

UNITED NATIONS PERSONNEL ACT 2011

(No. 11 of 2011)

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
 2. Interpretation
 3. UN workers
 4. Offences committed against UN workers
 5. Offences committed against premises or vehicles
 6. Making threats
 7. Attempt, abetment and conspiracy punishable as offences
 8. Presumption of knowledge
 9. Information relating to offence
 10. Assistance under Mutual Assistance in Criminal Matters Act
 11. Extradition to and from Convention countries
 12. Extradition to Protocol countries
 13. No prosecution without Public Prosecutor's consent
 14. Amendment of Schedules
 - First Schedule — Offences Against Un Workers
 - Second Schedule — Offences Against Premises or Vehicles
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An Act to give effect to certain provisions of the Convention on the Safety of United Nations and Associated Personnel and the Optional Protocol to the Convention, and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1.—(1) This Act may be cited as the United Nations Personnel Act 2011.

(2) Sections 3(3) and 12 shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“Convention” means the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly of the United Nations on 9th December 1994;

“Convention country” means a foreign country that is a Party to the Convention;

“country” includes a State or territory, as the case may be;

“offence against a UN worker” means —

(a) an offence under section 4, 5 or 6; or

(b) an abetment of, or a conspiracy or attempt to commit, an offence under section 4 or 5;

“Protocol” means the Optional Protocol to the Convention adopted by the General Assembly of the United Nations on 8th December 2005;

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

“UN worker” has the meaning given to that expression in section 3;

“vehicle” includes any means of conveyance.

(2) In this Act, “abetment”, in relation to an offence, includes an abetment of —

(a) an abetment of the offence; or

(b) an attempt to commit the offence.

UN workers

- 3.—(1) In this Act, “UN worker” means a person who is —
- (a) engaged or deployed by the Secretary-General of the United Nations as a member of the military, police or civilian component of a UN operation;
 - (b) in his capacity as an official or expert on mission of the United Nations, a specialised agency of the United Nations or the International Atomic Energy Agency, present in an area where a UN operation is being conducted;
 - (c) assigned, with the agreement of an organ of the United Nations, by the government of any State or by an intergovernmental organisation to carry out activities in support of the fulfilment of the mandate of a UN operation;
 - (d) engaged by the Secretary-General of the United Nations, a specialised agency or the International Atomic Energy Agency to carry out such activities; or
 - (e) deployed by a humanitarian non-governmental organisation or agency under an agreement with the Secretary-General of the United Nations, with a specialised agency or with the International Atomic Energy Agency to carry out such activities.
- (2) In this section, “UN operation” means an operation —
- (a) which is established, in accordance with the Charter of the United Nations, by an organ of the United Nations;
 - (b) which is conducted under the authority and control of the United Nations; and
 - (c) which —
 - (i) has as its purpose the maintenance or restoration of international peace and security; or
 - (ii) has, for the purposes of the Convention, been declared by the Security Council or the General Assembly of the United Nations to be an operation

where there exists an exceptional risk to the safety of the participating personnel.

- (3) In this section, “UN operation” also includes an operation —
- (a) which is established, in accordance with the Charter of the United Nations, by an organ of the United Nations;
 - (b) which is conducted under the authority and control of the United Nations; and
 - (c) which is for the purpose of —
 - (i) delivering humanitarian, political or development assistance in peacebuilding; or
 - (ii) delivering emergency humanitarian assistance.

(4) In this section, “UN operation” does not include any operation —

- (a) which is authorised by the Security Council of the United Nations as an enforcement action under Chapter VII of the Charter of the United Nations;
 - (b) in which UN workers are engaged as combatants against organised armed forces; and
 - (c) to which the law of international armed conflict applies.
- (5) If in any proceedings, a question arises as to whether —
- (a) a person is, or was at any time or in respect of any period, a UN worker; or
 - (b) an operation is or was a UN operation,

a written certificate issued under the hand of the Minister charged with the responsibility for foreign affairs and stating any fact relevant to the question shall be admissible as evidence of that fact until the contrary is proved.

