



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**Faifaiga Fakatalia kite fakasauaa
mo nisi faifaiga kaitaua,
Uiga seke mo
Tino ola mo faifaiga setau mo
fakasalaaga**

Convention against Torture Initiative (CTI)

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The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is an international human rights treaty which mandates a global prohibition on torture and other acts of cruel, inhuman, or degrading treatment or punishment and creates an instrument to monitor governments and hold them to account.

The UNCAT was adopted and opened for signature, ratification and accession by the United Nations General Assembly resolution 39/46 of 10 December 1984 and came into force on 26 June 1987, in accordance with article 27(1) of the Convention. The absolute prohibition on torture and other acts of cruel, inhuman, or degrading treatment or punishment is also accepted as a principle of customary international law.

Te Faifaiga Fakatalia kite Fakasauaa mo Nisi Faifaiga Kaitaua, Uiga Seke mo Tino Ola, Faifaiga se Tau mo Fakasalaaga (UNCAT) se feagaiga o saolotoga o tino i vasia o fenua, tela e fakatapu katoatoa i te lalolagi a faifaiga fakasaua mo nisi faifaiga kaitaua, uiga seke mo tino ola, faifaiga se tau mo fakasalaaga. E fakatu foki ne te Faifaiga Fakatalia tenei a te Komiti mo Uiga Fakasaua ke iloilo kae tausi ki te fakaaongaaga o te Faifaiga Fakatalia ne fenua kite feagaiga, kae ke fakamautinoa me e fakataunu ne latou olotou tiute.

A te UNCAT ne talia kae ne `tala mō te sainiga, fakamaoniga mo te kau atu ki ei e auala i te Fakaikuga 39/46 a te Fono Tele a Malo Soko i te 10 o Tesema 1984, kae ne kamata o fakagalue i te 26 o Iuni 1987, e `tusa mo te Mataupu 27(1) o te Feagaiga. A te fakatapuga katoatoa o te fakasauaa mo nisi faifaiga kaitaua, uiga seke mo tino ola, faifaiga se tau mo fakasalaaga, e talia foki e pelā me se fakatakitakiga o tulafono fakava-o-malo ne masani o fakagalue.

The States Parties to this Convention,

Fenua i loto ite Feagaiga kola ne aofia I faifaiga fakatalia konei,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Ne mafaufaugina, me i talitonuga I loto ite fakavae ote malo soko, kote amanaiaaga ote fakapau o tagata aunoa mose faka fesiligina o tino katoa I loto ite kaiga o sose tagata ola, kote fakavae ote ola saoloto, fai meatonu mote filemu ite lalolagi,

Recognizing that those rights derive from the inherent dignity of the human person,

Te amaniaga o saolotooga konei ne mafua mai te natula amanaia ote tagata ola,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Ke mafaufaugina te tiute o fenua mai lalo ite Fakavae, maise te takutonuga 55, ke fakasalalau te fakaava ite lalolagi mote tautali ki saolotooga ote tino ola mo vaega muamua o saolotooga,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Mai te amanaia ote takutonuga 5 ote fakasalalauga kite lalolagi ite Saolotoga o Tagata mote takutonuga 7 ite feagaiaga ote lalolagi I malosi faka ploitiki mote se politiki, tela laua e fakaasi me seai se tino e tau o oko kite fakasaua io me ko nisi faifaiga

kaitaua, Uiga seke mo tino Ola io meko faifaiga se tau meko fakasalaaga,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Toe mafauaugina foki te fakamautinoaga ite puipuiga o Tino Katoa mai te fakasaua mo nisi faifaiga kaitaua mo Uiga seke mo Tino Ola, faifaiga se tau meko fakasalaaga, ne fakatalia ite Fonotaga Lasi Saukatoa ite po 9 ia Tesema 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Mai te manakooga ke fakamalosigina te tekeega ki tulaga ote fakasaua, faifaiaga kaitaua, Uiga seke mo Tino Ola, Faifaiaga se Tau mo Fakasalaaga,

Have agreed as follows:

Ne fakatalia ei a mea konei:

Part I
VAEGA 1

Article 1

Takutonuga 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Mote pogai ote Faifaiga Fakatalia tenei, te pati “FAKASAUAA” tena uiga sose faifaiga tela e fakamafua neia te mae lasi kii mote tigaina, faka te foitino me faka te mafaufau. Te mea tenei se vaega tela e mafaufau loa nete tino ke fakamafua neia, io me fakaonga neia se sua tino mo ana fakamatalaga, io me auala ite fakatoeseega. Te fakasalaga kote faifaiga tena e fai neia io me kote fakaoanga te sua tino io me matemate loa me ko oti ne fai neia te agasala, io me fakamatakutaku neia tino, me faimaloo neia meko te fakaoanga te sua tino, io me sose faka kesekeseega I sose mea, kae mafua mai te mae lasi kii mote tigaina ne fakamafua I tena fakamalosiiiga me ko tena taliaga, io me ko sose tino galue ne iloa neia kae se faipati. Te mae lasi kii mote tigaina tenei se aofia iei a pokotiaga e mafua mai I fakasalaaga masani loa ote soli Tulafono.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Te takutonuuga tenei seai sena faka kesega ki sose fakatokaaga I tua atu ote Atufenua io meko tulafono ite fenua tela e isi io me lauefa atu tena fakanofoga ki tena fakaaonga.

