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CHAPTER 191

THE GENOCIDE ACT

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GENOCIDE

(3rd December, 1975.)

20/1975.

1. This Act may be cited as the Genocide Act.

**Short title.**

2. In this Act—

**Interpretation.**

"the Genocide Convention" means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on the 9th day of December, 1948.

3. (1) a person shall commit an offence of genocide <sup>Genocide</sup>, if he commits any act falling within the definition of "genocide" as set out in Article II of the Genocide Convention contained in the Schedule to this Act.

(2) A person guilty of an offence of genocide shall on conviction on indictment—

(a) if the offence consists of the killing of any person, be sentenced to imprisonment for life; and

(b) in any other case, be liable to imprisonment for fourteen years.

**Limitation on institution of proceedings.**

**4.** Proceedings for an offence of genocide shall not be instituted except by or with the consent of the Director of Public Prosecutions.

**Extradition proceedings.**  
**Cap. 164.**

**5.** For the purpose of the Extradition Act, all powers vested in and acts authorized or required to be done by any person thereunder in relation to the surrender of fugitive criminals under the Extradition Acts, 1870 and 1873 of the United Kingdom and any Acts amending or substituted for those Acts, hereinafter called "the United Kingdom Acts", shall and may be done in relation to any offence of genocide, any attempt or conspiracy to commit such offence and any direct or public excitement to commit such an offence and for the purposes of the application of the Extradition Act in so far as it relates to the United Kingdom Acts and such United Kingdom Acts shall be deemed in relation to any proceedings within Antigua and Barbuda to include the offence of genocide and any attempt of conspiracy to commit such an offence and any direct and public excitement to commit such an offence as if such offences were stated as extraditable offences in the United Kingdom Acts.

**Non-political character of offence.**  
**Cap. 185.**

**6.** For the purposes of the Extradition Act and the Fugitive Offenders Act no offence which, if committed in Antigua and Barbuda would be punishable as an offence of genocide or as an attempt, conspiracy or excitement to commit such an offence shall be regarded as an offence of a political character, and no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.

**Objection to**

**7.** It shall not be an objection to any proceedings taken against a person by virtue of the provisions of sections 6 and 7 that under the law in force at the time when and in the place where he is alleged to commit the act of which he was

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accused or of which he was convicted he could not have been punished therefor.

**8.** The provisions of this Act shall not derogate from <sup>Savings.</sup> the operation of the provisions of Parts I to IV of the Offences against the Person Act.

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## SCHEDULE

### ARTICLE II OF GENOCIDE CONVENTION

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such—

- (a) Killing members of the group;
  - (b) Causing serious bodily or mental harm to members of the group;
  - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
  - (d) Imposing measures intended to prevent births within the group;
  - (e) Forcibly transferring children of the group to another group.
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