

Terrorism (Suppression of Bombings) Bill

Bill No. 37/2007.

Read the first time on 17th September 2007.

TERRORISM (SUPPRESSION OF BOMBINGS) ACT 2007

(No. of 2007)

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
 2. Interpretation
 3. Terrorist bombing
 4. Information about acts of terrorist bombing
 5. Assistance in criminal matters for Convention offences
 6. Extradition
 7. Extra-territoriality
 8. No prosecution without Public Prosecutor's consent
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A BILL

i n t i t u l e d

An Act to suppress terrorist bombings, to give effect to the International Convention for the Suppression of Terrorist Bombings and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Terrorism (Suppression of Bombings) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Interpretation

2. In this Act, unless the context otherwise requires —

“armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

10 “Convention” means the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15th December 1997;

“Convention country” means a foreign country that is a Party to the Convention;

15 “conveyance” includes any vessel, train, vehicle, aircraft and other mode of transport;

“country” includes a State or territory, as the case may be;

“explosive or other lethal device” means —

20 (a) an explosive or other incendiary weapon or device that is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage; or

(b) a weapon or device that is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage through the release, dissemination, or impact of —

25 (i) toxic chemicals, biological agents or toxins or similar substances; or

(ii) radiation or radioactive material;

30 “infrastructure facility” means any facility (whether publicly or privately owned) providing or distributing services for the benefit of the public, such as water, sewage disposal, energy, fuel or communications;

“military forces of a State” means —

- (a) the armed forces of a State which are organised, trained and equipped under its internal law for the primary purpose of national defence or security;
- 5 (b) civilians who direct or organise the official activities of those armed forces; or
- (c) civilians acting in support of the official activities of those armed forces, if the civilians are under the formal command, control and responsibility of those forces;

10 “place of public use”—

- (a) means those parts of any building, land, street or waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and whether for free or on payment of a charge; and
- 15 (b) includes any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

20 “public transportation system” means all conveyances, facilities, buildings and objects (whether publicly or privately owned) used in or for services that are available to the public for the transportation of persons or cargo;

25 “State or government facility” means any conveyance or facility (whether permanent or temporary) used or occupied by any of the following persons in connection with their official duties:

- (a) a representative of any government;
- (b) the Head of State of any country;
- (c) the Prime Minister or a minister of any country;
- (d) a member of the legislature or judiciary of any country;
- 30 (e) an official or employee of any government or of any intergovernmental organisation;

“terrorist bombing offence” means —

- (a) any of the offences under section 3;

- (b) conspiracy to commit any of those offences;
- (c) inciting another to commit any of those offences;
- (d) attempting to commit any of those offences; or
- (e) aiding, abetting, counselling or procuring the commission of any of those offences.

5

Terrorist bombing

3.—(1) Every person who intentionally and without lawful excuse delivers, places, discharges or detonates an explosive or other lethal device in, into or against —

- 10 (a) a place of public use;
- (b) a State or government facility;
- (c) a public transportation system; or
- (d) an infrastructure facility,

with intent to cause death or serious bodily injury, or extensive
15 destruction of such place, facility or system that results in or is likely to result in major economic loss, shall be guilty of an offence and shall on conviction —

- (i) if he had intended to cause death or serious bodily injury and death is caused, be punished with death; or
- 20 (ii) in any other case, be punished with life imprisonment.

(2) Subsection (1) does not apply to —

- (a) the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law; or
- 25 (b) activities undertaken by military forces of a State in the exercise of their official duties, to the extent that those activities are governed by other rules of international law.

Information about acts of terrorist bombing

4.—(1) Every person in Singapore who has information which he
30 knows or believes may be of material assistance —

- (a) in preventing the commission by another person of a terrorist bombing offence; or

(b) in securing the apprehension, prosecution or conviction of another person, in Singapore, for a terrorist bombing offence, and who fails to disclose the information immediately to a police officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

(2) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under this section.

(3) A person who makes a disclosure in good faith under this section shall not be treated as being in breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct.

Assistance in criminal matters for Convention offences

5.—(1) For the purposes of the provision of assistance under Part III of the Mutual Assistance in Criminal Matters Act (Cap. 190A) to a foreign country for a criminal matter involving a relevant offence of that country, the relevant offence shall be deemed not to be an offence of a political character.

(2) In this section —

“criminal matter”, has the meaning given to that expression in section 2(1) of the Mutual Assistance in Criminal Matters Act;

“relevant offence”, in relation to a foreign country, means an offence against the law of that country that consists of or includes conduct which, if it had occurred in Singapore, would have constituted a terrorist bombing offence.

Extradition

6.—(1) There shall be deemed to be included in the list of offences in the First Schedule to the Extradition Act (Cap. 103) all terrorist bombing offences.

(2) Subject to subsection (3), where no extradition treaty is in force between Singapore and a Convention country, a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if there were an extradition treaty between Singapore and that country.

(3) Where the Extradition Act (Cap. 103) is applied under subsection (2), that Act shall have effect in relation to that country as if the only extradition crimes under that Act were the relevant offences of that country.

5 (4) Subsection (3) is without prejudice to any other notification made under section 4 of the Extradition Act.

(5) Where —

(a) an extradition treaty is in force between Singapore and a Convention country; and

10 (b) the treaty does not provide for the extradition of persons accused of or convicted of a relevant offence of that country,

a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act in relation to that country as if the treaty provided for the matter referred to in paragraph (b).

15 (6) Where a notification referred to in subsection (5) is made, any limitation, condition, exception or qualification specified in any other notification made under section 4 of the Extradition Act in relation to that country shall, to the extent that it prevents the relevant offence from being considered an extradition crime in relation to that country, be disregarded
20 in the application of that Act in relation to that country.