Article 2

Takutonuga 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

A fenua takitasi e tau o fakatoka ne Tulafono, fakatakitakiiga, moko fakamasinooga, moko nisi puipuiga ite fenua ke puipui mai ei a faifaiga fakasaua I loto ite kogakoga o latou.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Seai loa se tualaga fakatalia I sose fenua, me oko latou kise taua, io meko fakamatakutakuuga ote taua, setokaga faka politiki I loto ite fenua, moko mese mea fafuasei, ke tau o fakatalia mo fakamasakooga te taliaga ke fakasaua ei a tino.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Se fakatonuuga mai se tino galue maluga, io mese tino e tulaga maluga ite fenua ke mafai neia fakatalia ke fakamasako neia te fakaaonga ote fakasauagina o tino.

Article 3

Takutonuga 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Seai loa se fakapotopotooga ite fenua e mafai o fakafolau neia se tino kite sua fenua mafai e isi ne a fakamaoniga o fakatalitonugina me aia ko oko kise tulaga fakamataku me ka fakasaua.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Mote pogai ke mafaufaugina me isi ne tulaga penei, takitaki kola e nofo mote malosia e tau o ata sukesuke kae iloilo a avanoaga katoa, faka aofia te fakaaonga, ite avanoaga tenei te iaia ote fenua I ana lagona fakavasega o vaega tulaga maluga ote lasi ote soli ote saolotooga ote tagata.

Article 4

Takutonuga 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

A fenua takitasi e tau o fakamautinoa me I faifaiga ote fakasaua se sala i lalo I Tulafono tatino I lalo I Tulafono. Tena foki te mea

ke fakaonga kia latou kola e taumafai o fakaaong te uiga fakasaua ki sose tino kae aofia iei tena fesoasoani io meko tena kau ki uiga fakasaua.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Vaega agasala katoa penei ite fenua e tau loa o fakamautinoa mene sala kola e fakasalagina ite iloilooga ote mafa o tena natula.

Article 5

Takutonuga 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

A fenua takitasi ke puke a mea konei mo fua kiei ana fakasalaga I vaega ofa tulafono penei kola e faipati kiei te takutonuga 4.

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

Mafai te agasala ko fakatupu I sose kogakoga ote fenua I loto ite fenua me I luga ite vaka mese vakalele kae fakamau ki tena malo.

(b) When the alleged offender is a national of that State;

Mafai te tino fai agasala se tino ote fenua.

(c) When the victim is a national of that State if that State considers it appropriate.

Mafai te tino ne pokotia se tino ote fenua tenei mafai e sao katoatoa.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

A fenua takitasi ke fakaaonga neia a fakanofoga kola e taugatonu ke faite kiei ana fakanofoga ki vaega agasala i vaega kola te tino fai agasala e nofo i sose kogakoga ote fenua kae kese fakamoli ki fenua kola e fakaasi mai te takutonuga napa 8 ke fakaonga lotou tulafono mo fai tena sala, kae ke moa e fakamoli ki fenua kola e fakamau i lalo ite takutonuga napa 1.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Te faifaiga fakatalia tenei e se ave neia keatea sose agasala e mafua ite ofa tulafono ote fenua.

Article 6

Takutonuga 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

Mote tokaaga malie, kafari ko oti ne lloilo a fakamatalaga e autu mote mea tenei, kae talia katoatoa me lei, sose fenua tela e nofo ei te tino tenei ne fai neia te agasala, sose agasala tela e faipati

kiei te takutonuga 4 kae e iai nofo te koga fenua tena, e tau o kave ke tausi ne pulisimani io me na fakaonga a nis aofaga ite tulafono ke puipui aia ke oko ki taimi e fai ei tena fakasalaga. Te tausiiga mote fakaoanga o nisi puipuiga ite tulafono e tau o fua o fakaonga ise taimi tau kef aka mafai ei te agasala moko te Faiga ote fakasalaga ke fakaoko.

2. Such State shall immediately make a preliminary inquiry into the facts.

Sose fenua e aofia e tau o fakavave o sukesuke ki molimau mautinoa muamua.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

Sose tino e tausi pela mote palakalafa 1 ite takutonuga tenei e tau o fesoasoani ite fakasautalaaga fakavave mose sui mai tena fenua tonu, kae kafai sei sena fenua kote tino mai te fenua e masani aia o nofo tumau iei.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Sose fenua ite takutonuga tenei, ne puke neia tino tenei o tausi, e tau o fakailoa fakavave neia kite fenua tela e fakaasi ite takutonuga 5 ite palakalafa 1, mote fakapatonuga me ite tino

tenei e tausi mo fakamaoniga ke moa aia e fano ki sose koga. Te fenua tenei e fai neia te sukesukega ki molimau mautinoa pela mote palakalafa 2 ote takutonuga tenei ke fakavave o fakailoa ana sukesukega kite fenua ote tino tenei fai agasala mote fakailoaga mafai e manako aia ke fai neia te fakasalaga.

Article 7

Takutonuga 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

Te fenua tenei ne faka patonu ei te tino tenei ne fai neia iei te agasala pela mote takutonuga 4 e maua te palani ite takutonuga 5, kawai e se kave fakatea mai te fenua tena, ke avatu tena keisi ki tino kola e atamai te galeuga ke mafai o fakamasino.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

Tino pulepule konei ke kave te lotou ikuga i fakanofoga pela loa mo keisi i sala masani kola mafa olotou natula l lalo l tulafono ote fenua. l keisi kola e fakasino ite takutonuga 5, palakalafa 2, te molimau masani e manakogina mo sose fakamasinooga kae fakasala e tau o se malalo ifo ia latou kola e manakogina mo keisi kola e fakasino ite takutonuga 5, palakalafa 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Sose tino e tauga te avakaaga o tena lipoti kae soko ki sose agasala tela e fakasino ite takutonuga 4 e fakamautinoa te fai fakalei o faifaiga I tulaga katoa e ave ei te keisi.

