



Australian Government
Attorney-General's Department

11/19374-01

10 November 2011

Kevin Bodel
Inquiry Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Bodel

Joint Standing Committee on Treaties Inquiry into the International Convention for the Suppression of Acts of Nuclear Terrorism

I refer to the hearing on 31 October 2011 in relation to the above matter.

Please find attached responses to the five questions on notice from that hearing that pertain to the International Convention for the Suppression of Acts of Nuclear Terrorism. Responses to Questions 1, 2, 4 and 5 are at **Attachment A**. A response to Question 3 is at **Attachment B**.

The action officer for this matter is Karen Horsfall who can be contacted on 02 6141 3034.

Yours sincerely

Geoff McDonald
First Assistant Secretary
National Security Law and Policy Division

Telephone: 02 6141 2875
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Responses to Questions on Notice

Joint Standing Committee on Treaties Inquiry into the International Convention for the Suppression of Acts of Nuclear

Question 1

Senator LUDLAM: A piece of string question. This does not just deal with fissionable material does it? This could be sources, it could be concentrate coming off a mine site, or medical equipment misused. Is that correct? Is it anything at all that glows, not just bomb related stuff? Like a sealed source or something? Actually, since you have mentioned it, in WA, as you would be well aware, there are a number of companies, or one in particular, Thor, going through an ERMP process for a new uranium mine in WA. They—as part of their Commonwealth approvals, I think—need to undertake a security study or a security statement about how they will hold onto those concentrates, particularly as they need to transship them thousands of kilometres. Could you take that on notice for us whether not an ore but an concentrate, a yellowcake oxide material, on its way from a mine site to a port would be considered controlled material under this treaty. My reading of it is that it would, because you could do horrific damage if you seized a truck and opened it up in a town or something. If that is ambiguous, it would be good to clear that up.

Answer 1

It would be a matter of fact in each case as to whether the actual radioactive substance used (or attempted to be used, etc) is capable of causing the consequences described in the definition of “radioactive material” in Article 1(1) of the Convention. In coming to such a determination, the court could have recourse to expert evidence on the matter, including recommendations and standards developed by the International Commission on Radiological Protection (ICRP) and the International Atomic Energy Agency (IAEA).

Question 2

Senator LUDLAM: I have one other question. It is just around those threshold questions of what constitutes dangerous material or not. I would appreciate some information—and maybe this is too complex to do at the table, but on notice, if you would: with something like a sealed source in a hospital or something used by an engineering company, how little does it have to be before it would pass under the radar? Are there thresholds of activity or what?

Answer 2

As noted in the response to question 1, the determination of whether a particular substance – including a sealed source – constituted “radioactive material” as defined in the question would be an issue for the court to determine in a particular case. In the case of sealed sources, the court may wish to take into account the International Atomic Energy Agency’s Safety Standards Series No. RS-G-1.9, *Safety Guide on Categorization of Radioactive Sources*, published in 2005, which provides a risk-based ranking of radioactive sources and practices in five categories. The objective of the Safety Guide is described as:

...to provide a simple, logical system for ranking radioactive sources in terms of their potential to cause harm to human health, and for grouping sources and the practices in which they are used into discrete categories. This categorization can assist regulatory bodies in establishing regulatory requirements that ensure an appropriate level of control for each authorized source.

The five categories are described in the following terms:

Category 1 - Extremely dangerous to the person: This source, if not safely managed or securely protected, would be likely to cause permanent injury to a person who handled it or who was otherwise in contact with it for more than a few minutes. It would probably be fatal to be close to this amount of unshielded radioactive material for a period in the range of a few minutes to an hour. This amount of radioactive material, if dispersed, could possibly — although it would be unlikely — permanently injure or be life threatening to persons in the immediate vicinity. There would be little or no risk of immediate health effects to persons beyond a few hundred metres away, but contaminated areas would need to be cleaned up in accordance with international standards. For large sources the area to be cleaned up could be a square kilometre or more.

Category 2 - Very dangerous to the person: This source, if not safely managed or securely protected, could cause permanent injury to a person who handled it or who was otherwise in contact with it for a short time (minutes to hours). It could possibly be fatal to be close to this amount of unshielded radioactive material for a period of hours to days. This amount of radioactive material, if dispersed, could possibly — although it would be very unlikely — permanently injure or be life-threatening to persons in the immediate vicinity. There would be little or no risk of immediate health effects to persons beyond a hundred metres or so away, but contaminated areas would need to be cleaned up in accordance with international standards. The area to be cleaned up would probably not exceed a square kilometre.

Category 3 - Dangerous to the person: This source, if not safely managed or securely protected, could cause permanent injury to a person who handled it or who was otherwise in contact with it for some hours. It could possibly — although it would be unlikely — be fatal to be close to this amount of unshielded radioactive material for a period of days to weeks. This amount of radioactive material, if dispersed, could possibly — although it would be extremely unlikely — permanently injure or be life threatening to persons in the immediate vicinity. There would be little or no risk of immediate health effects to persons beyond a few metres away, but contaminated areas would need to be cleaned up in accordance with international standards. The area to be cleaned up would probably not exceed a small fraction of a square kilometre.

Category 4 - Unlikely to be dangerous to the person: It is very unlikely that anyone would be permanently injured by this source. However, this amount of unshielded radioactive material, if not safely managed or securely protected, could possibly — although it would be unlikely — temporarily injure someone who handled it or who was otherwise in contact with it for many hours, or who was close to it for a period of many weeks. This amount of radioactive material, if dispersed, could not permanently injure persons.

