
CHAPTER 176

THE FOREIGN INCURSIONS AND MERCENARIES ACT

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FOREIGN INCURSIONS AND MERCENARIES

An Act to prevent the raising of mercenaries in Antigua and Barbuda and to prevent armed incursions into other countries by Antiguan and Barbudans.

(29th March, 1984.)

1311983.

1. This Act may be cited as the Foreign Incursions and Mercenaries Act. **Short title.**

2. In this Act— **Interpretation.**

“government” in relation to any country means the government recognised by the Government of

Antigua and Barbuda as the lawful government of that country;

"other country" means a country other than Antigua and Barbuda;

"recruit" includes engage, enlist, procure or train as a soldier;

"warfare or armed conflict" includes guerilla or irregular warfare and rebellion or armed insurrection.

Foreign
incursions
prohibited.

3. (1) No person to whom this section applies shall—

(a) enter any other country with intent to engage in a hostile activity against the government of that country, or

(b) engage in any other country in a hostile activity against the government of that country.

(2) This section applies to an individual who—

(a) at the relevant time is a citizen of Antigua and Barbuda or is ordinarily resident in Antigua and Barbuda, or

(b) at any time during the twelve months immediately preceding the relevant time, was present in Antigua and Barbuda for a purpose connected with a contravention of subsection (1).

(3) Nothing in subsection (1) applies to an act done by an individual in the course of and as part of his service—

(a) in any capacity in a force described in section 7, or

(b) in any capacity in the armed forces of the government of another country to which he has been enlisted or commissioned while ordinarily resident in that other country.

(4) An individual engages in a hostile activity against the government of another country when he participates in

or does any act to achieve any one or more of the following objects, that is to say—

(a) the overthrow by force or violence of the government of that other country;

(b) causing by force or violence the public in the other country to be in fear of suffering death or personal injury;

(c) causing the death of or bodily injury to a person who

(i) is the head of state or head of government of the other country, or

(ii) holds, or performs any of the duties of, a public office in the other country;

(d) unlawfully destroying or damaging any property belonging to the government of the other country;

whether or not any of the objects are achieved.

(5) In this section "relevant time" means the time of the doing of the act that is alleged to constitute a contravention of subsection (1).

4. (1) No person shall within Antigua and Barbuda recruit any individual for the purpose of his taking part in any warfare or armed conflict outside Antigua and Barbuda. **Prohibited recruiting activities.**

(2) No individual shall permit himself to be recruited within Antigua and Barbuda for the purpose of his taking part in any warfare or armed conflict outside Antigua and Barbuda.

5. (1) No person shall, by advertisement within or outside Antigua and Barbuda, induce an individual within Antigua and Barbuda to be recruited to take part in any warfare or armed conflict outside Antigua and Barbuda in contravention of this Act. **Recruiting by advertisement.**

(2) In this section "advertisement" means to advertise by word of mouth, through pamphlets, leaflets, or other published materials however printed and disseminated or to

advertise by radio, television or other mode of public or private broadcasting or by any medium by which an advertisement can be made.

Transporting combatants.

6. No person shall transport or convey, or assist in the transportation or conveyance of, an individual from Antigua and Barbuda to any place where warfare or armed conflict is in progress with the intent that the individual take part in warfare or armed conflict outside Antigua and Barbuda in contravention of this Act.

Permissible recruitment.

7. Nothing in this Act prevents an individual within Antigua and Barbuda from—

(a) serving, or recruiting another individual to serve as a member of the armed forces of the Crown;

(b) serving, or recruiting another individual to serve in the armed forces of the government of another country under a treaty or other international agreement to which Antigua and Barbuda is a party; or

(c) serving, or recruiting another individual to serve, as a member of a peace-keeping or other international force operating under the authority of the United Nations by resolution of the Security Council or of the General Assembly.

Humanitarian services.

8. Nothing in this Act prevents an individual who does not bear arms or serve as a combatant or in support of combatants from doing or being approached to do any service of a medical or humanitarian nature for the relief of the suffering of civilians or combatants in any warfare or armed conflict outside Antigua and Barbuda.

Penalty.

9. A person who contravenes this Act is guilty of an offence and is liable on conviction on indictment to a fine of twenty-five thousand dollars and to imprisonment for five years.

U.K. Act 33 and 34 Vict. C.90.

10. The Foreign Enlistment Act, 1870, of the United Kingdom ceases to have effect in Antigua and Barbuda.
