STATUTORY INSTRUMENTS

1970 No. 147

FUGITIVE CRIMINAL

The Extradition (Genocide) Order 1970

Made - - - -	*4th February* 1970
Laid before Parliament	*10th February* 1970
Coming into Operation	*30th April* 1970

At the Court at Buckingham Palace, the 4th day of February 1970

Present,

The Queen's Most Excellent Majesty in Council

Whereas a Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter referred to as "the Genocide Convention") was approved by the General Assembly of the United Nations on 9th December 1948, the terms of which are set out in Schedule 1 to this Order:

And whereas the states mentioned in Schedule 2 to this Order are states with which extradition treaties are in force and which are Contracting Parties to the Genocide Convention:

And whereas the Genocide Act 1969(**a**) has been enacted to give effect to the Genocide Convention:

And whereas an instrument of accession to the Genocide Convention was deposited on behalf of the United Kingdom of Great Britain and Northern Ireland with the Secretary-General of the United Nations on 30th January 1970 and the Genocide Convention will enter into force for the United Kingdom on 30th April 1970:

And whereas the application of the Genocide Convention is extended by notification in accordance with Article XII of the Convention to the Channel Islands, the Isle of Man and the British possessions mentioned in Schedule 3 to this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 2 of the Extradition Act 1870(**b**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Extradition (Genocide) Order 1970 and shall come into operation on 30th April 1970.

2. The Interpretation Act 1889(**c**) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

3. The Extradition Acts 1870 to 1935 as amended by the Genocide Act 1969 shall apply in the case of the states mentioned in Schedule 2 to this Order under and in accordance with the extradition treaties therein described as supplemented by the Genocide Convention.

4. The operation of this Order is limited to the United Kingdom, the Channel Islands, the Isle of Man and the British possessions mentioned in Schedule 3 to this Order, being British possessions to which the application of the Genocide Convention is extended.

W. G. Agnew.

(**a**) 1969 c. 12. (**b**) 1870 c. 52. (**c**) 1889 c. 63.

SCHEDULE 1

ENGLISH TEXT OF THE GENOCIDE CONVENTION

THE CONTRACTING PARTIES,

HAVING CONSIDERED the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

RECOGNIZING that at all periods of history genocide has inflicted great losses on humanity; and

BEING CONVINCED that, in order to liberate mankind from such an odious scourge, international co-operation is required,

HEREBY AGREE AS HEREINAFTER PROVIDED:

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group;

(*e*) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(*a*) Genocide;

(*b*) Conspiracy to commit genocide;

(*c*) Direct and public incitement to commit genocide;

(*d*) Attempt to commit genocide;

(*e*) Complicity in genocide.

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated i article III shall be tried by a competent tribunal of the State in the territor of which the act was committed, or by such international penal tribunal as ma have jurisdiction with respect to those Contracting Parties which shall hav accepted its jurisdiction.

ARTICLE VII

Genocide and the other acts enumerated in article III shall not be considere as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extraditio in accordance with their laws and treaties in force.

ARTICLE VIII

Any Contracting Party may call upon the competent organs of the Unite Nations to take such action under the Charter of the United Nations as the consider appropriate for the prevention and suppression of acts of genocide o any of the other acts enumerated in article III.

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretatio application or fulfilment of the present Convention, including those relatin to the responsibility of a State for genocide or for any of the other act enumerated in article III, shall be submitted to the International Court o Justice at the request of any of the parties to the dispute.

ARTICLE X

The present Convention, of which the Chinese, English, French, Russian an Spanish texts are equally authentic, shall bear the date of 9 December 1948.

ARTICLE XI

The present Convention shall be open until 31 December 1949 for signatu on behalf of any Member of the United Nations and of any non-member Sta to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratificatio shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on beha of any Member of the United Nations and of any non-member State which ha received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of th United Nations.

ARTICLE XII

Any Contracting Party may at any time, by notification addressed to th Secretary-General of the United Nations, extend the application of the prese Convention to all or any of the territories for the conduct of whose foreig relations that Contracting Party is responsible.

ARTICLE XIII

On the day when the first twenty instruments of ratification or accession ha been deposited, the Secretary-General shall draw up a *procès-verbal* and transm a copy thereof to each Member of the United Nations and to each of the no member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

ARTICLE XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

ARTICLE XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

ARTICLE XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

(*a*) Signatures, ratifications and accessions received in accordance with article XI ;

(*b*) Notifications received in accordance with article XII ;

(*c*) The date upon which the present Convention comes into force in accordance with article XIII ;

(*d*) Denunciations received in accordance with article XIV ;

(*e*) The abrogation of the Convention in accordance with article XV ;

(*f*) Notifications received in accordance with article XVI.

ARTICLE XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

ARTICLE XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

SCHEDULE 2

STATES WITH WHICH THE UNITED KINGDOM HAS EXTRADITION TREATIES AND WHICH ARE CONTRACTING PARTIES TO THE GENOCIDE CONVENTION

State	Date of Treaty
Albania	22nd July 1926
Argentina	22nd May 1889
Belgium	29th October 1901/5th March 1907, 3rd March 1911/8th August 1923, 2nd July 1928
Chile	26th January 1897
Colombia	27th October 1888
Cuba	3rd October 1904
Czechoslovakia	11th November 1924/4th June 1926
Denmark	31st March 1873/15th October 1935
Ecuador	20th September 1880
El Salvador	23rd June 1881
Finland	30th May 1924
France	14th August 1876/13th February 1896 17th October 1908
Federal Republic of Germany	14th May 1872/23rd February 1960
Greece	11th/24th September 1910
Guatemala	4th July 1885/30th May 1914
Haiti	7th December 1874
Hungary	3rd December 1873/ 18th September 193
Iceland	31st March 1873/25th October 1938
Iraq	2nd May 1932
Israel	4th April 1960
Italy	5th February 1873
Liberia	16th December 1892
Mexico	7th September 1886
Monaco	17th December 1891
Netherlands	26th September 1898
Nicaragua	19th April 1905
Norway	26th June 1873/18th February 1907
Panama	25th August 1906
Peru	26th January 1904
Poland	11th January 1932
Rumania	21st March 1893
Spain	4th June 1878/19th February 1889
Sweden	26th April 1963/6th December 196 6th June 1966
Uruguay	26th March 1884/20th March 1891
Yugoslavia	6th December 1900

SCHEDULE 3

BRITISH POSSESSIONS TO WHICH THE APPLICATION OF THE GENOCIDE CONVENTIC IS EXTENDED

Bahama Islands
Bermuda
British Virgin Islands
Dominica
Falkland Islands and Dependencies
Fiji
Gibraltar
Grenada
Hong Kong
Pitcairn
St. Helena
St. Lucia
St. Vincent
Seychelles
Turks and Caicos Islands

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies the Extradition Acts 1870 to 1935 as amended by the Genocide Act 1969 to the offence of genocide in the case of those states with which the United Kingdom has extradition treaties and which are also parties to the Genocide Convention.

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