Category 5 - Most unlikely to be dangerous to the person: No one could be permanently injured by this source. This amount of radioactive material, if dispersed, could not permanently injure anyone.

The full document, including descriptions of the sources in each category, can be found at http://www-pub.iaea.org/MTCD/publications/PDF/Pub1227_web.pdf.

Question 3

Senator FAWCETT: Does that list also indicate which of those countries who have signed and ratified have also indicated a reservation around article 23, which is basically making them not bound by arbitration by the ICJ if after six months they cannot reach an agreement? DFAT

Answer 3

See response at **Attachment B**.

Question 4

Senator LUDLAM: Would the assassination of a KGB agent with polonium amount to an offence under Article 2 of the Nuclear Terrorism Convention?

Answer 4

Where the Convention applies, then conduct would amount to an offence where the elements of one of the offences in Article 2 of the Convention have been fulfilled.

Relevantly, a person commits an offence under Article 2(1)(a) of the Convention where:

- the person unlawfully and intentionally possesses material
- the material (in this case, polonium) is ‘radioactive material’ as defined in Article 1(1) of the Convention, and
- the person intends to cause death or serious bodily injury; or to cause substantial damage to property or to the environment.

A person commits an offence under Article 2(1)(b) of the Convention where:

- the person unlawfully and intentionally uses in any way material
- the material is ‘radioactive material’ as defined in Article 1(1) of the Convention, and
- the person intends to cause death or serious bodily injury; to cause substantial damage to property or to the environment; or to compel a person, an international organisation or a State to do or refrain from doing an act.

Article 4(2) of the Convention also provides that the Convention will not apply to the conduct of armed forces during an armed conflict or the activities undertaken by military forces of a State in the exercise of their official duties. The application of each of these provisions to a particular situation will depend upon the specific facts of the case.

Question 5

Senator LUDLAM: Would the Israeli bombing of an Iranian nuclear reactor amount to an offence under Article 2 of the Nuclear Terrorism Convention?

Answer 5

Under international law, a treaty only applies to States Parties to that treaty. Neither Israel nor Iran are parties to the Nuclear Terrorism Convention.¹ Even if they were parties to the Convention, Article 4(2) provides that the Convention does not apply to the conduct of armed forces during an armed conflict or the activities undertaken by military forces of a State in the exercise of their official duties.

¹ Israel signed the Nuclear Terrorism Convention on 27 December 2006, but has not yet ratified the Convention.

**15. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR
TERRORISM**

New York, 13 April 2005

ENTRY INTO FORCE: 7 July 2007, in accordance with article 25(1).
REGISTRATION: 7 July 2007, No. 44004.
STATUS: Signatories: 115. Parties: 77.
TEXT: United Nations, *Treaty Series*, vol. 2445, p. 89; A/RES/59/290.

Note: The above Convention was adopted on 13 April 2005 during the 91st plenary meeting of the General Assembly by resolution A/RES/59/290. In accordance with its article 24, the Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>
Afghanistan	29 Dec 2005		Cyprus	15 Sep 2005	28 Jan 2008
Albania	23 Nov 2005		Czech Republic	15 Sep 2005	25 Jul 2006
Algeria		3 Mar 2011 a	Democratic Republic of the Congo		23 Sep 2010 a
Andorra	11 May 2006		Denmark ²	14 Sep 2005	20 Mar 2007
Antigua and Barbuda		1 Dec 2009 a	Djibouti	14 Jun 2006	
Argentina	14 Sep 2005		Dominican Republic		11 Jun 2008 a
Armenia	15 Sep 2005	22 Sep 2010	Ecuador	15 Sep 2005	
Australia	14 Sep 2005		Egypt	20 Sep 2005	
Austria	15 Sep 2005	14 Sep 2006	El Salvador	16 Sep 2005	27 Nov 2006
Azerbaijan	15 Sep 2005	28 Jan 2009	Estonia	14 Sep 2005	
Bahrain		4 May 2010 a	Fiji		15 May 2008 a
Bangladesh		7 Jun 2007 a	Finland	14 Sep 2005	13 Jan 2009 A
Belarus	15 Sep 2005	13 Mar 2007	France	14 Sep 2005	
Belgium	14 Sep 2005	2 Oct 2009	Gabon	15 Sep 2005	1 Oct 2007
Benin	15 Sep 2005		Georgia		23 Apr 2010 a
Bosnia and Herzegovina	7 Dec 2005		Germany	15 Sep 2005	8 Feb 2008
Brazil	16 Sep 2005	25 Sep 2009	Ghana	6 Nov 2006	
Bulgaria	14 Sep 2005		Greece	15 Sep 2005	
Burkina Faso	21 Sep 2005		Guatemala	20 Sep 2005	
Burundi	29 Mar 2006	24 Sep 2008	Guinea	16 Sep 2005	
Cambodia	7 Dec 2006		Guinea-Bissau		6 Aug 2008 a
Canada	14 Sep 2005		Guyana	15 Sep 2005	
Central African Republic		19 Feb 2008 a	Hungary	14 Sep 2005	12 Apr 2007
Chile	22 Sep 2005	27 Sep 2010	Iceland	16 Sep 2005	
China ¹	14 Sep 2005	8 Nov 2010	India	24 Jul 2006	1 Dec 2006
Colombia	1 Nov 2006		Ireland	15 Sep 2005	
Comoros		12 Mar 2007 a	Israel	27 Dec 2006	
Costa Rica	15 Sep 2005		Italy	14 Sep 2005	
Croatia	16 Sep 2005	30 May 2007	Jamaica	5 Dec 2006	
Cuba		17 Jun 2009 a	Japan	15 Sep 2005	3 Aug 2007 A
			Jordan	16 Nov 2005	

