

XII. BARBADOS³⁰

1. ANTI-TERRORISM ACT, 2002-6

Arrangement of Sections *Section*

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³⁰ Transmitted to the Secretariat by that Government on 24 December 2001 (S/2001/1276, enclosure), 28 June 2002 (S/2002, 794, enclosure) and on 14 February 2003 (S/2003/262, enclosure).

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FIRST SCHEDULE
SECOND SCHEDULE
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BARBADOS

I assent

C. STRAUGHN HUSBANDS

Governor-General.

30th May, 2002.

2002-6

An Act to implement the United Nations Convention respecting the Suppression of the Financing of Terrorism, the United Nations Security Council Resolution 1373 on terrorism, generally to make provision for preventing and combating terrorism and to amend the Constitution to the extent necessary to give effect to the provision respecting capital punishment.

(30th May, 2002)

ENACTED by the Parliament of Barbados in accordance with the provisions of section 49 of the *Constitution* as follows:

PART I

Preliminary

1. This Act may be cited as the *Anti-Terrorism Act, 2002*.
2. (1) In this Act,

“Convention” means the International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations on 9th December, 1999 set out in the *First Schedule*;

³¹ The First, Second and Third Schedules of this Act, containing the text of the International Convention for the Suppression of the Financing of Terrorism, Amendments to other enactments, and a list of Treaties respecting terrorism, respectively, have been omitted from the present publication.

“Commissioner” means the Commissioner of Police;

“Court” means the High Court;

“entity” means an incorporated or unincorporated body;

“freeze” means to restrain any funds or dealing in funds;

“funds” means

(a) assets of every kind, whether tangible or intangible, movable or immovable, however acquired; and

(b) legal documents or instruments in any form, including electronic or digital, evidencing title to or interest in such assets as bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit;

“proceeds” means any funds derived from or obtained, directly or indirectly, through the commission of an offence set out in section 3 or 4;

“State or government facility” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

PART II

Terrorism

3. (1) A person who in or outside Barbados carries out
- (a) an act that constitutes an offence under or defined in any of the Treaties listed in the *Third Schedule*; or
- (b) any other act
- (i) that has the purpose by its nature or context, to intimidate the public or to compel a government or an international organization to do or to refrain from doing any act; and
- (ii) that is intended to cause

(A) death or serious bodily harm to a civilian or in a situation of armed conflict, to any other person not taking an active part in the hostilities;

(B) serious risk to the health or safety of the public or any segment of the public;

(C) substantial property damage, whether to public or private property, where the damage involves a risk of the kind mentioned in sub-paragraph (B) or an interference or disruption of the kind mentioned in sub-paragraph (D); or

(D) serious interference with or serious disruption of an essential service, facility or system, whether public or private, not being an interference or disruption resulting from lawful advocacy, or from protest, dissent or stoppage of work and not involving a risk of the kind mentioned in sub-paragraph (B),

is guilty of the offence of terrorism and on conviction on indictment

(c) where death ensues, and where that act would have constituted the offence of murder or treason prior to the commencement of this act, shall be sentenced to death; or

(d) in any other case, is liable to imprisonment for life.

(2) A person who

(a) aids, abets, counsels, procures, incites or solicits the commission of an offence; or

(b) conspires with another or others to commit an offence under subsection (1) is liable on conviction on indictment to be punished as a principal offender under that subsection.

(3) For the avoidance of doubt, section 12(1) of the *Constitution* is amended by paragraph (c) of subsection (1) to the extent necessary to give effect to that sub-paragraph.

Financing of Terrorism

4. (1) A person who in or outside Barbados directly or indirectly, unlawfully and wilfully,

- (a) provides or collects funds; or
- (b) provides financial services or makes such services available to persons with the intention that the funds or services are to be used or with the knowledge that the funds or services are to be used in full or in part, in order to carry out
 - (i) an act that constitutes an offence under or defined in any of the Treaties listed in the *Third Schedule*; or
 - (ii) any other act
 - (A) that has the purpose by its nature or context, to intimidate the public or to compel a government or an international organization to do or to refrain from doing any act; and
 - (B) that is intended to cause
 - (aa) death or serious bodily harm to a civilian or in a situation of armed conflict, to any other person not taking an active part in the hostilities;
 - (bb) the risk, damage, interference or disruption of the kind mentioned in sub-paragraph (B), (C) or (D) of section 3(1) as the case may be,

is guilty of an offence and is liable on conviction on indictment to imprisonment for a term of 25 years.

