

TAKING OF HOSTAGES ACT

CHAPTER 12:05

Act
20 of 1993

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 12:05

TAKING OF HOSTAGES ACT

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 12:05

TAKING OF HOSTAGES ACT

20 of 1993. **An Act to give effect to the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979.**

Commencement. [11TH AUGUST 1993]

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

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.

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.

Prosecution of offences.

(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.

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

(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.