



DISSERTATION

ON

**THE RISE OF NUCLEAR TERRORISM AND INTERNATIONAL LAW; A
CRITICAL STUDY.**

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Jonika Tarannum Disha

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Declaration

I claimed that the thesis was written exclusively by myself and that it was not deliberated in full or partially for any academic purpose. I guarantee that I have completed this thesis submitted for the LLB (Supervised Dissertation) of the Department of Law, EWU. It is purely my own research and has not yet been applied for any other degree or technical qualification anywhere. For the retention of citation records, a list of references is also added.

Your Signature

Scope and Limitation

Even though this study was well planned, the researcher is aware of the study's limitations and drawbacks. However, there are not enough resources to study all of the books, journal articles, and papers that are offered here. There are too many web documents in the field of study to download or read subscriptions. This project was hindered by a lack of access to key resources.

Abstract

In recent years, terrorism has emerged as a major global issue. It continues to increase on a daily basis. Terrorists' use of CBN materials has been on the rise since the 1995 sarin gas attack in Tokyo's subway system. Mass casualty detection, containment, and medical care were the most common aspects of contingency planning. Smaller-scale CBN occurrences, such as the recent mailing of anthrax spores, can have a significant impact on the well-being of impacted areas and the general sense of well-being in the country. Consider the long-term health, economic and legal ramifications of direct and indirect effects. Health care, research, risk communication, and economic help are all necessary components of a complete strategy for responding to CBN attacks. Low-level chemical exposure, stress-related health concerns and unlicensed medicines are only some of the complicated and contentious issues involved.

Literature Review

The major nuclear powers have shrunk, and more countries want nuclear weapons. Nine nuclear-armed states now exist. As a result, many countries have nuclear weapons, and proliferation is likely. The Soviet system rewarded scientists and technicians who worked on the nuclear program. But after the late-1991 collapse, many employees lost their jobs. Nuclear site security is always inadequate. Many nuclear terror attacks have occurred over the decades. To be credible, a state must show political will. To prevent this attack, the Cooperative Threat Reduction Initiative and Global Threat Reduction Program should be expanded. A planned consequence can act as a deterrent to an attacker who thinks their attack will fail.

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List of Abbreviations

CIA: Central Intelligence Agency

WMD: Weapon of Mass Destruction

UNODC: United Nations Office on Drugs and Crime

IAEA: International Atomic Energy Agency

ICSANT: International Convention for the Suppression of Acts of Nuclear

CPPNM: Convention on the Physical Protection of Nuclear Material

CATS: Consequences Assessment Tool Set

RDD: Radiological Dispersal Device

RED: Radiological Exposure Device

CNEN: National Nuclear Energy Commission

CNT: Certified Network (NetWare) Technician

NTC: Nuclear Terrorism Convention

PALs: Permissive Action Links

SNM: Special Nuclear Material

FBI: Federal Bureau of Investigation

FEMA: Federal Emergency Management Agency

NBC: National Broadcasting Company

TTP: Tehrik-i-Taliban

CIT: Combat International Terrorism

CBN: Chemical, biological and nuclear

IDSA: The infectious Diseases Society of America

Chapter 01

What is Nuclear Terrorism?

1.1 Research Question: Is there enough nuclear terrorism protection in the present world through International Law?

1.2 Introduction:

The use of a nuclear weapon in a terrorist act is known as "Nuclear Terrorism" (i.e., illegal or immoral use of violence for a political or religious cause). There is no universally accepted definition of what constitutes nuclear terrorism. Dirty bombs, or nuclear plant sabotage, are two examples of this type of terrorism.¹ Terrorists commit nuclear terrorism if they intentionally and unlawfully use radioactive material to cause death or serious bodily injury, or substantial property or environmental damage, or to coerce another person, an international organization, or a state to engage in a specific action or refrain from engaging in a specific action.²

Even small nuclear weapons like those carried in backpacks could be used by terrorist groups, and the idea has been broached on numerous occasions in American political arenas. Terrorists could get their hands on a nuclear weapon. However, there is no proof that any terrorist group gained the multi-kilogram critical mass of weapons-grade plutonium, despite thefts and trafficking of minor amounts of fissile material, all of which are smaller than Category III Special nuclear material (SNM). Nuclear terrorism may be defined as the acquisition or development of a nuclear weapon. devising an effective means of death, A nuclear reactor or a nuclear-armed submarine or plane could be targeted for attack by exploiting vital inputs (such as water supply).³

In 2011, the Harvard University Belfer Center for Science and International Affairs published a report suggesting that nuclear terrorism can be carried out and distinguished in four ways. In the

¹Terrorism, < <https://www.vocabulary.com/dictionary/terrorism> > accessed 18 April, 2022

² MD.Abdul Halim and Farhana Helal Mehtab,TERRORISM AND COUNTER TERRORISM,(FIRST EDITION :JUNE 2015)CCB FOUNDATION,PAGE NO:(15-16)

³ Ibid.

event of a nuclear attack, terrorists and their accomplices may employ a stolen or purchased nuclear weapon, a crude explosive device constructed by terrorists or secretly recruited nuclear scientists, or a device constructed by the terrorist organization and its accomplices using their own nuclear materials. Concerns about nuclear weapons smuggling date all the way back to December 1945, when the Cold Battle was in full bloom and the superpowers were embroiled in a full-fledged war.⁴