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>
Kazakhstan.....	16 Sep 2005	31 Jul 2008	Republic of Moldova	16 Sep 2005	18 Apr 2008
Kenya.....	15 Sep 2005	13 Apr 2006	Romania.....	14 Sep 2005	24 Jan 2007
Kiribati.....	15 Sep 2005	26 Sep 2008	Russian Federation.....	14 Sep 2005	29 Jan 2007
Kuwait.....	16 Sep 2005		Rwanda.....	6 Mar 2006	
Kyrgyzstan.....	5 May 2006	2 Oct 2007	Sao Tome and Principe .	19 Dec 2005	
Latvia.....	16 Sep 2005	25 Jul 2006	Saudi Arabia.....	26 Dec 2006	7 Dec 2007
Lebanon.....	23 Sep 2005	13 Nov 2006	Senegal.....	21 Sep 2005	
Lesotho.....	16 Sep 2005	22 Sep 2010	Serbia.....	15 Sep 2005	26 Sep 2006
Liberia.....	16 Sep 2005		Seychelles.....	7 Oct 2005	
Libyan Arab Jamahiriya.....	16 Sep 2005	22 Dec 2008	Sierra Leone.....	14 Sep 2005	
Liechtenstein.....	16 Sep 2005	25 Sep 2009	Singapore.....	1 Dec 2006	
Lithuania.....	16 Sep 2005	19 Jul 2007	Slovakia.....	15 Sep 2005	23 Mar 2006
Luxembourg.....	15 Sep 2005	2 Oct 2008	Slovenia.....	14 Sep 2005	17 Dec 2009
Madagascar.....	15 Sep 2005		Solomon Islands.....		24 Sep 2009 a
Malawi.....		7 Oct 2009 a	South Africa.....	14 Sep 2005	9 May 2007
Malaysia.....	16 Sep 2005		Spain.....	14 Sep 2005	22 Feb 2007
Mali.....		5 Nov 2009 a	Sri Lanka.....	14 Sep 2005	27 Sep 2007
Malta.....	15 Sep 2005		St. Vincent and the Grenadines.....		8 Jul 2010 a
Mauritania.....		28 Apr 2008 a	Swaziland.....	15 Sep 2005	
Mauritius.....	14 Sep 2005		Sweden.....	14 Sep 2005	
Mexico.....	12 Jan 2006	27 Jun 2006	Switzerland.....	14 Sep 2005	15 Oct 2008
Monaco.....	14 Sep 2005		Syrian Arab Republic....	14 Sep 2005	
Mongolia.....	3 Nov 2005	6 Oct 2006	Tajikistan.....	14 Sep 2005	
Montenegro ³	23 Oct 2006 d		Thailand.....	14 Sep 2005	
Morocco.....	19 Apr 2006	31 Mar 2010	The former Yugoslav Republic of Macedonia.....	16 Sep 2005	19 Mar 2007
Mozambique.....	1 May 2006		Timor-Leste.....	16 Sep 2005	
Nauru.....		24 Aug 2010 a	Togo.....	15 Sep 2005	
Netherlands.....	16 Sep 2005	30 Jun 2010 A	Tunisia.....		28 Sep 2010 a
New Zealand.....	14 Sep 2005		Turkey.....	14 Sep 2005	
Nicaragua.....	15 Sep 2005	25 Feb 2009	Turkmenistan.....		28 Mar 2008 a
Niger.....		2 Jul 2008 a	Ukraine.....	14 Sep 2005	25 Sep 2007
Norway.....	16 Sep 2005		United Arab Emirates ...		10 Jan 2008 a
Palau.....	15 Sep 2005		United Kingdom of Great Britain and Northern Ireland.....	14 Sep 2005	24 Sep 2009
Panama.....	21 Feb 2006	21 Jun 2007	United States of America.....	14 Sep 2005	
Paraguay.....	16 Sep 2005	29 Jan 2009	Uruguay.....	16 Sep 2005	
Peru.....	14 Sep 2005	29 May 2009	Uzbekistan.....		29 Apr 2008 a
Philippines.....	15 Sep 2005				
Poland.....	14 Sep 2005	8 Apr 2010			
Portugal.....	21 Sep 2005				
Qatar.....	16 Feb 2006				
Republic of Korea.....	16 Sep 2005				

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval or accession.)

ALGERIA

Reservation:

The Government of the People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 23, paragraph 1, of the International Convention for the Suppression of Acts of Nuclear Terrorism.

The Government of the People's Democratic Republic of Algeria declares that it deems it essential in all cases that all parties to any dispute are in agreement over referring the dispute to arbitration or to the International Court of Justice.

ARGENTINA

Reservation made upon signature:

Pursuant to article 23, paragraph 2, the Republic of Argentina declares that it does not consider itself bound by paragraph 1 of article 23 and, as a consequence, does not recognize either the compulsory arbitration or the compulsory jurisdiction of the International Court of Justice.

AZERBAIJAN

Reservation made upon signature and confirmed upon ratification:

"In accordance with paragraph 2 of Article 23, the Republic of Azerbaijan declares that it does not consider itself bound by paragraph 1 of Article 23 of the Convention."