(2) For an act to constitute an offence under subsection (1), it is not necessary to prove that the funds or the financial services were actually used to carry out the offence.

(3) A person who

- (a) aids, abets, counsels, procures, incites or solicits the commission of an offence; or
- (b) conspires with another or others to commit an offence under subsection (1) is liable on conviction on indictment to be punished as a principal offender under that subsection.

5. Where an offence referred to under section 3 or 4 is committed by a person responsible for the management or control of an entity located or registered in Barbados or in any other way organized under the laws of Barbados, that entity, in circumstances where the person committed the offence while acting in that capacity, is guilty of an offence and is liable on conviction on indictment to a fine of \$2 000 000 notwithstanding

- (a) any criminal liability that may have been incurred by an individual that was directly involved in the commission of the offence; or
- (b) any civil or administrative sanction that may have been imposed by law.

PART III

Investigatory Provisions

- 6.
 - (1) Where any person has reasonable grounds to suspect that funds or financial services are related to or are to be used to facilitate an offence under this Act, it shall be the duty of that person to report the matter to the Commissioner.
 - (2) Where information is received from any source in or outside Barbados that a person who has committed or who is alleged to have committed an offence under this Act may be present in Barbados, the Commissioner shall take such measures as may be necessary to investigate the facts contained in the information.
 - (3) Where on investigation it is found that the person referred to in subsection (2) is in Barbados, the Commissioner shall make a report to the Director of Public Prosecutions who shall take such measures as are necessary to prosecute the offender as the circumstances warrant.
 - (4) Where any person, referred to in subsection (1) fails to report as required under that subsection, that person is guilty of an offence and is liable on conviction on indictment to a fine of \$250 000 or to imprisonment for a term of 5 years.
- 7. A person against whom measures referred to in section 6(2) or 6(3) are taken is entitled to
 - (a) communicate without delay with the nearest appropriate representative of
 - (i) the State of which that person is a national;
 - (ii) the State which is otherwise entitled to protect that person's rights; or
 - (iii) where that person is a stateless person, the State in which that person ordinarily resides;

- (b) be visited by a representative of the relevant State referred to in paragraph (a); and
- (c) be informed of his rights referred to in paragraphs (a) and (b).

PART IV

Freezing or Forfeiture of Funds

8. (1) Subject to subsection (4), the Court may, where it is satisfied on the application by the Director of Public Prosecutions that

(a) a person has been charged or is about to be charged with an offence under section 3 or 4; or

(b) a request has been made by the appropriate authority of another State in accordance with section 16, in respect of a person

(i) who has been charged or is about to be charged with an offence in respect of an act described in section 3 or 4; or

(ii) in respect of whom there is reasonable suspicion that the person has committed an offence referred to in sub-paragraph (i),

make an order, in this Part referred to as a “freezing order”, freezing the funds in the possession of or under the control of that person.

(2) An application for a freezing order under subsection (1), may be made *ex parte* and shall be in writing and be accompanied by an affidavit stating

(a) where the person referred to in subsection (1) has been charged, the offence for which he is charged;

(b) where the person has not been charged, the grounds for

(i) believing that the person committed the offence; or

(ii) having a reasonable suspicion that the person committed the offence

(c) a description of the funds in respect of which the freezing order is sought;

(d) the name and address of the person who is believed to be in possession of the funds; and

(e) the grounds for believing that the funds are related to or are used to facilitate an offence referred to in subsection (1) and that the funds are subject to the effective control of the person.

(3) Where the Court makes an order under subsection (1), the Court shall require that

(a) the Order be published within such time and manner as the Court directs;

(b) the applicant, within 21 days of the making of the Order, serve notice of the Order together with a copy of the Order on any person whom, in the opinion of the Court, appears to have an interest in the funds referred to in subsection (2); and

(c) the person referred to in paragraph (b) or any other person that appears to have interest in the funds, be afforded an opportunity to be heard by the Court within such time as the Court determines,

unless in respect of paragraph (b) the Court is of the opinion that giving such notice would result in the disappearance, dissipation or reduction in the value of the funds.

