

## INTERNATIONALLY PROTECTED PERSONS

### ARRANGEMENT OF SECTIONS

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## INTERNATIONALLY PROTECTED PERSONS ACT

### **An Act to implement the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons adopted by the United Nations General Assembly in 1973**

Commencement: 8th July 1995

**1.** This Act may be cited as the Internationally Protected Persons Act and shall come into force on such date as His Majesty the Sultan and Yang Di-Pertuan may by Notification in the Government Gazette appoint.

**2.** (1) If a person, whether a citizen of Brunei Darussalam or not, does outside Brunei Darussalam -

(a) any act to or in relation to a protected person which, if he had done it in any part of Brunei Darussalam would have made him guilty of the offence of murder, culpable homicide not amounting to murder, rape, voluntarily causing hurt, kidnapping, wrongful confinement or an offence under sections 322, 324, 326, 328, 361, 368 or 369 of the Penal Code; or

(b) in connection with an attack on any relevant premises or on any vehicle ordinarily used by a protected person which is made when a protected person is on or in the premises or vehicle, any act which, if he had done it in any part of Brunei Darussalam would have made him guilty of an offence under sections, 324, 326, 435 or 436 of the Penal Code,

he shall in Brunei Darussalam be guilty of the offences aforesaid of which the act would have made him guilty if he had done it there.

(2) If a person in Brunei Darussalam or elsewhere, whether a citizen of Brunei Darussalam or not-

(a) attempts to commit an offence which, by virtue of the preceding subsection or otherwise, is an offence mentioned in paragraph (a) of that subsection against a protected person or an offence mentioned in paragraph(b) of that subsection in connection with an attack so mentioned; or

(b) aids or abets the commission of such an offence or of an attempt to commit such an offence,

he shall in Brunei Darussalam be guilty of attempting to commit the offence in question or, as the case may be, of aiding or abetting the commission of the offence or attempt in question.

(3) If a person in Brunei Darussalam or elsewhere, whether a citizen of Brunei Darussalam or not-

(a) makes to another person a threat that any person will do an act which is an offence mentioned in paragraph (a) of the preceding subsection; or

(b) attempts to make or aids or abets the making of such a threat to another person,

with the intention that the other person shall fear that the threat will be carried out, the person who makes the threat or, as the case may be, who attempts to make it or aids or abets the making of it, shall in Brunei Darussalam be guilty of an offence and liable on conviction to imprisonment for 10 years and not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

(4) For the purposes of the preceding subsection it is immaterial whether a person knows that another person is a protected person.

(5) In this section-

"act" includes omission;

"a protected person" means, in relation to an alleged offence, any of the following, namely-

(a) a person who at the time of the alleged offence is a Head of State, a member of a body which performs the functions of Head of State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds office;

(b) a person who at the time of the alleged offence is a representative or an official of a State or an official or agent of an international organisation of an intergovernmental character, is entitled under international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph;

(c) a person who at the time of the alleged offence is a member of the family of another person mentioned in either of the preceding paragraphs and-

(i) if the other person is mentioned in paragraph (a) above, is accompanying him;

(ii) if the other person is mentioned in paragraph (b) above, is a member of his 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; and if in any proceeding a question arises as to whether a person is or was a protected person, a certificate issued by or under the authority of the Minister and stating any fact relating to the question shall be conclusive evidence of the fact.

**3.** (1) Proceedings for an offence which would not be an offence apart from the preceding section shall not be instituted in Brunei Darussalam except by or with the consent of the Attorney General.

(2) In this section the expression "Attorney General" includes the Solicitor General.

**4.** (1) An offence under section 2(3)(a) of this Act shall be deemed to be included in the list of extradition crimes in the First Schedule of the Extradition Act.

(2) Where no such arrangements as is mentioned in section 4 of the Extradition Act has been made with a State which is a party to the Convention mentioned in the title to this Act, His Majesty in Council may by Order apply that Act as if the Convention were such an arrangement with the 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 the Act were-

(a) an offence mentioned in paragraph (a) of subsection (1) of section 2 of this Act which is committed against a protected person within the meaning of that section;

(b) an offence mentioned in paragraph (b) of that subsection which is committed in connection with such an attack as is so mentioned;

(c) an attempt to commit an offence mentioned in the preceding paragraphs; and

(d) an offence under section 2(3) of this Act.

(3) For the purposes of the Extradition Act any act, wherever committed, which is an offence mentioned in the preceding subsection and an offence against the law of any State in the case of which that Act is applied by an Order made by His Majesty in Council under section 4 of that Act shall be deemed to be an offence committed within the jurisdiction of that State.