There are mine-detection devices that are quite effective. The screwdriver would be my most significant instrument if I were hired to search the cellars of Washington for atomic weapons don't believe that simply strolling by with a small gadget would provide me with the necessary information. Further investigation into atomic devices that were smuggled into the United States in the 1950s was spurred by this.⁵

A nuclear terrorism threat has been discussed since the 1970s by experts. Even a few pounds of plutonium may be used to make an effective nuclear bomb," warned the Economist in 1975. By the mid-1980s, power plants may be churning out 200,000 pounds of it annually. If current techniques aren't drastically adjusted, they will be moved annually from one facility to the next as part of the fuel cycle. When you're on the road, robbery is always a possibility. State cooperation with the International Atomic Energy Agency may even at this late stage reduce the upcoming dangers considerably." In 1981, the New York Times noted that the "origins" of the Nuclear Emergency Search Team "went back to the Munich Olympic massacre in mid-1972." No one in the U.S. government had given much thought to the prospect of international organized terrorism, much less nuclear terrorism, prior to that time period. The perception in Washington was that the stringent financial accountability of the private contractors who worked with 'special nuclear material' was sufficient to ensure that the stuff did not end up in terrorist hands. Bomb-grade material has lately come to light as having been "nearly scandalously neglected" in terms of physical security.

⁴MULTILATERAL, Convention on the physical protection of nuclear material (with annexes). Adopted at Vienna on 26 October 1979 and opened for signature at Vienna and New York on 3 March 1980 <https://treaties.un.org/untc/Pages/doc/Publication/UNTS/Volume%201456/volume-1456-I-24631-English.pdf>, Page No. 127-128

⁵ Ibid 2

Moreover, NBC aired Special Bulletin, a television simulation of a nuclear terrorist attack on the United States, this debate took on a more public tone in the 1980s. When the International Task Force on the Prevention of Terrorism was formed in 1986, it issued a report advising all nuclear-armed governments to be on the lookout for terrorist threats and to take steps to equip their arsenals with links that would allow them to take permissive action when necessary. For urban and industrial societies, the effects might be catastrophic if a nuclear attack occurs, experts say. Black market nuclear weapons materials are a global problem, and there is fear that a militant organization could detonate a tiny, rudimentary nuclear device in a large metropolis, resulting in substantial casualties and property damage. Dirty bombs, a sort of radioactive weapon, could be detonated by terrorists. Any radioactive source plus a normal explosive can be used to make a dirty bomb. Radioactive material is disseminated in such a way that it can create substantial fallout depending on the type of radioactive material employed. Radiation exposure devices, which do not require an explosive, are another type of radiological weapon. Terrorists may be drawn to radiological weapons because they are effective at creating fear and panic in the public and because they would contaminate the immediate area for a period of time, interfering with attempts to repair the damage and causing significant economic losses.⁶

1.3 Chapter Conclusion

Nuclear Terrorism affects the world very badly. It has become a curse to the world. People all over the world are facing many difficulties for nuclear terrorism. It is hampering the lives of the people around the world as well as the economic conditions also. Acquiring a nuclear weapon or developing one may be considered acts as of nuclear terrorism. Nuclear terrorism can be of various types. But most of the terrorists use radiological weapons for terrorism because they create more fear and panic in the public than the others.

⁶ Miles A. Pomper a and Gabrielle Tarini b, 'Nuca Senior Fellow, James Martin Center for Nonproliferation Studies, Monterey, CA 93940, b Research Associate, James Martin Center for Nonproliferation Studies, Monterey, CA 93940, Nuclear Terrorism- Threat or Not?

Chapter 2

Background of Nuclear Terrorism

It is vital to comprehend the provisions of the Convention on the Physical Protection of Nuclear Material before knowing about Nuclear Terrorism. This is the first international treaty to compel States parties to take reasonable steps to protect nuclear material during international transport. The convention provides cooperative and information-sharing methods. Additionally, there are a number of benefits. The convention provides safeguards for the worldwide transportation of nuclear material and contributes to nuclear security. Additionally, it provides a national network of central authority, facilitating collaboration.

As a result, terrorism can manifest itself in a variety of ways. There are other others besides Nuclear Terrorism. Global Nuclear Terrorism is a grave danger. Nuclear terrorism will continue to be a severe problem as long as terrorists use nuclear materials and technologies for their own objectives. Hillary Clinton alluded to a terrorist group's WMD as a 'transnational threat' during the 7th Convention on Biological and Toxin Weapons in Geneva.⁷ This increasing menace jeopardizes global peace and security. Nuclear Terrorism is the act of using a nuclear weapon as a weapon of mass destruction. Indeed, it could be both political and religious in nature. It is a crime to intentionally and unlawfully harm, kill, or damage the property or environment of people without their agreement. Numerous economists have raised similar worries. The nuclear power facility produced 200,000 IB in the mid-1980s. It was transported between plants via the fuel cycle. The term "special nuclear material" took on a new meaning in the nation's capital. Contributes to the prevention of information falling into the wrong hands. This subject was extensively discussed in a television dramatization of a nuclear terrorist strike on the United States. Numerous multinational task forces exist to combat terrorism.