Declaration made upon signature and confirmed upon ratification:

"The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Convention in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation."

BAHRAIN

Reservation:

The Kingdom of Bahrain does not consider itself bound by the provisions of article 23, paragraph 1, of the Convention.

BELGIUM

Declaration:

The Kingdom of Belgium declares that only nuclear materials and facilities containing nuclear materials are covered by article 18, paragraph 1(b) and (c).

CHINA

Declaration:

The People's Republic of China does not consider itself bound by paragraph 1 of article 23 of the Convention.

CUBA

Reservation:

The Republic of Cuba declares, pursuant to article 23, paragraph 2, that it does not consider itself bound by the provisions of paragraph 1 of this article with respect to the settlement of disputes arising between States Parties which, in its view, should be resolved through amicable

negotiations, and it also declares that it does not recognize the compulsory jurisdiction of the International Court of Justice.

Declarations:

The Republic of Cuba declares that nothing in article 4, paragraph 2, can be construed as encouraging or condoning the use or threat of use of force in international relations which should, in all circumstances, be strictly governed by the principles of international law and the purposes and principles of the Charter of the United Nations.

Cuba also holds the view that the relations between States should be based on the provisions of General Assembly resolution 2625 (XXV).

Furthermore, State terrorism has historically been a fundamental concern for Cuba, which believes that its total eradication through mutual respect, friendly relations and cooperation among States, and full respect for the principles of sovereignty, territorial integrity, self-determination and non-interference in internal affairs should constitute a priority for the international community.

Therefore, Cuba is firmly of the view that the improper use of the armed forces of a State to commit aggression against another State is not countenanced by this Convention, the purpose of which is specifically to combat one of the most deleterious scourges facing the modern world.

To condone acts of aggression would effectively mean to condone breaches of international law and the Charter, and to set off conflicts with unpredictable consequences that would undermine the necessary cohesion of the international community in the fight against the real scourges afflicting the world.

Moreover, it is the understanding of the Republic of Cuba that the full extent of the provisions of this Convention will apply to the activities conducted by the armed forces of a state against another in the absence of an armed conflict between the two.

Lastly, Cuba wishes to place on record that a United States naval base is located, against the will of the Cuban people and Government, in the province of Guantanamo, a portion of Cuban territory over which the Cuban State does not exercise its rightful jurisdiction because of the unlawful occupation of such portion of its territory by the United States of America. Consequently, the Government of Cuba assumes no responsibility for that portion of its territory for the purposes of the Treaty, since it does not know whether the United States of America has installed, possesses, maintains or intends to install nuclear material, including nuclear weapons, on that portion of unlawfully occupied Cuban territory.

EGYPT⁴

Reservation made upon signature:

1. The Arab Republic of Egypt declares its commitment to article 4 of the Convention provided that the armed forces of a State do not violate the rules and principles of international law in the exercise of their duties under that article, and also provided that the article is not interpreted as excluding the activities of armed forces during an armed conflict from the scope of application of this Convention on the grounds that the activities of States - under certain legal circumstances - are not considered terrorist activities.

2. The Arab Republic of Egypt declares that it does not consider itself bound by paragraph 1 of article 23 of the Convention.

GEORGIA

Reservation:

"... the Government of Georgia makes reservation that it does not consider itself bound by article 23, paragraph 1 of the International Convention for the Suppression of Acts of Nuclear Terrorism to submit to arbitration disputes concerning the interpretation or application of the Convention at the request of one of the State Party. ..."

INDIA

Reservation:

"India does not consider itself bound by the provision of Paragraph (1) of Article 23."

MOROCCO

Reservation

The Kingdom of Morocco does not consider itself bound by article 23, paragraph 1, which provides that any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation or by other means may be referred to the International Court of Justice by application of one of the concerned parties.

The Kingdom of Morocco declares that a dispute may be referred to the International Court of Justice only by agreement of all concerned parties on a case-by-case basis.

QATAR

Upon signature:

Reservation :

"... with reservation on the provisions of paragraph (1) of article 23 of the Convention."

REPUBLIC OF MOLDOVA

Upon ratification

Declaration:

"Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention will be applied only on the territory controlled effectively by the authorities of the Republic of Moldova."

RUSSIAN FEDERATION

Declaration:

The position of the Russian Federation is that the provisions of article 16 of the Convention should be implemented in such a way as to ensure the inevitability of responsibility for the commission of offences falling within the scope of the Convention, without detriment to the effectiveness of international cooperation on the questions of extradition and legal assistance.

SAUDI ARABIA

Reservation:

The Kingdom hereby declares that it does not consider itself bound by article 23, paragraph 1 of the Convention.

ST. VINCENT AND THE GRENADINES

Reservation:

"..., in accordance with Article 23, paragraph 2 of that Convention, the Government of Saint Vincent and the Grenadines declares that Saint Vincent and the Grenadines does not consider itself bound by Article 23, paragraph 1, of the Convention. The Government of Saint Vincent and the Grenadines considers that for the submission of any dispute to arbitration or to the International Court of Justice in terms of Article 23, paragraph 1, the consent of all parties to the dispute is required in each case."

TURKEY⁵

Upon signature:

Declaration:

"It is the understanding of the Republic of Turkey that the term international humanitarian law in Article 4(2) of the International Convention for the Suppression of Acts of Nuclear Terrorism, refers to the legal instruments to which Turkey is already party to. The Article should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a state as currently understood and applied in international law and thereby creating new obligations for the Republic of Turkey."

