FACTS ABOUT THE CONVENTION

IS MY STATE UNDER AN OBLIGATION TO IMPLEMENT ICSANT?

Yes, if your State has ratified or acceded to ICSANT. The Convention calls for certain measures to be implemented in your national legal system. For instance:

- Article 2 lists a number of acts, which must be criminalized and punished by appropriate penalties pursuant to Article 5; while
- Article 6 requires your State to adopt any necessary measures to ensure that the criminal acts within the scope of ICSANT are not justifiable by political, philosophical, ideological, racial, ethnic, religious or other considerations.

WHAT FORMS OF LEGISLATION SHOULD MY STATE CONSIDER?

In Article 2, ICSANT calls for your State to adopt measures to criminalize certain acts, including unlawfully and intentionally:

- possessing radioactive material with the intention to cause death, serious bodily injury or substantial damage to property or the environment;
- possessing or making an radioactive explosive device or radioactive material dispersal or radiation-emitting device to cause death, serious bodily injury or substantial damage to property or the environment;
- using radioactive material, a nuclear explosive device or a radioactive material dispersal or radiation-emitting device to cause death, serious bodily injury or substantial damage to property or the environment, or for terrorist purposes; and
- using or damaging a nuclear facility in a manner which releases or risks the release of radioactive material to cause death, serious bodily injury or substantial damage to property or the environment, or for terrorist purposes.

States must also criminalize certain threats, demands and attempts, as well as participating as an accomplice in, organizing or directing others, or otherwise contributing to the criminal acts prohibited by the Convention.

Article 9 of ICSANT requires States Parties to establish jurisdiction over the criminal offenses above, which may necessitate amendments to your State's criminal or criminal procedure code.

States Parties may also require additional measures to facilitate prosecution or extradition of alleged offenders, as well as mutual legal assistance in criminal matters, pursuant to Articles 10 to 17 of ICSANT. This may require amendments to your State's criminal procedure code or laws for mutual legal assistance and international co-operation.

ARE THERE ADDITIONAL MEASURES MY STATE SHOULD TAKE?

Your State may need to implement several administrative, regulatory and other enforcement measures as follows:

- Article 10 requires States Parties to provide account of information on their national legal system.
- Article 11 requires States Parties to provide account of information on their national legal system.
- Article 12 requires States Parties to provide account of information on their national legal system.
- Article 13 requires States Parties to provide account of information on their national legal system.
- Article 14 requires States Parties to provide account of information on their national legal system.
- Article 15 requires States Parties to provide account of information on their national legal system.
- Article 16 requires States Parties to provide account of information on their national legal system.
- Article 17 requires States Parties to provide account of information on their national legal system.

WHERE SHOULD MY STATE’S LEGISLATIVE DRAFTERS TURN FOR ASSISTANCE?

- The Terrorism Prevention Branch (TPB) of the United Nations Office on Drugs and Crime (UNODC) focuses on providing assistance to States, upon request, in the legal and related aspects of counterterrorism, especially for ratifying and implementing the international legal instruments against terrorism, including ICSANT, and strengthening the capacity of the national criminal justice systems to apply the provisions of these instruments in compliance with the principles of the rule of law.
- VERTIC’s NIM Programme assists States in understanding what measures are required at the national level to comply with the prohibitions and preventive measures in the Biological Weapons Convention, the Chemical Weapons Convention, UN Security Council Resolution 1540 and the international instruments to secure nuclear and other radioactive material. VERTIC’s NIM Programme provides cost-free legislative assistance to interested States for the implementation of certain CBRN treaties and related legal instruments. Such assistance can include reviewing and commenting on existing draft legislation or providing assistance in the drafting of new legislation during workshops in capitals.

HOW CAN MY STATE CONTACT UNODC’S TERRORISM PREVENTION BRANCH?

UNODC - Terrorism Prevention Branch Vienna International Centre PO Box 500 A-1400 Vienna, Austria
Tel: + (431) 26060 4992 Fax: (+431) 26060 3968 E-mail: info@unodc.org Website: www.unodc.org > Terrorism Prevention

HOW CAN MY STATE CONTACT VERTIC?

VERTIC The Green House 244-254 Cambridge Heath Road London E2 9DA United Kingdom
Tel: +44 (0)20 7065 0880 Fax: +44 (0)20 7065 0890 E-mail: NIM@vertic.org Website: www.vertic.org > Programmes >> NIM

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Tel: +44 (0)20 7065 0880 Fax: +44 (0)20 7065 0890 E-mail: NIM@vertic.org
Website: www.vertic.org > Programmes >> NIM