(4) Where an application for a freezing order made under subsection (1) is made as a result of a request from another State, the Court shall not make the order unless it is satisfied that reciprocal arrangements exist between Barbados and that other State whereby that other State is empowered to make a similar order in respect of a request for a freezing order from Barbados.

(5) The Court may, in making an order under subsection (1), give directions with regard to

(a) the duration of the freezing order; or

(b) the disposal of the funds for the purpose of

(i) determining any dispute relating to the ownership of or other interest in the funds or any part thereof;

(ii) its proper administration during the period of the freezing order;

(iii) the payment of debts incurred in good faith prior to the making of the order;

(iv) the payment of moneys to the person referred to in subsection (1) for the reasonable subsistence of that person and his family; or

(v) the payment of the costs of the person referred to in subparagraph (iv) to defend criminal proceedings against him.

(6) Notwithstanding subsection (5), a freezing order made under this section shall cease to have effect at the end of the period of 6 months after the order was made where the person against whom the order was made has not been charged with an offence under this Act within that period.

(7) An order made under subsection (1) may be renewed for a period not exceeding 6 months in each particular case but in no case shall the entire period of the order exceed 18 months.

(8) A freezing order granted by the Court under this section shall not prejudice the rights of any third party acting in good faith.

(9) Where the Court makes an order for the administration of frozen funds the person charged with the administration of the funds is not liable for any loss or damage to the funds or for the costs of proceedings taken to establish a claim to the funds or to an interest in the funds unless the court in which the claim is made is of the opinion that the person has been guilty of negligence in respect of the taking of custody and control of the funds.

9. (1) Where a person is convicted of an offence under section 3 or 4, the Director of Public Prosecutions may apply to the Court for a forfeiture order against the funds that are the subject of the offence.

(2) The court may upon application by the Director of Public Prosecutions, forfeit any funds of or in the possession or under the control of any person who is convicted of an offence of terrorism or any funds of that person that are the subject of a freezing order, unless it is proved that the funds did not derive from the commission by that person of an offence under section 3 or 4.

(3) For the purposes of subsection (2) the burden of proof lies on the person who owns, or is in possession or control of, the funds.

(4) In determining whether or not any funds are derived from an offence under section 3 or 4, the standard of proof required for the purposes of subsection (2) is the same as in criminal proceedings and for the purposes of subsection (3) is the same as in civil proceedings.

- (5) In making a forfeiture order the Court may give directions
- (a) for the purpose of determining any dispute as to the ownership of or other interest in the funds or any part thereof; and
 - (b) as to the disposal of the funds.
- (6) Upon application to the Court by a person against whom a forfeiture order has been made under this section, the Court may order that an amount deemed by the Court to be the value of the funds so ordered to be forfeited, be paid by that person to the Court and upon satisfactory payment of that sum by that person the funds ordered to be forfeited shall be returned to him.

10. (1) The Government of Barbados may, pursuant to any agreement with any other State, share with that State on a reciprocal basis, the funds derived from forfeiture pursuant to this Act.
- (2) Funds referred to under subsection (1) may be utilized by the Government of Barbados to compensate victims of the offences referred to under this Act

PART V

Extradition

11. (1) Where a person who has committed or is alleged to have committed an offence under this Act is present in Barbados and it is not intended to extradite that person, the Director of Public Prosecutions shall prosecute the offender for the offence on the direction of the Attorney-General given under paragraph (b) of section 79A(2) of the *Constitution*
- (2) Notwithstanding the provisions of this Act, no person shall be extradited pursuant to this Act where the Government of Barbados has substantial grounds for believing that a request for extradition for an offence under this Act has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would be prejudicial to that person's rank or status for any of these reasons.