The United Nations International Convention on the Suppression of Acts of Nuclear Terrorism, adopted in 2005, was focused on nuclear terrorism. This standard applies to nuclear power plants and reactors. This norm also covers threats and attempts to commit such actions. The major

⁷ Ibid 2

objective of this agreement is information exchange, mutual assistance in criminal investigations, and extradition proceedings.

The term "nuclear terrorism" encompasses a broad variety of criminal crimes. A terrorist assault can be carried out using a nuclear-armed submarine, jet, or base. You can make it from a dirty bomb. Its primary mission is to manufacture nuclear weapons. The Harvard University Belfer Center for Science and International Affairs published a report on nuclear terrorism in which it stated: "Stolen or illegally acquired nuclear weapons can be employed." States of national acquisition of fissile material. Terrorists and their collaborators have carried out attacks using explosive devices made of fissile material. It is possible to get information on nuclear weapon components by developing a system that can recognize their configuration. Terrorists or clandestine nuclear experts recruited by terrorist organizations employ crude explosive devices. Terrorism was the greatest national security threat the US had ever faced. As a result, hundreds of thousands of people could be slaughtered, and the peace and economy of innocent people could be ruined.

Nuclear weapons materials pose a huge hazard to the global biosphere. As a result, some people lose their lives and possessions. Anything that emits radiation can be used to make a dirty bomb. The term "radiological exposure device" encompasses a diverse array of other radiological weapons. It is hard to eradicate the horror that these weapons instill in a short period of time. If you lose a significant amount of time, your losses may be irreversible.

2.1 Types of Nuclear Terrorism

Nuclear terrorism threats can be classified into three categories. They are specified like these: Radioactive dispersal devices (RDDs) or radioactive emission devices (REDs) are conventional explosives that distribute radioactive elements and are referred to as "dirty bombs."⁸ Terrorist attacks on nuclear installations, including sabotage and the purchase and use of nuclear weapons by terrorists. Terrorist groups must possess a wide range of skills and resources to carry out each of these acts of terrorism.

⁸ Miles A. Pomper a and Gabrielle Tarini b, 'Nuca Senior Fellow, James Martin Center for Nonproliferation Studies, Monterey, CA 93940, b Research Associate, James Martin Center for Nonproliferation Studies, Monterey, CA 93940, Nuclear Terrorism- Threat or Not?

2.2 Radiological Terrorism:

Radiological terrorism is the most destructive form of terrorism, resulting in catastrophic levels of death and injury at the lowest degree of destruction. Relocation and remediation of radiation-damaged areas are among the costliest effects of most dirty bombings. In addition to causing immediate and long-term health issues, it also elicits widespread terror and anguish. A terrorist organization might easily acquire radioactive materials and technical requirements for this form of nuclear terrorism. Terrorism can take a variety of shapes and forms. The radiological dispersal device (RDD) and the radiological exposure device (RED) are optional additions (RED). International dispersal of radioactive material can be accomplished either actively or passively through the use of an RDD. No radioactive materials are dispersed by RED's radiation emissions. When it comes to RDDs, it might be either an active or passive RDD. Radioactive material can be dispersed in this manner. terrorists could hide radioactive material in a high-traffic area, such as a train station or concert hall, in order to carry out an attack.⁹

2.3 Attack or sabotage of nuclear facility

On 11-12 November, UNODC and the International Atomic Energy Agency (IAEA) organized their first joint event to promote the universalization of the Amendment to the Convention on the Physical Protection of Nuclear Material and the International Convention to Suppress Acts of Nuclear Terrorism. On those dates, ICSANT has 118 parties and the A/CPPNM has 127 parties. Approximately one-third of the world's governments address the threat of radiological and nuclear terrorism. The event was initiated by the Director of the IAEA's Division of Nuclear Security. It has been emphasized the distinction between the two legal instruments. It is also expressed gratitude to UNODC for hosting this joint event highlighting the IAEA's and UNODC's fruitful collaboration on nuclear security implementation.¹⁰ The delegates of Canada,

⁹ Ibid ,Page No. 2

¹⁰ UNODC AND IAEA Join Forces to Promote Key International Legal Instruments Against Nuclear Terrorism

https://www.unodc.org/unodc/en/terrorism/latest-news/2021_unodc-and-iaea-join-forces-to-promote-key-international-legal-instruments-against-nuclear-terrorism.html, accessed 24 April 2022

the European Union, and the United States stated that the event exemplifies the IAEA's cooperation in promoting the international legal tool against nuclear terrorism.

2.4 Detonation of a nuclear device

They are, however, cognizant of the fact that their purpose is shared in this instance. The event's objective was to inspire everyone to act responsibly when dealing with nuclear materials. Additionally, it summarized the assistance available from the IAEA and UNODC. This event, which attracted 40 participants from 20 Member States, was made possible via the sponsorship of Canada, the European Union, and the United States. Three methods exist for terrorists to obtain nuclear weapons. They are transmitted between states through the sale of nuclear weapons. Terrorist groups manufacture indigenous products. Terrorist group leaks or steals classified information.