(7) For the purposes of the Extradition Act —

(a) any act, wherever committed, which is a relevant offence of a Convention country in the case of which that Act has been applied by a notification in the *Gazette* made under section 4 of
25 that Act, shall be deemed to be an offence within the jurisdiction of that country; and

(b) any such offence shall be deemed not to be an offence of a political character.

(8) In this section, “relevant offence”, in relation to a Convention
30 country, means an offence against the law of, or of part of, that country where the act or omission constituting the offence or the equivalent act or omission would, if it took place in or within the jurisdiction of Singapore —

(a) constitute a terrorist bombing offence; or

(b) would be such an offence if the description concerned contained a reference to any intent or state of mind on the part of the person committing the offence, or to any circumstance of aggravation, necessary to constitute the offence.

5 **Extra-territoriality**

7. Every person who, outside Singapore, commits an act or omission that, if committed in Singapore, would constitute a terrorist bombing offence is deemed to commit the act or omission in Singapore and may be proceeded against, charged, tried and punished accordingly.

10 **No prosecution without Public Prosecutor's consent**

8. A prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor.

EXPLANATORY STATEMENT

This Bill seeks to suppress terrorist bombings and to enable Singapore to ratify and give effect to the International Convention for the Suppression of Terrorist Bombings adopted by the General Assembly of the United Nations on 15th December 1997 (the Convention).

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill. The definitions of “explosive or other lethal device”, “infrastructure facility”, “place of public use”, “public transportation system” and “State or government facility” adopt substantially the meanings given to those expressions in the Convention.

Clause 3 gives effect to the obligation under Articles 2 and 4 of the Convention. It makes it an offence to deliver, place, discharge or detonate an explosive or other lethal device in, into or against an infrastructure facility, a place of public use, a public transportation system or a State or government facility with intent to cause death, serious bodily injury or extensive destruction likely to result in major economic loss. Activities of armed forces during an armed conflict, and activities of military forces outside of an armed conflict but in the exercise of their official duties, are not subject to the clause insofar as these are subject to separate rules of international law.

Clause 4 provides that every person in Singapore who has information which he knows or believes may be of material assistance in preventing the commission of a terrorist bombing offence (as defined in clause 2), or in securing the apprehension, prosecution or conviction of a person for such offence, must inform a police officer.

Clause 5 provides that in the provision of mutual legal assistance to a foreign country for a criminal matter involving an offence corresponding to an offence under the Bill, that offence will be deemed not to be an offence of a political character. This is because the Mutual Assistance in Criminal Matters Act (Cap. 190A) prohibits assistance to be given if the Attorney-General opines that the offence is of a political character.

Clause 6 provides that —

- (a) terrorist bombing offences will be extraditable offences;
- (b) where there is no extradition treaty in force between Singapore and a Convention country, a notification may be made under section 4 of the Extradition Act (Cap. 103) applying that Act as if there were an extradition treaty between them, and in that event that Act will apply to that country as if the only extradition crimes within the meaning of that Act were offences of that country that correspond to terrorist bombing offences; and
- (c) where there is an extradition treaty in force between Singapore and a Convention country but the treaty does not provide for the extradition of persons accused of or convicted of an offence of that country that corresponds to a terrorist bombing offence, a notification may be made under section 4 of the Extradition Act applying that Act as if the treaty provided for that matter; and in that event any limitation, condition, exception or qualification specified in any other notification that prevents such offence from being considered an extradition crime will be disregarded in the application of that Act to the country.

Clause 7 provides that every person who, outside Singapore, commits an act or omission that, if committed in Singapore, would constitute a terrorist bombing offence is deemed to commit the act or omission in Singapore and may be proceeded against, charged, tried and punished accordingly. This gives effect to the obligation under Article 8 of the Convention to extradite or prosecute offenders.

Clause 8 provides that no prosecution under the Bill may be instituted except by or with the consent of the Public Prosecutor.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

TABLE OF DERIVATIVES

<i>Terrorism (Suppression of Bombings) Act 2007</i>		<i>Derivatives</i>			
<i>Section Heading</i>	<i>Clause</i>	<i>The Convention</i>	<i>New Zealand Terrorism Suppression Act 2002</i>	<i>Terrorism (Suppression of Financing) Act (Cap. 325)</i>	<i>Others</i>
		<i>Article</i>	<i>Section</i>		
Short title and commencement	1	—	—	—	—
Interpretation	2				
“armed conflict”		—	—	—	Section 2332f(e)(11), Chapter 113B of title 18, United States Code
“Convention”		—	—	—	—
“Convention country”		—	—	—	—
“conveyance”		—	—	—	Section 2(1), Strategic Goods (Control) Act (Cap. 300)
“country”		—	—	31	—
“explosive or other lethal device”		1	4(1)	—	—
“infrastructure facility”		1	4(1)	—	—
“military forces of a State”		1	—	2(5)	—
“place of public use”		1	4(1)	—	—
“public transportation system”		1	4(1)	—	—

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		<i>Article</i>	<i>Section</i>		
“State or government facility”		1	—	—	Section 2, Model Legislative Provisions for the Implementation of the Convention prepared by the Commonwealth Secretariat
“terrorist bombing offence”		—	—	2(1)	—
Terrorist bombing	3	2 and 19	7	2(3)	—
Information about acts of terrorist bombing	4	—	—	10	Section 24(2), Mutual Assistance in Criminal Matters Act (Cap. 190A)
Assistance in criminal matters for Convention offences	5	—	—	—	—
Extradition	6	—	—	33	—
Extra-territoriality	7	—	—	34(1)	—
No prosecution without Public Prosecutor’s consent	8	—	—	36	—