Reservation:

"Pursuant to Article 23 (2) of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by article 23(1) of the Convention."

UNITED ARAB EMIRATES

Reservation:

... the United Arab Emirates, having considered the text of the aforementioned Convention and approved the contents thereof, formally declares its accession to the Convention, subject to a reservation with regard to Article 23, paragraph 1 in respect of arbitration. The United Arab Emirates therefore does not consider itself bound by Article 23, paragraph 1 of the Convention.

UZBEKISTAN

Declaration:

"Article 16 of the Convention:

The Republic of Uzbekistan proceeds from the fact that the provisions of Article 16 of the Convention should be applied in such a way as to ensure the inevitability of responsibility for the crimes falling within the scope of the Convention, without prejudice to the effectiveness of international cooperation on extradition and legal assistance;

Paragraph 2 of Article 23 of the Convention:

The Republic of Uzbekistan declares that it does not consider itself bound by the provisions of paragraph 1 of article 23 of the Convention."

Objections

(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval or accession.)

ARMENIA

Objection to the declaration made by Azerbaijan upon ratification:

"The Republic of Azerbaijan made a declaration on September 15, 2005 with regard to the International Convention for the Suppression of Acts of Nuclear Terrorism at the time of signature and confirmed when

depositing the instrument of ratification. Given that the Republic of Armenia declares:

The Republic of Azerbaijan deliberately misrepresents the essence of the Nagorno-Karabakh issue, with respect to cause and effect of the conflict. The conflict arose due to the policy of ethnic cleansing by the Republic of

Azerbaijan followed by the massive military aggression against the self-determined Nagorno-Karabakh Republic - with the aim to repress the free will of the Nagorno-Karabakh population. As a result, the Republic of Azerbaijan has occupied several territories of the Nagorno-Karabakh Republic."

Notifications made pursuant to article 9 (3)
(Unless otherwise indicated, the notifications were made upon ratification, acceptance, approval or accession.)

BELARUS

The Republic of Belarus establishes its jurisdiction over the offences set forth in article 2 in cases envisaged in paragraph 2 of article 9 of the Convention.

CHINA

In accordance with paragraph 3 of article 9 of the Convention, the People's Republic of China has established the jurisdiction specified in paragraph 2 of article 9 of the Convention.

CZECH REPUBLIC

"In accordance with article 9, paragraph 3 of the Convention, the Czech Republic notifies that it has established its jurisdiction over the offences set forth in article 2 of the Convention in cases referred to in article 9, subparagraph 2 (c) and 2 (d) of the Convention."

GEORGIA

"... In accordance with article 9, paragraph 3 of the Convention, Georgia establishes its jurisdiction over offences provided in article 9, paragraph 2, subparagraphs (a), (b), (c) and (d) of the Convention ..."

GERMANY

"... with reference to Article 9, paragraph 3 of the Convention, ... the Federal Republic of Germany [makes] the following declaration:

German criminal law may be applicable in the situations specified in article 9, paragraph 2.

1. Article 9, paragraph 2 (a)

Whether German criminal law is applicable depends on the specific circumstances of the individual case.

If offences under the Convention are committed against a German national abroad, German criminal law is applicable in accordance with section 7 (1) of the Criminal Code, provided the act is punishable at the place of its commission or the place of its commission is not subject to any criminal jurisdiction.

If the objective or result of the offence is a relevant act within German territory, section 9 of the Criminal Code may be applicable in certain cases. Pursuant to subsection (1) of section 9, German criminal law is applicable if the perpetrator acted in Germany, or if the result of his action is an element of the offence and occurs on German territory or should occur there according to his understanding. Pursuant to subsection (2), acts committed abroad by an accessory may also be covered if the principal act was committed in Germany or should have been committed there according to the accessory's understanding.

2. Article 9, paragraph 2 (b)

Here, too, whether German criminal law is applicable depends on the specific circumstances of the individual case. German law may be applicable if one of the special circumstances mentioned above with respect to subparagraph (a) or below with respect to subparagraph (c) or (d) is given. In addition to those cases, German criminal law may also be applicable pursuant to section 6, paragraph 9 of the Criminal Code in conjunction with the Convention on the Prevention and Punishment of Crimes

against Internationally Protected Persons, including Diplomatic Agents, of 14 December 1973.

3. Article 9, paragraph 2 (c)

German criminal law is applicable pursuant to section 7 (2) paragraph 2, regardless of the habitual residence of the stateless person, if he/she is found to be in Germany and the act is punishable at the place of its commission or is not subject to any criminal jurisdiction, if the perpetrator has not been extradited although the Extradition Act would permit extradition for such an act, because a request for extradition was not made within a reasonable period, has been rejected, or the extradition is not practicable. German criminal jurisdiction is thus excluded for various types of offences, in particular, minor offences, political offences and military offences (sections 3 (2), 6 and 7 of the Act on International Legal Assistance in Criminal Matters respectively). Stateless persons are foreigners within the meaning of section 7 (2) 2 of the Criminal Code.

4. Article 9, paragraph 2 (d)

German criminal law is applicable pursuant to section 9 (1) of the Criminal Code, if the compulsion is part of the result of the act, and such result is an element of the crime.

5. Article 9, paragraph 2 (e)

Pursuant to section 4 of the Criminal Code, German criminal law is applicable to acts committed in an aircraft which is entitled to fly the federal flag or the national insignia of the Federal Republic of Germany (see also article 9, paragraph 1 (b), of the Convention)."