Terrorists may be able to create a complete nuclear weapon by using nine nuclear bombs, the most obvious way. By 2025, the global nuclear arsenal will have 14,900 weapons. Precise information of nuclear-weapon states is highly classified, experts believe that acquiring an undamaged nuclear bomb would be the first stage. It's not impossible, even if it's challenging. To attack a weapons storage site and steal a weapon without being detected by police would take a terrorist group with huge financial and technical resources. The "crown jewels" of a country, its nuclear weapons, must be protected at all costs. Terrorists may be unable to detonate the full nuclear bomb if it is stolen. Many modern nuclear weapons require a pre-explosion permission code known as a "permissive action linkage" (PAL). Also, many nuclear weapons contain safeguards that prevent them from detonating until they reach their target. To detonate a nuclear weapon, it must first be armed and the fuses placed in their right placements. It would require a precise sequence of events, he said. It's not as simple as opening the box and entering a code."¹¹ Terrorist cells aiming to steal a nuclear weapon should fear the "new" nuclear-armed states. Throughout history, political, government, and humanitarian crises have compromised nuclear weapons security and management. During the Algerian coup of 1961, a French nuclear power

¹¹ Ibid 7, Page No. 7

facility and a nuclear warhead were supposed to be at the center of a struggle for opposing loyalties.¹²

Conversely, the Cultural Revolution of 1966 saw a power struggle within China's nuclear research and development programme and strategic missile forces. In 1990, anti-Moscow separatists attacked an Azerbaijani nuclear-armed army base. Following an attempted coup against Turkish President Recep Erdogan in 2016, the US lost access to the Incirlik Air Base, 68 miles from the Syrian border. Incirlik has fifty B61 gravity bombs. Erdogan's Turkish army besieged the base and cut power for days during the coup attempt. Regional instability and persistent terrorist activity in South Asia, as well as the likelihood of a collapsing North Korea, increase concerns regarding nuclear weapon security. Although US and Pakistani officials made public statements expressing confidence in Pakistan's nuclear weapons security, there were indications that these declarations were less reliable than they appeared. In 2013, Washington made public the National Security Agency's classified materials.

According to National Intelligence Director James Clapper, "knowledge of Pakistan's nuclear weapons and associated material security represents one of the most important intelligence gaps." Less than stellar results in dealing with insider threats in Pakistan. Long-term collaboration between Pakistan's nuclear establishment and Islamist radicals increases the potential of a loose bomb. The military's divisions, particularly key military officers' links to Islamic radicals, hamper Pakistan's nuclear weapons safeguarding.

2.5 Incidents of Nuclear Terrorism

1266 events in 99 nations have been recorded by the IAEA's Illicit Nuclear Trafficking Database, including 18 incidents. In 2009, It had been stated that terrorists had targeted Pakistan's nuclear plants. Adnan Gulshair el Shukrijumah, the man in charge of the United States' tactical nuclear weapon designs, was made public by the Federal Bureau of Investigation. Seventy-five grams of 89 percent methamphetamine were found in the possession of Oleg

¹² Ibid 7, Page No. 8

Khinsagov, a Russian national, and three accomplices in Georgia in February 2006.¹³ As a result of warnings from MI5, Al Qaida claimed in November 2006 that it intended to deploy nuclear weapons on the United Kingdom. A year before the 9/11 terrorist assault, Osama bin Laden interrogated Khaled Sheikh Mohammed in 1996 about the details of the plot. 'Why don't you use a bulldozer instead?' he asked. When interrogated, Mohammed said al-Qaeda leader Osama bin Laden was referred to as an "axe" since his plane crashed into the CIA's Langley, Virginia, headquarters. Mohammed was instructed by Osama Bin Laden to strike the 'enemy' with a deadly blow. International relations have become more aware of nuclear terrorism because of the increasing complexity of conventional terrorism, which has made nuclear terrorism more obvious. Security concerns around weapons-grade and research reactors that are vulnerable to terrorist attacks and the use of nuclear material for weapons-grade purposes. Even while Al Qaida is a major purchaser of fissile materials, it cannot be argued that Al Qaida has seized all of the material that has been diverted.

Radiological terrorism has the potential to wreak enormous harm, as evidenced by the 1987 accidental dispersion of cesium-chloride in Goiânia, Brazil. In a break-in on September 13, 1987, a radio teletherapy system carrying 1,375 curies of cesium-137 was stolen from an abandoned cancer clinic. Opened and dispersed the contents to friends and family, eventually discarding it in a junkyard. The Cs-137 powder was dispersed when the canister was opened by the junk trader. Four individuals died, one had an arm amputated, and 28 others had radiation burns, according to the Brazilian National Nuclear Energy Commission (CNEN). Apart from that, a multimillion-dollar cleanup of contaminated land and tens of millions of dollars in lost tourism revenue was also directly related to the tragedy. Three people were killed in Chechnya, Russia when terrorists attempted to steal cobalt-60 in 1999, and a truck carrying cobalt-60 was taken hostage by Mexican gangsters in 2013. This incident shows how dangerous radiological materials can be if terrorists obtain and use them to harm or intimidate a population. Forcing their way out of Belgium's nuclear power plant in 2012, two workers jumped ship and joined the Syrian opposition. Since then, an employee at the same nuclear reactor has purposely overheated and shut down the turbine for five months due to an employee's negligence. The perpetrator and his

