

**Hostage-Taking Act
(CHAPTER 126C)**

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HOSTAGE-TAKING ACT

(CHAPTER 126C)

(Original Enactment: Act 19 of 2010)

REVISED EDITION 2011

(31st December 2011)

An Act to give effect to the International Convention against the Taking of Hostages and for matters connected therewith.

[21st November 2010]

Short title

1. This Act may be cited as the Hostage-Taking Act.

Interpretation

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

“bank” means —

(a) a bank licensed under the Banking Act (Cap. 19); or

(b) a merchant bank that is approved as a financial institution under section 28 of the Monetary Authority of Singapore Act (Cap. 186),

and includes a finance company licensed under the Finance Companies Act (Cap. 108);

“Convention” means the International Convention against the Taking of Hostages adopted by the General Assembly of the United Nations on 17th December 1979;

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

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

“hostage-taking offence” means —

- (a) the offence under section 3; or
 - (b) an abetment of, or a conspiracy or attempt to commit, the offence under section 3.
- [T(SOB)A, s.2]*

Hostage-taking

3.—(1) Whoever —

- (a) seizes or detains any person; and
- (b) threatens to cause death or hurt to such person or to continue to detain such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt or may continue to be detained, or causes death or hurt to such person,

in order to compel —

- (i) the Government, the government of another State or an international intergovernmental organisation to do or abstain from doing any act shall be guilty of an offence, and shall be punished with death or imprisonment for life, and shall, if he is not sentenced to death, also be liable to fine or to caning; or
- (ii) any other person to do or abstain from doing any act shall be guilty of an offence, and shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine or to caning.

(2) Subsection (1) does not apply to any act which is an offence under section 3 of the Geneva Conventions Act (Cap. 117).

[Penal Code, s. 364A (repealed); Convention, Art. 1]

Extra-territoriality

4. Every person who, outside Singapore, commits an act that, if committed in Singapore, would constitute a hostage-taking offence is deemed to commit the act in Singapore and may be proceeded against, charged, tried and punished accordingly.

[T(SOB)A, s. 7]

Information relating to hostage-taking offence

5.—(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 hostage-taking

offence; or

- (b) in securing the apprehension, prosecution or conviction of another person, in Singapore, for a hostage-taking 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.

[T(SOB)A, s.4]

Power to freeze bank account

6.—(1) The Public Prosecutor may, where he is satisfied that it is likely that the money for the payment of ransom for the release of any person may be paid out of any account with any bank, by order direct any bank not to pay any money out of, nor to pay cheques drawn on, such account for a specified period not exceeding one month.

(2) A bank which complies with an order under subsection (1) shall be relieved of any liability to any other person in respect of the payment prohibited by that order.

(3) A bank which fails to comply with an order under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[Kidnapping, s. 6]

Power to order inspection of customer information

7.—(1) Notwithstanding anything to the contrary in any other written law, the Public Prosecutor may, if he considers that any evidence of the commission by a person of —

- (a) a hostage-taking offence; or
- (b) an act which is an offence by virtue of section 4,

is likely to be found in any document containing customer information relating to that person, to the spouse, son or daughter of that person or to a person reasonably believed by the Public Prosecutor to be a trustee or agent for that person, by order authorise any police officer of or above the rank of assistant superintendent named in the order to inspect any document of a bank specified in the order.

(2) The police officer so authorised may, at all reasonable times, enter the premises of the bank specified in the order and inspect the documents kept therein and may take

copies of any relevant entry in any such document.

(3) Any person who without reasonable excuse fails to produce any document demanded by the police officer which is in his possession or control shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(4) The Public Prosecutor may delegate his power under this section to a Deputy Public Prosecutor or the Commissioner of Police, except the power of delegation conferred by this subsection.

(5) In this section, “customer information” has the meaning given to that expression in section 40A of the Banking Act (Cap. 19).

[Kidnapping, s. 7]

Power to obtain information

8.—(1) In the course of any investigation into or proceedings relating to a hostage-taking offence by a person or an act by a person which is an offence by virtue of section 4, the Public Prosecutor may by order —

- (a) require the person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by that person and by the spouse, son or daughter of that person, and specifying the date on which each of the properties enumerated was acquired and whether it was acquired by way of purchase, gift, bequest, inheritance or otherwise;
- (b) require the person to furnish a sworn statement in writing of any money or other property paid or disposed of by him during such period as may be specified in the order;
- (c) require any other person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by that person where the Public Prosecutor has reasonable grounds to believe that that information may be relevant to the investigation or proceedings;
- (d) require the Comptroller of Income Tax to furnish all information available to the Comptroller relating to the affairs of the person or of the spouse, son or daughter of the person and to produce or furnish any document or a certified copy of any document specified in the order relating to that person or the spouse, son or daughter of that person which is in the possession or under the control of the Comptroller;
- (e) require the person in charge of any ministry or department of the Government or the president, chairman, manager or chief executive officer