PART VI

Miscellaneous

12. Where a person is alleged to have committed an offence under this Act, proceedings in respect of that offence may be commenced in Barbados where the alleged offence

- (a) is committed by a national of Barbados;
- (b) was directed towards or resulted in the carrying out of an offence under this Act in Barbados or against a national of Barbados;
- (c) was directed towards or resulted in the carrying out of an offence under this Act against a State or government facility of Barbados outside Barbados;
- (d) was directed towards or resulted in the carrying out of an offence under this Act committed in an attempt to compel Barbados to do or refrain from doing any act;
- (e) was committed by a stateless person who is ordinarily resident in Barbados;
- (f) was committed on board an aircraft that
 - (i) is operated by the Government of Barbados or a national of Barbados; or
 - (ii) is registered in Barbados;
- (g) was committed on board a vessel that is flying the flag of Barbados or is registered in Barbados; or
- (h) threatens the national security of Barbados

13. Where a person is taken into custody as a result of an investigation under section 6, the Director of Public Prosecutions shall inform the Attorney-General who shall

- (a) notify, through the Secretary General of the United Nations, the State which established jurisdiction in respect of an application brought under section 8 or 9, of the detention of that person and of the circumstances that warranted the detention; and
- (b) communicate the final outcome of the proceedings to the Secretary-General for transmission of the information to the other State.

14. (1) Where a person who is being detained or who is serving a sentence of imprisonment in the territory of one State whose presence in another State is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences for the purposes of this Act, that person may be transferred if the following conditions are met:
- (a) the person freely gives his informed consent; and
 - (b) the competent authorities of both States agree, subject to such conditions as those States may deem appropriate.
- (2) Unless the State from which a person is to be transferred pursuant to subsection (1) so agrees, that person shall not be prosecuted, detained or subjected to any other restriction of his personal liberty in the territory of the State to which the person is transferred in respect of any acts done or convictions received prior to his departure from the State from which that person was transferred.
- (3) Where a person is transferred under subsection (1) from Barbados, the person transferred shall receive credit for service of the sentence being served in Barbados for the time spent in the custody of the State to which that person was transferred.
- (4) Unless the Attorney-General otherwise directs, all expenses incurred in respect of any requests made under this section, must be paid by the State making the request.
15. The Attorney-General is the competent Authority in Barbados for the exchange of information relating to criminal investigations or extradition proceedings in respect of an offence under this Act.
16. Section 27 of the *Mutual Assistance in Criminal Matters Act* applies to the procedure to be adopted in respect of a request made from another State for mutual assistance in obtaining a freezing or forfeiture order under this Act with such modifications as are necessary to give effect to such requests.
17. (1) The Attorney-General may, subject to affirmative resolution, make Regulations to give effect to this Act.
- (2) The Attorney-General may by Order amend
- (a) the Annex to the Convention in accordance with the terms of Article 23 of the Convention; or
 - (b) the *Third Schedule*.

18. The enactments specified in the *Second Schedule* are amended to the extent so specified in that *Schedule*.

2. HIJACKING ACT

An Act to make provision with a view to ratification on behalf of Barbados of the Convention for the suppression of unlawful seizure of aircraft and for related matters.

[3rd May, 1973]

1. This Act may be cited as the *Hijacking Act*.
2. (1) Subject to subsection (2), a person on board an aircraft in flight who unlawfully, by the use of force or threats of any kind, seizes the aircraft or exercises the control of it commits the offence of hijacking, whatever his nationality, whatever the State in which the aircraft is registered, and whether the aircraft is in Barbados or elsewhere.
(2) Subsection (1) shall not apply if
 - (a) the aircraft is used in military, customs or police service; or
 - (b) both the place of take-off and the place of landing are in the territory of the State in which the aircraft is registered, unless
 - (i) his act is committed in Barbados, or
 - (ii) the aircraft is a Barbadian-controlled aircraft or is used in the military or customs service of Barbados or in the service of the Police Force.
- (3) A person who
 - (a) commits the offence of hijacking; or
 - (b) in Barbados induces or assists in the commission elsewhere of an act which would, but for subsection (2), be the offence of hijacking, is liable on conviction on indictment to imprisonment for life.
- (4) For the purposes of this section “Barbadian-controlled aircraft” and “operator” in relation thereto, have the same meanings as in section 2 of the *Civil Aviation (Tokyo Convention) Act*;
“military service” includes naval and airforce service.

(5) For the purposes of this section

(a) the period during which an aircraft is in flight includes

(i) any period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and

(ii) if the aircraft makes a forced landing, any period thereafter until the time when the competent authorities of the State in which that landing takes place take over responsibility for the aircraft and for the persons and property on board the aircraft (being, if that landing takes place in Barbados, the time when a member of the Police Force arrives at the place of landing);

(b) the territorial waters of any State shall be treated as part of its territory.

