



دولة فلسطين

وزارة الخارجية والمغتربين

قطاع العلاقات متعددة الأطراف

167



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تهدي وزارة الخارجية والمغتربين، قطاع العلاقات متعددة الأطراف، أسمى تحياتها إلى البعثة الدائمة لدولة فلسطين لدى الأمم المتحدة والمنظمات الدولية في فيينا، وبالإشارة إلى مراسلة مكتب الأمم المتحدة المعني بالجريمة والمخدرات، بشأن تقديم معلومات عن التشريعات الوطنية ذات العلاقة بالاتفاقية الدولية لقمع أعمال الإرهاب النووي، خاصة تلك المتعلقة بتجريم الأعمال المخالفة للاتفاقية، فإننا نرفق لحسن اطلاعكم وإجراءتكم ورقة معلومات عن المواد القانونية ذات العلاقة والمدرجة في عدد من التشريعات السارية في دولة فلسطين.

وتغتتم وزارة الخارجية والمغتربين، قطاع العلاقات متعددة الأطراف، هذه الفرصة لتعبر للبعثة الدائمة لدولة فلسطين لدى الأمم المتحدة والمنظمات الدولية في فيينا، عن فائق الاحترام والتقدير.

A.O.
وزارة الخارجية والمغتربين
قطاع العلاقات متعددة الأطراف
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Ministry of Foreign Affairs and Expatriates
State of Palestine

البعثة الدائمة لدولة فلسطين لدى الأمم المتحدة والمنظمات الدولية في فيينا

Applicable legislation related to ICSANT in the State of Palestine

The Law Decree on the Peaceful Uses of Atomic Energy and Radioactive Protection (2018)

In January 9, 2018, a law decree was passed calling for the establishment of a regulatory body that deals with several nuclear issues, including safety and security. Here are some of the relevant provisions on nuclear security and the criminalization of malicious acts, such as nuclear terrorism.

Article (1)

Definition of Nuclear Security:

Preventing and detecting the occurrence of any theft, sabotage, unsafe access, illegal transport, or other criminal acts involving nuclear or other radioactive materials or associated facilities.

Article (3)

According to this law decree, a regulatory commission called (the commission on regulating radioactive and nuclear activities) shall be established and subordinated under the cabinet of ministers.

Article (12)

The commission aims, in coordination and cooperation with the relevant actors, to achieve the following:

- To work towards protecting the environment and the human health and properties from the hazards of the exposure to and the contamination of radioactive materials.
- To ensure the presence of the conditions and the requirements of public safety, radioactive protection and nuclear safety and security.

Article (13)

Competencies of the commission

- Cooperating with all actors in the state to ensure non-proliferation, and cooperating with the state on what relates to nuclear security.
- Providing information on accidents and unnatural occurrences to governmental actors, national organizations, and international organizations through the representatives of the state.

- Coordinating with governmental actors and qualified expertise on areas like health, safety protection, environment, security, transport of hazardous goods, and the coordination with foreign regulatory actors and international organizations through the representatives of the state and the expertise to enhance cooperation and to exchange regulatory information in the area of nuclear energy.
- Providing information to governmental actors and to international organizations through the representatives of the state.
- Implementing the obligations of the state, under the treaties and the conventions to which the state is a party, when they are in the scope of commission's competencies.

Article (15)

It is prohibited for any person to commit the following acts without obtaining a license or a permission in accordance with this law decree:

- To exchange in any of the radioactive sources, or any radioactive materials, or to import, export, use, handle, possess, trade, employ, lease, transport, store, destroy, dispose, produce (...) [such materials].

Article (18)

Inspection procedures

1. The commission shall conduct inspection procedures and any other examinations, which could be necessary to evaluate the implementation of this law decree (...).
2. The inspectors are entitled to conduct examinations, at any time, on all edifices and facilities in which the activities are implemented, in order to:
 - A. To get information on radioactive safety and security.
 - B. (...)
 - C. Investigating incidents of radioactive sources and materials.
 - D. (...)
3. In normal situations the commission shall inform the operator that it shall conduct the inspection.
4. The commission shall conduct the inspection procedures immediately in the following situations:
 - A. In emergencies and unusual situations.
 - B. If the operator conducts unauthorized activities, or when violating this law decree.

