

Job 22-11182 (submission from Turkmenistan accompanying note verbale No. 01-24/8-535 of the Permanent Mission – fair copy)

*Translated from Russian*

### Summary of implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism

Turkmenistan condemns any acts of terrorism, and accordingly participates actively in international processes to combat that evil. Turkmenistan is currently a party to almost all 19 international legal instruments against terrorism. One of those instruments is the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), which entered into force on 7 July 2007.

Turkmenistan acceded to the Convention in 2008. Its national legislation also includes provisions that are relevant to the suppression of acts of nuclear terrorism.

The Criminal Code of Turkmenistan contains several articles establishing criminal liability for acts of nuclear terrorism. Those articles are found mainly in the chapters entitled “Offences against peace and human security” and “Offences against public safety and public order”.

For example, according to one article, the production, acquisition and sale of nuclear, chemical or biological weapons, or of other types of weapons of mass destruction prohibited by the international treaties to which Turkmenistan is party, are punishable by deprivation of liberty for a term of 5 to 10 years.

In accordance with the Act amending and supplementing the Criminal Code of Turkmenistan and approving the Code as amended, adopted on 17 April 2022, a new version of the Criminal Code will enter into force on 1 January 2023.

The following are the articles of the amended Criminal Code that relate to the suppression of acts of nuclear terrorism:

#### Article 168. Production, acquisition or sale of weapons of mass destruction

1. The production, acquisition or sale of nuclear, chemical or biological weapons, or of other types of weapons of mass destruction prohibited by the international treaties to which Turkmenistan is party, shall be punished by deprivation of liberty for a term of 5 to 10 years.
2. The wilful provision of financial and other services for the purpose of producing or acquiring the means referred to in paragraph 1 of this article shall be punished by deprivation of liberty for a term of three to eight years and confiscation of property.

#### Article 175. Ecocide

Ecocide, that is, the mass destruction of plant or animal life, poisoning of the atmosphere or of land or water resources, or the commission of other acts causing or capable of causing an environmental disaster or environmental emergency, shall be punished by imprisonment for a term of three to eight years.

Article 303. Illegal export of raw materials, materials, equipment, technologies or scientific or technical information used in the production of weapons of mass destruction, other weapons or military equipment, and illegal carrying out of works and services

1. The illegal export of raw materials, materials, equipment, technologies or scientific or technical information that can be used in the production of weapons of mass destruction or means of their delivery, or other weapons or military equipment, and in respect of which special export control measures have been established, and the illegal carrying out of works and services, shall be punished by deprivation of liberty for a term of three to five years, with or without confiscation of property.
2. If committed more than once or by a group of persons by prior conspiracy, or by an organized group, the same acts shall be punished by deprivation of liberty for a term of five to eight years, with or without confiscation of property.

Article 319. Violation of rules for handling radioactive or nuclear materials

Violation of the rules governing the storage, transfer, use or transportation of, or record-keeping in relation to, radioactive or nuclear materials, or of other rules for handling such materials, where such acts undermine the physical protection of radioactive or nuclear materials or lead to other serious consequences, shall be punished by deprivation of liberty for a term of two to seven years, with or without confiscation of property.

Article 320. Theft or extortion of radioactive or nuclear materials

1. The theft or extortion of radioactive or nuclear materials shall be punished by deprivation of liberty for a term of two to seven years, with or without confiscation of property.
2. If the same acts are committed:
  - (a) More than once;
  - (b) By a group of persons by prior conspiracy;
  - (c) Through the use of an official position; or
  - (d) With the use or threat of use of violence that does not endanger life or health,

they shall be punished by deprivation of liberty for a term of 3 to 10 years, with or without confiscation of property.

3. The theft or extortion of radioactive or nuclear materials, committed with the use or threat of use of violence endangering life or health, or by an organized group or criminal association, shall be punished by deprivation of liberty for a term of 6 to 15 years and confiscation of property.

Article 318. Illegal handling of radioactive or nuclear materials

1. The illegal acquisition, storage, use, transfer, damaging, industrial enrichment, modification, destruction or dispersal of radioactive or nuclear materials shall be punished by deprivation of liberty for a term of up to two years.
2. If the same acts, through negligence, lead to the death of a person or other serious consequences, they shall be punished by deprivation of liberty for a term of up to five years, with or without confiscation of property.

Article 276, paragraph 3, of the Criminal Code (“Smuggling”) deals with liability for the movement across the customs border of Turkmenistan of potent, toxic, poisonous, radioactive or explosive substances,

weapons, explosive devices, firearms or ammunition, nuclear, chemical, biological or other types of weapons of mass destruction, or materials or equipment that can be used to create weapons of mass destruction, in respect of which special rules for movement across the customs border of Turkmenistan have been established. These acts are punishable by deprivation of liberty for a term of three to eight years, with or without confiscation of property.

In addition, the Criminal Code of Turkmenistan contains separate articles establishing penalties for certain acts linked to terrorism.

The full text of the Criminal Code of Turkmenistan can be accessed at <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/204>.

The Act on Combating Money-Laundering, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction is also in force in Turkmenistan. The term “weapons of mass destruction” encompasses nuclear weapons.

Definitions of “financing of terrorism” and “financing of the proliferation of weapons of mass destruction” are set out in paragraphs 4 and 5 of article 1 of the Act, as follows:

(4) “Financing of terrorism” means the gathering or supplying, directly or indirectly or by any other means, of money, supplies and equipment or other resources or the provision of financial services for the purpose of their use, or in the knowledge that they will be used in whole or in part, in the commission of a terrorist act by a terrorist, terrorist group or terrorist organization, or action or inaction to facilitate the activities, whether linked or not to a terrorist act, of a terrorist, terrorist group, terrorist organization or organized group, an illegal armed group or a criminal association established for those purposes;

(5) “Financing of the proliferation of weapons of mass destruction” means the gathering or supplying, directly or indirectly or by any other means, of money or other property for the purpose of the manufacture, acquisition, movement, concealment, storage, sale or use of weapons of mass destruction (nuclear, chemical, biological or other types of weapons of mass destruction);”

The Act also contains a number of articles that define the legal framework for combating money-laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction. In order to meet the objectives of the Act, in April 2022 the President of Turkmenistan signed a decree approving the Regulations on the Financial Monitoring Service under the Ministry of Finance and Economic Affairs.

The full text of the Act can be accessed at <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/426>.

In addition to the aforementioned legal texts, Turkmenistan, in accordance with international standards and in fulfilment of its obligations under multilateral instruments, adopted a counter-terrorism act in 2017. Paragraphs 2 and 6 of article 3 of that Act contain terms and definitions relating to the fight against nuclear weapons. The relevant articles of the Act define the legal and institutional framework for counter-terrorism efforts and the powers and responsibilities of government agencies, civil society associations, other organizations and officials, and guarantees legal and social protection for citizens participating in counter-terrorism efforts.

The full text of the Act can be accessed at <https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/198>.