3. Without prejudice to section 4 of the *Civil Aviation (Tokyo Convention) Act*, where a person (of whatever nationality) does on board an aircraft (wherever registered) and while outside Barbados any act which if done in Barbados would constitute the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 16, 17, 18, 19, 22 or 23 of the *Offences Against the Person Act*, his act shall constitute that offence if it is done in connection with the offence of hijacking committed or attempted by him on board that aircraft.

4. (1) Subject to subsection (2), where no extradition treaty within the meaning of Part III of the *Extradition Act*, has been made with a State that is a party to the Convention and that State is not a Commonwealth country, Part I of that Act applies to that foreign state as if the Convention were such an extradition treaty with that state.

(2) When Part I of the *Extradition Act*, applies to a foreign state by virtue of this section, that Part has effect in respect of that foreign state as if the only extradition crimes within the meaning of that Act were offences under this Act and attempts to commit such offences.

(3) In this section, "Convention" refers to the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on December 16th, 1970, the text of which is set out in the Schedule.

5. (1) If the Minister responsible for Civil Aviation by order declares

(a) that any two or more States named in the order have established a joint air transport organisation or an international

operating agency, which operates aircraft; and that one of these States has been designated as exercising, for aircraft so operated, the powers of the State of registration the State declared under paragraph (b) shall be deemed for the purposes of this Act to be that State in which any aircraft so operated is registered.

(2) Paragraph (b) of section 2 (2) shall have effect in relation to aircraft to which this section applies as if it referred to the territory of any one of the States named in the order.

6. No proceedings for an offence under this Act shall be instituted except by or with the consent of the Director of Public Prosecutions.

3. FOREIGN INCURSIONS AND MERCENARIES ACT

An Act to prevent the raising of mercenaries in Barbados and to prevent armed incursions into other countries by Barbadians

Citation

1. This Act may be cited as the *Foreign Incursions and Mercenaries Act*.

Interpretation

2. In this Act,

(a) “government”, in relation to any country means the government recognised by the Government of Barbados as the lawful government of that country;

(b) “other country” means a country other than Barbados;

(c) “permanent resident” means a permanent resident within the meaning of the *Immigration Act*;

(d) “recruit” includes engage, enlist, procure or train as a soldier;

(e) “warfare or armed conflict” includes guerrilla or irregular warfare and rebellion or armed insurrection.

Statement of Purpose

3. (1) The purposes of this Act are

(a) to make it unlawful for individuals owing any measure of allegiance to Barbados to engage in armed incursions against the government of another country, and

(b) to prohibit the recruiting of mercenaries within or from Barbados.

(2) This Act shall be given such fair, large and liberal construction as will best ensure the attainment of its purposes.

Foreign Incursions

4. (1) No person to whom this section applies shall
- (a) enter any other country with intent to engage in a hostile activity against the government of that country, or
 - (b) engage in any other country in a hostile activity against the government of that country.
- (2) This section applies to an individual who,
- (a) at the relevant time, is a citizen of Barbados or is a permanent resident of Barbados, or
 - (b) at any time during the twelve months immediately preceding the relevant time, was present in Barbados for a purpose connected with a contravention of subsection (1).
- (3) Nothing in subsection (1) applies to an act done by an individual in the course of, and as part of, his service
- (a) in any capacity in a force described in section 8, or
 - (b) in any capacity in the armed forces of the government of another country to which he has been enlisted or commissioned while ordinarily resident in that other country.
- (4) An individual engages in a hostile activity against the government of another country when he participates in or does any act to achieve any one or more of the following objects, that is to say:
- (a) the overthrow by force or violence of the government of that other country,
 - (b) by force or violence causing the public in the other country to be in fear of suffering death or personal injury;

- (c) causing the death of, or bodily injury to, a person who
 - (i) is the head of state or head of government of the other country, or
 - (ii) holds, or performs any of the duties of, a public office in the other country
 - (d) unlawfully destroying or damaging any property belonging to the government of the other country, whether or not any of the objects are achieved.
- (5) In this section “relevant time” means the time of the doing of the act that is alleged to constitute a contravention of subsection (1).

