

CHAPTER 174

FOREIGN INCURSIONS AND MERCENARIES

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Definitions
3. Purposes and construction
4. Foreign incursions prohibited
5. Prohibited recruiting activities
6. Recruiting by advertisement
7. Transporting combatants
8. Permissible recruitment
9. Humanitarian services
10. Penalty
11. U.K. Act 33 and 34 Vict. C. 90
12. Commencement



CHAPTER 174

FOREIGN INCURSIONS AND MERCENARIES

An Act to prevent the raising of mercenaries in Barbados and to prevent armed incursions into other countries by Barbadians. 1979—34

[By Proclamation] Commence-
ment

Citation

1. This Act may be cited as the *Foreign Incursions and Mercenaries Act*. Short title

Interpretation

2. In this Act, Definitions

(a) “government”, in relation to any country means the government recognised by the Government of Barbados as the lawful government of that country;

(b) “other country” means a country other than Barbados;

(c) “permanent resident” means a permanent resident within the meaning of the *Immigration Act*; Cap. 190.

(d) “recruit” includes engage, enlist, procure or train as a soldier;

(e) “warfare or armed conflict” includes guerrilla or irregular warfare and rebellion or armed insurrection.

Statement of Purpose

3. (1) The purposes of this Act are Purposes and construction

(a) to make it unlawful for individuals owing any measure of allegiance to Barbados to engage in armed incursions against the government of another country, and

(b) to prohibit the recruiting of mercenaries within or from Barbados.

(2) This Act shall be given such fair, large and liberal construction as will best ensure the attainment of its purposes.

Foreign Incursions

Foreign
incursions
prohibited.

4. (1) No person to whom this section applies shall

- (a) enter any other country with intent to engage in a hostile activity against the government of that country, or
- (b) engage in any other country in a hostile activity against the government of that country.

(2) This section applies to an individual who,

- (a) at the relevant time, is a citizen of Barbados or is a permanent resident of Barbados, or
- (b) at any time during the twelve months immediately preceding the relevant time, was present in Barbados for a purpose connected with a contravention of subsection (1).

(3) Nothing in subsection (1) applies to an act done by an individual in the course of, and as part of, his service

- (a) in any capacity in a force described in section 8, or
- (b) in any capacity in the armed forces of the government of another country to which he has been enlisted or commissioned while ordinarily resident in that other country.

(4) An individual engages in a hostile activity against the government of another country when he participates in or does any act to achieve any one or more of the following objects, that is to say:

- (a) the overthrow by force or violence of the government of that other country,
- (b) by force or violence causing the public in the other country to be in fear of suffering death or personal injury;
- (c) causing the death of, or bodily injury to, a person who

- (i) is the head of state or head of government of the other country, or
 - (ii) holds, or performs any of the duties of, a public office in the other country;
- (d) unlawfully destroying or damaging any property belonging to the government of the other country, whether or not any of the objects are achieved.

(5) In this section "relevant time" means the time of the doing of the act that is alleged to constitute a contravention of subsection (1).

Foreign Recruitment

5. (1) No person shall within Barbados recruit any individual for the purpose of his taking part in any warfare or armed conflict outside Barbados.

Prohibited recruiting activities

(2) No individual shall permit himself to be recruited within Barbados for the purpose of his taking part in any warfare or armed conflict outside Barbados.

6. (1) No person shall, by advertisement within or outside Barbados, induce an individual within Barbados to be recruited to take part in any warfare or armed conflict outside Barbados in contravention of this Act.

Recruiting by advertisement.

(2) In this section "advertisement" means to advertise by word of mouth, through pamphlets, leaflets, or other published materials, however printed and disseminated, or to advertise by radio, television, rediffusion or other mode of public or private broadcasting or by any medium by which an advertisement can be made.

7. No person shall transport or convey, or assist in the transportation or conveyance of, an individual from Barbados to any place where warfare or armed conflict is in progress with the intent that the individual take part in warfare or armed conflict outside Barbados in contravention of this Act.

Transporting combatants.

THE LAWS OF BARBADOS

Permissible recruitment 8. Nothing in this Act prevents an individual within Barbados from

- (a) serving, or recruiting another individual to serve, as a member of the armed forces of the Crown;
- (b) serving, or recruiting another individual to serve, in the armed forces of the government of another country under a treaty or other international agreement to which Barbados is a party; or
- (c) serving, or recruiting another individual to serve, as a member of a peace-keeping or other international force operating under the authority of the United Nations by resolution of the Security Council or of the General Assembly.

General

Humanitarian services 9. Nothing in this Act prevents an individual who does not bear arms or serve as a combatant or in support of combatants from doing or being approached to do any service of a medical or humanitarian nature for the relief of the suffering of civilians or combatants in any warfare or armed conflict outside Barbados.

Penalty 10. A person who contravenes this Act is guilty of an offence triable on indictment and liable on conviction to a fine of twenty-five thousand dollars or imprisonment for five years or both.

U K. Act 33 and 34 Vict. C.90 11. The *Foreign Enlistment Act, 1870*, of the United Kingdom ceases to have effect in Barbados.

Commencement. 12. This Act comes into operation on a day to be fixed by proclamation.