Article 8

Takutonuga 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

Agasala kola e fakatino mai te takutonuga 4 e tau ke mafauaugina ke faulu pela mene agasala e fakafoki ei tino I fakanofoga fakatalia I vasia o fenua. Atufenua ke faulu ne latou a sala konei ke pela mene sala e fakafoki ki tena fenua I sose faifaiga fakatalia I vaega agasala penei I vasia o malo fenua.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

Kafai a fenua konei e fai ne latou a fakanofoga ki faka fokiiga o tino ke isi I faifaiga fakatalia e maua ne latou ne fakatagi mai nis fenua kola e seai ne lotou feagaiga penei, e mafai o fakaoanga a faifaiga fakatalia tenei pela mese fakavae o

tulafono ke fakafoki ei te tino tenei ona ko vaega agasala konei. Te fakafokiiga e tau o fakatau ki nisi fakanofoga lalo lalo tulafono ote fenua tena e aumai neia te fakatagi.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

Malo kola e fai feagaiga kae seai se fakanofoga kite fakamoli o tino i vaega fakasalaaga penei i faifaiga fakatalia ite vasia o fenua ka fakaaonga fakanofoga ite tulafono ote fenua tela e aumai neia te fakatagi.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Vaega fakasalaaga e tau o isi se faifaiga kiei, mote pogai ote fakamoliing l vasia o fenua, mafai koa oti ne fai te agasala, se koia ite koga fua tela e tupu ei te fakalavelave kae l koga fenua kola e manakogina ke fakatu ne tulafono i lotou fenua pela mo manaoga ote takutonuga 5, palakalafa 1.

Article 9

Takutonuga 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

Fenua fai feagaiga e tau o fakatau fakatoka se fuafuaga maualuga o fesoasoani ite vasia o laua ite sokoga ki tulaga o fakanofoga o agasala kola e fakasino ite takutonuga 4, aofia foki iei te fakamauaaga o molimau katoatoa mai ia laua mote lipoti.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Fenua fai feagaiga e tau o tauave olotou tiute i lalo te palakalafa 1 ote takutonuga tenei ite fealofani mo faifaiga fakatalia ite sokotasi fesoasoani i fakamasinoga tela e mafai o isi ite vasia o latou.

Article 10

Takutonuga 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

Fenua takitasi e kau kite feagaiga ke fakamautinoa te akoakoga mote avatuga o molimau kite fakatapuuga o uiga fakasaua e aofia katoa ite faka akoakoga o latou kola e fakamalosi ne latou tulafono, tino ote fenua, moko te kau sotia, tino galue ite olalei, mo tino galue te malo mo nisi tino kola e kau fakatasi ite tausiga o tulafono, faiga o sukesukega mo fakaleiga o mataupu takitasi kola e mafua ki sose pogai ote pukega o fakasala, tausi ne pulisimani io me falepuipui.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Fenua takitasi ote feagaiga e tau o faulu kite fakatapuuga ki tulafono io meko fakatonuga ke taugatonu ki tiute mo galuega fai o sose tino.

Article 11

Takutonuga 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Fenua takitasi kite feagaiga ke tausi ne faka vasega tumau kite iloilooga o tulafono ote faka fesiliiga, fakatonuga, auala mo faifaiga pena foki fakatokaaga mote tausiiga mo faka fesagai ki tino fakatau ki sose tulaga ote pukega ne pulisimani, tausi I loto ite koga o pulisimani mote pei kite falepuipui I sose koga fenua mai lalo I tena malosi faka famasino mote taumataga ke puipui sose avanoaga kite fakasaua.

Article 12

Takutonuga 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Fenua takitasi ite feagaigae e tau o faka mautinoa me i ana tino pulepule ke gasue fakavave kite sukesukega aunoa mose fai fapito, i sose avanoaga e fakatalitonu ei me isi se uiga fakasaua koa oti ne tupu ise kogakoga mai lalo i tena pulega.

Article 13

Takutonuga 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Fenua takitasi ite feagaiga e tau o fakamautinoa me i tino takitasi kola koa oti ne faka patonu mene iai ite agasala fakasaua mai lalo i fenua o tena pulega e isi sena saolotoga o fakatagi tena se malie ki, kae sukesuke fakavave ne tino pulepule aunoa mose fapito. Te sukesukega e tau kef ai ite auala tela e faka mautinoa me ite tino tag imo ana molimau e puipui fakalei mai uiga faka setonu io meko uiga fakamatakutaku ona ko tena fakatagi io me i sose molimau fakaonga.

Article 14

Takutonuga 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as

a result of an act of torture, his dependants shall be entitled to compensation.

Fenua takitasi kite feagaiga e tau ke faka mautinoa i loto i tena tulafono te faimeatonu saukatoa me ite tino pokotia i uiga fakasaua ke maua neia te avanoaga o fakatagi, ke atafai fakalei, mote taui kise aofaki sene tau mo tulaga ote pokotiaga. I tulaga ote oko ote mate kite tino pokotia i uiga fakasaua, ana tama e tau o maua ne latou te taui tenei.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Seai i lalo ite takutonuga tenei e faka pokotia neia te saolotooga ote tino pokotia i uiga fakasaua ki taui sene kola ko iai nei i lalo i tulafono ote fenua.