HUNGARY

"... the Republic of Hungary establishes its jurisdiction in cases mentioned in Article 9 (2) (b) and (e) of the Convention."

LATVIA

"In accordance with paragraph 3 of the Article 9 of the Convention, the Republic of Latvia notifies that it has established its jurisdiction over all the offences enumerated in the paragraph 2 of the Article 9 of the Convention."

NETHERLANDS

" ...

Declaration in respect of article 9, paragraph 3 and paragraph 2, under a, of the Convention:

In accordance with Article 9, paragraph 3, and with reference to Article 9, paragraph 2, under a, of the Convention, the Kingdom of the Netherlands, for the Kingdom of Europe, has established jurisdiction over the offences under the Convention when the offence is committed against a Dutch national."

REPUBLIC OF MOLDOVA

"According to the Article 9 paragraph (3) of the Convention: the Republic of Moldova declares that the offences specified in the Article 2 of the Convention are going to be under its own jurisdiction in cases mentioned in the Article 9 paragraph (2) of this Convention."

ROMANIA

"In accordance with Article 9, paragraph 3 of the Convention, Romania declares that it establishes its jurisdiction over the offences set forth in Article 2, in all cases referred to in Article 9, paragraphs 1 and 2, in accordance with the applicable provisions of the domestic law."

RUSSIAN FEDERATION

The Russian Federation declares that in accordance with paragraph 3 of article 9 of the Convention it has established its jurisdiction over the offences set forth in article 2 of the Convention in cases envisaged in paragraphs 1 and 2 of article 9 of the Convention.

SAUDI ARABIA

The Secretary-General of the United Nations is hereby notified that the Kingdom has decided to establish the jurisdiction provided for in article 9, paragraph 2 of the Convention.

SLOVAKIA

"Pursuant to article 9, paragraph 3, of the International Convention for the Suppression of Acts of Nuclear Terrorism, the Slovak Republic notifies that it has established its jurisdiction in accordance with article 9,

paragraph 2, subparagraphs (c), (d) and (e) of the Convention."

SLOVENIA

17 February 2010

"In accordance with Article 9 (3) of the Convention, the Republic of Slovenia hereby declares, that it has jurisdiction over all cases, defined in paragraphs 1 and 2 of Article 9 of the Convention."

SWITZERLAND

In accordance with article 9, paragraph 3, of the International Convention for the Suppression of Acts of Nuclear Terrorism, Switzerland hereby declares that it establishes its criminal jurisdiction in respect of the offences set forth in article 2 of the Convention in the cases specified in article 9, paragraph 2 (a), (b), (d) and (e) thereof. With respect to article 9, paragraph 2 (c), jurisdiction is established where the offender is present in Switzerland or is extradited to Switzerland ...

UZBEKISTAN

Paragraph 3 of Article 9 of the Convention:

The Republic of Uzbekistan notifies that it has established jurisdiction over criminal acts recognized under Article 2 of the Convention, in the cases described in paragraphs 1 and 2 of Article 9 of the Convention.

Notifications of designation of administrative or judicial authority in accordance with article 7 paragraph 4 of the Convention

(Unless otherwise indicated, the notifications were made upon ratification, acceptance, approval or accession.)

<i>Participant</i>	<i>Sending and Receiving agency</i>	
Austria	Bundesamt für Verfassungsschutz und Terrorismusbekämpfung (BTV)(Federal Agency for State Protection and Counter Terrorism), c/o Federal Ministry of the Interior, Herrengasse 7 A-1014 Vienna, Austria	2 March 2007
Belarus.....	State Security Agency of the Republic of Belarus, 17, Nezavisimosti av., 220050 Minsk, Republic of Belarus, tel: (+375 17) 219 92 21, fax: (+375 17) 226 00 38 Prosecutor's Office of the Republic of Belarus, 22, Internacionalnaya str., 220050. Minsk, Republic of Belarus, tel: (+375 17) 227 31, fax: (+375 17) 226 42 52 Ministry of the Interior of the Republic of Belarus, 4, Gorodskoy val str., 220050, Minsk, Republic of Belarus, tel: (+375 17) 218 78 95, fax: (+375 17) 229 78 40, Ministry for Emergency Situations of the Republic of Belarus, 5, Revolucionnaya str., 220050, Minsk, Republic of Belarus, tel: (+375 17) 203 88 00, fax: (+375 17) 203 77 81, State Border Guard Committee of the Republic of Belarus, 24, Volodarski str.,220050, Minsk, Republic of Belarus, tel: (+375 17) 206 54 06, fax: (+375 17) 227 70 03, State Customs Committee of the Republic of	13 March 2007

