



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.12

GENOCIDE ACT

Revised Edition
showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

GENOCIDE ACT

Act 17 of 1976 ... in force 9th August 1976

Page
3

CHAPTER 4.12
GENOCIDE ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Genocide
4. Fugitive Offenders

SCHEDULE: ARTICLE II OF THE GENOCIDE CONVENTION

CHAPTER 4.12
GENOCIDE ACT

AN ACT TO GIVE EFFECT TO THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE.

Short title.

1. This Act may be cited as the Genocide Act.

Interpretation.

2. In this Act, “the Genocide Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on the 9th December, 1948.

Genocide.

3. (1) A person commits an offence of genocide if he or she commits any act falling within the definition of genocide in Article 11 of the Genocide Convention as set out in the Schedule to this Act.

(2) A person found guilty of an offence of genocide shall, on conviction on indictment—

- (a) if the offence consists of the killing of any person, be sentenced to death;
- (b) in any other case, be liable to imprisonment for a term not exceeding fourteen years.

(3) Proceedings for an offence of genocide shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Fugitive Offenders.

4. (1) There shall be deemed to be included among the description of offences set out in the First Schedule to the Fugitive Offenders Act, Cap. 4.11, any offence of genocide and (so far as not so included by virtue of the foregoing) any attempt or conspiracy to commit such an offence and any direct and public incitement to commit such an offence.

(2) For the purposes of the Fugitive Offenders Act, Cap. 4.11, no offence which, if committed in this State, would be punishable as an offence of genocide or as an attempt, conspiracy or incitement to commit such an offence shall be regarded as an offence of a political character, and no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.

(3) It shall not be an objection to any proceedings taken against a person by virtue of the preceding provisions of this section that under the law in force at the time when and in the place where he or she is alleged to have committed the act of which he or she is accused or of which he or she was convicted he or she could not have been punished therefor.

SCHEDULE

ARTICLE II OF THE GENOCIDE CONVENTION

In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such—

- (a) killing members of the group;
 - (b) causing serious bodily or mental harm to members of the group;
 - (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - (d) imposing measures intended to prevent births within the group;
 - (e) forcibly transferring children of the group to another group.
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