Article 15

Takutonuga 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Fenua takitasi kite feagaiga ke fakamautinoa me i sose fakamatalaga tela e faite ke fai pela me isi se fakasaua ne fai e se fakatalia pela mese molimau i sose faiga lipoti ki se fonotaga, vagana kise tino tela e matemate mene fai neia se uiga fakasaua pela mese molimau kite tino tenei.

Article 16

Takutonuga 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

Fenua takitasi kite feagaiga e tau o fakatoka ke puipui sose koga fenua mai lalo I tena pulepulega mai nisi uiga fakasaua, uiga seke mo tino ola, faifaiga se tau mo fakasalaga kola e se aofaki ki uiga fakasaua kola e fakamatala ite takutonuga 1, kafai a uiga kona e fai, io me fakamalosigina,io meko taliaga, io me fai loa nese tino ote fenua mote se loto malie kae se faipati ki luga tena se fiafia, mai se tino ote fenua, io mese tino galue ite malo. Kae maise eiloa, te tiute I loto I takutonuga 10,11, 12 mote 13 e tau o fakaonga te tulafono kite fakasaua ona me ko apui katoa neia vaega uiga fakasaua, tigo loa e seke a fakamunaaga.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

Fakanofoga o faifaiga fakatalia e se mafai o toe fakaonga mo fakapokotia iei tou saolotoga i nisi o fakanofoga i tulafono o fenua tua, io meko tualafono te fenua kola e fakatapu ei a nisi faifaiga kaitaua, uiga seke mo tino ola, uiga se tau mo

fakasalaaga io me ko uiga e tai sokotasi kite fakamoli mote fakatapu ite fenua.

PART II

Vaega II

Article 17

Takutonuga 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

E tau o fakatu te komiti mo uiga fakasaua (ke fakaigoa Te Komiti) ka eke panaki moia a galuega konei e fakasi atu: Te komiti e tau o tinogafulu a tino iei, kae ne tino e uiga lei kae iloa ne tino ote fenua, kae lasi te iloa I tulaga ote saolotoga ote tino kae galue tavini mo sose tino, kae galue loa ite iloa o latou. Latou konei e tau o filigina nete malo, ka eke taumata foki kite isi o sui konei I koga fakai ote fenua mote taua ote faka aofia mai a tino kola e isi ne lotou iloa I mea tau te tulafono.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political

Rights and who are willing to serve on the Committee against Torture.

A sui filifilia ote Komiti ka fili ise palota funa mai I igoa o tino kola ne filifili ne malo fenua. Fenua takitasi kite feagaiga e mafai o fili mai ne latou se tino tokotasi ma tino tonu ote fenua. Fenua kite feagaiga e tau o manatua ne latou te taua ote filifiliiga tino kola ne sui foki ki loto ite faka potopotoga kite saolotooga o tagata tela ne fakatumai lalo ite Feagaiga fenua mai tuai lalo o saolotoga o sose tulaga ote olaga mo tulaga faka politiki kola e fiafia o galue o fesoasoani ite Komiti ki uiga fakasaua.

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those+ meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Te paloto o sui kite komiti e tau o fai fakalua kae tau o faka mafau nete failautusi aoao ki malo soko. I fonotaga konei, tela te lua vaetolu o fenua ite fegaiga kote aofaki e mafai ei o fai te fono, ko tino kola e filifilia kite komiti e tau o maua neia te napa lasi o palota tela e siliga atu mote afa te aofaki o fenua ne fai olotou palota ite fonotaga.

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all

persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

Te palota muamua e tau o fai i loto ite ono masina mai tua ote aso ne kamata ei a faifaiga fakatalia. Mai mua ote 4 masina te aso e fai ei te palota, te failautusi aoao, ote malo soko, e tau o avatu se tusi faka tuatusi ki fenua ite feagaiga kae kami ke aumai lotou igoa o sui kite komiti i loto te tolu masina. Te failautusi aoao ke fakatoka te fakasolooga o igoa ite fakasologa ote lauga o mataimanu ki igoa o tino mo fenua kola ne aumai ei te igoa, ko avatu ei ki fenua ite feagaiga.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

A sui ki loto ite komiti e tau fa tausaga o tena nofoaiga. E tau o mafai ke toe tuku fakalua tena igoa. Kae ui ei te tokolima sui ne filifilia ite palota muamua e tau o oti te lotou nofoaiga ite fakaotiiga ote lua tausaga muamua, mai tua tonu loa ote palota muamua a igoa o tokolima konei e filifili i potukau ne te takitaki ote fonotaga tela e fakasino mai ite palakalafa 3 ite takutonuga tenei.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be

considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Kafai a sui ote komiti e mate me lisaina i sose pogai tela ko se mafai o fai ei ana tiute ite komiti, te fenua kite feagaiga tela ne fili neia te sui tenei e tau o toe fili mai neia se sui masani mai te lotou fenua ke tautua ne ia te toega ote nofoaiga a ia, fakatau kite taliaga mai te tokouke o fenua ki loto ite feagaiga. Te taliaga ke mafauaugina mafai e afa io me silia atu a fenua kite feagaiga ese lago kite igoa i loto ite ono vaiaso mai tua ote fakailoaga mai te failautusi aoao ote malo soko mote filfiliiga tenei.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Fenua ki feagaiga e tau o panaki mo tupe fakamaumau o sui kite komiti i taimi e fai ei lotou tiute ite komiti.

