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STATUTORY INSTRUMENTS

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**1997 No. 1769**

**EXTRADITION**

**The Extradition (Torture) Order 1997**

*Made* - - - - - *22nd July 1997*  
*Laid before Parliament* *1st August 1997*  
*Coming into force* *1st September 1997*

**THE EXTRADITION (TORTURE) ORDER 1997**

1. This Order may be cited as the Extradition (Torture) Order...
2. (1) Schedule 2 to this Order specifies in the first...
3. The Extradition Act 1989, so far as it relates to...
4. The Extradition (Torture) Order 1991 is hereby revoked.
5. This Order extends only to the United Kingdom, the Channel...  
Signature

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**SCHEDULE 1 — CONVENTION AGAINST TORTURE AND OTHER CRUEL,  
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

The States Parties to this Convention,  
Considering that, in accordance with the principles proclaimed in the...  
Recognizing that those rights derive from the inherent dignity of...  
Considering the obligation of States under the Charter, in particular...  
Having regard to Article 5 of the Universal Declaration of...  
Having regard also to the Declaration on the Protection of...  
Desiring to make more effective the struggle against torture and...  
Have agreed as follows:

**PART I**

**Article 1**

1. For the purposes of this Convention, the term “torture” means...
2. This article is without prejudice to any international instrument or...

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Article 2

1. Each State Party shall take effective legislative, administrative, judicial or...
2. No exceptional circumstances whatsoever, whether a state of war or...
3. An order from a superior officer or a public authority...

## Article 3

1. No State Party shall expel, return (“refouler”) or extradite a...
2. For the purpose of determining whether there are such grounds,...

## Article 4

1. Each State Party shall ensure that all acts of torture...
2. Each State Party shall make these offences punishable by appropriate...

## Article 5

1. Each State Party shall take such measures as may be...
2. Each State Party shall likewise take such measures as may...
3. This Convention does not exclude any criminal jurisdiction exercised in...

## Article 6

1. Upon being satisfied, after an examination of information available to...
2. Such State shall immediately make a preliminary inquiry into the...
3. Any person in custody pursuant to paragraph 1 of this...
4. When a State, pursuant to this article, has taken a...

## Article 7

1. The State Party in the territory under whose jurisdiction a...
2. These authorities shall take their decision in the same manner...
3. Any person regarding whom proceedings are brought in connection with...

## Article 8

1. The offences referred to in Article 4 shall be deemed...
2. If a State Party which makes extradition conditional on the...
3. States Parties which do not make extradition conditional on the...
4. Such offences shall be treated, for the purpose of extradition...

## Article 9

1. States Parties shall afford one another the greatest measure of...
2. States Parties shall carry out their obligations under paragraph 1...

#### Article 10

1. Each State Party shall ensure that education and information regarding...
2. Each State Party shall include this prohibition in the rules...

#### Article 11

Each State Party shall keep under systematic review interrogation rules,...

#### Article 12

Each State Party shall ensure that its competent authorities proceed...

#### Article 13

Each State Party shall ensure that any individual who alleges...

#### Article 14

1. Each State Party shall ensure in its legal system that...
2. Nothing in this article shall affect any right of the...

#### Article 15

Each State Party shall ensure that any statement which is...

#### Article 16

1. Each State Party shall undertake to prevent in any territory...
2. The provisions of this Convention are without prejudice to the...

#### PART II

#### Article 17

1. There shall be established a Committee against Torture (hereinafter referred...
2. The members of the Committee shall be elected by secret...
3. Elections of the members of the Committee shall be held...
4. The initial election shall be held no later than six...
5. The members of the Committee shall be elected for a...
6. If a member of the Committee dies or resigns or...
7. States Parties shall be responsible for the expenses of the...

#### Article 18

1. The Committee shall elect its officers for a term of...
2. The Committee shall establish its own rules of procedure, but...
3. The Secretary-General of the United Nations shall provide the necessary...

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4. The Secretary-General of the United Nations shall convene the initial...
5. The States Parties shall be responsible for expenses incurred in...

#### Article 19

1. The States Parties shall submit to the Committee, through the...
2. The Secretary-General of the United Nations shall transmit the reports...
3. Each report shall be considered by the Committee which may...
4. The Committee may, at its discretion, decide to include any...

#### Article 20

1. If the Committee receives reliable information which appears to it...
2. Taking into account any observations which may have been submitted...
3. If an inquiry is made in accordance with paragraph 2...
4. After examining the findings of its member or members submitted...
5. All the proceedings of the Committee referred to in paragraphs...

#### Article 21

1. A State Party to this Convention may at any time...
2. The provisions of this article shall come into force when...

#### Article 22

1. A State Party to this Convention may at any time...
2. The Committee shall consider inadmissible any communication under this article...
3. Subject to the provisions of paragraph 2, the Committee shall...
4. The Committee shall consider communications received under this article in...
5. The Committee shall not consider any communications from an individual...
6. The Committee shall hold closed meetings when examining communications under...
7. The Committee shall forward its views to the State Party...
8. The provisions of this article shall come into force when...

#### Article 23

The members of the Committee and of the ad hoc...

#### Article 24

The Committee shall submit an annual report on its activities...

### PART III

#### Article 25

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall...

#### Article 26

This Convention is open to accession by all States. Accession...

#### Article 27

1. This Convention shall enter into force on the thirtieth day...
2. For each State ratifying this Convention or acceding to it...

#### Article 28

1. Each State may, at the time of signature or ratification...
2. Any State Party having made a reservation in accordance with...

#### Article 29

1. Any State Party to this Convention may propose an amendment...
2. An amendment adopted in accordance with paragraph 1 of this...
3. When amendments enter into force, they shall be binding on...

#### Article 30

1. Any dispute between two or more States Parties concerning the...
2. Each State may, at the time of signature or ratification...
3. Any State Party having made such a reservation in accordance...

#### Article 31

1. A State Party may denounce this Convention by written notification...
2. Such a denunciation shall not have the effect of releasing...
3. Following the date at which the denunciation of a State...

#### Article 32

The Secretary-General of the United Nations shall inform all States...

#### Article 33

This Convention, of which the Arabic, Chinese, English, French, Russian...

SCHEDULE 2 — FOREIGN STATES WHICH ARE PARTIES TO THE  
CONVENTION AND IN RELATION TO WHICH ORDERS IN

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COUNCIL UNDER SECTION 2 OF THE EXTRADITION ACT  
1870 ARE IN FORCE

SCHEDULE 3 —

PART I — FOREIGN STATES WHICH ARE PARTIES TO THE  
CONVENTION BUT WITH WHICH NO EXTRADITION  
TREATIES ARE IN FORCE

PART II — APPLICATION OF THE EXTRADITION ACT 1989 IN THE  
CASE OF A STATE MENTIONED IN PART I

1. The Extradition Act 1989 shall have effect in relation to...
2. No proceeding shall be taken on an application for a...

PART III

SCHEDULE 4 — TERRITORIES TO WHICH THIS ORDER EXTENDS

Anguilla Bermuda British Antarctic Territory British Indian Ocean  
Territory British...

Explanatory Note