a person, or with the intent to cause substantial damage to property or to the environment;
- (b) uses in any way radioactive material or a device or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material with the intent to cause death or serious bodily injury to any person, or to cause substantial damage to property or to the environment, or to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

If the acts thus committed result in the death of a person or in substantial economic loss, the death penalty shall be imposed.

The same penalty shall apply to any person who:

- (a) threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in subparagraph (b) above;
- (b) demands, unlawfully and intentionally, radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

Chapter VIII: Offences Relating to Nuclear or Hazardous Materials

Article 399.1.16: Any person who intentionally commits one of the following acts shall be punished by imprisonment of ten (10) to thirty (30) years and a fine of fifty million (50,000,000) to five hundred million (500,000,000) CFA francs:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear or hazardous material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;
- (b) a theft or robbery of nuclear or hazardous material;
- (c) an embezzlement or fraudulent obtaining of nuclear or hazardous material;

- (d) the carrying, sending or moving of nuclear or hazardous material into or out of a State without lawful authority;
- (e) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where the offender knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, unless the act is undertaken in conformity with the national law of the State in the territory of which the nuclear facility is situated;
- (f) an act constituting a demand for nuclear or hazardous material by threat or use of force or by any other form of intimidation;
- (g) a threat:
 - to use nuclear or hazardous material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in subparagraph (e); or
 - to commit any of the offences described in subparagraphs (b) and (e) in order to compel a natural or legal person, an international organization or a State to do or to refrain from doing any act;
- (h) an attempt to commit any offence described in subparagraphs (a) to (e);
- (i) an act which constitutes participation in any offence described in subparagraphs (a) to (h);
- (j) an act of any person who organizes or directs others to commit any offence described in subparagraphs (a) to (h);
- (k) an act which contributes to the commission of any offence described in subparagraphs (a) to (h) by a group of persons acting with a common purpose. Such act shall be intentional and shall either:
 - be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of any offence described in subparagraphs (a) to (g); or
 - be made in the knowledge of the intention of the group to commit an offence described in subparagraphs (a) to (g).

Chapter IX: Acts of Support, Arms Supply and Incitement

Article 399.1.17: Any person who participates in the organization, preparation or commission of one or more of the offences described in the present order, or who provides any form of support, whether active or passive, with the intent or in the knowledge that the purpose of such participation or support is the commission of one or more of the offences described in the present order, shall be punished by imprisonment of ten (10) to thirty (30) years and a fine of five hundred thousand (500,000) to ten million (10,000,000) francs.

Any person who supplies weapons with the intent or in the knowledge that such weapons may be used for the commission of any of the offences described in the present order shall be punished by the same penalty as that set forth in the preceding paragraph.

Any person who distributes or makes available to the public a message, with the intent or in the knowledge that such message may incite the commission of any offence described in the present order, where such an act gives rise to a risk that one or more offences may be committed, shall be punished by the same penalty as that set forth in the preceding paragraphs.

Chapter X: Organization of Acts of Terrorism

Article 399.1.18: Any person who organizes the commission of any offence described in the present order, or who directs others to commit such an offence, shall be punished by imprisonment of ten (10) to thirty (30) years and a fine of five hundred thousand (500,000) to ten million (10,000,000) francs.

Any person who contributes to the commission of one or more of the offences described in the present order by a group of persons acting with a common purpose, if such contribution is intentional and is made either with the aim of furthering the general criminal activity or purpose of the group or in the knowledge of the intention of the group to commit such an offence, shall be punished by the same penalty as that set forth in the preceding paragraph.

Any offence falling within the scope of the present order which is committed or attempted by a member of the defence and security forces shall be punishable by life imprisonment.

Chapter XI: Criminal Association

Article 399.1.19: Participation in a group formed or an agreement established for the purpose of preparing any act of terrorism, as characterized by one or more material facts, shall be punishable by imprisonment for a term of ten (10) to thirty (30) years.