Article 18

Takutonuga 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

Te komiti e tau o fili ana ofisa kise nofoaiga e lua tausaga. Kae toe mafai o toe fili mai tua.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

Te komiti e tau o faite neia ana tulafono mo fakanofoga, ako tulafono konei ke fakatoka, mai ana tafa, te:

(a) Six members shall constitute a quorum;

Tokoono a sui filifilia ko mafai o fai te fono;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Ikuga fai ate komiti e tau faite kite tokoukega o fakasiga o loto o sui i taimi ote fonotaga.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

Te failautusi aoao ite malosoko ke fakatoka a tino galue mose kogakoga (ofisa) mo mea fai galuega ke lei te Faiga o galuega ate komiti I lalo faifaiga fakatalia.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

Te failautusi aoao ote malo soko ke kamata neia te fonotaga muamua ote komiti. Mai tua ote fonotaga muamua, te komiti e tau o fono I taimi tela e fakatino mai loto I ana Faiga fonotaga.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

A fenua ite feagaiga e tau o faka pogai kiei a tupe fakamaumau e tau atu kite Faiga o fonotaga a fenua kite feagaiga mote komiti, aofia foki ei kef aka fokiiga o sene ate malo soko mo sose tupe fakamaumau, pela mote togi o tino galue mo mea faigaluega

mote ofisa, kola e fakatupe nete malo soko pela mote palakalafa 3 ote takutonuga tenei.

Article 19

Takutonuga 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

Fenua kite feagaiga e tau o avaka kite komiti, kae ui atu kite ofisa aoao ote Malo Soko, lipoti i fuafuaga ne fakatoka ke maua ne fuataga ki faifaiga i lalo te faifaiga fakatalia tenei, I loto ite tasi tausaga mai tua ne ulufale atu kite fakamalosiga o faifaiga fakatalia mo fenua fakapitoa ite feagaiga.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

Te failautusi aoao ote malo soko e tau ke fakaoko a lipoti ki fenua katoa ite feagaiga.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

Lipoti takitasi e tau o lloilo nete komiti ke mafai o isi ne lotou faitioga kite lipoti aoaoki koga kola e mafaufau latou e tau ko

fakaoko atu ei ki fenua ite feagaiga kola e tau tonu kiei. Te fenua ite feagaiga ke fakaoko atu sose faitioga I ana taumataga tela e filifili neia kite komiti.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph I of this article.

Te komiti e mafai i tena malosi, mafaufau ke faulu sose faitioga ne faite ne te komiti pela mote palakalafa 3 ote takutonuga tenei, fakatasi mo taumataga kola e maua mai fenua kite feagaiga e tautonu kiei a faitioga, I loto I tena lipoti faka te tausaga pela mote takutonuga 24. Kafai e manakogina nete fenua kite feagaiga tela e faitiogina, te komiti ke mafai o faulu te kopi ote liptoi ne avaka I lalo ite palakalafa 1 ote takutonuga tenei.

Article 20

Takutonuga 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

Kafai te komiti e maua neia ne fakamatalaga fakatuagagina kola e sae aka kite komiti ke maua ei ne fakatinoga tonu me i uiga

fakasaua e fakatumanu te fakaonga i koga fenua ote fenua kite feagaiga, te komiti ke kami atu te fenua fakapitoa ke galue fakatasi ite sukesukega o fakamatalaaga kite gataga ko avaka ei a iloilooga ki fakamatalaga fakapitoa konei.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

Te fakaaonga o matematega kola ne avaka ki fenua kite feagaiga, pena foki mo nisi fakamatalaga aka ko avanoa mai, te komiti e mafai, mafai e mafaufau me aonga, ko faka galue neia se sui tokotasi io tai uke at uke fai neia se sukesukega funa ka eke liptoi kite komiti fakavave.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

Kafai te sukesukega ko fai pela mote palakalafa 2 ote takutonuga tenei, te komiti kea kai kite kau fakatasi ote fenua ite feagaiga fakapitoa. Ite maliega o fenua kite feagaiga, te sukesukega funa ke mafai o faulu ki loto te faimalaga atu o asi te koga fenua tenei.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

Mai tua ote sukesukega a ikuga a sui io meko sui ote komiti ne avaka pela mote palakalafa 2 ote takutonuga tenei, te komiti filifilia ke avaka a iloilooga kite fenua kite feagaiaga fakapitoa fakatasi mo isi o ana faitioga io mafaufauga faopoopo kola e tauga tonu ite kiloga mote tulaga tenei.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

A lipoti katoa ate komiti fakasino kiei te palakalafa 1 kite 4 ite takutonuga tenei e tau o tapu mana sona fakasi, kae I vaega katoa loa ote lipoti te galue fakatasi o fenua ite feagaiga ke fakamaua. Mai tua o lipoti konei mafai ko toka fakatau kite sukesukega funa tela ne fai, pela mote palakalafa 2, te komiti ka mafai, mai tua ote faipatiiga mote fenua kite feagaiga fakapitoa, ke mafaufau ke fakatoka se faka matalaga toetoe ki tali ote lipoti ki loto I tena lipoti faka tausaga pela loa mote takutonuga 24.

