
STATUTORY INSTRUMENTS

2002 No. 1829

EXTRADITION

**The European Convention on Extradition
(Armenia and Georgia) (Amendment) Order 2002**

<i>Made</i>	- - - -	<i>16th July 2002</i>
<i>Laid before Parliament</i>		<i>26th July 2002</i>
<i>Coming into force</i>	- -	<i>27th August 2002</i>

At the Court at Buckingham Palace, the 16th day of July 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas the European Convention on Extradition ("the Convention")(1), opened for signature at Paris on 13th December 1957, entered into force for the United Kingdom on 14th May 1991;

And whereas Armenia ratified the Convention on 25th January 2002 and made the reservations and declarations set out in Schedule 1 of this Order;

And whereas Georgia ratified the Convention on 15th June 2001 and made the reservations and declarations set out in Schedule 2 of this Order;

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 4(1) of the Extradition Act 1989(2), 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 European Convention on Extradition (Armenia and Georgia) (Amendment) Order 2002 and shall come into force on 27th August 2002.

2. The European Convention on Extradition Order 2001(3) ("the 2001 Order") shall be amended as follows—

(a) in Part I of Schedule 3 (which names the States parties to the Convention), at the appropriate points in alphabetical order, the following entries are inserted:

"Armenia"

"Georgia";

(1) Cm. 1762.

(2) 1989 c. 33.

(3) S.I. 2001/962.

Status: This is the original version (as it was originally made).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

- (b) in Schedule 4 (which sets out the reservations and declarations made by States parties to the Convention), the following are inserted—
 - (i) Part 2A, as set out in Schedule 1 to this Order, after Part 2; and
 - (ii) Part 12A, as set out in Schedule 2 to this Order, after Part 12.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 2(b)(i)

Reservations and Declarations by Armenia

“PART 2A

ARMENIA

Reservations

Article 1

In respect of Article 1 of the Convention, the Republic of Armenia reserves the right to refuse to grant extradition:

- (a) if the person to be extradited will be brought before an extraordinary court or in respect of the person who is to serve a sentence passed by such a court;
- (b) if there are sufficient grounds to suppose that in result of the person’s state of health and age her/his extradition will be injurious to her/his health or threaten her/his life;
- (c) if physical asylum is granted in the Republic of Armenia to the person whose extradition is requested.

Article 2

The Republic of Armenia declares that the extradition for the serving of a sentence, provided in Article 2, paragraph 1 of the Convention, will be granted if the person, whose extradition is requested, has been convicted for a period of at least six months or a more severe penalty.

DECLARATIONS

Article 3

As the legislation of the Republic of Armenia does not define the notion of “political offence” or that of “offence connected with a political offence”, the Republic of Armenia, being requested for extradition on such grounds, will grant extradition if the offence mentioned in the request is considered as such under its ordinary criminal law or under the International Treaties in force in the Republic of Armenia.

Article 4

As all military offences are under the ordinary criminal law of the Republic of Armenia, extradition requested by another Party will be granted if the offence, in respect of which the request for the extradition is made, is also under ordinary criminal law of the requesting Party.

Article 6

Pursuant to sub-paragraph (a) of paragraph 1 of Article 6, the Republic of Armenia declares that it will not extradite its nationals.

Pursuant to sub-paragraph (c) of paragraph 1 of Article 6, nationality of the Republic of Armenia within the meaning of this Convention shall be determined at the time of the decision concerning extradition.

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Article 16

Provisional arrest, provided in paragraph 4 of Article 16, will be terminated in any case, if, within a period of one month after arrest, the requested Party has not received the request for extradition and the documents mentioned in Article 12.

Article 23

The Republic of Armenia declares that the request for extradition and documents to be produced shall be accompanied by a certified translation into the Armenian language or into one of the official languages of the Council of Europe.”

SCHEDULE 2

Article 2(b)(ii)

Reservations and Declarations by Georgia

“PART 12A

GEORGIA

Reservations

Article 1

Extradition shall be granted only under the condition that any person, national, stateless person or alien suspected of having committed a crime will not be tried in a special court of the requesting Party or that his or her extradition is not requested to carry out a sentence or detention order issued by such court.

Georgia reserves the right to refuse the extradition of any person on humanitarian grounds if the extradition would adversely affect the state of this person.

Georgia declares that it will not grant the extradition of any person in respect of offences punishable by death under the law of the requesting Party.

Declarations

Article 6

For the purposes of this Convention, the Government of Georgia reserves the right to decide on the extradition of its nationals on the basis of reciprocity and to refuse their extradition on the grounds of public morality, public policy and State security.

In respect of Article 6, paragraph 1(b), the term “national” within the meaning of the Convention will be applied as it is determined by the legislation of Georgia.

Article 21

In a case of transit under Article 21 of the Convention, Article 11 of the Convention will be applied mutatis mutandis.

In respect of Article 21 of the Convention, Georgia reserves the right not to grant transit under the same conditions on which it grants extradition.

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Article 23

In respect of Article 23 of the Convention, where the request for extradition and the documents to be produced are not in Georgian language, they must be accompanied by a translation of the request and the documents into English or Russian languages.

Article 27

Georgia will not be responsible for the application of the provisions of the Convention on the territories of Abkhazia and Tskhinvali region until the full jurisdiction of Georgia is restored over these territories.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the European Convention on Extradition Order 2001. Article 2(a) adds Armenia and Georgia to the list in Schedule 3 to that Order of the States parties to the European Convention on Extradition. Article 2(b), together with Schedules 1 and 2 to this Order, adds the reservations and declarations made by those States to Schedule 4 to the 2001 Order.