Foreign Recruitment

5. (1) No person shall within Barbados recruit any individual for the purpose of his taking part in any warfare or armed conflict outside Barbados.
- (2) No individual shall permit himself to be recruited within Barbados for the purpose of his taking part in any warfare or armed conflict outside Barbados.
6. (1) No person shall, by advertisement within or outside Barbados, induce an individual within Barbados to be recruited to take part in any warfare or armed conflict outside Barbados in contravention of this Act.
- (2) In this section “advertisement” means to advertise by word of mouth, through pamphlets, leaflets, or other published materials, however printed and disseminated, or to advertise by radio, television, rediffusion or other mode of public or private broadcasting or by any medium by which an advertisement can be made.
7. No person shall transport or convey, or assist in the transportation or conveyance of, an individual from Barbados to any place where warfare or armed conflict is in progress with the intent that the individual take part in warfare or armed conflict outside Barbados in contravention of this Act.
8. Nothing in this Act prevents an individual within
- (a) serving, or recruiting another individual to serve, as a member of the armed forces of the Crown;
 - (b) serving, or recruiting another individual to serve, in the armed forces of the government of another country under a treaty or other international agreement to which Barbados is a party; or

(c) serving, or recruiting another individual to serve, as a member of a peace-keeping or other international force operating under the authority of the United Nations by resolution of the Security Council or of the General Assembly.

General

9. Nothing in this Act prevents an individual who does not bear arms or serve as a combatant or in support of combatants from doing or being approached to do any service of a medical or humanitarian nature for the relief of the suffering of civilians or combatants in any warfare or armed conflict outside Barbados.

10. A person who contravenes this Act is guilty of an offence triable on indictment and liable on conviction to a fine of twenty-five thousand dollars or imprisonment for five years or both.

11. The *Foreign Enlistment Act, 1870*, of the United Kingdom ceases to have effect in Barbados.

12. This Act comes into operation on a day to be fixed by proclamation.

4. INTERNATIONALLY PROTECTED PERSONS ACT

SECTION

1. Short title.
2. Definitions.
3. Act committed against internationally protected person.
4. Attack on person, premises etc.
5. Conspiracy and incitement.
6. Threatened offences.
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9. Evidence.
10. Consent of Director of Public Prosecutions.
11. Arrest without warrant.
12. Notification of foreign State or international organisation.
13. Saving.
14. Recovery of damages.
15. Loss of status in certain cases.
16. Extradition.
17. Purposes and construction.

SCHEDULE.

CHAPTER 19

INTERNATIONALLY PROTECTED PERSONS

An Act to provide for the prevention and punishment of crimes against internationally protected persons and related matters.

[10th November 1980]

1. This Act may be cited as the *Internationally Protected Persons Act*.

2. For the purposes of this Act,

“head of state” includes

- (a) any member of a collegial body performing the functions of a head of state under the constitution of the state concerned;
- (b) any head of a government of a state; and
- (c) a minister of foreign affairs of a government of a state;

“international organisation” means an international organisation of a governmental character;

“internationally protected person” means

- (a) a head of state whenever he is in a state other than the one in which he holds that position or office;
- (b) a member of the family of a person described in paragraph (a) who accompanies him in a state other than the one in which he is a head of state;
- (c) a representative or official of a state or an official or agent of an international organisation who, at a time when and at the place where an act referred to in section 3(2) or an offence under section 4 or 5 is committed against his person or upon his official premises, private accommodation or means of transport, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity; or
- (d) a member of the family of a representative official or agent described in paragraph (c) who forms part of his household if, at the time when and at the place where an offence mentioned in that paragraph is committed against the member of his family or any

property referred to in that paragraph that is used by the member of his family, the representative, official or agent is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity;