Article 21

Takutonuga 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this

article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

Ate fenua kite feagaiga e mafai I sose taimi o fakasae neia I lalo ite takutonuga tenei me ko molimau neia te lei o galuega ate komiti ke maua kae mafaufaugina se sokotakiga kite atili fakaleiga me ite fenua kite feagaiga e molimau me ite sua fenua kite feagaiga e se faka taunu ana tiute fai I lalo ote faifaiga fakatalia. Vaega sokotakiiga penei e tau loa o fano i fakanofoga kola koa oti ne fakamoe ite takutonuga tenei mafai fua e avaka nete fenua ite feagaiga tela ne avaka tena fautuaga I tena lavea I galuega lei ate komiti I lalo ite faifaiga fakatalia tenei. Seai ne sokotakiiga e tau o faipatigina nete komiti mafai e tau atu kite fenua ite feagaiga tela e seki ai sena vaega fakailoaga penei ne fai. Sokotakiiga ne maua I lalo te takutonuga tenei e tau o faipatiga i fakatokaaga o lipoti konei;

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

Kafai ate fenua kite feagaiga e molimau me ite sua fenua kite feagaiga e fakamalosi kite amanaiaaga o fakanofuuga o faifaiga fakatalia, e mafai, o fesokotaki ite tusi, avaka te faitioga kite fenua ite feagaiga tela e faka autu kiei. I loto ote tolu masina mai tua ite mauaga ote sokotakiiga tenei te fenua kite feagaiga tenei e maua neia te sokotakiiga tenei, ke toe fakatoka mai neia se fakamatalaaga mo tulaga tenei io me sea foki te vaega fakamatalaga ise tusi kite fenua ite feagaiga tela ne aumai neia te faitioga, kae tau ke faka aofia katoa I loto a mea kola ne fai mo lotou sokoga kite mataupu, maise ko faifaiga ne fakatalia ite fenua mo aofaga mo fakalei, koa oti ne fai, koi mafauaugina io me avanoa mote mataupu;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

Kafai te mataupu e se fakamafuli kite maliega o te ava fenua kite feagaiaga I loto ite ono masina mai tua ote mauaga nete fenua muamua ne fakamafua neia te sokotakiiga, fenua e lua konei kite feagaiga e tau o isi se la malosia o toe avaka te mataupu kite komiti, I fakaasiga e avatu kite komiti mote sua fenua;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

Te komiti e tau o galue kite mataupu ne avaka mai lalo ote takutonuga tenei mai tua loa ote fakamaoniga me I auala o fakaleiga I loto ite fenua koa oti katoa ne fakaonga mo nisi taumafaiga mote mataupu tenei, kola e faka fealofani mo tulafono mai tua ote atufenua. E se mafai o fakaonga te tulafono tenei mafai e fakalave te faka aongaaga o auala fesoasoani, kola foki e se mautinoa me ka aumai se fesoasoni kise tino e afatia tena ola ite soliga o faifaiga fakatali tenei;

(d) The Committee shall hold closed meetings when examining communications under this article;

Te komiti e mafai o fai ana fonotaga funa mafai ko sukesuke neia sokotakiiga mai lalo ite takutonuga tenei;

(e) Subject to the provisions of subparagraph (e), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

Fakatau ki vaega foliki konei (e), te komiti e mafai o faka avanoa tena ofisa ki fenua ite feagaiga kola e faka autu kiei mote mafaufau ke maua se va faka taugasoa pela mese auala e faka malie ei te fakalavelave ite tulaga ote ava mo iute fai ite faifaiga fakatalia tenei;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

I sose fakalavelave e fakatino I lalo ite takutonuga tenei, te komiti e mafai o faipati kite fenua ite feagaiga kola e faka autu

pela mote palakalafa (b) ke faka maua mai sose fakamatalaaga e taugatonu;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

A fenua ite feagaiga kola e faka autuu kola e fakatino ite palakalafa (b), e mafai o isi se lotou malosi ke sui atu latou kite fono mafai te mataupu ko faitalagina ite fonotaga kae ke avatu te lotou fakamainaga ite tusi io me avaka nete sui o latou kite fonotaga;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

Te komiti e mafai, i loto ite 12 masina mai tua ote mauaga ote fakailoaga mai lalo ite palakalafa (b) avaka ei ate lipoti:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

Kafai te ikuga i fakanofoga ote palakalafa (e) maua, te komiti e tau o tausī te lipoti ke toetoe l mea mautinoa mo aofaga ne oko kiei;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

Kafai te aofaga mo fakanofoga ote palakalafa (e) e se mafai o maua, te komiti ke tausi te lipoti ke toetoe ki mea mautinoa, te lipoti tusi ki lima mote leo ote taviga tela ne puke I taimi ote fonotaga nete sui ote fenua kite feagaiga faka autuu kef aka piki kite lipoti.

I sose tulaga te lipoti e tau faeloa ke iloa nete fenua kite feagaiga faka autuu kite lipoti.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

A fakanofoga ote faifaiga fakatalia tenei e fakaaonga mafai ate tokolima fenua kite feagaiaga o faifaiga fakatalia konei ko oti ne fai lotou fakaasiga mai lalo te palakalafa 1 ote faifaiga fakatalia tenei. A fakasiga a latou konei e tau o avatu ne latou kite failautusi aoao ote malo soko koia tela ka fakaoko atu neia kopi ki nisi o fenua kite feagaiga. Ate fakaasiga konei e mafai o tapale I sose taimi ite avatu ose fakailoaga kite failautusi aoao. Te tapaleega tenei e se mafai o faite neia se tulaga pokotia ki sose avanoaga mai luga I fakamatalaga kola koa oti ne fakaaonga I lalo ite takutonuga tenei, sei ne sokotakiiga mai fenua kite

feagaiga e mafai o toe maua mai lalo ite takutonuga tenei mai tua ote mauaga nete failautusi aoao, vagana te fenua kite feagaiga faka autuu ko oti ne toe fai sena fakaasiiga fou.

