

Internationally Protected Persons Bill

Bill No. 1/2008.

Read the first time on 21st January 2008.

INTERNATIONALLY PROTECTED PERSONS ACT 2008

(No. of 2008)

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
 2. Interpretation
 3. Internationally protected persons
 4. Offences against persons
 5. Offences against premises or vehicles
 6. Making threats
 7. Attempt, abetment and conspiracy punishable as offences
 8. Presumption of knowledge
 9. Information relating to offence
 10. Assistance under Mutual Assistance in Criminal Matters Act
 11. Extradition
 12. No prosecution without Public Prosecutor's consent
 13. Amendment of Schedules
 - First Schedule — Offences against internationally protected persons
 - Second Schedule — Offences against premises or vehicles
-

A BILL

i n t i t u l e d

An Act to give effect to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons 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 Internationally Protected Persons Act 2008 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 —

“Convention” means the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents adopted by the General Assembly of the United Nations on 14th December 1973;

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

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

“internationally protected person” has the meaning given to that expression in section 3;

“offence against an internationally protected person” means —

(a) an offence under section 4, 5 or 6; or

(b) an abetment of, or a conspiracy or attempt to commit, an offence under section 4 or 5;

“relevant premises” means premises at which an internationally protected person resides or is staying or which he uses for the purpose of carrying out his functions as such person;

“vehicle” includes any means of conveyance.

Internationally protected persons

25 3.—(1) In this Act, “internationally protected person” means —

(a) a Head of State, including any member of a collegial body that performs the functions of a Head of State under the constitution of the State concerned, a head of a government or a minister responsible for foreign affairs, whenever he is outside the State which he holds that position or office;

30 (b) a member of the family of a person referred to in paragraph (a) who is accompanying the person;

(c) a representative or an official of a State or an official or agent of an international organisation of an intergovernmental character who, at the time and place of the alleged offence, is entitled under international law to special protection from any attack on his person, freedom or dignity; or

(d) a member of the family of a person referred to in paragraph (c) who forms part of the person's household.

(2) The Minister may give a written certificate stating any matter relevant to the question whether a person is, or was at any time or in respect of any period, an internationally protected person, and such certificate is admissible in any proceedings as prima facie evidence of the matters stated in the certificate.

Offences against persons

4.—(1) Any person who commits outside Singapore any act —

(a) to or in relation to a person whom he knows to be an internationally protected person; and

(b) which, if committed in Singapore, would have constituted an offence specified in the First Schedule,

shall be guilty of that offence and shall be liable on conviction to the same punishment to which he would have been liable had he been convicted of that offence.

(2) That person may be dealt with as if the offence had been committed in Singapore.

Offences against premises or vehicles

5.—(1) Any person who commits outside Singapore any act —

(a) to or in relation to —

(i) premises which he knows to be relevant premises; or

(ii) a vehicle which he knows is used by an internationally protected person;

(b) which is likely to endanger the person or liberty of the internationally protected person; and

(c) which, if committed in Singapore, would have constituted an offence specified in the Second Schedule,

shall be guilty of that offence and shall be liable on conviction to the same punishment to which he would have been liable had he been convicted of that offence.

5 (2) That person may be dealt with as if the offence had been committed in Singapore.

Making threats

6.—(1) Any person who, in or outside Singapore, threatens to commit an act which is —

10 (a) an offence specified in the First Schedule or under section 4 to or in relation to a person whom he knows to be an internationally protected person; or

(b) an offence specified in the Second Schedule or under section 5 to or in relation to —

(i) premises which he knows to be relevant premises; or

15 (ii) a vehicle which he knows is used by an internationally protected person,

and which, if committed, is likely to endanger the person or liberty of the internationally protected person,

20 shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment for a term not exceeding —

(A) 7 years; or

(B) the term of imprisonment to which a person would be liable for the offence constituted by committing the act threatened at the time of the offence to which the conviction relates,

25 whichever is the lesser, or to both fine and imprisonment.

(2) Where no term of imprisonment is prescribed for the offence under subsection (1)(B), the person shall be liable on conviction to a fine or to imprisonment for a term not exceeding 7 years, or to both fine and imprisonment.

30 (3) If the offence is committed outside Singapore, that person may be dealt with as if the offence had been committed in Singapore.

Attempt, abetment and conspiracy punishable as offences

7. Any person who, outside Singapore, commits an act which, if committed in Singapore, would constitute an abetment of or a conspiracy or an attempt to commit —

- 5 (a) an offence specified in the First Schedule or under section 4, where the offence is or is to be committed to or in relation to a person whom he knows to be an internationally protected person; or
- (b) an offence specified in the Second Schedule or under section 5, where the offence is or is to be committed to or in relation to —
- (i) premises which he knows to be relevant premises; or
- (ii) a vehicle which he knows is used by an internationally protected person,
- and, if committed, is likely to endanger the person or liberty of
- 15 the internationally protected person,

is deemed to commit the act in Singapore and may be dealt with accordingly.