“Minister” means the Minister responsible for Foreign Affairs

3. (1) Any person who, outside Barbados, commits against the person of an internationally protected person or against any property used by him an act that would be an offence if committed in Barbados, shall be deemed to commit that act in Barbados if
 - (a) the act is committed on a ship registered in Barbados;
 - (b) the act is committed on
 - (i) an aircraft registered in Barbados, or
 - (ii) an aircraft leased without crew and operated by a person qualified to operate an aircraft in Barbados; or
 - (c) the person who commits the act is a citizen of Barbados or is subsequently found in Barbados.
- (2) This section applies in respect of an act that would, if committed in Barbados be an offence under
 - (a) section 2, 8, 9, 12, 13, 17 or 40 of the *Offences against the Person Act*; or
 - (b) section 3, 4, (in so far as it relates to a house or office) or 11 of the *Malicious Injury to Property Act*
4. (1) Any person who commits an attack on the person of an Attacks on internationally protected person in a manner likely to endanger his life or liberty is guilty of an offence and is liable on conviction on indictment to imprisonment for life and, if such attack results in the death of the internationally protected person, is liable to such punishment as may be imposed for that offence under the law of Barbados.
 - (2) Any person who commits an attack on the official premises, private accommodation or means of transport, of an internationally protected person that is likely to endanger the life or liberty of the internationally protected person is guilty of an offence and is liable on conviction on indictment to imprisonment for a term of 2 years.
5. (1) A person who, while in Barbados commits any act amounting to an offence of conspiracy or incitement to commit, in a place outside

Barbados, an offence mentioned in section 4, is triable in Barbados in respect of such incitement or conspiracy, as the case may be.

(2) An offence of conspiracy or incitement referred to in subsection (1) is triable on indictment and is punishable in like manner as if the offence had been in fact committed.

6. Any person who threatens to commit an offence against an internationally protected person is guilty of an offence and is liable on conviction on indictment to a fine of \$10,000 or imprisonment for a term of 2 years.

7. Where a person commits an act referred to in section 3, he is triable and punishable by a court in Barbados if he is found in Barbados.

8. Where, as a result of committing an act referred to in section 3, a person has been tried and convicted or acquitted outside Barbados in respect of that act, he shall be deemed to have been tried and convicted or acquitted, as the case may be, in Barbados.

9. Where, in any proceedings under this act, a question arises as to whether a person is a person entitled pursuant to international law to special protection from an attack on his person, freedom or dignity, a certificate issued by or under the authority of the Minister that contains a statement of fact relevant to that question is admissible in evidence in the proceedings; and, in the absence of evidence to the contrary, is proof of the statements contained in the certificate.

10. Subject to section 79 of the *Constitution*, no prosecution under this Act may be instituted without the consent of the Director of Public Prosecutions.

11. A person who commits an act referred to in section 3 or an offence under section 4 or 5 may be arrested without a warrant by a member of the Police Force.

12. Where a person who commits an act referred to in section 3 is found in Barbados, the Minister must take all reasonable steps to inform

- (a) the state where the offence was committed;
- (b) the state of which that person is a national, or if that person is stateless, the state in which he permanently resides;
- (c) any state that has an interest in the prosecution of that person; and
- (d) the international organisation, if any, of which the internationally protected person is an official or agent,

that that person has been found in Barbados.

13. Nothing in this Act affects any remedy available at Common Law against a person who commits an offence under section 4.

14. Where the Government of Barbados reimburses the government of another state for any loss of or damage done to property of that state that is situated in Barbados and the loss or damage is the result of an act committed by a citizen of Barbados, a permanent resident or an immigrant within the meaning of the *Immigration Act*, the amount of expense that the Government of Barbados has incurred in reimbursing that other state is recoverable from the person who committed the act as a debt due to the Crown.

15. A person who, having the status of permanent resident, permitted entrant or immigrant within the meaning of those expressions in the *Immigration Act*, commits an act referred to in section 3 or an offence under section 4 or 5 is liable, in addition to any punishment that is imposed on him,

(a) to have his status revoked and to be deported from Barbados if he is present in Barbados; or

(b) if he is not present in Barbados, to have his status revoked and to be declared a *persona non grata*

16. (1) Where a Commonwealth Country has not been designated under the *Extradition Act*, as a Commonwealth Country to which Part I of that Act applies, the Commonwealth Country shall, nevertheless, be deemed to be a designated Commonwealth Country for the purpose of extradition proceedings under that Act in respect of an act referred to in section 3 of this Act or any offence under section 4 or 5 of this Act.

(2) Where no extradition treaty within the meaning of the *Extradition Act*, exists between Barbados and a foreign state, the foreign state shall, nevertheless, be deemed, for the purpose of extradition proceedings under that Act in respect of an act referred to in section 3 of this Act or any offence under section 4 or 5 of this Act, to be a foreign state to which Part I of that Act applies.

17. This Act is remedial and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of the purposes of the Convention the text of which is contained in the *Schedule*.³²

³² The Schedule, containing the text of the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, has been omitted from the present publication.