Participant

Sending and Receiving agency

- Belarus, 45/1 Mogilevskaya str., 220007,
Minsk, Republic of Belarus, tel: 218-90-
00, fax: 218-91-97
- Belgium Agence fédérale de contrôle
nucléaire/Federaal agentschap voor
nucleaire controle (Federal Agency for
Nuclear Control) Rue Ravenstein 36 B-
1000 Brussels Tel: +32 (02) 289.21.11
Fax: +32 (02) 289.21.12 Organe de
coordination pour l'analyse de la
menace/Coördinatieorgaan voor de
dreigingsanalyse/Coordination Unit for
Threat Analysis Rue de la Loi 62 B-1040
Brussels Tel: +32 (02) 238.56.11 Fax: +32
(02) 217.57.29 Service Public Fédéral
Interieur - Direction générale Centre de
crise/Federale Overheidsdienst
Binnenlandse Zaken - Algemene Directie
Crisiscentrum (Ministry of the Interior -
Crisis Centre) Rue Ducale 53 B-1000
Brussels Tel: +32 (02) 506.47.11 Fax: +32
(02) 506.47.09.
- Chile *La Comisión Chilena de Energía Nuclear,
Dirección Ejecutiva, Amunátegui No 95,
(56-2) 470 2500;
luis.ormazabal@cchen.cl, Santiago, Chile*
- Czech Republic.....POLICE OF THE CZECH REPUBLIC, 25 July 2006
Organized Crime Detection UnitArms
Traffic Division, P.O. Box 41 - V215680
Praha 5 - Zbraslav, Czech Republic, Tel.:
+420974842420, Fax: +420974842596, e-
mail: v2uooz@mvcr.cz(24-hour phone
service: - Operations Center:
+420974842690, +420974842694- Cpt.
Pavel Osvald: +420603191064- Lt.Col.
Jan Svoboda: +420603190355)
- Czech Republic.....Police of the Czech Republic Organised 20 April 2009
Crime Detection Unit Arms Traffic
Division P.O. Box 41 – V2 156 80 Praha
5 – Zbraslav Czech Republic Tel.:
+420974842420 Fax: +420974842596 e-
mail: v2uooz@mvcr.cz Operations Center
(24-hour phone service); tel.:
+420974842689, +420974842690,
+420974842694 fax: +420974842586.”
- Georgia.....Special Operations Center, the Ministry of
Internal Affairs of Georgia Vazha-
Pshavela Ave N 72, Tbilissi, Georgia 0186
Tel. +(995 32) 412382 Fax: +(995 32)
301029
- Germany Bundeskriminalamt (BKA) (Federal 1 August 2008
Criminal Police Office) Referat ST 23
(Division ST 23) Paul-Dickopf-Str.2 D-
53340 Meckenheim Federal Republic of
Germany Contactability during working
hours (from 7.30 hrs to 16.00 hrs on

<i>Participant</i>	<i>Sending and Receiving agency</i>	
	working days): Referat ST 23 phone: +49 2225 89 22588/-23951; fax: +49 2225 89 45455 email: st23@bka.bund.de Contactability outside working hours: Kriminaldauerdienst (Permanent Criminal Police Service) Phone: +49 2225 89 22042/-22043; fax: +49 611 5545424/-5545425 email: zd11kddmeckenheim@bka.bund.de.”	
Hungary.....	"International Law Enforcement Cooperation Centre, Message Response and International Telecommunication Division, Tel: + 36-1-443-5557, Fax: + 36-1-443-5815, email: intercom@ork.police.hu"	13 June 2007
Japan.....	"Counter International Terrorism Division, 3 August 2007 Foreign Affairs and Intelligence Department, Security Bureau, National Police Agency, tel: +81-3-3581-0141 (ext. 5961), fax:: +81-3-3591-6919, Public Security Division, Criminal Affairs Bureau, Ministry of Justice tel: +81-3-3592-7059, fax:: +81-3-3592-7066, International Nuclear Cooperation Division, Disarmament, Non-Proliferation and Science Department, Foreign Policy Bureau, Ministry of Foreign Affairs tel: +81-3-5501-8227 fax:: +81-3-5501-8230, Nuclear and Industrial Safety Agency, Ministry of Economy, Trade and Industry tel: +81-3-3501-1087 fax: +81-3-3580-8460 Technology and Safety Division, Policy Bureau, Ministry of Land, Infrastructure and Transport, tel: +81-3-5253-8308, fax: + 81-3-5223-1560"	
Latvia.....	Security Police, Kr. Barona Str. 99a, Rīga, LV-1012, Latvia, Phone: +371 7208964, Fax: +371 7273373, E-mail: dp@dp.gov.lv	25 July 2006
Lithuania.....	"State Security Department (SSD) of the Republic of Lithuania Vytenio St. 1, LT-2009 Vilnius, Republic of Lithuania Phone/Fax: (+370 5) 2312602 E-mail: vsd@vsd.lt."	19 July 2007
Netherlands.....	The National Public Prosecutor on Counter Terrorism/National Public Prosecutor's Service, P.O. Box 395, 3000 AJ Rotterdam, The Netherlands, Telephone: +31 (0) 10-4966966	30 June 2010
Poland.....	(Anti-Terrorism Center of the Internal Security Agency), 00-993 Warszawa, ul. Rakowiecka 2a, Phone: +48 22 58 57 178, E-mail: cat@abw.gov.pl	6 May 2010
Saudi Arabia.....	"Ministry of the Interior and The City of King Abdulaziz for Science and	

<i>Participant</i>	<i>Sending and Receiving agency</i>	
	Technology."	
Slovenia.....	The Ministry of Interior of the Republic of Slovenia, General Police Directorate, Criminal Police Directorate, International Police Cooperation Division	13 January 2010
Switzerland.....	Central Engagement Department of the Federal Police Office, Nussbaumstrasse 29, CH – 3003 Berne, telephone no. +41 31 322 44 50, fax no. +41 31 322 53 04	15 October 2008
Uzbekistan.....	National Security Service of the Republic of Uzbekistan	29 April 2008

Notes:

¹ The Convention shall apply to the Macao Special Administrative Region of the People's Republic of China and, unless otherwise notified, shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China.

² With a territorial exclusion in regard to the Faroe Islands and Greenland.