Presumption of knowledge

8.—(1) Where, in any proceedings for an offence under section 4, it is proved that the accused had committed the act referred to in that section to or in relation to an internationally protected person, it shall be presumed, unless the contrary is proved, that the accused knew that the person in question was an internationally protected person.

25 (2) Where, in any proceedings for an offence under section 5, it is proved that the accused had committed the act referred to in that section to or in relation to relevant premises or a vehicle used by an internationally protected person, it shall be presumed, unless the contrary is proved, that the accused knew that the premises in question were relevant premises or the vehicle in question was a vehicle used by an internationally protected person.

30

 (3) Where, in any proceedings for an offence under section 6, it is proved that the accused had made a threat to commit an act referred to in that section to or in relation to an internationally protected person, relevant premises or a vehicle used by an internationally protected person (as the case may be), it shall be presumed, unless the contrary is proved,

35

that the accused knew that the person in question was an internationally protected person, the premises in question were relevant premises or the vehicle in question was a vehicle used by an internationally protected person.

5 (4) Where, in any proceedings for an offence under section 7, it is proved that —

(a) the accused had committed an act which, if committed in Singapore, would constitute an abetment of or a conspiracy or an attempt to commit an offence referred to in that section; and

10 (b) the offence is or is to be committed to or in relation to an internationally protected person, relevant premises or a vehicle used by an internationally protected person (as the case may be),

it shall be presumed, unless the contrary is proved, that the accused knew that the person in question was an internationally protected person, the premises in question were relevant premises or the vehicle in question was a vehicle used by an internationally protected person.

Information relating to offence

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

20 (a) in preventing the commission by another person of a relevant offence; or

(b) in securing the apprehension, prosecution or conviction of another person, in Singapore, for an offence involving the commission, preparation or instigation of a relevant offence,

25 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.

30 (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.

(4) In this section, “relevant offence” means —

- (a) an offence specified in the First Schedule committed to or in relation to an internationally protected person;
- (b) an offence specified in the Second Schedule committed to or in relation to a relevant premises or a vehicle used by an internationally protected person;
- (c) an offence under section 4 or 5; or
- (d) an abetment of or a conspiracy or an attempt to commit an offence under paragraph (a), (b) or (c).

10 **Assistance under Mutual Assistance in Criminal Matters Act**

10.—(1) Assistance under any provision of Part III of the Mutual Assistance in Criminal Matters Act (Cap. 190A) may be provided by Singapore to a Convention country for a criminal matter involving a relevant offence of that country.

15 (2) For the purposes of subsection (1) —

- (a) a relevant offence shall be deemed to be a foreign serious offence for the purposes of that Act;
- (b) that offence shall be deemed not to be an offence of a political character for the purposes of that Act;
- (c) section 20(1)(f) of that Act is inapplicable to any request for assistance referred to in subsection (1); and
- (d) the reference to the appointed date in the definition of “foreign confiscation order” in section 2(1) of that Act shall be read as the date of commencement of the Mutual Assistance in Criminal Matters (Amendment) Act 2006 (Act 8 of 2006).

(3) The following offences shall be deemed to be Singapore offences for the purposes of the Mutual Assistance in Criminal Matters Act:

- (a) an offence specified in the First Schedule committed to or in relation to an internationally protected person;
- (b) an offence specified in the Second Schedule committed to or in relation to a relevant premises or a vehicle used by an internationally protected person;

(c) an abetment of or a conspiracy or an attempt to commit an offence under paragraph (a) or (b);

(d) an offence against an internationally protected person.

(4) In this section, “relevant offence”, in relation to a Convention country, means an offence against the law of that country where the act or omission constituting the offence or the equivalent act or omission —

(a) would constitute an offence against an internationally protected person; 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.

Extradition

11.—(1) Offences against an internationally protected person shall be deemed to be extraditable crimes for the purposes of Parts III and IV of the Extradition Act (Cap. 103).

(2) For the purposes of the Extradition Act, the expression “extradition crime”, in relation to a Convention country that is a declared Commonwealth country, shall be deemed to include relevant offences.

(3) Subject to subsection (4), where no extradition treaty is in force between Singapore and a Convention country that is not a declared Commonwealth 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.

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

(6) Where —

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

(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 (Cap. 103) may be made applying that Act in relation to that country as if the treaty provided for the matter referred to in paragraph (b).

5 (7) Where a notification referred to in subsection (6) 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 in the application of that Act in relation to that country.

