



Criminal Justice Act 1988

1988 CHAPTER 33

PART XI

MISCELLANEOUS

Torture

137 Extradition under Part I

(1) Where—

- (a) no such arrangement as is mentioned in section 2 of the Extradition Act 1870 has been made with a State which is a party to the Torture Convention; and
- (b) general extradition arrangements have not been made with that State under Part I of this Act,

Her Majesty may by Order in Council direct that the provisions of this Act specified in subsection (2) below shall apply as between the United Kingdom and that State, subject to the limitations, restrictions, exceptions and qualifications, if any, contained in the Order, as if the Torture Convention constituted general extradition arrangements made with that State under Part I of this Act, but only in respect of the following offences—

- (i) torture;
- (ii) attempted torture;
- (iii) counselling, procuring, commanding, aiding or abetting torture; and
- (iv) being accessory before or after the fact to torture.

(2) The provisions of this Act mentioned in subsection (1) above are—

- (a) section 1(1) to (8);
- (b) sections 3 to 10; and
- (c) sections 12 to 18.

(3) An Order in Council under this section may not provide that a court dealing with a person arrested for an offence mentioned in subsection (1) above shall not be under a

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duty to determine whether the evidence would be sufficient to warrant his trial if the offence had taken place within the jurisdiction of the court.

(4) For the purposes of the provisions of this Act specified in subsection (2) above, in their application by virtue of an Order in Council under this section as between the United Kingdom and any other State, any act or omission, wherever it takes place, which constitutes—

- (a) an offence mentioned in subsection (1) above; and
- (b) an offence against the law of that State,

shall be deemed to be an offence committed within the territory of that State.

(5) In this section “the Torture Convention” means the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations on 10th December 1984.