

United Nations Personnel Act 1999

Principal Act

Act. No. 1999-17

Commencement
Assent

7.9.1999
15.7.1999

ARRANGEMENT OF SECTIONS

Section

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AN ACT TO ENABLE EFFECT TO BE GIVEN TO CERTAIN PROVISIONS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 9TH DECEMBER, 1994.

Title and commencement.

1. This Act may be cited as the United Nations Personnel Act 1999 and shall come into operation at the end of the period of two months beginning with the day on which it is passed.

Interpretation.

2. In this Act –

“act” includes, omission; and

“UN worker” has the meaning given in section 6.

Attacks on UN workers.

3.(1) If a person does outside Gibraltar any act to or in relation to a UN worker which, if he had done it in Gibraltar, would have made him guilty of any of the offences mentioned in subsection (2), he shall in Gibraltar be guilty of that offence.

(2) The offences referred to in subsection (1) are –

- (a) murder, manslaughter, rape, assault causing injury, kidnapping, abduction and false imprisonment;
- (b) an offence under section 75, 76, 77, 78, 79, 83, 84, 85 or 94 of the Criminal Offences Act; and
- (c) an offence under section 2 of the Explosive Substances Act 1883, as applied by section 3(1) and Part III of the Schedule to the English Law (Application) Act.

Attacks in connection with premises and vehicles.

4.(1) If a person does outside Gibraltar any act, in connection with an attack on relevant premises or on a vehicle ordinarily used by a UN worker which is made when a UN worker is on or in the premises or vehicle, which, if he had done it in Gibraltar, would have made him guilty of any of the offences mentioned in subsection (2), he shall in Gibraltar be guilty of that offence.

(2) The offences referred to in subsection (1) are –

- (a) an offence under section 2 of the Explosive Substances Act 1883 as applied by section 3(1) and Part III of the Schedule to the English Law (Application) Act;
- (b) an offence under section 159 of the Criminal Offences Act; and
- (c) wilful fire-raising.

(3) In this section –

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

“vehicle” includes any means of conveyance.

Threats of attacks on UN workers.

5.(1) If a person in Gibraltar or elsewhere contravenes subsection (2) he shall be guilty of an offence.

(2) A person contravenes this subsection if, in order to compel a person to do or abstain from doing any act, he –

- (a) makes to a person a threat that any person will do an act which is –
 - (i) an offence mentioned in section 3(2) against a UN worker, or
 - (ii) an offence mentioned in subsection (2) of section 4 in connection with such an attack as is mentioned in subsection (1) of that section; and
- (b) intends that the person to whom he makes the threat shall fear that it will be carried out.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term –

- (a) not exceeding ten years; and
- (b) not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

Meaning of UN worker.

6.(1) For the purposes of this Act a person is a UN worker, in relation to an alleged offence, if at the time of the alleged offence –

- (a) he is 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) he is, 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) he is assigned, with the agreement of an organ of the United Nations, by the Government of any State or by an international governmental organisation to carry out activities in support of the fulfilment of the mandate of a UN operation;
- (d) he is 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) he is 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) Subject to subsection (3), 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” 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.

(4) In this section –

“the 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; and

“specialised agency” has the meaning assigned to it by Article 57 of the Charter of the United Nations.

(5) If, in any proceedings, a question arises as to whether –

(a) a person is or was a UN worker; or

(b) an operation is or was a UN operation,

a certificate issued by or under the authority of the Governor and stating any fact relating to the question shall be conclusive evidence of that fact.

Provisions supplementary to sections 3 to 5.

7.(1) Proceedings for an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978 and the Suppression of Terrorism Act 1978) would not be an offence apart from section 3, 4 or 5 above shall not be begun in Gibraltar, except by or with the consent of the Attorney General.

(2) A person is guilty of an offence under, or by virtue of section 3, 4 or 5 regardless of his nationality.

(3) For the purposes of those sections, it is immaterial whether a person knows that another person is a UN worker.