



REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT

Published by Authority

NO. 10]

FRIDAY, APRIL 18

[2008

First published in the *Government Gazette*, Electronic Edition, on 16th April 2008 at 5:00 pm.

The following Act was passed by Parliament on 6th March 2008 and assented to by the President on 25th March 2008:—

**INTERNATIONALLY PROTECTED PERSONS
ACT 2008**

(No. 8 of 2008)

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REPUBLIC OF SINGAPORE

No. 8 of 2008.

I assent.

(LS)

S R NATHAN,
President.
25th March 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 the accused knew that the person in question was an internationally protected person.

(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.

(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,

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.

(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
- (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 —

- (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,

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.

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- (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).

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.

- (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).

(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.

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

(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 —

- (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.

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.
