

**Second Session Fourth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 20 of 1993

[L.S.]

**AN ACT to give effect to the International Convention
against the Taking of Hostages opened for signature
at New York on 18th December, 1979.**

[Assented to 11th August, 1993]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Taking of Hostages Short title
Act, 1993.

Interpretation

2. In this Act—

“Convention” means the International Convention against the Taking of Hostages opened for signature at New York on 18th December, 1979;

“Minister” means the Minister to whom responsibility for foreign affairs is assigned.

Hostage-taking

3. (1) Any person, whatever his nationality, who, in Trinidad and Tobago or elsewhere, seizes or detains any other person, in this subsection referred to as “the hostage”, and in order to compel a State, international intergovernmental organisation or any person to do or abstain from doing any act, threatens to kill, to injure or to continue to detain the hostage, commits an offence.

(2) Any person, whatever his nationality, who, in Trinidad and Tobago or elsewhere—

(a) attempts to commit an offence referred to in subsection (1); or

(b) aids, abets, counsels or procures, the commission of an offence referred to in subsection (1) or of an attempt to commit such an offence,

commits an offence.

(3) Any person guilty of an offence under this Act is liable, on conviction on indictment, to imprisonment for life.

(4) Where a person has been tried and convicted or acquitted by a court of competent jurisdiction in a country outside Trinidad and Tobago of an offence in respect of any act, which is an offence under this Act, that person shall not be tried under this Act in respect of that act.

Prosecution of offences

4. (1) Proceedings for an offence under section 3 shall not be instituted except by or with the consent of the Director of Public Prosecutions.

(2) Nothing in subsection (1) prevents the arrest or the issue of a warrant for the arrest of any person in respect of any offence under this Act, or the remanding in custody or on bail of any person charged with any such offence.

5. Where a person who is taken into custody or who is subject to similar measures in contemplation of prosecution or extradition for any offence under this Act, is found in Trinidad and Tobago, the Minister shall take all reasonable steps to so inform—

Notification of
States

- (a) the State where the offence was committed;
- (b) the State of which the person so found is a national, or if that person is stateless, the State in which he has his habitual residence;
- (c) the State against which compulsion has been directed or attempted;
- (d) the State of which the person against whom compulsion has been directed or attempted is a national;
- (e) the State of which the hostage is a citizen or if the hostage is a stateless person, the State in which he has his habitual residence;
- (f) any other State that may have an interest in the prosecution of the person so found;
- (g) the international intergovernmental organisation, if any, against which compulsion has been directed or attempted.

6. (1) An offence under section 3 is deemed an extraditable offence under the Extradition (Commonwealth and Foreign Territories) Act, 1985 (in this section referred to as "the Act").

Extradition
No. 36 of 1985

(2) Subject to subsection (4), notwithstanding that a Commonwealth territory which is a party to the Convention has not been declared under section 3 of the Act to be a Commonwealth territory in relation to which the Act applies, an Order applying the Act may be made under that section.

(3) Subject to subsection (4), where no treaty as is referred to in section 4 of the Act has been made with a foreign territory which is a party to the Convention, an Order applying the Act may be made under that section as if the Convention were such a treaty with that territory.

(4) Where the Act is applied by virtue of subsection (2) or (3), the Act shall have effect as so applied as if the only extraditable offences within the meaning of the Act were offences under this Act.

(5) For the purposes of the Act any act, wherever committed, which is an offence mentioned in subsection (4) and an offence against the law of any Commonwealth or foreign territory to which the Act is applied by an Order under section 3 or 4 of the Act, shall be deemed to be an offence committed within the jurisdiction of that Commonwealth or foreign territory.

Act No. 36 of 1985
amended

7. The Extradition (Commonwealth and Foreign Territories) Act, 1985 is amended by inserting immediately after section 8, the following section :

20 "Restriction
on return:
hostage-
taking
Act No. 19
of 1993

8A. (1) A person accused of an offence under the Taking of Hostages Act shall not be returned under this Act to a declared Commonwealth territory or a declared foreign territory, which is party to the Convention, or committed to or kept in custody for the purposes of the return, if it appears to the Attorney General, to the Magistrate on proceedings under section 12, or to the High Court on an application for *habeas corpus* or under section 14 for review of an order, or to the Court of Appeal on the hearing of an appeal under section 15—

- (a) that that person might, if returned, be prejudiced at his trial by reason of the impossibility of effecting communications between him and the appropriate authorities of the State entitled to exercise rights of protection in relation to him; and
- (b) that the facts constituting the offence of which he has been acquitted or convicted also constitute an offence under section 3 of the Taking of Hostages Act.

(2) Where the Minister certifies that a territory is a party to the Convention the certificate shall, in any proceedings under this Act, be conclusive evidence of that fact.

(3) In this section "the Convention" means the Convention referred to in section 2 of the Taking of Hostages Act."

Passed in the Senate this 6th day of July, 1993.

R. CUMBERBATCH
Acting Clerk of the Senate

Passed in the House of Representatives this 16th day of July, 1993.

N. COX
Acting Clerk of the House