Offences committed against UN workers

- 4.—(1) Any person who commits outside Singapore any act —
- (a) to or in relation to a person whom he knows to be a UN worker; and

- (b) which, if committed in Singapore, would have constituted an offence specified in the First Schedule,

shall be guilty of that offence and shall be liable on conviction to the same punishment to which he would have been liable had he been convicted of that offence.

(2) That person may be dealt with as if the offence had been committed in Singapore.

Offences committed against premises or vehicles

5.—(1) Any person who commits outside Singapore any act —

- (a) to or in relation to —

- (i) premises which he knows to be relevant premises; or
 - (ii) a vehicle which he knows is used by a UN worker;

- (b) which is likely to endanger the person or liberty of the UN worker; and

- (c) which, if committed in Singapore, would have constituted an offence specified in the Second Schedule,

shall be guilty of that offence and shall be liable on conviction to the same punishment to which he would have been liable had he been convicted of that offence.

(2) That person may be dealt with as if the offence had been committed in Singapore.

Making threats

6.—(1) Any person who, in or outside Singapore, threatens to commit an act which is —

- (a) an offence specified in the First Schedule or under section 4 to or in relation to a person whom he knows to be a UN worker; or

- (b) an offence specified in the Second Schedule or under section 5 to or in relation to —

- (i) premises which he knows to be relevant premises; or

- (ii) a vehicle which he knows is used by a UN worker, and which, if committed, is likely to endanger the person or liberty of the UN worker,

in order to compel any person to do or abstain from doing any act, shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment for a term not exceeding —

(A) 7 years; or

(B) the term of imprisonment to which a person would be liable for the offence constituted by committing the act threatened at the time of the offence to which the conviction relates,

whichever is the lesser, or to both fine and imprisonment.

(2) Where no term of imprisonment is prescribed for the offence under subsection (1)(B), the person shall be liable on conviction to a fine or to imprisonment for a term not exceeding 7 years, or to both fine and imprisonment.

(3) If the offence is committed outside Singapore, that person may be dealt with as if the offence had been committed in Singapore.

Attempt, abetment and conspiracy punishable as offences

7. Any person who, outside Singapore, commits an act which, if committed in Singapore, would constitute an abetment of or a conspiracy or an attempt to commit —

(a) an offence specified in the First Schedule or under section 4, where the offence is or is to be committed to or in relation to a person whom he knows to be a UN worker; or

(b) an offence specified in the Second Schedule or under section 5, where the offence is or is to be committed to or in relation to —

(i) premises which he knows to be relevant premises; or

(ii) a vehicle which he knows is used by a UN worker, and, if committed, is likely to endanger the person or liberty of the UN worker,

is deemed to commit the act in Singapore and may be dealt with accordingly.

Presumption of knowledge

8.—(1) Where, in any proceedings for an offence under section 4, it is proved that the accused had committed the act referred to in that section to or in relation to a UN worker, it shall be presumed, unless the contrary is proved, that the accused knew that the person in question was a UN worker.

(2) Where, in any proceedings for an offence under section 5, it is proved that the accused had committed the act referred to in that section to or in relation to relevant premises or a vehicle used by a UN worker, it shall be presumed, unless the contrary is proved, that the accused knew that the premises in question were relevant premises or the vehicle in question was a vehicle used by a UN worker.

(3) Where, in any proceedings for an offence under section 6, it is proved that the accused had made a threat to commit an act referred to in that section to or in relation to a UN worker, relevant premises or a vehicle used by a UN worker (as the case may be), it shall be presumed, unless the contrary is proved, that the accused knew that the person in question was a UN worker, the premises in question were relevant premises or the vehicle in question was a vehicle used by a UN worker.