Article 22

Takutonu 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

Ate fenua kite feagaiga i faifaiga fakatalia tenei e mafai l sose taimi fakasi l lalo ite takutonuga tenei me ko faka talitonu neia te lei o galeuga fai ate komiti ke maua neia ne sokotakiiga mai io me ko sui o tino takitasi fakatau loa kite malosi ote fakatagi ki tino ne afatia lotou ola ite soliiga nete fenua kite feagaiga a fakanofoga ite faifaiga fakatalia tenie. Seai se sokotakiiga e tau o maua mai te komiti mafai e faka autuu kite fenua ite feagaiga tela e seki seki fai sena fakasiiga.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

Te komiti ke taumata neia ke moa e faka talia o sose sokotakiiga mai lalo ote takutonuga tenei tela e se iloa te tino ia ia io me tela e mate mene faka maseiga kite saolotoga o avaka iei vaega

sokotakiiga penei io me se ollotasi mo fakanofoga o faifaiga fakatalia.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph I and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Fakatau ki fakanofoga ote palakalafa 2, te komiti ke avaka neia sose sokotakiiga ne maua neia mai lalo ite takutonuga tenei kite fenua ite feagaiga ke sakatonu ki faifaiga fakatalia tela koa oti ne fai a fakaasiga mai lalo te palakalafa 1 kae fakamafua neia te soliiga o sose fakanofoga ote faifaiga fakatalia tenei. I loto te ono masina, te fenua ite feagaiga e faka autuu ke avaka kite komiti se fakamatalaga e tusi fakalei io mese fakamatalaga e fakamaina ei te faklavelave mo fesoasoani, mafai e isi, kola ne mafai avaka kite fenua.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

Te komiti e tau o mafaufau ki sokotakiiga ne maua i lalo te takutonuuga tenei i tulaga o fakamatalaaga ne fakamaua kiei io me sui ei te tino tokotasi mote fenua kite feagaiaga fakaautuu.

5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

Te komiti se mafai neia o fakaonga sose sokotakiga mai se tino tokotasi mai lalo te takutonuga tenei vagana ke faka mautinoame:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

Te mataupu tenei e seki, kae seki ai foki, se sukesukega kai fai mai lalo o sua faka nofoga o faiga iloilooga I tulafono tulafono o fenua mai tua io mese fakatokaaga;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

Te tino tokotasi tenei koa oti katoa avanoaga fakalei ite fenua ne asi neia, tenei se mafai ke fai mo fakanofoga ke fakaonga a fakaleiga ise taimi leva io me se mafai o aumai se fakatokaga lei kite tino tela ne afatia tena ola ite soliiga ote faifaiga fakatalia tenei.

6. The Committee shall hold closed meetings when examining communications under this article.

Te komiti ke fai ana fonotaga funa mafai ko sukesuke neia sokotakiiga mai lalo te takutonuga tenei.

7. The Committee shall forward its views to the State Party concerned and to the individual.

Te komiti e mafai o fakaoko atu ana mafaufauga kite fenua ite feagaiga faka autuu mote tino tokotasi.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under

paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary General, unless the State Party has made a new declaration.

A fakanofoga ite takutonuga tenei e mafai o faka galue mafai te tokolima fenua kite feagaiga koa oti ne fai lotou fakasiiga mai lalo te palakalfa 1 ote takutonuga tenei. A fakasiiga konei e avatu ne fenua kite feagaiga kite failautusi aoao ote malo soko, tela ka fakaoko neia a kopi ki nisi fenua kite feagaiga. Ate fakaasiiga e mafai o tapale I sose taimi ite avatu oe fakailoaga kite failautusi aoao. Te tapaleega tenei e se mafai o avatu neia se pokotiaga ki sose mataupu tela e faka atuu kise sokotakiiga ne fakamaua I lalo ite takutonuga tenei; seai ne sokotakiiga e toe fakasoko mai io me ite sui ote tino tokotasi e toe fakamaua mai lalo te takutonuga tenei ite otiga ne maua te fakailoaga kite failautusi aoao vagana te fenua kite feagaiaga ne toe avatu neia se fakaasiga fou.

Article 23

Takutonuga 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph I (e), shall be entitled to the facilities, privileges and immunities of

experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

A sui ote komiti mol laua mai te potukau ote fakatoka I lalo tulafono kola e filigina mai lalo ote takutonuga 21, palakalafa 1 €, e saoloto kite koga mo mea fai galuega, mo tau faopoopo mo puipuiga o tino atamai ite misiona ate malo soko kola koa oti ne fakamoe I sekiseni fakapitoa I lalo te faifaiga fakatalia I tau faopoopo mo puipuiga o tino galue mot e malo soko.

Article 24

Takutonuga 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

Te komiti ke avatu tena lipoti faka tausaga mai lalo ote faifaiga fakatalia ki fenua ki te feagaiga mote fonotaga saukatoa ate malo soko.

PART III

Vaega III

Article 25

Takutonuga 25

1. This Convention is open for signature by all States.

Te faifaiga fakatalia tenei e matala mo sianaga o fenua katoa.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Te faifaiga fakatalia tenei e manakogina ke fakatalia. Te fakamauaga toe taliaga ne avatu kite failautusi aoao ate malo soko.

Article 26

Takutonuga 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary General of the United Nations.

