

(c) willfully obstructs, or seeks to frustrate, a search or examination required by virtue of the provisions of section 85, 86, 87, 88 or 89;

commits an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding seven thousand dollars or both.

## DETENTION AND TREATMENT OF DETAINEES <sup>89</sup>

# CI. SANTA LUCIA <sup>90</sup>

## 1. PENAL CODE

### *Section 147 (a)*

Such criminal act as is mentioned in section 148, 151 (a), 151 (b) first paragraph, cf. third paragraph, 152 second paragraph, 152 (a) second paragraph, 152 (b), 153 first to third paragraphs, 153 (a), 154, 223 second paragraph, 224, 225 first or second paragraph, 231, cf. 232, or 233 is considered to be a terrorist act and is punishable by imprisonment for a term not exceeding 21 years when such act has been committed with the intention of:

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<sup>89</sup> Articles 92 to 108, which make up this subsection, have been omitted from the present publication for technical reasons.

<sup>90</sup> Transmitted to the Secretariat by that Government on 2 October 2002 (S/2002/1135, enclosure). Information was also provided in respect of the following legislation: Proceeds of Crime Act No 10 of 1993; the Money Laundering (Prevention) Act No. 36 of 1999; the Exchange Control Ordinance Chap 180 of the Revised Laws of Saint Lucia; the Registered Agents and Trustee Licensing Act No. 37 of 1999; the International Insurance Act No. 38 of 1999; the International Business Companies Act No. 40 of 1999; the International Banks Act No. 43 of 1999; the International Mutual Funds Act No. 44 of 1999; the Money Laundering (Prevention) (Amendment) Act No .3 of 2001; the Customs (Control and Management) Act No. 23 of 1990; the Mutual Legal Assistance in Criminal Matters Act No. 10 of 1996; the Firearms Act No. 11 of 2001; the Explosives Ordinance Chap. 53 of the Revised Laws of Saint Lucia; the Explosives Order Statutory Instrument No. 35 of 1973; the Regional Security System Act No. 30 of 2000; the Immigration Act No. 20 of 2001; the Undesirable Aliens Expulsion Ordinance Cap 80 of the Revised Laws of Saint Lucia 1957; the Extradition Act No. 12 of 1986; the Civil Aviation (Montreal Convention) Act No. 15 of 1986; the Civil Aviation (Tokyo Convention) Act No. 13 of 1986; the Hijacking act No. 14 of 1986; the Mutual Legal Assistance (Extension and Application to the USA) Regulations No. 112 of 1999; the Immigration Ordinance Chap 76 of the Revised Laws of Saint Lucia 1957; the Passports Act No. 13 of 1991; the Saint Lucia Air and Sea Ports Authority (SLASPA) Act No. 101 of 1983; the Civil Aviation Act No. 1 of 1992; the Civil Aviation (Air Navigation) Regulations No. 93 of 1997; the Shipping Act No. 11 of 1994.

(a) seriously disrupting a function of vital importance to society, such as legislative, executive or judicial authority, power supply, safe supply of food or water, the bank or monetary system or emergency medical services or disease control;

(b) seriously intimidating a population, or

(c) unduly compelling public authorities or an intergovernmental organization to perform, tolerate or abstain from performing any act of crucial importance for the country or organization, or for another country or another intergovernmental organization.

The penalty may not be set below the minimum penalty prescribed in the penal provisions mentioned in the first sentence.

Any person who, with such intent as is mentioned in the first paragraph, threatens to commit such criminal act as is mentioned in the first paragraph under such circumstances that the threat is likely to provoke intense fear is liable to imprisonment for a term not exceeding 12 years. If the threat has such consequences as are mentioned in the first paragraph (a), (b) or (c), imprisonment for a term not exceeding 21 years may be imposed. Accomplices shall be liable to the same penalty.

Any person who plans or prepares such terrorist act as is mentioned in the first paragraph by conspiring with another person for the purpose of committing such an act shall be liable to imprisonment for a term not exceeding 12 years.

*Section 147 (b)*

Any person who obtains or collects funds or other financial assets with the intention that the financial assets should be used, in full or in part, to finance terrorist acts or any other contravention of the provisions of section 147 shall be liable to imprisonment for a term not exceeding 10 years.