(4) Where, in any proceedings for an offence under section 7, it is proved that —

- (a) the accused had committed an act which, if committed in Singapore, would constitute an abetment of or a conspiracy or an attempt to commit an offence referred to in that section; and
- (b) the offence is or is to be committed to or in relation to a UN worker, relevant premises or a vehicle used by a UN worker (as the case may be),

it shall be presumed, unless the contrary is proved, that the accused knew that the person in question was a UN worker, the premises in

question were relevant premises or the vehicle in question was a vehicle used by a UN worker.

Information relating to offence

9.—(1) Every person in Singapore who has information which he knows or believes may be of material assistance —

- (a) in preventing the commission by another person of a relevant offence; or
- (b) in securing the apprehension, prosecution or conviction of another person, in Singapore, for an offence involving the commission, preparation or instigation of a relevant offence,

and who fails to disclose the information immediately to a police officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

(2) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under this section.

(3) A person who makes a disclosure in good faith under this section shall not be treated as being in breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct.

(4) In this section, “relevant offence” means —

- (a) an offence specified in the First Schedule committed to or in relation to a UN worker;
- (b) an offence specified in the Second Schedule committed to or in relation to relevant premises or a vehicle used by a UN worker;
- (c) an offence under section 4 or 5; or
- (d) an abetment of or a conspiracy or an attempt to commit an offence under paragraph (a), (b) or (c).

Assistance under Mutual Assistance in Criminal Matters Act

10.—(1) Assistance under any provision of Part III of the Mutual Assistance in Criminal Matters Act (Cap. 190A) may be provided by Singapore to a Convention country for a criminal matter involving a relevant offence of that country.

(2) For the purposes of subsection (1) —

- (a) a relevant offence shall be deemed to be a foreign serious offence for the purposes of the Mutual Assistance in Criminal Matters Act (Cap. 190A);
- (b) that offence shall be deemed not to be an offence of a political character for the purposes of that Act;
- (c) section 20(1)(f) of that Act is inapplicable to any request for assistance referred to in subsection (1); and
- (d) the reference to the appointed date in the definition of “foreign confiscation order” in section 2(1) of that Act shall be read as the date of commencement of the Mutual Assistance in Criminal Matters (Amendment) Act 2006 (Act 8 of 2006).

(3) The following offences shall be deemed to be Singapore offences for the purposes of the Mutual Assistance in Criminal Matters Act:

- (a) an offence specified in the First Schedule committed to or in relation to a UN worker;
- (b) an offence specified in the Second Schedule committed to or in relation to relevant premises or a vehicle used by a UN worker;
- (c) an abetment of or a conspiracy or attempt to commit an offence under paragraph (a) or (b); and
- (d) an offence against a UN worker.

(4) In this section, “relevant offence”, in relation to a Convention country, means an offence against the law of that country where the act or omission constituting the offence or the equivalent act or omission —

- (a) would constitute an offence against a UN worker; or
- (b) would be such an offence if the description concerned contained a reference to any intent or state of mind on the part of the person committing the offence, or to any circumstance of aggravation, necessary to constitute the offence.

Extradition to and from Convention countries

11.—(1) Offences against a UN worker shall be deemed to be extraditable crimes for the purposes of Parts III and IV of the Extradition Act (Cap. 103).

(2) For the purposes of the Extradition Act (Cap. 103), the expression “extradition crime”, in relation to a Convention country that is a declared Commonwealth country, shall be deemed to include relevant offences.

(3) Subject to subsection (4), where no extradition treaty is in force between Singapore and a Convention country that is not a declared Commonwealth country, a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if there were an extradition treaty between Singapore and that country.

(4) Where the Extradition Act is applied under subsection (3), that Act shall have effect in relation to that country as if the only extradition crimes under that Act were the relevant offences of that country.

(5) Subsection (4) is without prejudice to any other notification made under section 4 of the Extradition Act.

