

Translated from Arabic

Measures taken by Jordan to implement United Nations General Assembly resolution 69/124, “The scope and application of the principle of universal jurisdiction”

I. International and regional conventions

By virtue of Law No. 20 (2012), Jordan ratified the Arab Convention for the Suppression of Money-Laundering and the Financing of Terrorism. That Convention is aimed at strengthening measures to combat terrorism and the financing of terrorism and fostering Arab cooperation in that area. It sets forth measures that States must take to monitor cash flows, and the procedures that financial institutions must follow in order to freeze funds, establish financial intelligence units and take deterrent action. It provides for the financial intelligence units to cooperate in combating money-laundering and the financing of terrorism; for the law enforcement forces of signatory States to work together on security issues with a view to criminalizing and suppressing the relevant offences and taking freezing, blocking or confiscation measures; for States to cooperate with a view to exchanging information and mutual legal assistance, returning evidence, extraditing suspects and transferring witnesses and experts.

By virtue of Law No. 18 (2012), Jordan ratified the Arab Convention against Transnational Organized Crime, which is aimed at strengthening judicial and security cooperation among Arab countries in order to prohibit and combat transnational organized crime, including money-laundering, administrative corruption, currency counterfeiting, human trafficking and piracy; criminalizing the actions that constitute those crimes; and taking action to prohibit and combat the crimes and prosecute the perpetrators and their associates. The Convention addresses the topics of mutual legal assistance, joint investigations, transfer of criminal proceedings, extradition and the seizure, confiscation and handover of items and the proceeds of the crimes.

By virtue of Law No. 19 (2012), Jordan ratified the Arab Convention on Combating Information Technology Offences, which criminalizes the financing of terrorist operations, training for such operations, facilitation of communication among terrorist organizations, commission of offences connected with money-laundering, requests for assistance, and the dissemination of money-laundering methods. The Convention also addresses the topics of legal and judicial cooperation, mutual legal assistance and extradition requests.

In *Official Gazette* No. 4960 of 30 April 2009, Jordan announced its ratification of the United Nations Convention on Transnational Organized Crime (Palermo Convention). By Law No. 83 (2003), which was published in *Official Gazette* No. 4606 of 16 June 2003, Jordan ratified the International Convention for the Suppression of the Financing of Terrorism (New York Convention).

Jordan is a founder member of the Global Counterterrorism Forum, which was established in New York on 22 September 2011. The Forum seeks to reduce the vulnerability of people everywhere to terrorism by combating and prosecuting the perpetrators of terrorist acts and preventing incitement and terrorist recruitment through support for the effective implementation of the United Nations Global Counter-Terrorism Strategy.

II. Law No. 46 (2007) on combating money-laundering and the financing of terrorism

Law No. 46 (2007) on combating money-laundering was amended in 2010 to criminalize the financing of terrorism, including the knowing provision, gathering, obtaining or transfer of funds, by whatever means, direct or indirect, even if their origin is legitimate, with a view to benefiting a terrorist individual, organization, body, association or group or committing a terrorist act, whether the funds are used in whole or in part, or not at all, and whether or not the acts in fact take place. The Law was also amended to expand the scope of the basic offences to include the crimes and misdemeanours that are punishable in Jordan. All of the offences set out in the Methodology of the Financial Action Task Force have been incorporated into the Law. Conviction for the basic offence is no longer conditional on the funds being illicit. Law No. 46 (2007) as amended is now the point of reference on the topic. Annex I shows the scope of the basic offences under Jordanian law*.

Under the Law, the Anti-Money-Laundering and Combating Terrorist Financing (AML-CFT) Unit is the sole agency responsible for receiving notifications of transactions suspected to be connected with terrorism.

The Unit has a mandate to exchange anti-money-laundering information with its counterparts provided that reciprocity is observed. It may also conclude memorandums of understanding for cooperation with its counterparts.

* *Translator's note:* No annex appears in the text received for translation.

Jordan requires that any funds over 15,000 Jordanian dinars being transferred into the country must be declared. The Customs Authority is entitled to ask the bearer about the origin and purpose of the funds. It may withhold the funds and bring the bearer before the competent public prosecutor if it suspects a connection with the financing of terrorism.