³ See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

⁴ The Secretary-General received from the following States, on the date indicated hereinafter, a communication with regard to the reservation made by Egypt upon signature:

Latvia (6 December 2006):

"The Government of the Republic of Latvia has examined the reservation made by the Arab Republic of Egypt to the International Convention on the Suppression of the Acts of Nuclear Terrorism upon signature to the Convention regarding Article 4.

The Government of the Republic of Latvia is of the opinion that this reservation contradicts to the objectives and purposes of the International Convention to suppress the acts of nuclear terrorism wherever and by whomsoever they may be carried out.

The Government of the Republic of Latvia recalls that customary international law as codified by Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out that reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of the Republic of Latvia therefore objects to the aforesaid reservation made by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Arab Republic of Egypt. Thus, the International Convention will

become operative without the Arab Republic of Egypt benefiting from its reservation.

Italy (27 March 2007):

"The Permanent Mission of Italy has the honor to refer to the reservation made by the Arab Republic of Egypt to article 4 of the Convention, which would extend the application of the Convention to include the armed forces of a State when they "violate the rules and principles of international law in the exercise of their duties." Such activities would otherwise be excluded from the Convention by article 4. It is the opinion of Italy that Egypt cannot unilaterally extend the obligations of the other States Parties under the Convention, without their express consent, beyond those set out in the Convention.

Italy wishes to make clear that it does not consent to this expansion of the scope of application of the Convention, and that it does not consider the Egyptian declaration to have any effect on the obligations of Italy under the Convention or on the application of the Convention to the armed forces of Italy.

Italy thus regards the unilateral declaration made by the Government of Egypt as applying only to the obligations of Egypt under the Convention and only to the armed forces of Egypt."

Germany (8 February 2008):

"... [the Federal Republic of Germany makes] the following declaration ... with regard to the reservation made by the Arab Republic of Egypt upon signature:

The Government of the Federal Republic of Germany has carefully examined the declaration, described as a reservation, relating to article 4 ["paragraph 2 and paragraph 3"] of the International Convention for the Suppression of Acts of Nuclear Terrorism made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention.

In this declaration the Government of the Arab Republic of Egypt declares its commitment to article 4 of the Convention provided that the armed forces of a State do not violate the rules and principles of international law in the exercise of their duties

under that article, and also provided that the article is not interpreted as excluding the activities of armed forces during an armed conflict from the scope of application of this Convention on the grounds that the activities of States – under certain legal circumstances – are not considered terrorist activities.

However, article 4, paragraph 2, of the Convention states that the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, as well as the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention. Moreover, and according to article 4, paragraph 3, the provisions of article 4, paragraph 2, shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws. The declaration by the Arab Republic of Egypt thus aims to broaden the scope of the Convention.

The Government of the Federal Republic of Germany is of the opinion that the Government of the Arab Republic of Egypt is only entitled to make such a declaration unilaterally for its own armed forces, and it interprets the declaration as having binding effect only on armed forces of the Arab Republic of Egypt. In the view of the Government of the Federal Republic of Germany, such a unilateral declaration cannot apply to the armed forces of other States Parties without their express consent. The Government of the Federal Republic of Germany therefore declares that it does not consent to the Egyptian declaration as so interpreted with regard to any armed forces other than those of the Arab Republic of Egypt, and in particular does not recognize any applicability of the Convention to the armed forces of the Federal Republic of Germany.

The Government of the Federal Republic of Germany also emphasizes that the declaration by the Arab Republic of Egypt has no effect whatsoever on the Federal Republic of Germany's obligations as State Party to the International Convention for the Suppression of Acts of Nuclear Terrorism or on the Convention's applicability to armed forces of the Federal Republic of Germany.

The Government of the Federal Republic of Germany regards the International Convention for the Suppression of Acts of Nuclear Terrorism as entering into force between the Federal Republic of Germany and the Arab Republic of Egypt subject to a unilateral declaration made by the Government of the Arab Republic of Egypt, which relates exclusively to the obligations

of the Arab Republic of Egypt and to the armed forces of the Arab Republic of Egypt.”

⁵ The Secretary-General received from the following State, on the date indicated hereinafter, a communication with regard to the declaration and reservation made by Turkey upon signature :

Latvia (22 December 2006):

"The Government of the Republic of Latvia has examined the reservation and declaration made by the Republic of Turkey to the International Convention on the Suppression of the Acts of Nuclear Terrorism upon signature to the Convention regarding Article 4 (2).

The Government of the Republic of Latvia is of the opinion that this declaration is in fact unilateral act that is deemed to limit the scope of the Convention and therefore should be regarded as reservation. Thus, this reservation contradicts to the objectives and purposes of the Convention on the suppression the commitment of the acts of nuclear terrorism wherever and by whomsoever they may be carried out.

Moreover, the Government of the Republic of Latvia considers that the reservation named as a declaration conflicts with the terms of Article 4 (1).

Therefore, the Government of the Republic of Latvia is of the opinion that this declaration reservation contradicts to the objectives and purposes of the International Convention to suppress the acts of nuclear terrorism wherever and by whomsoever they might be carried out.

The Government of the Republic of Latvia recalls that customary international law as codified by Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out that reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of the Republic of Latvia therefore objects to the aforesaid reservation named as declaration made by the Republic of Turkey to the International Convention on the Suppression of the Acts of Nuclear Terrorism.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Republic of Turkey. Thus, the International Convention will become operative without the Republic of Turkey benefiting from its reservation."