(6) Where —

- (a) an extradition treaty is in force between Singapore and a Convention country; and
- (b) the treaty does not provide for the extradition of persons accused of or convicted of a relevant offence of that country,

a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act in relation to that country as if the treaty provided for the matter referred to in paragraph (b).

(7) Where a notification referred to in subsection (6) is made, any limitation, condition, exception or qualification specified in any other notification made under section 4 of the Extradition Act, or in any Order in Council referred to in section 3 of that Act, in relation to that country shall, to the extent that it prevents the relevant offence from being considered an extradition crime in relation to that country, be disregarded in the application of that Act in relation to that country.

(8) For the purposes of the Extradition Act —

- (a) any act, wherever committed, which is a relevant offence of a Convention country which is a declared Commonwealth country, or which is a relevant offence of a Convention country which is not a declared Commonwealth country in the case of which the Extradition Act has been applied by a notification in the *Gazette* made under section 4 of that Act, shall be deemed to be an offence within the jurisdiction of that country; and
- (b) any such offence shall be deemed not to be an offence of a political character.

(9) In this section —

“declared Commonwealth country” has the meaning given to that expression in the Extradition Act (Cap. 103);

“relevant offence”, in relation to a Convention country, means an offence against the law of that country where the act or omission constituting the offence or the equivalent act or omission —

- (a) would constitute an offence against a UN worker, other than one which would constitute such an offence by virtue only of section 3(3); or
- (b) would be such an offence if the description concerned contained a reference to any intent or state of mind on the part of the person committing the offence, or to

any circumstance of aggravation, necessary to constitute the offence.

Extradition to Protocol countries

12.—(1) For the purposes of the Extradition Act, the expression “extradition crime”, in relation to a Protocol country that is a declared Commonwealth country, shall be deemed to include relevant offences.

(2) Subject to subsection (3), where no extradition treaty is in force between Singapore and a Protocol country that is not a declared Commonwealth country, a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if there were an extradition treaty between Singapore and that country.

(3) Where the Extradition Act is applied under subsection (2), that Act shall have effect in relation to that country as if the only extradition crimes under that Act were the relevant offences of that country.

(4) Subsection (3) is without prejudice to any other notification made under section 4 of the Extradition Act.

(5) Where —

- (a) an extradition treaty is in force between Singapore and a Protocol country; and
- (b) the treaty does not provide for the extradition of persons accused of or convicted of a relevant offence of that country,

a notification in the *Gazette* under section 4 of the Extradition Act (Cap. 103) may be made applying that Act in relation to that country as if the treaty provided for the matter referred to in paragraph (b).

(6) Where a notification referred to in subsection (5) is made, any limitation, condition, exception or qualification specified in any other notification made under section 4 of the Extradition Act, or in any Order in Council referred to in section 3 of that Act, in relation to that country shall, to the extent that it prevents the relevant offence from being considered an extradition crime in relation to that country, be disregarded in the application of that Act in relation to that country.

(7) For the purposes of the Extradition Act —

- (a) any act, wherever committed, which is a relevant offence of a Protocol country which is a declared Commonwealth country, or which is a relevant offence of a Protocol country which is not a declared Commonwealth country in the case of which the Extradition Act has been applied by a notification in the *Gazette* made under section 4 of that Act, shall be deemed to be an offence within the jurisdiction of that country; and
- (b) any such offence shall be deemed not to be an offence of a political character.

(8) In this section —

“declared Commonwealth country” has the meaning given to that expression in the Extradition Act;

“Protocol country” means a Convention country that is a party to the Protocol;

“relevant offence”, in relation to a Protocol country, means an offence against the law of that country where the act or omission constituting the offence or the equivalent act or omission —

- (a) would constitute an offence which is an offence against a UN worker by virtue only of section 3(3); or
- (b) would be such an offence if the description concerned contained a reference to any intent or state of mind on the part of the person committing the offence, or to any circumstance of aggravation, necessary to constitute the offence.