¹³ Shaun Gregory, , A state in flux: Pakistan in the context of national and regional change (June 2012) <https://www.researchgate.net/publication/254242704_A_state_in_flux_Pakistan_in_the_context_of_national_and_regional_change>, accessed 19May 2022

motivations remain a mystery to Belgian authorities. Belgian authorities learned that the Paris terrorists monitored and surveilled an official at numerous Belgian nuclear research institutions that stored a variety of nuclear and radiological materials, including highly enriched uranium, in 2015, when they investigated the Paris attacks. All of these occurrences have a devastating effect on the environment around the planet.

2.6 Impact of Nuclear Terror attack

Nuclear threat provisions have been invoked in two unique sorts of criminal cases in recent years. The first is the Fuchs case, which involves an individual being charged with nuclear espionage or theft. Prosecutions are primarily focused on Title 42 violations, and have an excellent track record of prosecutorial success.¹⁴ Szuhsiung Ho, a Chinese engineer, was convicted of conspiracy to participate in the illicit manufacturing of special nuclear material for the advantage of China in the Eastern District of Tennessee in 2016.¹⁵

Another sort of prosecution is prosecuting persons with terrorist conduct under the statutes relating to nuclear threats. Under the nuclear threat provision, only the first type of prosecution resulted in a conviction. Attorney General John Ashcroft established in the federal trial of Jose Padilla, an AL-Qaeda affiliate, that Padilla was attacked as part of a scheme to explode a 'dirty' nuclear weapon. However, he was not prosecuted for the crime. The case of *United States v Crawford* involved the use of an x-ray apparatus in a terrorist attack. The court was unable to proceed to the merits on the issue of application. Congress claimed that the clause was meant to be broad in reach, criminalizing new sorts of action under the federal terrorism statute.

A nuclear-armed Pakistan increases the likelihood of terrorists using nuclear weapons. It was found in 2013 IDSA Monograph that, "Pakistan may lose control of its national 'crown jewels' to radical elements such as the Tehrik-i-Taliban (TTP) and other terrorist organizations. Both theft and transfer of nuclear material, including a bomb, are frighteningly plausible. Scholars have

¹⁴Henry A. Kissinger, Klaus Fuchs arrested for passing atomic bomb information to Soviets,(1950, 3 February), < <https://www.history.com/this-day-in-history/klaus-fuchs-arrested-for-passing-atomic-bomb-information-to-soviets>> accessed 19 May 2022.

¹⁵Jamie Satterfield, Secrecy surrounds sentencing of Chinese government operative in nuclear tech spy case (29 August, 2017) < <https://www.knoxnews.com/story/news/crime/2017/08/29/secrecy-surrounds-sentencing-chinese-government-operative-nuclear-tech-spy-case/611490001/>> accessed 19 May 2022.

universally praised the Iran nuclear deal for preventing Iran from acquiring nuclear weapons. It is unclear, however, whether the agreement will be terminated as a result of President Trump's rhetoric. In this scenario, Iran transferring nuclear weapons to terrorist groups is frighteningly plausible, especially given Iran's relationship with non-state actors such as Hamas and other Shia militias in Syria.¹⁶

Chapter Conclusion

Before knowing about nuclear terrorism it is important to know about the provision of Physical Protection of Nuclear Materials. It is the first international treaty and it provides for the worldwide transportation of nuclear material and nuclear security. The United Nations International Convention on the Suppression of Acts of Nuclear Terrorism was adopted in 2005 which focuses on Nuclear Terrorism. Nuclear Terrorism is classified into three categories: Radiological Terrorism, Attack or sabotage of a nuclear facility, Detonation of a nuclear device. There are many incidents of Nuclear Terrorism around the world. 1266 events in 99 nations have occurred which is recorded by the IAEA's Illicit Nuclear Trafficking Database. Because of the Nuclear Terror attack, many people died around the world also. Behind those attacks, a German nuclear physicist, a Chinese engineer, and many more were charged.

¹⁶ Ibid 13

Chapter 03

International Law on Nuclear Terrorism: Part 01

International law makes reference to nuclear terrorism. The International Convention for the Suppression of Acts of Nuclear Terrorism made reference to nuclear terrorism. By General Assembly resolution 52/210 on 17 December 1996, the United Nations Ad Hoc Committee was established to investigate measures aimed at eradicating international terrorism. If terrorists continue to acquire nuclear weapons on a regular basis, a global emergency will erupt. It has deteriorated into a crisis in the modern era. Additionally, it has degraded into a post-cold era. This is not permissible under the international treaty. This convention discusses about the nuclear terrorism topics broadly. While nuclear material is typically used peacefully, this is not always the case. The convention obligates States parties to create offenses within its scope, just as domestic criminal acts are punishable under the treaty. This Convention against Nuclear Terrorism is built on the premise of 'extradition or prosecution.' The convention combines typical provisions from previous sectoral agreements, such as those identifying Convention breaches.¹⁷ It is said in this convention that article affects existing extradition treaty provisions.¹⁸

