

TRANSLATED FROM THE ORIGINAL ARABIC VERSION

The Anti-Personnel Mine Ban Draft Law
**The National Committee for Demining and
Rehabilitation**

DRAFT

May 2006

Amman

Law No, () for the year 2006

Article 1:

This Law is titled (*The Anti-Personnel Mine Ban Law*) for the year 2006. It is to enter into force by date of publishing in the official journal.

Article 2:

The following phrases and expressions mentioned in this Law have the definition given below unless the context indicates a differently:

- The Kingdom: Hashemite Kingdom of Jordan.
- The National Committee: the National Committee for Demining and Rehabilitation established by The National Committee for Demining and Rehabilitation Law No. 34 for the year 2000.
- The Convention: the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction for the year 1997
- Inquiry Team: the team formed in accordance with Article 8 of the Convention
- Mine: munitions designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
- Anti-Personnel Mine (APM): a mine designed to be exploded by the presence, proximity or contact with a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
- Anti-handling device: a device intended to protect a mine and which is part of, linked to, attached or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
- Transfer: the physical transfer of the Anti-Personnel Mines.
- Mined Area: an area that is dangerous due to the presence or suspected presence of mines.

Article 3:

- a. It is prohibited to use and implant Anti-Personnel Mines in the Hashemite Kingdom of Jordan.
- b. It is prohibited, under any circumstances, to import, export, enter in to the Kingdom, transfer, trade in, produce, manufacture, develop, own, possess, acquire, sell, purchase, deliver, receive or concede Anti-Personnel Mines.
- c. It is prohibited to mediate directly or indirectly in any act mentioned in paragraphs (a) and (b) of this Article.

Article 4:

Exceptions to the prohibition in Article 3:

- a. The Jordanian Armed Forces and other parties are exempted by a written order from the Defense Minister, upon a recommendation by the National Committee.
- b. The exempted parties by paragraph (a) have the right to only:
 1. Keep the required number of Anti-Personnel Mines for the purposes of creating detection, clearance, or training techniques when needed.
 2. The transfer of Anti-Personnel Mines for the purpose of their destruction.

Article 5:

The National Committee shall supervise, as well as coordinate and cooperate with the Jordanian Armed Forces and other related parties, in the following areas:

- a. Identifying the areas in the Kingdom that are implanted or suspected of being implanted with Anti-Personnel Mines for the purpose of clearing and the destruction of the implanted mines.
- b. The estimation of the total amount of the stockpiled Anti-Personnel Mines that the Jordanian Armed Forces and any other parties own or possess for the purpose of the destruction.
- c. The destruction of the Anti-Personnel Mines that are confiscated in accordance with Article (10) of this Law.
- d. Contracting with an individual or institution experienced and specialized in mines to carry out the detection and destruction of Anti-Personnel Mines.
- e. Asking for the assistance of any international organization, Government, or nongovernmental party to explore and destroy implanted mines, in addition to providing the required equipment, materials, related scientific and technological information and training.
- f. The preparation of the reports stipulated in Article (7) of the Convention.

Article 6:

- a. The National Committee shall be responsible for drafting the National Mine Action Standards and for supervising their implementation.
- b. All concerned parties shall commit to adhering to the National Mine Action Standards above and to providing the National Committee with periodic reports on their programs and activities.
- c. Mine action refers to activities which aim to reduce the social, economic and environmental impact of mines. These are:
 1. Mine risk education (MRE)
 2. Humanitarian demining, i.e. mine survey, mapping, marking and clearance.
 3. Victim assistance, including rehabilitation and reintegration.
 4. stockpile destruction
 5. Advocacy against the use of anti-personnel landmines.

Article 7:

Should an inquiry team be commissioned to perform a task in the Kingdom according to the Convention, coordination between the National Committee, the Jordanian Armed Forces and the Defense Ministry should be ensured in relation to measures required to protect and facilitate the mission.

Article 8:

- a. The inquiry team may enter into the Kingdom by a written notice from the UN General-Secretariat to the Jordanian Government at least a week prior to the arrival of the inquiry team.
- b. In the written notice mentioned in paragraph (a) of this Article, the inquiry team must give sufficient information on the equipment that it intends to bring into the Kingdom for the purpose of the mission. The equipment must be taken out of Jordan when the mission is completed.
- c. The inquiry team does not have the right to perform the tasks mentioned in the Convention without an authorization from the Defense Minister. The authorization should define the nature of mission, the needed period of time according to the stipulations of the Convention and the areas, sites and locations it is authorized to enter.
- d. The inquiry team shall perform its mission with due respect to national legislation and without prejudice to the State's sovereignty.
- e. The inquiry team shall enjoy the privileges and immunities stipulated in Article (6) of the Convention on the Privileges and Immunities of the UN adopted on 13th February 1946.

Article 9:

- a. The Defense Minister or his/her deputy shall appoint a team to accompany the international inquiry team for the purpose of facilitating its mission, and ensuring that the equipment the inquiry team does import is used for its designated purpose.
- b. Should the inquiry team's mission require access to classified areas, sites or documents, the Defense Minister or his/her deputy, upon notification by the head of the accompanying team, shall take the required measures to maintain the secrecy of the areas, sites and documents that have no relation to the mission.
- c. The inquiry team shall have access to search private properties by a search warrant issued by the Attorney General of the State Security Court.

Article 10:

Taken into consideration any stronger penalties stipulated in other legislation:

- a. Temporary hard-labor, or no more than a ten thousand Jordanian Dinars (JD) penalty, or both penalties, are imposed on anyone breaking the statutes stipulated in paragraphs (a, b, c) of Article 3 of this Law.
- b. Three month imprisonment penalty, or no more than five hundred JD penalty, or both penalties, are imposed on the person proven to have intentionally performed any activities that could hinder the mission of the inquiry team.

- c. Instigators and collaborators are also punishable under this law with the same penalties imposed on the perpetrators.
- d. The authorized court is at liberty to confiscate seized mines and any vehicles, machineries or equipment used in committing crimes that are stipulated in this Law, taken into consideration rights of others of good faith.

Article 11:

Anyone who notifies the competent authorities of any crime mentioned in this Law before being discovered, or assists in the arrest of persons suspected of breaking the Law are exempted from penalty.

Article 12:

The lapse of time provision does not apply to crimes committed in contradiction to the provisions of this Law nor to the sentenced punishments.

Article 13:

The State Security Court is authorized to look into the crimes mentioned in this Law.

Article 14:

The Cabinet of Ministers is to issue the required regulations to implement the provisions of this Law.

Article 15:

The Prime Minister and Cabinet of Ministers are obligated to implement the provisions of this Law.