



Jersey

EXTRADITION (GENOCIDE) ORDER 1970

Unofficial extended UK law
Showing the law as at 1 January 2019 to Current
APPENDIX



Jersey

EXTRADITION (GENOCIDE) ORDER 1970

Jersey in Council 11/1970

ORDER

OF

HER MAJESTY IN COUNCIL

dated 4th February, 1970

ENTITLED

EXTRADITION (GENOCIDE) ORDER 1970.

WITH

ACTS OF THE ROYAL COURT AND STATES

RELATIVE THERETO.

(Registered on 9th October, 1970).

EXTRADITION (GENOCIDE) ORDER 1970.

STATES OF JERSEY.

15th September, 1970.

THE STATES, adopting a Proposition of the Legislation Committee, requested the Royal Court to register the Extradition (Genocide) Order 1970.

E.J.M. POTTER

Deputy Greffier of the States.

A LA COUR ROYALE DE L'ILE DE JERSEY

L'An 1970, le 9e jour d'octobre

MONSIEUR LE DEPUTE BAILLI ayant présenté à la Cour un Ordre de Sa Très Excellente Majesté en Conseil en date du 4 février 1970, intitulé : -

“The Extradition (Genocide) Order 1970” ;

Lecture en ayant été donnée :

LA COUR, conformément aux conclusions du Procureur Général de la Reine, a ordonné que ledit Ordre soit enregistré sur les records de l'Ile et publié par l'Officier au lieu ordinaire à jour de marché, afin que toutes personnes puissent en avoir connaissance.

S.W. BISSON

Greffier Judiciaire.

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 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, 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 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

*SCHEDULE I***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 in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

ARTICLE VII

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

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

ARTICLE VIII

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

ARTICLE IX

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

ARTICLE X

The present Convention, of which the Chinese, English, French, Russian and 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 signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

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

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

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

ARTICLE XII

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

ARTICLE XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a *procès-verbal* and transmit a copy thereof to each Member of the United Nations and to each of the non-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 1994
...	
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 September 1873/18th September 1936
...	

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 1965/6th June 1966
...		
Uruguay	...	26th March 1884/20th March 1891
...		
Yugoslavia	6th December 1900

SCHEDULE 3**BRITISH POSSESSIONS TO WHICH THE APPLICATION OF THE GENOCIDE CONVENTION IS
EXTENDED**

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