Article (21)

- The commission shall verify and investigate any violation of this law decree... to which it came to know by itself or by others.

- The head of the commission and any authorized person has the competency to enter and inspect any place, where evidence suggests that such place has radioactive sources and nuclear materials that are unlicensed or that are licensed but used in illicit activities contrary to this law decree, to the regulations, and to the instructions issued under this law decree (...).
- The inspectors of the commission are considered as judicial officers.
- All persons should inform the commission on all acts contrary to this law decree.
- All persons should provide assistance and cooperation for the inspectors of the commission in their endeavor to encounter the violations.

Article (22)

Taking into consideration any higher punishment indicated in other laws:

- All persons that violate article (15) and paragraphs (1, 2) of article (29) in this law decree, shall be sentenced with imprisonment for a period no less than one year and no more than three years and shall be fined with an amount that is not less than ten thousand Jordanian Dinars and thirty thousand Jordanian Dinars.

Article (29)

Prohibited activities

- All activities or practices related to the acquisition or the production of nuclear explosions, radioactive dispersion devices, any non-peaceful use, or any activities that could lead to the unjustified exposure to ionized radiation are prohibited.
- The commission shall verify the compliance in the prohibition of using nuclear facilities, material and technology for non-peaceful uses, in order to achieve effective control in the areas of nuclear safety and security and protection from radiation.

Penal Code (1960)

The Jordanian penal code, applicable in the State of Palestine has no direct provision on the issue of nuclear terrorism or on violating nuclear security. Yet, it has several provisions on the applicability of relevant crimes and on the definition and the sentences on terrorism in general.

Article (7)

This article talks about the usual jurisdiction to prosecute crimes taking place in the territory, naval vessels and aerial vehicles of the state.

Article (9)

This article defines “subjective jurisdiction”, a jurisdiction relevant to the subject and the nature crime itself. According to this article, any person that commits (or is an accomplice to) a crime against the security of the state (including terrorist acts), shall be prosecuted regardless of his or her nationality or whether they have committed such crime within or outside of the territory of the state.

Article (10)

This article describes the usual “personal jurisdiction” it prosecutes Palestinian nationals who commit (or are accomplices to) crimes (against the national law) abroad. It also prosecutes resident foreigners who would commit the same crimes abroad.

Article (147)

The definition of terrorist acts:

All acts that aim to create panic, committed through means like explosive devices, flammable materials, toxic and incendiary products, biological and bacteriological agents, which could cause a threat to the public.

Article (148)

This article states that the sentence of terrorist acts is at least five years of imprisonment. In case of sabotage or destruction of a public buildings, industrial complexes, ships, transportation, communication infrastructure, the sentence is imprisonment for life. In case that act causes the death of persons, the sentence is capital punishment. In the case of knowingly producing or acquiring explosive materials to use them in committing such crimes or to enable others to commit such crimes, the sentence is three to fifteen years of imprisonment.

Law Decree on Money Laundering and Financing Terrorism (2015)

Article (1)

The definition of a terrorist: Any person that would commit the following acts:

- To commit or to attempt to commit as or to be an accomplice in any of the terrorist acts in any means, directly or indirectly, and to organize terrorist acts or to direct others to commit them.
- To contribute in terrorist acts with a group of persons working for a common goal, when such contribution is deliberate and to support the terrorist acts, or to so knowingly that the group has the intention to commit one of the terrorist acts.

Article (2)

. It is prohibited that a person would commit any of the following acts:

- To conscript or to organize or to supply or to prepare foreign terrorist fighters and to finance their travel and their activities.

Article (19)

According to this Law Decree, a committee shall be established called (The national committee to encounter the crime of money laundering and financing terrorism by a decree of the President of the state.

Article (20)

The committee shall be specialized in the following:

- Laying down the general policies to encounter money laundry, financing terrorism and the prohibition of financing weapons of mass destruction.