

**PARLIAMENT OFFICE
Public Buildings
Georgetown
Guyana.**

5th December, 2002.

The following Bill which will be introduced in the National Assembly is published for general information.

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



GUYANA

BILL No. 15 of 2002

KIDNAPPING BILL 2002

ARRNGEMENT OF SECTIONS

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A BILL

Intituled

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

A.D. 2002 Enacted by the Parliament of Guyana:-

Short title. 1. This Act may be cited as the Kidnapping Act 2002.

Interpretation. 2. In this Act "abduction", " wrongful restraint" and "wrongful confinement" shall have the meanings assigned to them in section 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 wrongful 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 of one hundred thousand dollars and to imprisonment for three years.

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 conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for five years.

Abduction, wrongful restraint or wrongful confinement 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

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.

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 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 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.

Evidence of pecuniary resources or property.

(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 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 had 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.

EXPLANATORY MEMORANDUM

This Bill seeks to introduce statutory form the common law offence of kidnapping.

The terms "abduction" "wrongful restraint" and "wrongful confinement" have the meanings assigned to them in Clauses 3, 5 and 7 respectively and these terms are ingredients of the offence of abducting or wrongfully restraining or wrongfully confining a person with intent to hold that person for a ransom for which offence the penalty is ten million dollars and imprisonment for up to twenty years. (Clause 9)

The Bill provides penalties also in cases where no ransom is demanded for abduction with intent secretly and wrongfully to confine a person, for wrongful restraint of a person and for wrongful confinement of a person. (Clauses 4, 6 and 8)

Clause 10 makes it an offence to knowingly receive a ransom in connection with an offence punishable under Clause 9, and provides a penalty equivalent to the ransom received with imprisonment not exceeding ten years.

Under Clause 11 any person who is aware of the commission of an offence under this Act has a duty to forthwith give information to the police officer of such information. Failure to do so constitutes an offence.

Under Clause 12 a witness in a trial of an offence under this Act shall not be presumed unworthy of credit by reason only that he has paid any ransom for the release of any person wrongfully restrained or wrongfully confined.

Under Clause 13 in a trial of an offence under this Act the fact that an accused person is in possession, for which he cannot account of pecuniary resources disproportionate to his

income may be proved and may be taken into account by a court as corroborating testimony of any witness in the trial that the accused person has received a ransom.

Clause 14 provides for the protection of informers.

Ronald Gajraj,
Minister of Home Affairs.