

Internationally Protected Persons Bill

Table of Contents

Bill No: 1/2008

Read the first time: 21st January 2008

Long Title

Enacting Formula

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

Explanatory Statement

Expenditure of Public Money

Table of Derivations

Internationally Protected Persons Bill

Bill No. 1/2008

Read the first time on 21st January 2008.

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.

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

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;
- (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.

- (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 —

- (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
 - (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,

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,

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.

(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 —

- (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 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