



**UNODC**

United Nations Office on Drugs and Crime

# CRIMINALIZATION REQUIREMENTS AND OTHER RELEVANT PROVISIONS OF THE **International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT)**



Funded by  
the European Union



## TRANSNATIONAL ELEMENT

The scope of application of ICSANT is limited to offences that have a **transnational element**. It means that the Convention is not applicable (save some limited exceptions) if all the following four circumstances are met:

- the offence is committed within a single State;
- the alleged offender and the victims are nationals of that State;
- the alleged offender is found in the territory of that State; and
- no other State has grounds to exercise jurisdiction.

## KEY DEFINITIONS

ICSANT contains **definitions of key terms**, including:

- “radioactive material”: nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration [...] and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment
- “device”: a nuclear explosive device or a radioactive material dispersal or radiation-emitting device which may [...] cause death, serious bodily injury or substantial damage to property or to the environment

## OFFENCES COVERED

States Parties to ICSANT shall criminalize the following conduct, provided that they are **unlawful** (i.e., carried out in the absence of a legitimate justification) and **intentional** (i.e., committed deliberately). Additionally, for a conduct to qualify as an offence under ICSANT, it needs to be committed with a specific intent (specified in the text of the Convention).



### LIST OF ABBREVIATIONS:

D	death
SBI	serious bodily injury
SDP	substantial damage to property
SDE	substantial damage to the environment

<i>Article number</i>	<i>Offence</i>
2(1)(a)	<b>Possessing</b> radioactive material with intent to cause any of the following: D, SBI, SDP, or SDE
2(1)(a)	<b>Making</b> a device with intent to cause any of the following: D, SBI, SDP, or SDE
2(1)(a)	<b>Possessing</b> a device with intent to cause any of the following: D, SBI, SDP, or SDE
2(1)(b)(i) and (ii)	<b>Using</b> in any way radioactive material with intent to cause any of the following: D, SBI, SDP, or SDE
2(1)(b)(iii)	<b>Using</b> in any way radioactive material with intent to compel anyone, organization or state to do or refrain from doing an act
2(1)(b)(i) and (ii)	<b>Using</b> in any way a device with intent to cause any of the following: D, SBI, SDP, or SDE
2(1)(b)(iii)	<b>Using</b> in any way a device with intent to compel anyone, organization or state to do or refrain from doing an act
2(1)(b)(i) and (ii)	<b>Using</b> or <b>damaging</b> a nuclear facility in a manner which releases or risks release of radioactive material with intent to cause any of the following: D, SBI, SDP, or SDE
2(1)(b)(iii)	<b>Using</b> or <b>damaging</b> a nuclear facility in a manner which releases or risks release of radioactive material with intent to compel anyone, organization or state to do or refrain from doing an act
2(2)(b)	<b>Demanding</b> radioactive material by threat
2(2)(b)	<b>Demanding</b> radioactive material by use of force
2(2)(a)	<b>Threatening</b> to commit an offence under 2(1)(b)
2(2)(b)	<b>Demanding</b> a device by threat
2(2)(b)	<b>Demanding</b> a device by use of force
2(2)(b)	<b>Demanding</b> a nuclear facility by threat
2(2)(b)	<b>Demanding</b> a nuclear facility by use of force
2(3)	<b>Attempting</b> to commit an offence under 2(1)
2(4)(a)	<b>Participating</b> as an accomplice in 2(1-3)
2(4)(b)	<b>Organizing</b> or <b>directing</b> others to commit 2(1-3)
2(4)(c)	<b>Contributing</b> in any other way to the commission of 2(1-3) by a group of persons acting with a common purpose. <b>Intentional</b> contribution, either in order to <b>further</b> the crime or <b>being aware</b> of the group intention to commit it

## JURISDICTION EXTRADITE / PROSECUTE

States Parties are required to establish jurisdiction over the described offences. The State Party in which the alleged perpetrator is present shall either:

- **extradite** the alleged offender to another State Party that claims jurisdiction over the offence; or
- **prosecute** the alleged offender.

## INTERNATIONAL COOPERATION

ICSANT requires States Parties to **cooperate** in order to:

- prevent and counter preparations for the commission of offences inside or outside of their territories;
- prevent, detect, suppress and investigate offences and institute criminal or extradition proceedings. This includes exchange of information and provision of evidence; and
- ensure security and safety of the radioactive material, facilities or device of which States Parties have taken control following the commission of an offence.

## POINTS OF CONTACT

To ensure effective cooperation, States Parties are required to designate and make known to each other their **competent authorities** and **liaison points**.



MORE INFORMATION IS AVAILABLE AT:  
[WWW.UNODC.ORG/ICSANT](http://WWW.UNODC.ORG/ICSANT)