

JORDAN

Definition and Prosecution of Terrorist Acts

The Government of the Hashemite Kingdom of Jordan amended its Penal Code to include severe penalties for any act of terrorism. This amendment criminalizes the use of force or threat of force to carry out an individual or collective act aimed at disturbing public order or endangering public safety and security by causing damage to the environment, public facilities or property, private property, international facilities or diplomatic missions, occupying or taking over such premises, endangering national resources or causing suspension of the application of the provisions of the Constitution and laws.

This amendment imposes the penalty of hard labor for life for the following acts: (1) Damage or destruction to a public or private building, an industrial establishment, a vessel, aircraft or any means of transport or other facilities; (2) The disabling or disruption of communication or computer systems; (3) The total or partial disabling or damaging of means of transport; or (4) Manufacturing, procuring, or transporting any explosive material to be used in the commission of a terrorist act.. It imposes the death penalty in any of the following cases: (1) The commission of a terrorist act which results in person's death; (2) The commission of a terrorist act that causes the total or partial destruction of a building in which one or more persons are present; (3) The commission of a terrorist act committed using explosive or inflammable materials or poisonous, incendiary, infectious, bacteriological, chemical or radioactive agents or the like.

The Penal Code also incorporates provisions criminalizing and penalizing persons who form gangs and groups for a criminal or terrorist purpose. It provides a sentence of not less than 5 years imprisonment for any person who, without the consent of the authorities, forms or recruits armed military factions or provides them with weapons and ammunition. It also criminalizes the formation of armed gangs or unlawful groups that aim at the destruction of government assets and property and the commission of terrorist acts.

Moreover, the Penal Code prohibits the acquisition of weapons, explosive or inflammable materials, poisonous or incendiary agents or components used in their assembly or fabrication and provides a sentence of hard labor for said act, even if such acts are not completed or produce no result. Additional acts have been adopted prohibiting any person from "setting up, operating or administering a nuclear installation in the Kingdom or circulating, importing, exporting, using, dealing in, obtaining, trafficking in, operating, leasing, transporting, stockpiling, destroying, disposing of or producing any radioactive materials or any radioactive sources." This includes "research, pulverization, fission, extraction, conversion, mining or fabrication."

Prevention of Terrorism – Security Measures

Jordan has taken significant measures to prevent formation of terrorist groups and the supply of weapons to them. The Jordanian security authorities monitor elements that constitute a threat to the security of the country, and any persons who are proven to be linked to any terrorist activity or group and any elements suspected of being linked to traffic in or the acquisition of weapons for unlawful purposes are brought to justice through the use of appropriate intelligence methods of investigation.

The General Intelligence Department undertakes the direction and coordination of all counter-terrorism operations and the monitoring of threats to national security, including the threat posed by terrorist organizations. In addition to the General Intelligence Department, the public security apparatus, and the police assume responsibility for maintaining internal security and ensure control of the border and the prevention and combating of traffic in narcotic drugs. There is a special department within the public security apparatus that is responsible for

combating narcotic drugs, namely the department to combat narcotic drugs, forgery and the smuggling of antiquities.

With regard to communications and institutional organization, the current system for the organization and interconnection of the various government agencies ensures coordination with security organs attached to the Prime Minister in his capacity as Minister of Defense. With a view to strengthening the Government's commitment to raising the level of coordination between government agencies in the field of counter-terrorism, the Prime Minister issued a decision establishing a committee to follow up requests emanating from the Counter-Terrorism Committee. This Committee includes in its membership all competent officials from the various security agencies and relevant government institutions. There is also a higher security committee whose membership includes all the agencies and institutions responsible for protecting national security from terrorist threats, and the Director of General Intelligence holds the position of reporter of this committee. There are also smaller-scale security committees representing the various security agencies at the expert level. These are located at border posts and are responsible for monitoring migration, borders and alien entry procedures.

Financing of Terrorism

Jordan amended its Penal Code to criminalize banking transactions related to terrorist activities. It provides, "[a]ny act relating to any banking transaction, in particular the deposit of funds in any bank in the Kingdom or in any financial institution engaging in banking operations or the transfer of such funds by them to any party whatsoever shall be deemed a terrorist offence if it emerges that such funds are suspect and related to a terrorist activity. In this case, the following measures shall apply: (a) Preventive seizure of such funds by a decision of the Prosecutor General and prohibition of their use until such time as investigative measures have been taken; (b) Investigation of the case by the Prosecutor General, acting in coordination and cooperation with the Central Bank and any domestic or foreign party concerned. If he finds that the banking transaction in question is related to a terrorist activity, the case shall be referred to the competent court; (c) Any person who commits such a crime shall be liable to a term of hard labor, and the staff member of the bank or financial institution who was responsible for effecting the transaction, if he had a knowledge of the facts, shall be liable to imprisonment. The funds seized shall be permanently confiscated."

In response to the UN Security Council's resolutions, the Governor of the Jordanian Central Bank issued a number of directives in an effort to prevent money-laundering activities. These directives require all Jordanian banks and financial firms to inspect the accounts of their clients and to ensure the freezing of deposits upon request by the Government. Any suspicious activity must be brought to the Governor's attention immediately. Additionally, the directives contain a definition of money-laundering, a description of bank fraud methods used to conceal the true source of funds deriving from an unlawful activity or used for unlawful activities, including terrorist acts, measures for checking the documents and identity papers of depositors, and a ban on the opening of accounts by fictitious persons or companies.

These directives also include a manual of instructions on methods of combating money-laundering in all its forms, whether affected by bank transfers, on the pretext of investment or through electronic banking services, banking facilities or international banking and financial transactions. Finally, the directives set forth the internal measures to be taken in every bank should there be any suspicion of a money-laundering operation and the kind of measures to be taken by the staff of banks and financial firms. Punishment for engaging in money-laundering activities includes confiscation of illegal funds, and imprisonment of the perpetrator for a term not to exceed 3 years imprisonment or a fine not to exceed 1 million dinars.

Information Sharing

With regard to taking the necessary steps to prevent the commission of terrorist acts by early warning mechanisms and the exchange of information, the Jordanian security authorities track any person who has a link to any terrorist group, including persons linked to such groups in other countries, and exchange information with the security authorities in friendly States and with Interpol.

There is also a bureau in the General Security Directorate called the “Arab and International Police Bureau” that deals with the exchange of information and the ensuring of rapid communications with the security organs of other States and Interpol for the purpose of tracking wanted or suspected persons and exchanging all information relating to them.

BIBLIOGRAPHY OF JORDANIAN LAWS

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- Jordanian Penal Code, Articles 143, 144, 145, 149
- Arms and ammunitions Act, Article 11
- Act on Nuclear Energy and Radiation Protection, Article 15

Financing of Terrorism

- Jordanian Penal Code, Articles 147,

Money-laundering – Prevention and Prosecution

- Directives No. 20/2/3/3/16692, 10/2/3/3/17983, 10/20001
- Act to Combat Money Laundering
- Jordanian Banking Code, Article 93