

SCHEDULE

PROVISIONS OF EXTRADITION ACT 1989 AS EXTENDED TO THE BRITISH ANTARCTIC TERRITORY

PART V

SPECIAL CASES

International Convention cases

Genocide, etc.

23.—(1) For the purposes of this Act, no offence which, if committed in the Territory, would be punishable as an offence of genocide under the Genocide Act 1969(1) (as in force in the Territory by virtue of section 5(1)(b) of the Administration of Justice Ordinance 1990(2)) 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.

(2) It shall not be an objection to any proceedings against a person under this Act in respect of an offence which, if committed in the Territory, would be punishable as an offence of genocide or as an attempt, conspiracy or incitement to commit such an offence that under the law in force at the time when and the place where he is alleged to have committed the act of which he is accused or of which he was convicted he could not have been punished for it.

Hostage-taking.

25.—(1) A person shall not be returned under this Act to a designated Commonwealth country which is party to the Convention referred to in subsection (3) below, or committed or kept in custody for the purposes of such return, if it appears to the appropriate authority—

- (a) that he might, if returned, be prejudiced at his trial by reason of the impossibility of effecting communications between him and the appropriate authorities of the State entitled to exercise rights of protection in relation to him; and
- (b) that the act or omission constituting the offence of which he has been accused or convicted also constituted an offence under section 1 of the Taking of Hostages Act 1982(3) (as it has effect under the law of the Territory by virtue of the Taking of Hostages Act 1982 (Overseas Territories) Order 1982(4)) or an attempt to commit such an offence.

(2) Where the Commissioner certifies that a country is a party to the Convention, the certificate shall, in any proceedings under this Act, be conclusive evidence of that fact.

(3) The Convention mentioned in subsections (1) and (2) above is the International Convention against the Taking of Hostages opened for signature at New York on 18 December 1979.

(1) 1969 c. 12.
(2) Ordinance No. 5 of 1990.
(3) 1982 c. 28.
(4) S.I.1982/1540.