Additionally, it gains additional relevance also.¹⁹ In this instance, the convention has the legal effect of classifying the extraditable offenses. As a result, mutual legal help cannot be rejected only because the offense is political or committed for political motives. This clause originated in the 1996 Declaration to Supplement the 1994 Declaration on Measures to Combat International Terrorism, as well as in the new generation of treaties, most notably the Convention on Terrorist Bombings. States Parties were expected to cooperate in order to take essential steps to prevent and counter preparation within their respective territory. It validated information by coordinating administrative and other steps targeted at preventing and prosecuting such violations.²⁰ States Parties to take all reasonable measures to prevent violations of the convention and to ensure that

¹⁷ "International Convention For the Suppression of Acts of Nuclear Terrorism, 2005"

¹⁸ Article 13, Ibid

¹⁹ Article 15, Ibid

²⁰ Article 7, Ibid 12

radioactive material is protected by the International Atomic Energy Agency (IAEA).²¹ This convention is intended to address nuclear terrorism and post-crisis situations in which nuclear or radioactive material is used unlawfully. There was one extra crucial issue that required attention. Certain States stated that because they hold or control nuclear material and reactors, the legality of nuclear weapons must be appropriately addressed. On the other hand, several governments stated that the existing sectoral convention's legal framework is primarily law enforcement in nature, focusing entirely on individual criminal culpability for specific terrorist crimes. The convention against nuclear terrorism could not be more diametrically opposed. Additionally, following jurisprudence is influenced. Numerous states have implemented similar measures to address the state's liability for terrorist activities. Military forces that are not covered by the Convention have been reimagined as part of the ongoing negotiations on a draught Convention on International Terrorism.²² There was widespread agreement in this convention on nuclear terrorism that drafting the draught Convention on Nuclear Terrorism was a distinct matter that needed to be handled on its own merits. The document should address all of the draught Comprehensive Convention's outstanding issues from the start.

Additionally, there is treaty law, which serves as the foundation for contemporary international law. The principal legal frameworks controlling current international relations are conventions and treaties. They will become a source of nuclear terrorism if they are not used appropriately. The Convention on Nuclear Terrorism, the first international counter-terrorism treaty established in the aftermath of the 11 September 2001 attacks on the United States, was conceived to bolster the nascent counter-terrorism framework, which now includes 13 multilateral accords sponsored by the United Nations. To accomplish this, three critical presumptions are included: As a result, international cooperation is urgently required to devise and adopt effective and practical measures to prevent nuclear acts of terrorism, as well as prosecute and punish those who commit them.

The organization and framework of the CNT, as well as several of its clauses, are largely identical to those of the Convention on Terrorist Bombing. States are required to establish

²¹ Article 8 Ibid 12

²² Christopher C. Joyner, 'Countering Nuclear Terrorism: A Conventional Response', (2007), 18 CNT225

jurisdiction over and criminalize the Convention's listed offenses in their domestic laws. Furthermore, nations are compelled to extradite or punish anyone charged with committing or helping in the commission of the offenses²³. Extradition processes are crucial in prosecuting individuals charged with international crimes, such as terrorist acts using nuclear weapons or attacks on nuclear facilities. A criminal who avoids the jurisdiction of the state in which the crime was committed also avoids the reach of the law he violated. Extradition is the legal process through which one government hands over an accused person to another. Typically, this is accomplished via treaty, comity, or other ways. These clauses are incorporated in contemporary legal procedures to hasten the arrest, prosecution, conviction, and punishment of terrorists. Extradition, if carried out and enforced rigorously, has the potential to serve as a long-lasting deterrent to terrorist activity. Additionally, parties are frequently required to help one another in criminal proceedings by the Convention. The Convention's offenses are extraditable between states parties pursuant to existing extradition treaties and the Convention itself. Without a bilateral extradition treaty, the CNT document may serve as the legal basis for extradition.

²⁴

Chapter Conclusion

The International Convention for the Suppression of Acts of Nuclear Terrorism is made reference to nuclear terrorism. In this convention, the clauses are incorporated into the legal procedure by punishing the terrorists. Extradition is the legal process through government hands over an accused person to another. But this convention cannot stop nuclear terrorism yet. Many gaps were still present in this convention.