Any person who makes funds or financial assets, or bank services or other financial services, available to any of the following is liable to the same penalty

a) a person or entity that commits or attempts to commit such criminal act as is mentioned in section 147 (a);

b) any entity owned by such person is mentioned in (a) or over which that person has control, or

c) any person or entity that acts on behalf of or at the direction of such person or entity as is mentioned in (a) or (b).

**Accomplices shall be liable to the same penalty.**

*Section 148*

**Any person who causes any fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident which may easily result in loss of human life or extensive destruction of another person's property, or who is accessory thereto, shall be liable to imprisonment for a term of not less than two years and not more than 21 years, but not less than five years if as a result of the felony any person dies or is seriously injured in body or health.**

**The same penalty may apply to an attempt as to a completed felony.**

*Section 151 (a)*

**Any person who on board a ship or aircraft by violence, threats or otherwise unlawfully and forcibly takes control of the vessel or aircraft or otherwise interferes with its sailing or flying shall be liable to imprisonment for a term of not less than two years and not more than 21 years. The same penalty shall apply to any person who by similar means unlawfully and forcibly takes control over any installation or construction on the continental shelf. Under especially extenuating circumstances the penalty may be reduced below the prescribed minimum**

**Accomplices shall be liable to the same penalty.**

**An attempt may be liable to the same penalty as a completed felony.**

*Section 151 (b)*

**Any person who by destroying, damaging, or putting out of action any data collection or any installation for supplying power, broadcasting, telecommunication, or transport causes comprehensive disturbance in the public administration or in community life in general shall be liable to imprisonment for a term not exceeding 10 years.**

**Negligent acts of the kind mentioned in the first paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.**

**Accomplices shall be liable to the same penalty.**

*Section 152*

**Any person who unlawfully adds noxious substances to reservoirs or water-courses from which drinking-water is supplied to people or livestock, or who is accessory thereto, shall be liable to imprisonment for a term not exceeding five years.**

If general danger is thereby caused to human life or health, the penalty shall be imprisonment for a term not exceeding 21 years, and if any person's death or serious injury to body or health results, imprisonment for a term of not less than one year and not more than 21 years.

Negligent acts of the kind mentioned in the preceding paragraph shall be punishable by fines or imprisonment for a term not exceeding one year.

*Section 152 (a)*

Any person who without lawful permission receives, possesses, uses, transfers, alters, disposes of or distributes any material consisting of or containing plutonium or uranium and thereby causes a risk of damage to any person's body, health, property or living environment, or who is accessory thereto, shall be liable to fines or imprisonment for a term of not less than two years and not more than 21 years, but not less than five years if as a result of the felony any person dies or is seriously injured in body or health.

*Section 152 (b)*

Any person shall be liable to imprisonment for a term not exceeding 10 years who willfully or by gross negligence:

- (1) pollutes air, water, or soil so that considerable harm or the threat of such harm is inflicted on the environment in an area, or
- (2) stores, leaves or empties waste or other substances with imminent risk of such consequences as are mentioned in item (1).

If any person's death or considerable harm to body or health has resulted therefrom, imprisonment for a term not exceeding 15 years may be imposed.

Any person shall be liable to imprisonment for a term not exceeding six years who willfully or by gross negligence:

- (1) diminishes a natural population of protected living organisms which nationally or internationally are threatened by extinction, or
- (2) inflicts considerable harm on an area that is protected by a decision pursuant to chapter II of the Nature Conservation Act, or section 7 of the Wildlife Act, or pursuant to section 4 of the Act relating to Svalbard, section 2 of the Act relating to Jan Mayen or section 2 of the Act relating to Bouvet Island, Peter I's Island and Dronning Maud's Land, etc., or
- (3) inflicts considerable harm on a cultural environment of particular national or international importance. An accomplice shall be liable to the same penalty as is otherwise specified in this section.

*Section 153 (a)*

Any person shall be liable to imprisonment for a term not exceeding 10 years who develops, produces, stores or otherwise obtains or possesses:

- (1) bacteriological or other biological substances or toxins regardless of their origin or method of production, of such a kind and in such quantities that they are not justified for preventive, protective or other peaceful purposes, or
- (2) weapons, equipment or means of dissemination made for using such substances or toxins as are mentioned in item 1 for hostile purposes or in armed conflict.

