



GUYANA

ACT No. 6 of 2003

KIDNAPPING ACT 2003

I assent,

**Samuel Hinds,
Prime Minister
Performing the
functions of the
President.,
2nd July, 2003.**

ARRANGEMENT OF SECTIONS

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AN ACT to provide for the punishment of the offences of abduction, wrongful restraint and confinement for ransom and other related offences and for matters incidental thereto.

A.D. 2003

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Kidnapping Act 2003.

Interpretation.

2. In this Act "abduction", "wrongful restraint" and "wrongful confinement" shall have the meanings assigned to them in sections 3, 5 and 7, respectively.

Abduction.

3. Whoever by force or fear compels, or by any deceitful means induces any person to go from any place, is said to abduct that person.

Punishment for abduction with intent secretly or wrongfully to confine a person.

4. Whoever abducts any person with intent to cause that person to be secretly or wrongfully confined, shall be guilty of an offence and shall be liable on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for five years.

Wrongful restraint.

5. Whoever unlawfully obstructs any person, so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Punishment for wrongful restraint.

6. Whoever wrongfully restrains any person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars.

Wrongful confinement.

7. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said wrongfully to confine that person.

Punishment for wrongful confinement.

8. Whoever wrongfully confines any person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars.

9. Whoever, with intent to hold any person for ransom, abducts or wrongfully restrains or wrongfully confines that person shall be guilty of an offence and shall be liable on conviction on indictment to a fine of ten million dollars together with imprisonment for not less than fifteen and not more than twenty years.

Abduction,
wrongful
restraint or
wrongful
confinement
for ransom.

10. Whoever receives, has possession of or disposes of any money or property or any proceeds thereof, which has at any time been delivered as ransom in connection with any offence punishable under section 9, knowing that the money or other property has at any time been delivered as such ransom, shall be guilty of an offence and shall be liable on conviction on indictment to a fine equivalent to the ransom delivered or to seven million dollars, whichever is greater, together with imprisonment for a term not exceeding ten years.

Knowingly
receiving
ransom.

10A. (1) Whoever knowingly negotiates or assists in any negotiation to obtain any ransom for the release of any person who has been wrongfully confined shall be guilty of an offence and shall be liable on conviction on indictment to a fine of one million dollars and to imprisonment for a term not exceeding twenty years.

Knowingly
negotiating
to obtain or
for payment
of ransom.

(2) Subsection (1) does not apply to a person who in good faith negotiates or assists in negotiations on behalf of the kidnapped person.

11. (1) Notwithstanding the provisions of any written law, any person who is aware of the commission of or the intention of any other person to commit any offence under this Act shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to a police officer of such commission or intention, as the case may be.

Duty to give
information
to police.

(2) Any person bound to give any information under subsection (1) who fails to do so in accordance with that subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding one year or to both.

12. Notwithstanding any rule of law or written law to the contrary, no witness shall in any trial of any offence under this Act be presumed to be unworthy of credit by reason only that he has paid or negotiated to pay any ransom or has provided funds for the payment of any ransom to procure the release of any person who has been wrongfully restrained or wrongfully confined.

Evidence of
accomplice.

13. (1) In any trial or inquiry by a court into an offence under this Act or into a conspiracy to commit, or attempt to commit, or an abetment of any such offence the fact that an accused person is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that he had, at or about the time of the alleged offence, obtained an accretion to his pecuniary resources or property for which he cannot

Evidence of
pecuniary
resources or
property.

satisfactorily account, may be proved and may be taken into consideration by the court as corroborating the testimony of any witness in the trial or inquiry that the accused person has received a ransom for the release of a person who has been wrongfully restrained or wrongfully confined.

(2) An accused person shall, for the purpose of subsection (1) be deemed to be in possession of resources or property or to have obtained an accretion thereto where the resources or property are held or the accretion is obtained by any other person whom, having regard to his relationship to the accused person or to any other circumstances, there is reason to believe to be holding the resources or property or to have obtained the accretion in trust for or on behalf of the accused person or as a gift from the accused person.

Protection of
informers.

14. (1) Subject to this section, no complaint as to an offence under this Act shall be admitted in evidence in any civil or criminal proceeding whatsoever, and no witness shall be obliged or permitted to disclose the name or address of any informer, or state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever, contain any entry in which any informer is named or described or which might lead to his discovery, the court before which the proceeding is heard shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the informer from discovery, but no further.

(3) If on a trial for any offence under this Act the court, after full inquiry into the case, is of opinion that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding the court is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, the court may require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

Bail

15. Unless the contrary is proved to the satisfaction of a court, a person charged with an offence under section 9, 10, or 10A shall not be granted bail pending the final determination of any charge laid against him.

Passed by the National Assembly on 5th June, 2003.

S. E. Isaacs.
Clerk of the National Assembly.

(BILL No. 15/2002)