

THE ENABLING ACT

FOR

SUPPRESSION

OF

TERRORISM

[1991]

THE ENABLING ACT FOR SUPPRESSION OF TERRORISM (1991)

WHEREAS the Kingdom of Bhutan is a party to the SAARC Regional Convention on suppression of Terrorism which came into force on 22 August 1988.

ANDWHEREAS it is necessary to make legal provisions to implement the aforesaid Convention.

NOW therefore, the National Assembly of Bhutan enacts this legislation:

Article I

This legislation may be called The Enabling Act for Suppression of Terrorism 1991, and shall come into force immediately upon enactment by the National Assembly of Bhutan.

Article II

Definition of Terms

1. Unless specified otherwise in this Act:
 - (a) “Convention” means the SAARC Regional Convention on Suppression of Terrorism.
 - (b) “Member States” means the members of the South Asian Association for Regional Cooperation as specified in Schedule A to this Act.
 - (c) The term “Treaty State” used in the Extradition Act, 1991 shall apply to the Member States for the purposes of the SAARC Regional Convention on Suppression of Terrorism.

Article III

Authority of the convention

1. Notwithstanding any provisions in the Extradition Act, 1991, an offence specified in Article I of the Convention and contained in Schedule B of this Act shall be deemed not to be an offence of a political character or an offence connected with a political offence, or an offence inspired by political motives, so far only as the request for the extradition of any person accused or convicted of any such offense is made by a Member State.
2. The offences enumerated in Article I of the Convention which are contained in Schedule B to this Act shall be treated as extraditable offences under the Extradition Act, 1991.

Article IV

Provision Regarding Extradition Arrangements

1. Where there is an extradition arrangement made by the Kingdom of Bhutan with any state specified in the Second Schedule to this Act, in force on the date on which this Act comes into operation, such arrangement shall be deemed, for the purposes of the Extradition Act 1991 to include provisions for extradition in respect of the offences specified in the Schedule B of this Act.
2. Where there is no extradition arrangement made by the Kingdom of Bhutan with a state specified in the Schedule A to this Act, in force on the date on which this Act comes into operation, the Royal Government may treat the Convention for the purposes of the Extradition Act 1991, as an extradition arrangement made, by the Kingdom of Bhutan with that state providing for extradition in respect of the offences specified in Schedule B.
3. Where a request is made to the Kingdom of Bhutan, by a Member State for the extradition of any person accused or convicted of an offence specified in Schedule B, the Kingdom of Bhutan, shall expeditiously inform the Government of the Requesting State of the actions which the Kingdom of Bhutan has taken, or proposed to take, for the extradition or prosecution that person for that offence.
 - (a) Where it is decided that no order should be made under the Convention for the extradition of a person accused or convicted of an offence specified in Schedule B, pursuant to an extradition request under the Convention by a Member State, the case shall be submitted to the relevant authorities, so that prosecution for the offence which such person is accused of, or other appropriate action, may be considered.
4. Member States shall not be obliged to extradite, if it appears to the Requested State that by reason of the trivial nature of the case or by reason of the request for the surrender or return of a Fugitive Offender not being made in good faith or in the interests of justice or for any other reason it is unjust or inexpedient to surrender or return the Fugitive Offender.
5. Member States shall, subject to their national laws, afford one another the greatest measure of mutual assistance in connection with proceedings brought in respect of the offences referred to in Article I of the Convention or agreed to in terms of Article II in the convention, including the supply of all evidence at their disposal necessary for the proceedings.
 - (a) Member States shall cooperate among themselves, to the extent permitted by their national laws, through consultations between appropriate agencies, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate, with view to preventing terroristic activities through precautionary measures.

Article V

Jurisdiction for purposes of Criminal Proceedings.

1. If any person, whether or not a citizen of Bhutan, does in a Member State any act, which if done in Bhutan, would have constituted an offence specified in Schedule B, such person shall be guilty in Bhutan, of the offence constituted by the commission of that act in Bhutan.

2. If a person who is a national of a Member State but not a citizen of Bhutan, does outside Bhutan and that Member State any act which had he been a citizen of Bhutan would have made him guilty of an offence specified in Schedule B to this Act, he shall be guilty of the offences aforesaid in Bhutan.
 - (a) If a citizen of Bhutan does outside Bhutan or any Member State any act which, if such act had been committed in Bhutan, would have made him guilty of an offence specified in Schedule B, he shall be guilty of the offence aforesaid in Bhutan.

3. The High court of Bhutan is hereby vested with jurisdiction to try the offences referred to in sections 5.1 and 5.2.

Article VI

Framing of Implementation Rules

1. The Royal Government may frame rules to implement the Convention which are in keeping with the Articles of the Convention.

SCHEDULE A

Peoples Republic of Bangladesh
Republic of India
Republic of Maldives
Kingdom of Nepal
Islamic Republic of Pakistan
Democratic Socialist Republic of Sri Lanka
Kingdom of Bhutan

SCHEDULE B

List of offences referred to in Article I of the SAARC Regional Convention on Suppression of Terrorism.

- (a) An offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague on December 16, 1970;

- (b) An offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971;

- (c) An offence within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on December 14, 1973;
- (d) An offence within the scope of any convention to which the SAARC member states concerned are parties and which obliges the parties to prosecute or grant extradition;
- (e) Murder, Manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property;
- (f) An attempt or conspiracy to commit an offence described in sub-paragraphs (a) to (e) above, aiding abetting or counselling the commission of such an offence or participating as an accomplice in the offences so described.