The Law states that the judicial authorities in Jordan should cooperate with their foreign counterparts, particularly with regard to assistance, rogatory requests, extradition of defendants and convicts and requests from foreign authorities for the tracing, freezing or withholding of funds connected with terrorist financing offences or the proceeds of any such offences. Such cooperation should take place as stipulated by Jordanian legislation, bilateral or multilateral instruments to which Jordan is a party, or the principle of reciprocity provided that there is no breach of good faith.

The Law allows the competent Jordanian judicial authorities to order compliance with requests from their foreign counterparts to confiscate the proceeds of the financing of terrorism in accordance with the principles set forth in Jordanian legislation and in bilateral or multilateral instruments to which Jordan is a party.

The Law provides that anyone who commits, or begins to commit, the offence of financing of terrorism as defined therein, shall be sentenced to temporary hard labour for a term of no less than ten years, a fine of no less than 100,000 dinars, and the confiscation of all of the instruments used or intended for use in the offence. Anyone who intervenes or acts as accomplice or instigator shall receive the same sentence as the basic perpetrator of the offence. The penalty shall be doubled for repeat offenders.

Pursuant to the Law, instructions and guidance have been issued for all financial and other actors to which the Law applies. Those actors comprise banks, bureaux de change, securities companies, insurance brokers, manufacturers of decorative items, retailers in jewellery, precious metals and stones, licensed real estate brokers, finance lessors, actors that practice any financial activity, postal service providers and providers of mobile phone payment services.

III. International cooperation

Since its establishment, the AML-CFT Unit has placed a strong emphasis on cooperation with counterparts in other States. It aims to improve its work by tracking funds and acquiring intelligence that could point to suspicious activities. For that purpose, it has signed memorandums of understanding with a number of Arab and international counterparts, including units in Algeria, Bahrain, Cyprus, Indonesia, Iraq, Morocco, the Palestinian National Authority, Poland, the Russian Federation, Saudi Arabia, South Africa, Syria, Turkey, Ukraine, the United Arab Emirates, the United Kingdom and Yemen.

Jordan became a founder member of the Middle East and North Africa Financial Action Task Force (MENAFATF) on its establishment in 2004. Since November 2013, its AML-CFT Unit has chaired the subcommittee of financial intelligence units of States members of MENAFATF, which seeks to exchange experiences and best practices.

In July 2012, Jordan became the ninth Arab State to join the Egmont Group. The international community thereby recognized that Jordan has an effective AML-CFT unit in the context of international efforts to combat the relevant offences. Jordan's position provides a significant opportunity to strengthen the exchange of information with counterpart units regarding money-laundering and the financing of terrorism, and to contribute to working groups in the areas of legal affairs, communication, technology, intelligence, training and analysis. That experience will enrich the Unit's technical expertise and enable it to share its views with counterparts.

<i>Offence</i>	<i>Legal instrument</i>	<i>Provisions that criminalize the relevant offences</i>
Participation in an organized criminal group and theft of funds	Penal Law No. 16 (1960) as amended	Articles 157, 158 and 415
Terrorism, including financing of terrorism	Penal Code Law No. 55 (2006) on combating terrorism, as amended Law on combating money-laundering and the financing of terrorism	Articles 118, 147 and 148 Articles 1 to 9 Article 3, paragraph b, item ii Article 24, paragraph a, item iii and paragraph c

