

[L. S.]

I Assent,

B. T. Carrott,
Governor-General's Deputy

26th May, 1993.

ANTIGUA AND BARBUDA

No. 17 of 1993.

AN ACT to make provision for terrorist related offences to be made extraditable; for excluding such crimes from crimes & defined as crimes of a political character and for connected purposes.

[10th June, 1993]

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the Suppression of Terrorism Act, 1993. Short title.

2. In this Act — Interpretation.

"act" includes omission;

"protected person" has the same meaning as the meaning assigned to it in the Internationally Protected Persons Act, 1993.

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Cases relating to offences excluded from offences regarded as of a political character.

3. (1) This section applies to any offence of which a person is accused or has been convicted outside Antigua and Barbuda if the act constituting the offence, or the equivalent act, would, if it took place in Antigua and Barbuda or, in the case of an extra-territorial offence, in corresponding circumstances outside Antigua and Barbuda, constitute one of the offences listed in the Schedule.

(2) For the purpose of any request made on behalf of a Commonwealth country or a country with which there is an extradition arrangement between Antigua and Barbuda and that country for the return of a person under the Extradition Act —

No. of 1993.

(a) no offence to which this section applies shall be regarded as an offence of a political character; and

(b) no proceedings in respect of an offence to which this section applies shall be regarded as a criminal matter of a political character or as criminal proceedings of a political character.

Extradition crime. No. of 1993.

4. The offences mentioned in paragraphs (a), (b) and (c) below are, for the purposes of the Extradition Act, deemed to be extradition crimes

(Cap. 310)

(a) any offence under the Explosive Act;

No. 11 of 1972.

(b) any indictable offence under the Firearms Act, 1972;

(c) any attempt to commit any of the crimes specified in subsection (a) and (b).

Jurisdiction in respect of offences committed outside Antigua and Barbuda.

5. (1) If a person, whether a citizen of Antigua and Barbuda does in any country any act which, if he had done in Antigua and Barbuda, would have made him guilty in Antigua and Barbuda of —

(a) an offence mentioned in paragraphs 1, 2, 4, 5, 9, 10 or 11 of the Schedule; or

(b) an offence of attempting to commit any offence so mentioned,

he shall in Antigua and Barbuda, be guilty of the offence or offences so mentioned of which the act would have made him guilty if he had done it there.

(2) If a person, whether a citizen of Antigua and Barbuda, does in any country any act in relation to a protected person which, if he had done in Antigua and Barbuda, would have made him guilty in Antigua and Barbuda of —

- (a) an offence mentioned in paragraphs 3, 6, or 8 of the Schedule; or
- (b) *an* offence of attempting to commit any offence so mentioned;

he shall, in Antigua and Barbuda be guilty of the offence or offences so mentioned of which the act would have made him guilty if he had done it there.

(3) For the purposes of this subsection it is immaterial whether a person knows that another person is protected.

(4) If a person who is not a citizen of Antigua and Barbuda does outside Antigua and Barbuda and the country of which he is a citizen, any act which makes him in that country where the act was done guilty of an offence and which, if he had been a citizen of Antigua and Barbuda would have made him in Antigua and Barbuda guilty of an offence mentioned in paragraphs 1, 2, 13 of the Schedule, he shall in Antigua and Barbuda, be guilty of the offence or offences so mentioned of which the act would have made him guilty if he had been a citizen of Antigua and Barbuda.

(5) For the purposes of this section any act done —

- (a) on board a ship registered in a Commonwealth country or some other country, being an act which, if the ship had been registered in Antigua and Barbuda would have constituted an offence within the jurisdiction of Antigua and Barbuda;
- (b) on board an aircraft registered in a Commonwealth country or some other country while the aircraft is in flight in a country other than in or over the country of its registration;
- (c) on board a hovercraft registered in a Commonwealth country or some other country while the hovercraft is on a journey in a country other than the country of its registration;

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shall be treated as done in that Commonwealth country or that country.

Consent of the
Director of Public
Prosecutions.

6. (1) No proceedings for trial and punishment of any person charged with any offence to which this Act applies shall be instituted in any court except with the consent of the Director of Public Prosecutions.

(2) A person charged with any offence to which this Act applies may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or on bail, notwithstanding that the consent of the Director of Public Prosecutions has not been obtained, but no further proceedings shall be taken until that consent has been obtained.

SCHEDULE

Sections 3 and 5

List of Offences

1. Murder.
2. Manslaughter.
3. Rape.
4. Kidnapping, abduction.
5. False imprisonment.
6. Assault occasioning actual bodily harm or causing injury.
7. Wilful fire-raising.
8. Offence under any of the following provisions of the offences against the Person Act (Cap. 58)
 - (a) Section 17 (wounding with intent to cause serious bodily **harm**);
 - (b) section 19 (causing grievous bodily **harm**);
 - (c) section 20 (Attempting to choke etc in order to commit or assist in the committing of any indictable offence);

- (d) section 21 (using **chloroform** etc. to commit or assist in committing any indictable offence);
- (e) section 22 (maliciously administering poison etc., so as to endanger life or inflict grievous bodily harm);
- (f) section 23 (maliciously administering poison etc. with intent to injure etc.)

9. An offence under the following provisions of the offences against the Person Act (Cap. 58) —

- (a) section 48 (abduction of any woman)
- (b) section 51 (Child stealing)

10. Use of explosives to commit felonies under the offences against the Person Act (Cap. 58) —

- (a) section 27 (causing bodily injury by gun powder);
- (b) section 28 (causing gun powder to explode or sending any person an explosive substances with intent to cause grievous bodily harm);
- (c) section 29 (placing gun powder near a building with intent to do bodily injury to any person);

11. The following offences under the Firearms Act 1972, (No. 11 of 1972.)

- (a) an offence under section 12 (possession of firearms or ammunition with intent to injure);
- (b) an offence under section 13 (use of firearm or imitation firearms to resist arrest);

12. An offence under sections 2, 3, 4, 8, 9 and 10 of the Malicious Damage Act (Cap. 51).

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13. An offence under the **Hijacking Act, 1975** (No. 21 of 1975)

14. An offence of attempting to commit any offence mentioned in a preceding paragraph of this Schedule.

Passed the House of Representatives
this 26th day of April, 1993.

C. L. Murray,
Speaker.

L. A. Dowe,
Clerk to the House of Representatives.

Passed the Senate this 17th
day of May, 1993.

William A. Robinson,
Vice-President.

L. A. Dowe,
Clerk to the Senate.

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