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**CHAPTER 86****INTERNATIONALLY PROTECTED PERSONS****ARRANGEMENT OF SECTIONS**

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## CHAPTER 86

## INTERNATIONALLY PROTECTED PERSONS

**An Act to give effect to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including diplomatic agents, adopted by the United Nations General Assembly in 1973, and for matters incidental to that convention.** *11 of 1986*

*[Assent 21st January, 1987]  
[Commencement 19th May, 1987]*

1. This Act may be cited as the Internationally Protected Persons Act. *Short title.*

2. (1) In this Act — *Interpretation.*

“the Convention” means the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents adopted by the United Nations General Assembly in 1973;

“Convention country” means a country which is for the time being a party to the Convention;

“protected person”, in relation to an alleged act or omission that constitutes a crime by virtue of or against any of sections 3 to 6, means —

- (a) a person who, at the time of the alleged act or omission is —
  - (i) a Head of State; or
  - (ii) a member of a body that performs the functions of a Head of State under the Constitution of the State; or
  - (iii) a Head of Government; or
  - (iv) a Minister of Foreign Affairs, and is outside the territory of the State in which he holds office;
- (b) a member of the family of any person referred to in paragraph (a) of this definition who is accompanying that person;

- (c) a person who, at the time of the act or omission, is —
- (i) a representative or an official of a State; or
  - (ii) an official or agent of an international organisation of an inter-governmental character,
- and is entitled under international law to special protection from attack on his person, freedom or dignity;
- (d) a member of the family of any person referred to in paragraph (c) of this definition who is a member of that person’s household;

“relevant premises” means premises at which a protected person resides or is staying or which a protected person uses for the purpose of carrying out his functions as such a person; and

“vehicle” includes any means of conveyance.

(2) In paragraph (a)(i) of the definition of the term “protected person”, the term “Head of State” includes, in relation to any Commonwealth country of which Her Majesty the Queen is Head of State, the Governor-General or other person who performs the functions of the Head of State as Her Majesty’s representative.

(3) In this Act any reference to the Extradition Act is a reference to the Extradition Act 1994.

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Offences against persons.

**3.** (1) Without prejudice to the provisions of the Penal Code, every one commits an offence who, whether in or outside The Bahamas, does or omits to do any act to, or in relation to, any person whom he knows to be a protected person if that act or omission constitutes, or would, if done or omitted to be done in The Bahamas, constitute —

- (a) an offence referred to or described in any of the provisions of the Penal Code specified in the First Schedule; or
- (b) an attempt to commit any such offence (where the offence is not itself constituted by a mere attempt).

(2) Every one who commits an offence under this section is liable on conviction on information to the same penalty to which he would have been liable had he been

charged with an offence against the relevant provisions of the Penal Code.

**4.** (1) Without prejudice to the provisions of the Penal Code, every one commits an offence who, whether in or outside The Bahamas does or omits to do any act —

Offences against premises or vehicles.

- (a) to or in relation to —
  - (i) any relevant premises; or
  - (ii) any vehicle that is used by a protected person,
 while a protected person is present in those premises or that residence or vehicle; and
- (b) which constitutes or would, if done or omitted to be done in The Bahamas, constitute —
  - (i) an offence referred to or described in any of the provisions of the Penal Code specified in the Second Schedule; or
  - (ii) an attempt to commit any such offence (where the offence is not itself constituted by a mere attempt).

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(2) Every one who commits an offence under this section is liable on conviction on information to the same penalty to which he would have been liable had he been charged with an offence against the relevant provisions of the Penal Code.

**5.** (1) Every one commits an offence who whether in or outside The Bahamas threatens to do any act —

Threats against persons.

- (a) to, or in relation to, any person whom he knows to be a protected person; and
- (b) which constitutes an offence under section 3.

(2) Every one who commits an offence under this section is liable on conviction on information to imprisonment for a term of seven years, or the term of years prescribed by the relevant provisions of the Penal Code in respect of the crime that he would have committed had he carried out his threat in The Bahamas, whichever is the lesser.

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**6.** (1) Every one commits an offence who, whether in or outside The Bahamas, threatens to do any act —

Threats against premises or vehicles.

- (a) to, or in relation to —
  - (i) any relevant premises; or

- (ii) any vehicle that he knows is used by a protected person; and
- (b) which constitutes an offence under section 4.

(2) Every one who commits an offence under this section is liable on conviction on information to imprisonment for a term of three years.

Prosecution need not prove certain matters.

7. Notwithstanding anything in sections 3 to 6, in any proceedings brought under any of those sections, it shall not be necessary for the prosecution to prove any of the following matters —

- (a) in respect of any protected person to whom paragraph (a) or (c) of the definition of that term in section 2(1) applies, that the accused knew at the time of the alleged offence, the identity of that person or the capacity in which he was a protected person;
- (b) in respect of any protected person to whom paragraph (b) of that definition applies, that the accused knew, at the time of the alleged offence, that the protected person was accompanying any other person to whom paragraph (a) of that definition applies;
- (c) in respect of any protected person to whom paragraph (c) of that definition applies, that the accused knew at the time of the alleged offence that the protected person was entitled under international law to special protection from attack on his person, freedom or dignity;
- (d) in respect of any protected person to whom paragraph (d) of that definition applies, that the accused knew, at the time of the alleged offence, that the protected person was a member of the household of any other person referred to in paragraph (c) of that definition.