Human trafficking and migrant smuggling	Law No. 9 (2009) on human trafficking	Article 3, paragraphs a, b and c; articles 8 to 11
Sexual exploitation, including sexual exploitation of children	Penal Code Law on human trafficking	Articles 309 to 318 Articles 3, 8 to 11 and 14
Illicit trafficking in drugs and psychotropic substances	Law No. 11 (1988) on drugs and psychotropic substances, as amended	Articles 3, 4, 6 to 10 and 12
Illicit trafficking in arms	Law No. 34 (1952) on firearms and ammunition, as amended	Articles 5 to 11
Illicit trafficking in stolen and other commodities	Penal Code	Article 412
Corruption and bribery	Penal Code Law No. 62 (2006) on the Anti-Corruption Authority, as amended Law No. 11 (1993) on economic offences, as amended	Articles 170 to 177, 182 and 183 Articles 5, 6 and 22 Article 3, paragraph c, item ii; article 4
Fraud	Penal Code	Articles 417 to 421
Currency counterfeiting	Penal Code Law on economic offences	Articles 239 to 244 Article 3, paragraph c, item iii
Forgery and piracy of intellectual property	Law No. 22 (1992) on the protection of authors' rights, as amended Law No. 33 (1952) on trademarks, as amended Law No. 32 (1999) on copyrights	Articles 8 to 10, 23 and 51 Article 37 Article 32
Environmental offences	Jordanian Penal Code Law No. 52 (2006) on environmental protection	Articles 147 and 148 Articles 6 to 13 and 18 to 20
Murder and grievous bodily harm	Jordanian Penal Code	Articles 326 to 339
Abduction and illicit detention or hostage taking	Jordanian Penal Code Law No. 41 (2007) on civil aviation security	Abduction: article 302 Detention: article 149, paragraph 2 Article 59
Robbery and theft	Jordanian Penal Code Law on economic offences	Articles 399 to 413 Article 3, paragraph c, item v
Smuggling	Law No. 20 (1998) on customs, as amended Law No. 21 (1998) on antiques, as amended	Articles 203 to 207 Article 26, paragraph a, item vii
Embezzlement	Jordanian Penal Code	Article 415
Forgery	Penal Code Law on economic offences	Articles 260 to 272 Article 3, paragraph c, item iv
Piracy	His Majesty endorsed decision No.	All articles

	<p>5235 of the Council of Ministers, dated On 24 December 1994, approving accession to the United Nations Convention on the Law of the Sea (1982). That outcome was published in <i>Official Gazette</i> No. 5102 of 1 February 2010.</p> <p>Code of Conduct on the Suppression of Piracy and Armed Robbery of Ships in the Western Indian Ocean and Gulf of Aden, which was adopted by the Council of Ministers on 20 May 2010.</p>	<p>A draft law on maritime transit is being prepared. It will criminalize piracy and armed robbery.</p>
Insider trading and market rigging	<p>Jordanian Penal Code</p> <p>Law on securities</p> <p>Law on economic offences</p>	<p>Articles 435 and 436</p> <p>Articles 108 to 110</p> <p>Article 3, paragraph a and paragraph c, item vi</p>
Tax offences	<p>Law No. 34 (2014) on income tax</p> <p>Law No. 6 (1994) on general sales tax, as amended</p>	<p>Article 66</p> <p>Article 31</p>

Recommendations of the Hashemite Kingdom of Jordan

Action should be taken to establish a specialized international legal unit under the United Nations, with professional and scientific underpinnings, to monitor actions that constitute international offences. Perpetrators of such offences should be prosecuted on the basis of the unit's work. The unit should be a part of the International Criminal Court. It should assist States in prosecuting the perpetrators of international offences on the basis of the principle of universality. It should monitor States' compliance with that principle, and review national legislation to ensure that it provides for all rights, freedoms and fair trial guarantees.

Action should be taken to expand the scope of the international offences set forth in international conventions. Perpetrators should be prosecuted in accordance with the principle of universal jurisdiction. The existing instruments should be amended to include drug trafficking and electronic offences.

Member States of the United Nations should be encouraged to incorporate international offences into the crimes and penalties set forth in national legislation, and to enshrine the principle of universal jurisdiction in their laws in order to prevent impunity. Such laws should define the agencies responsible for investigating crimes of an international nature. They should provide that perpetrators of those offences cannot be protected from prosecution, whether through amnesty, statute of limitations, pro forma trials, lenient sentencing, a not-guilty verdict or prevention of trial by a regional State.

States should be encouraged to bolster international cooperation mechanisms for extradition and rogatory requests with a view to applying the principle of universal jurisdiction, without prejudice to State sovereignty or the right to a fair trial.

In order to ensure that the principle of universal jurisdiction is not infringed, measures should be taken to develop the international principles aimed at protecting the joint interest and preserving international peace and security, and to move beyond the issue of national sovereignty in order to uphold both the national and international interest and prosecute the perpetrators of international offences, without undermining the exercise of national sovereignty with specific limits and conditions.

The political will of all States must be galvanized in order to prosecute the perpetrators of such offences, which affect the lives of all of humanity. The punishment of the perpetrators cannot depend on the will of a State or the ruling political group; instead, the laws must apply to all States without exception. It is therefore essential to establish an entity or point of reference to hold the perpetrators accountable.