²³ Ibid

²⁴ Article 13, Ibid 12

Chapter 04

International Law on Nuclear Terrorism: Part 02

Two titles are particularly relevant from a prosecutorial standpoint when it comes to the penalties for unlawful nuclear activities. Legislators who drafted these provisions were managed during the early stages of the Cold War. The Atomic Energy Act (AEA) was enacted in 1946. This act prohibited the shipment, transfer, or possession of "special nuclear material." Violations of these are punishable by a fine of up to \$20,000 and life imprisonment. Additionally, it was enacted under the auspices of the AEA and punishes nuclear facilities or fuel sabotage. This statute was enacted in response to the relatively new and unprotected nuclear energy technologies. It carries a maximum penalty of \$10,000 and a maximum sentence of twenty years in prison or, in the event of death, life in prison. Following the enactment of the AEA, the US government's awareness of evolving threats in the post-nuclear era increased, including those posed by State and non-State actors. Additionally, it criminalizes the deprivation or cross-border movement of nuclear materials and imposes sentences of up to twenty years in prison or, in the event of death, life in prison.²⁵

Criminalizing acts of nuclear terrorism on a global scale is the goal of the Nuclear Terrorism Convention, which was signed into legislation in the wake of the September 11 attacks. To a foreign tourist power's nuclear weapons program another WMD program, these clauses provide material support or resources. The International Convention for the Suppression of Acts of Nuclear Terrorism is a 2005 United Nations treaty. It aims at criminalizing crimes of nuclear terrorism and supports police and judicial cooperation in preventing, investigating, and punishing those acts. The world's five most populous countries, the United Kingdom and the United States of America have signed to cooperate with this convention. Saint Kitts and Nevis became the newest member of the convention on 13 August 2020. Nuclear power plants and reactors are also included in the scope of the Convention, which is covered by threats and attempts to commit such crimes or participate in them as an accomplice. The Convention said that it encourages

²⁵ The Atomic Energy Act, 1946

states to work together to prevent terrorist attacks by sharing information and assisting one another in criminal investigations and extradition (IAEA).²⁶

Nuclear terrorism is defined of the agreement. It suggests an offence is committed when serious property or environmental damage is caused. Possession of radioactive material or a device Intentionally causing death, serious bodily injury, or significant property damage This includes activities that use, damage, or destroy nuclear facilities in ways that could potentially release radioactive material. Intentionally causing death, serious bodily harm or damage to property or the environment is a crime. The use of nuclear weapons in armed conflicts, despite current international law's recognition of such use. This Convention does not modify a country's or an individual's obligations under international law, particularly the UN Charter and international humanitarian law. This Convention does not apply to military operations during armed conflicts, which are governed by other international legal criteria. A violation of any other law is not authorized or condoned. This Convention makes no mention of governments having or threatening to have nuclear weapons. Non-state actors have certain rights and obligations. The CNT prevents states and individuals from violating other international rights, obligations, or responsibilities, most notably humanitarian law standards. The same article states that the use of force during an armed conflict is governed by the laws of armed conflict, not the Convention. International law does not cover nuclear terrorism. This avoids interfering with the regime of international humanitarian law that regulates military activities in times of war. This agreement makes no mention of states using or threatening to use nuclear weapons in interstate relations. A state's nuclear weapons deployment may be legal or illegal, but the CNT requires that parties amend their national laws to penalize Convention infractions. It also imposes consequences commensurate with the seriousness of the offenses. The Convention also states that parties shall ensure that criminal acts are covered by the Convention, particularly when they are intended or designed to cause terror in the general public, a group of people, or an individual. There is no justification for them, and they are punished accordingly. This provision is intended to deter accused offenders from claiming a crime is a "political offense." This could also jeopardize extradition to the state making the request. An international instrument's goals require broad, robust cooperation among all signatories. Cooperation and collaboration are key elements in

²⁶ International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention or ICSANT) (13 April, 2005)

turning a promise into a policy commitment. They are vital to any convention's success. The CNT's ability to specify means and procedures sets it apart. Anti-terrorism initiatives should be developed and implemented by all parties. The CNT requires states to take all practicable measures to thwart and deter terrorist preparations within their borders. To knowingly provide technical assistance or information or to engage in the commission of those offenses would be prohibited. The Convention's operation depends on how the intelligence community serves the policy and security interests of state parties. It is critical to gather intelligence on terrorist groups' members and their plans, weapons, and locations before taking any action to prevent nuclear terrorism. Those suspected offenders and those organizing extradition must also provide similar information. As a result, the CNT promotes the exchange of "accurate and authenticated" information, particularly with foreign agencies seeking extradition jurisdiction. The information exchange between member governments also aims to detect, prevent, suppress, and investigate violations, prosecute alleged offenders, and alert international organizations. Data security is vital for national security. According to national law, the CNT contains a confidentiality clause that protects state sovereignty by allowing governments to keep confidential information received from another state party. There is no obligation to disclose information that is not legally required to be disclosed or that jeopardizes national security or physical protection of nuclear material. Similarly, the Convention deters. The CNT requires parties to protect radioactive material in accordance with IAEA rules and functions.²⁷

Chapter Conclusion

An Act 'Atomic Energy Act' (AEA) was enacted in 1946 which is made for prohibiting the shipment, transfer, or possession of 'special nuclear material'. If anyone violates these the punishments and fines are said in this Act. There is another United Nations treaty Convention for the Suppression of Acts of Nuclear Terrorism . This treaty criminalizes crimes of nuclear terrorism and supports police and judicial cooperation in preventing, investigating, and punishing those acts. For avoiding future violations like these, the CNT requires parties to make protection of radioactive material of the rules of the IAEA.