10 (8) For the purposes of the Extradition Act —

(a) any act, wherever committed, which is a relevant offence of a Convention country which is a declared Commonwealth country, or which is a relevant offence of a Convention country which is not a declared Commonwealth country in the case of which the Extradition Act has been applied by a notification in the *Gazette* made under section 4 of that Act, shall be deemed to be an offence within the jurisdiction of that country; and

15

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

20 (9) In this section —

“declared Commonwealth country” has the meaning given to that expression in the Extradition Act;

“relevant offence”, in relation to a Convention country, means an offence against the law of that country where the act or omission constituting the offence or the equivalent act or omission —

25

(a) would constitute an offence against an internationally protected person; 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.

30

No prosecution without Public Prosecutor’s consent

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

Amendment of Schedules

13. The Minister may, by order published in the *Gazette*, amend the First or Second Schedule for the purposes of giving effect to the Convention, including any amendment to the Convention that is binding on Singapore.

FIRST SCHEDULE

Sections 4(1)(b), 6(1)(a), 7(a),
9(4)(a), 10(3)(a) and 13

OFFENCES AGAINST INTERNATIONALLY PROTECTED PERSONS

<i>Offence</i>	<i>Description</i>
Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)	
1. Section 4	Using a corrosive or explosive substance or offensive weapon
Explosive Substances Act (Cap. 100)	
2. Section 3	Causing explosion likely to endanger life
3. Section 4	Attempt to cause explosion or making or keeping explosive with intent to endanger life
Kidnapping Act (Cap. 151)	
4. Section 3	Abduction, wrongful restraint or wrongful confinement for ransom
Penal Code (Cap. 224)	
5. Section 302	Murder
6. Section 304	Culpable homicide not amounting to murder
7. Section 325	Voluntarily causing grievous hurt
8. Section 326	Voluntarily causing grievous hurt by dangerous weapons or means
9. Section 327	Voluntarily causing hurt to extort property or to constrain to an illegal act

<i>Offence</i>	<i>Description</i>
10. Section 328	Causing hurt by means of poison, etc., with intent to commit an offence
11. Section 329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act
12. Section 330	Voluntarily causing hurt to extort confession or to compel restoration of property
13. Section 331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property
14. Section 343	Wrongful confinement for 3 or more days
15. Section 344	Wrongful confinement for 10 or more days
16. Section 346	Wrongful confinement in secret
17. Section 347	Wrongful confinement for the purpose of extorting property or constraining to an illegal act
18. Section 348	Wrongful confinement for the purpose of extorting confession or of compelling restoration of property
19. Section 354A	Outraging modesty in certain circumstances
20. Section 356	Assault or use of criminal force in committing or attempting to commit theft of property carried by a person
21. Section 357	Assault or use of criminal force in attempting wrongfully to confine a person
22. Section 363	Kidnapping
23. Section 363A	Abduction
24. Section 364	Kidnapping or abducting in order to murder
25. Section 364A	Kidnapping or abducting in order to compel the Government, etc.
26. Section 365	Kidnapping or abducting with intent secretly and wrongfully to confine a person
27. Section 366	Kidnapping or abducting a woman to compel her marriage, etc.
28. Section 367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.
29. Section 368	Wrongfully concealing or keeping in confinement a kidnapped person
30. Section 375	Rape

<i>Offence</i>	<i>Description</i>
31. Section 376	Sexual assault by penetration
32. Section 376A	Sexual penetration of minor under 16 years of age.

SECOND SCHEDULE

Sections 5(1)(c), 6(1)(b), 7(b),
9(4)(b), 10(3)(b) and 13

OFFENCES AGAINST PREMISES OR VEHICLES

<i>Offence</i>	<i>Description</i>
Explosive Substances Act (Cap. 100)	
1. Section 3	Causing explosion likely to endanger property
2. Section 4	Attempt to cause explosion or making or keeping explosive with intent to endanger property
Penal Code (Cap. 224)	
3. Section 426	Mischief
4. Section 427	Mischief causing damage of \$500 or above
5. Section 430A	Mischief affecting railway engine, train, etc.
6. Section 435	Mischief by fire or explosive substance with intent to cause damage
7. Section 436	Mischief by fire or explosive substance with intent to destroy a house, etc.
8. Section 437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tonnes burden
9. Section 438	Mischief described in section 437 when committed by fire or any explosive substance
10. Section 439	Intentionally running vessel aground or ashore with intent to commit theft, etc.
11. Section 440	Mischief committed after preparation made for causing death or hurt.

EXPLANATORY STATEMENT

This Bill seeks to enable Singapore to ratify and give effect to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973 (the Convention).

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

Clause 3 defines the expression “internationally protected person”. The definition follows closely that used in Article 1 of the Convention. The Minister may certify whether a person is at a specified time an internationally protected person which will be prima facie evidence of this matter.