Extradition.

8. (1) The offences constituted by sections 3, 4, 5 and 6 shall be deemed to be included in the list of extradition crimes in the Extradition Act.

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(2) Where no such arrangement as is mentioned in section 4 of the Extradition Act has been made with a State which is a party to the Convention, an order applying that Act may be made under that section by the Minister responsible for Foreign Affairs as if the Convention were such an arrangement with that State; but where that Act is applied by virtue of this subsection, it shall have effect as so applied as if the only extradition crimes within the meaning of that Act were —

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- (a) an offence described in section 3 or 4, including attempting to commit that offence (where it is not itself constituted by a mere attempt) aiding, abetting, inciting, counselling or procuring any person to commit any such offence when it is not in fact committed; and
- (b) each offence described in section 5 or 6,

and further for the purposes of that Act each offence referred to at paragraphs (a) and (b) shall, if not already described in the treaty, be deemed to be an offence described in any extradition treaty in force at the commencement of this Act between The Bahamas and any foreign country that is a party to the Convention.

(3) Notwithstanding anything in subsection (1) no person shall be liable to be surrendered under the Extradition Act in respect of an act or omission that amounts to an extradition offence under such a treaty as referred to in that subsection if that act or omission occurred before the date on which that offence was deemed by that subsection to be an offence described in that treaty.

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**9.** (1) Where the surrender of a person is sought under the Extradition Act in respect of any act or omission that amounts to an offence referred to in section 8(2)(a) or (b) and for which the person whose surrender is sought could be tried and punished in the country seeking the surrender, being a country that is a party to the Convention, that act or omission shall be deemed to have been committed within the jurisdiction of that country notwithstanding that it was committed outside the territory of that country.

Surrender of  
offenders.  
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(2) Without prejudice to subsection (1), where any act or omission to which that subsection applies occurred in The Bahamas, the Extradition Act and the relevant extradition treaty shall apply with any necessary modifications as if the act or omission had occurred outside The Bahamas.

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(3) For the purposes of section 8 and this section, the terms “foreign country” and “country”, respectively, include any territory for whose international relations the Government of a foreign country or country, as the case may be, is responsible and to which the extradition treaty (if any) and the Convention extend.

Restrictions on  
surrender of  
offenders.  
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**10.** (1) Notwithstanding anything in sections 8 and 9 or the Extradition Act, no person shall be surrendered from The Bahamas to another country in respect of any act or omission that amounts to an offence under any of the provisions of sections 3 to 6 if proceedings have been brought in The Bahamas against that person in respect of that act or omission.

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(2) Notwithstanding anything in sections 8 and 9 or the Extradition Act but subject to subsection (3) no court in The Bahamas shall order the surrender, or the committal for the purposes of surrender, of a person to another country in respect of an act or omission that amounts to an offence under any of the provisions of sections 3 to 6 if the Attorney-General certifies that deliberations are being or are about to be had to determine whether or not proceedings should be brought in The Bahamas against that person in respect of the act or omission.

(3) If, in any case to which subsection (2) applies, it is subsequently determined that proceedings should not be brought in The Bahamas against the person in respect of the act or omission, the Attorney-General shall advise the court accordingly, and the court shall proceed with the matter as if the Attorney-General’s certificate had never been given.

Attorney-  
General’s  
consent required.

**11.** (1) Subject to subsection (2), no proceedings for the trial and punishment of any person charged with an offence under any of the provisions of sections 3 to 6 shall be instituted in any court except with the consent of the Attorney-General.



(2) A person charged with an offence under any of those provisions 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 Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further proceedings shall be taken until that consent has been obtained.

**12.** For any purpose in connection with this Act, a certificate, given by the Minister responsible for Foreign Affairs certifying — Evidence.

- (a) any fact relevant to the question of whether a person was or was not a protected person at any material time; or
- (b) that any country is or is not, or was or was not at any material time, a party to the Convention; or
- (c) that the Government of any country is or is not, or was or was not at any material time, responsible for the international relations of any territory,

shall be sufficient evidence of that fact.

## SCHEDULES

### FIRST SCHEDULE (Section 3)

Section of the Penal Code	Subject Matter
265	Aggravated assault
269	Wounding
270	Causing grievous harm
272	Maiming
273	Using deadly means of harm
274	Administering noxious matter
275	Causing harm with aggravation
276	Choking, strangling, etc., to render person incapable
(Repealed)	Rape and attempt to commit rape

282	Kidnapping
289	Manslaughter
291	Murder
292	Attempt to commit murder

**SECOND SCHEDULE (Section 4)**

**OFFENCES AGAINST PREMISES OR VEHICLES OF  
INTERNATIONALLY PROTECTED PERSONS**

Section of The Penal Code	Subject Matter
323	Arson of dwelling house
324	Arson of building
325	Arson of vehicle
326	Use of explosive to cause damage
327	Causing damage generally by fire
328	Wilful damage