²⁷ Christopher C. Joyner, 'Countering Nuclear Terrorism: A Conventional Response', (2007), 18 CNT225

Chapter 05

Recommendation and Findings

Nuclear is retrieved from mainly the nuclear power plants. Many countries use nuclear for many purposes. But nowadays it is used for ill intentions mostly. For this reason nuclear terrorism is happening around the world repeatedly. For example, Russia is using their nuclear power plant for bad purposes. They are doing as their will. Many innocent people in Ukraine die and suffer for this attack. On the other hand, In Bangladesh The Rooppur Nuclear Power Plant is being constructed in the Ishwardi Upazila of Pabna district. As Bangladesh is not so developed country, for building like this nuclear power plant may be risky for the country. So that, everything should be informed to the IAEA about the nuclear power plant. It should be informed to the IAEA that that power plant is not for any ill intention. Everything is constructed as per the international law. If it is not build as per the international law many dangerous incidents, and most importantly the terror attack can be occurred like the other countries like Pakistan, Iran, Iraq and many more. Everything should be done as per the Anti Terrorism Acts. All levels of government; law enforcement; military; emergency response; community health and social support providers; local corporate interests and the legal system are all involved in planning for a reaction. The media is also involved. Because these groups are unfamiliar with working together and have conflicting goals, conflict is inevitable.²⁸ Thus, distinct lines of authority are critical for effective response and recovery²⁹. In the US, the Federal Bureau of Investigation is in charge of the initial operational response to terrorist acts, which includes crisis management. To protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by terrorism, the US attorney general may delegate lead responsibility for "consequent management"³⁰ to the Federal Emergency Management Agency (FEMA). Various attacks on governmental and scientific authority may

²⁸ Kenneth C. Hyams, Frances M. Murphy, Simon Wessel, "Responding to Chemical, Biological, or Nuclear Terrorism: The Indirect and Long-Term Health Effects May Present the Greatest Challenge," <[Responding to Nuclear Terrorism.pdf](#)> accessed 20 May 2022.

²⁹ Cynthia L Ogden 1, Robert J Kuczmarski, Katherine M Flegal, Zuguo Mei, Shumei Guo, Rong Wei, Laurence M Grummer-Strawn, Lester R Curtin, Alex F Roche, Clifford L Johnson, "Centers for Disease Control and Prevention 2000 growth charts for the United States: improvements to the 1977 National Center for Health Statistics version," <https://pubmed.ncbi.nlm.nih.gov/11773541/>, accessed 12 May 2022

³⁰ Ibid 22, Federal Emergency Management Agency

also jeopardise recovery efforts. The following suggestions are made to address these issues. Assuring that treaty commitments are kept fosters confidence between states and enforces treaties when they are broken. The NPT was the first of many WMD-related agreements and declarations. The UN Security Council Resolution 1540 and the 2005 International Convention on the Suppression of Acts of Nuclear Terrorism are significant efforts to reduce WMD production.³¹The International Atomic Energy Agency is also vital in international nonproliferation policy (IAEA). The IAEA acts as a "nuclear inspectorate," ensuring that states follow the framework's provisions. Preventing terrorists from obtaining WMD is critical to global security and stability.³²

³¹ Shakthi De Silva, "WMD: A Case Study on Nuclear Terrorism"

³² Ibid 25

Chapter 6

Conclusion

As a result, there are stock of nuclear weapons in the world. So the chances of nuclear terrorism doesn't stop. For eliminating this danger the international control of all fissile materials should be very strict. It has been also heard that, the international medical community are working for the Prevention of Nuclear Terrorism. If it works successfully the purpose of nuclear terrorism can be stopped.³³ Effective deterrent strategies may also benefit from preparation. Because these agents are technically complex and unpredictable, terrorists may be deterred from using them in the future. An actual CBN attack is much more difficult to respond to because the issues are so complex and contentious. Rebuilding public trust in government institutions is essential if we are to effectively respond to terrorist attacks. Optimal recovery requires long-term health care, risk communication, and surveillance. More comprehensive plans, central coordination, and basic education are required in disaster response.³⁴ The medical community, government officials, the press, and the general public must all be adequately informed. More research is needed to determine the most efficient risk management and communication methods. Terrorism involving chemical, biological, or nuclear weapons should be expected. Preparing for these attacks requires a delicate balance between being unprepared and causing excessive dread. Terrorism is about eroding our sense of security and faith in government. Terrorist attacks cannot be judged before or after. Pakistan, Iran, and North Korea were studied as examples of WMDs and nuclear terrorism. It emphasizes the global nature of the threat and the need for multilateral solutions.³⁵ This framework reflects a deep understanding of international law.

However, the modern international institutions have failed to stop India, Pakistan, Iran, North Korea and now Russia from going nuclear, and they appear unprepared to stop Iran and non-state terrorist organizations. A nuclear-free world will bring peace and security, but only if the current

³³ Ira Helfand, chief, emergency medicine section, Lachlan Forrow, associate professor of medicine, and Jaya Tiwari, research director, "Nuclear terrorism".

³⁴ Ibid 28

³⁵ Shakthi De Silva, "WMD: A Case Study on Nuclear Terrorism"

system is upgraded and strengthened."³⁶ The urgent need to improve the nuclear regime to prevent terrorist groups from stealing or transferring nuclear weapons.

³⁶ Ibid 28

Chapter 07

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