Clause 4 extends Singapore jurisdiction to deal with specified crimes against internationally protected persons outside Singapore. The act concerned must be such that, if it had been committed in Singapore, it would constitute an offence specified in the First Schedule. In brief, these crimes concern murder, kidnapping or other attack on the person or liberty of an internationally protected person.

Clause 5 makes similar provision in respect of certain specified crimes against the official premises or place of residence of an internationally protected person, or any vehicle used by such person. The act concerned must be such that, if it had been committed in Singapore, it would constitute an offence specified in the Second Schedule. These offences include causing an explosion and committing mischief.

Clause 6 renders it an offence to threaten, whether in Singapore or outside Singapore, to commit certain offences against an internationally protected person, his official premises or place of residence or a vehicle used by him.

Clause 7 extends Singapore jurisdiction to deal with an attempt, abetment or conspiracy committed outside Singapore of certain offences against an internationally protected person, his official premises or place of residence or a vehicle used by him.

Clause 8 provides that, in proceedings for offences under clauses 4 to 7, where the relevant act had been proved to have been committed by the accused, he will be presumed to know that the victim was an internationally protected person, the premises concerned were the official premises or place of residence of an internationally protected person or the vehicle concerned was used by such a person.

Clause 9 provides that every person in Singapore who has information which he knows or believes may be of material assistance in preventing the commission of certain offences in relation to an internationally protected person, his official premises or place of residence or a vehicle used by him or in securing the apprehension, prosecution or conviction of a person for such offence, must immediately inform a police officer.

Clause 10 enables mutual legal assistance to be rendered to a country that is a Party to the Convention for criminal matters involving an offence in that country that corresponds to an offence against an internationally protected person (as defined in clause 2), and for Singapore to request for such assistance from another country for

criminal matters involving certain offences in relation to an internationally protected person, his official premises or place of residence or a vehicle used by him.

Clause 11 provides that —

- (a) offences against an internationally protected person will be extraditable crimes;
- (b) offences of a declared Commonwealth country that correspond to offences against an internationally protected person are extradition crimes in relation to that country;
- (c) 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 offences against an internationally protected person; and
- (d) 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 an offence against an internationally protected person, 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 12 provides that no prosecution under the Bill may be instituted except by or with the consent of the Public Prosecutor.

Clause 13 enables the Minister to amend the Schedules to give effect to the Convention.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

TABLE OF DERIVATIVES

<i>Internationally Protected Persons Bill 2008</i>		<i>Derivatives</i>		
<i>Section Heading</i>	<i>Clause</i>	<i>Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980 (No. 44) of New Zealand</i>	<i>Terrorism (Suppression of Bombings) Act 2007 (Act 50 of 2007)</i>	<i>Others</i>
		<i>Section</i>		
Short title	1	—	—	—
Interpretation	2			
“Convention”		—	2	—
“Convention country”		—	2	—
“country”		—	—	—
“internationally protected person”		—	—	—
“offence against an internationally protected person”		—	—	—
“relevant premises”		—	—	s1(5) of Internationally Protected Persons Act (1978) of UK
“vehicle”		—	—	
Internationally protected persons	3(1)	—	—	Article 1 of Convention
	3(2)	—	—	s14 of Crimes (Internationally Protected Persons) Act 1976 of Australia
Offences against persons	4	3	—	—

<i>Internationally Protected Persons Bill 2008</i>		<i>Derivatives</i>		
<i>Section Heading</i>	<i>Clause</i>	<i>Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980 (No. 44) of New Zealand</i>	<i>Terrorism (Suppression of Bombings) Act 2007 (Act 50 of 2007)</i>	<i>Others</i>
		<i>Section</i>		
Offences against premises or vehicles	5	4	—	—
Making threats	6	5 and 6	—	—
Attempt, abetment and conspiracy punishable as offences	7	—	—	—
Presumption of knowledge	8	—	—	—
Information relating to offence	9	—	4	—
Assistance under Mutual Assistance in Criminal Matters Act	10	—	—	—
Extradition	11	—	6	—
No prosecution without Public Prosecutor's consent	12	—	8	—
Amendment of Schedules	13	—	—	—
FIRST SCHEDULE OFFENCES AGAINST INTERNATIONALLY PROTECTED PERSONS	—	—	—	—

<i>Internationally Protected Persons Bill 2008</i>		<i>Derivatives</i>		
<i>Section Heading</i>	<i>Clause</i>	<i>Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980 (No. 44) of New Zealand</i>	<i>Terrorism (Suppression of Bombings) Act 2007 (Act 50 of 2007)</i>	<i>Others</i>
		<i>Section</i>		
SECOND SCHEDULE OFFENCES AGAINST PREMISES OR VEHICLES	—	—	—	—