Accomplices shall be liable to the same penalty.

*Section 154*

Any person who causes or is accessory to causing the introduction or general spreading of a dangerous contagious disease among people, livestock, or plants shall be liable to imprisonment for a term not exceeding 10 years. Under especially extenuating circumstances fines may be imposed.

If such an act as is mentioned in the first paragraph has caused a person's death or serious injury to his body or health, the penalty shall be imprisonment for a term of not less than five years and not more than 21 years.

*Section 223*

Any person who unlawfully deprives another person of his liberty or is accessory to such deprivation of liberty shall be liable to imprisonment for a term not exceeding five years.

If the deprivation of liberty has lasted for more than one month or has caused any person abnormal suffering or serious injury to body or health or has resulted in the death of any person, imprisonment for a term of not less than one year shall be imposed.

*Section 224*

Any person shall be liable to imprisonment for a term not exceeding 10 years who by force, threats, or underhand conduct unlawfully brings anyone into his own or another person's power with the intention of reducing him to a state of helplessness, enlisting him in foreign military service, or taking him into captivity or other state of dependence in a foreign country, or transporting him to a foreign country for indecent purposes, or who is accessory thereto.

*Section 225*

Any person who causes or is accessory to causing another person to be enslaved shall be liable to imprisonment for a term of not less than five years and not more than 21 years.

Any person who engages in or is accessory to slave-trading or the transporting of slaves or persons destined for slave-trading shall be liable to the same penalty.

Any person who enters into an association with another person for the purpose of carrying out or aiding or abetting any act referred to in this section shall be liable to imprisonment for a term not exceeding 10 years.

*Section 231*

Any person who causes or is accessory to causing serious injury to the body or health of another person is guilty of occasioning grievous bodily harm and shall be liable to imprisonment for a term of not less than two years. If the act is premeditated, imprisonment for a term not exceeding 21 years may be imposed if the felony results in a person's death.

*Section 232*

If any felony mentioned in section 228 to 231 is committed with intent in a specially painful manner or by means of poison or other substances which are highly dangerous to health, or with a knife or other specially dangerous instrument, or under other especially aggravating circumstances, a sentence of imprisonment shall always be imposed, and for a felony against section 231 a term of imprisonment not exceeding 21 years may be imposed in every case and otherwise the penalty may be increased by up to three years. The penalty prescribed in section 228, first paragraph, may, however, only be increased by up to six months' imprisonment, while at the same time fines may still be imposed. In deciding whether other especially aggravating circumstances exist, special regard shall be paid to whether the offence has been committed against a defenceless person, whether there was a racial motive, whether it was unprovoked, whether it was committed by several persons jointly, and whether it constitutes ill treatment.

*Section 233*

Any person who causes another person's death, or is accessory thereto, is guilty of homicide and shall be liable to imprisonment for a term of not less than six years.

If the offender has acted with premeditation or has committed the homicide in order to facilitate or conceal another felony or to evade the penalty for such felony, imprisonment for a term not exceeding 21 years may be imposed. The same applies in cases of repeated offences and also when there are especially aggravating circumstances.

## **2. CRIMINAL PROCEDURE ACT**

### **CHAPTER 15(b) FREEZING PROPERTY**

#### *Section 2002 (d)*

When any person is suspected with just cause of contravening or attempting to contravene the provisions of section 147 (a) or 147 (b) of the Penal Code, the chief or the deputy chief of the Police Security Service or a public prosecutor may decide to freeze any property belonging to:

- a) the suspect,
- b) any entity owned by the suspect or over which he has control, or
- c) any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned in (a) or (b).

A decision may not be made to freeze property that is necessary for the maintenance of the person who is the subject of the decision, his household or any person he is supporting.

The decision to freeze property shall be in writing and shall identify the suspect and provide a brief account of the grounds for the decision.

## **3. AMENDMENTS TO THE FINANCIAL INSTITUTIONS ACT**

The Act of 10 June 1988 No. 40 relating to financial institutions has been amended as follows:

Section 2-17, third paragraph, first sentence, shall read:

If a financial institution suspects that a transaction is linked to the proceeds of a criminal act, or to any matter punishable under the provisions of section 147 (a) or 147 (b) of the Penal Code, it is obliged to carry out further investigations in order to confirm or dispel the suspicion.