No prosecution without Public Prosecutor’s consent

13. A prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor.

Amendment of Schedules

14. The Minister may, by order published in the *Gazette*, amend the First or Second Schedule for the purposes of giving effect to the Convention or Protocol, including any amendment to the Convention or Protocol that is binding on Singapore.

FIRST SCHEDULE

Sections 4(1)(b), 6(1)(a), 7(a), 9(4)(a),
10(3)(a) and 14

OFFENCES AGAINST UN WORKERS

<i>Offence</i>	<i>Description</i>
Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65)	
1. Section 4	Using a corrosive or explosive substance or offensive weapon
Explosive Substances Act (Cap. 100)	
2. Section 3	Causing explosion likely to endanger life
3. Section 4	Attempt to cause explosion or making or keeping explosive with intent to endanger life
Hostage-Taking Act 2010 (Act 19 of 2010)	
4. Section 3	Hostage-taking
Kidnapping Act (Cap. 151)	
5. Section 3	Abduction, wrongful restraint or wrongful confinement for ransom
Penal Code (Cap. 224)	
6. Section 302	Murder
7. Section 304	Culpable homicide not amounting to murder
8. Section 325	Voluntarily causing grievous hurt
9. Section 326	Voluntarily causing grievous hurt by dangerous weapons or means

FIRST SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
10. Section 327	Voluntarily causing hurt to extort property or to constrain to an illegal act
11. Section 328	Causing hurt by means of poison, etc., with intent to commit an offence
12. Section 329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act
13. Section 330	Voluntarily causing hurt to extort confession or to compel restoration of property
14. Section 331	Voluntarily causing grievous hurt to extort confession or to compel restoration of property
15. Section 343	Wrongful confinement for 3 or more days
16. Section 344	Wrongful confinement for 10 or more days
17. Section 346	Wrongful confinement in secret
18. Section 347	Wrongful confinement for the purpose of extorting property or constraining to an illegal act
19. Section 348	Wrongful confinement for the purpose of extorting confession or of compelling restoration of property
20. Section 354A	Outraging modesty in certain circumstances
21. Section 356	Assault or use of criminal force in committing or attempting to commit theft of property carried by a person
22. Section 357	Assault or use of criminal force in attempting wrongfully to confine a person
23. Section 363	Kidnapping
24. Section 363A	Abduction
25. Section 364	Kidnapping or abducting in order to murder
26. Section 365	Kidnapping or abducting with intent secretly and wrongfully to confine a person
27. Section 366	Kidnapping or abducting a woman to compel her marriage, etc.
28. Section 367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.

FIRST SCHEDULE — *continued*

<i>Offence</i>	<i>Description</i>
29. Section 368	Wrongfully concealing or keeping in confinement a kidnapped person
30. Section 375	Rape
31. Section 376	Sexual assault by penetration
32. Section 376A	Sexual penetration of minor under 16 years of age.

SECOND SCHEDULE

Sections 5(1)(c), 6(1)(b), 7(b), 9(4)(b),
10(3)(b) and 14

OFFENCES AGAINST PREMISES OR VEHICLES

<i>Offence</i>	<i>Description</i>
Explosive Substances Act (Cap. 100)	
1. Section 3	Causing explosion likely to endanger property
2. Section 4	Attempt to cause explosion or making or keeping explosive with intent to endanger property
Penal Code (Cap. 224)	
3. Section 426	Mischief
4. Section 427	Mischief causing loss or damage of \$500 or above
5. Section 430A	Mischief affecting railway engine, train, etc.
6. Section 435	Mischief by fire or explosive substance with intent to cause damage
7. Section 436	Mischief by fire or explosive substance with intent to destroy a house, etc.
8. Section 437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden
9. Section 438	Mischief described in section 437 when committed by fire or any explosive substance
10. Section 439	Intentionally running vessel aground or ashore with intent to commit theft, etc.
11. Section 440	Mischief committed after preparation made for

<i>Offence</i>	<i>Description</i>
	causing death or hurt.