Te faifaiga fakatalia tenei e tala ki taliaga mai fenua katoa. Te taliaga e tau o maua ite avatu o taliaga kite failautusi aoao ote malo soko o malo soko.

Article 27

Takutonuga 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

Te faifaiga fakatalia e tau o faka galue ite tolusefulu aso mai tua ote po masina ne fakaoko iei kite failautusi aoao ote malo soko ite luasefulu fakatokaaga o galue tau kite fakatalia io me ko te maliega I fenua.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Mo fenua takitasi kite feagaiga mote fakataliaga ote faifaiga fakatalia tenei io meko te maliega fakatasi kiei mai tua ote fauluga ote luase fulu fakanofoga ote taliaga mote maliega, te faifaiga fakatalia ka mafai o faka galue ite tolusefulu asomai tua ote aso ne faulu iei tena taliaga.

Article 28

Takutonuga 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.

Fenua takitasie mafai, ite taimi ote sinaga io meko te taliaga ote faifaiga fakatalia io meko te maliega, fakaasi me se amanaia neia te mafai ote komiti mai lalo ite takutonuga 20.

2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Sose fenua kite feagaiga ka oti ne fai tena faitioga pela mote palakalafa 1 ite takutonuga tenei me mafai, I sose taimi o tapale

tena faitioga ite fakaoko atu tena fakailoaga kite failautusi aoao ote malo soko.

Article 29

Takutonuga 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.

Sose fenua kite feagaiga kite faifaiga fakatalia e mafai o avaka sena fakatagi mo tena fakamafuliiga ke faulu kite failautusi aoao ote malo soko. Te failautusi aoao e mafai o sokotaki te fakatagi mote faka mafuliiga ki fenua kite feagaiaga mote akai ke fakailoa mai me fiafia kise fonotaga ma fenua kite feagaiaga mote pogai ke maua o mafaufaugina se palota kite fakatagi tenei. Ite tulaga tene, I loto ite fa masina mai te aso ote fesokotakiiga e tau o maua se tasi vae tolu o fenua kite feagaiga e fiafia kise vaega fonotaga penei, te failautusi aoao e tau o usu neia te fonotagamai lalo te fesoasoani ote malo soko. Sose faka mafuliiga ne fakatalia nete tokoukega o fenua kite faeagaigane

kau fakatasi kite fonotaga ako te ikuga ote palota ke avaka nete failautusi aoaoki fenua katoa ite feagaiga mote taliaga a latou.

2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

Te fakamafuliiga ne fakatalia pela mote taliaga ite palakalafa 1 ote takutonuga tenei e tau faka galue mafai te lua vaetolu o fenua kite feagaiga kite faifaiga fakatalia kooti ne fakailoa nete failautusi aoao ote malo soko me ko oti ne faka talia ki faka nofoga I faifaiga ote faiga tulafono.

3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Kafai a fakamfuliiga ko toka o fakaonga, e tau ke mafai o fusitasi ki fakanofoga ote faifaiga fakatalia tenei mo nisi fakamafuliiga kola ne fakatalia mai mua atu.

Article 30

Takutonuga 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer

the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

Sose faka kinauga ite vasia o fenua kite feagaiaga me lua io me uke atu fenua e uiga mote fakamatalaga io meko te faka aongaaga ote faifaiga fakatalia tenei kae se mafai o fakatoka i loto i sautalaga fakatasi, te fenua e tasi e mafai o fakatagi, ke avaka kite tino faka toka mai te tulafono. I loto te ono masina mai te po masina ne fakatagi ei kite tino fakatoka ote tulafono, kae se toka foki, sose fenua kite feagaiaga ke avaka te fakalavelave tenei kite fono tulafono ote filemu mai tua atu ote atufenua kae ke olotonu mo faka nofoga ote fono tulafono.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by paragraph I of this article with respect to any State Party having made such a reservation.

A fenua takitasi, ite taimi ote sainaga io meko te fakataliaga ote faifaiga fakatalia teneo io meko maliega fakatasi, kae fakaasi me I tena fenua se fusi fakatasi ite palakalafa 1 ote takutonuga tenei. Nisi fenua kite feagaiga ka se fusigina foki nete palakalafa 1 ote takutonuga tenei mote fakaaloalo ki nisi fenua kite feagaiga tela ne avaka neia se fakaasiga penei foki.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Sose fenua kite feagaiga ko oti ne fai tena faitioga pela mote manakoga ote palakalafa 2 ote takutonuga tenei, e mafai neia I

sose taimi o tapale te faitioga teneiite avatu o tena fakailoaaga kite failautusi aoao ote malo soko.

Article 31

Takutonuga 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Te fenua kite feagaiga e mafai o fakamasei neia te faifaiga fakatalia teneiite tusi atu tena fakailoaaga kite failautusi aoaoote malo soko. Te fakamaseiga e mafi o fakaonga ise tausaga e tasi mai tua ote po masina ne avatu ei te fakailoaaga kite failautusi aoao.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

Vaega faka maseiga penei e se mafai o faka seai neia a toute tauave ote fenua kite feagaiga mai lalo te faifaiga fakataliae auala ki sose faiga io me ave keatea mai mua ote po masina tela e tau ei o fakagalua, io meko te fakamaseiga tenei e se kave neia fakatea te avanoaga ke fakasoko te fakaonga o sose mataupu tela koa oti ne mafauaugina nete komiti mai mua ote po masina tela e toka ei o faka aonga te fakamaseiga tenei.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Mai tua ote po masina e faka aonga ei te fakamaseiga tenei, te komiti se mafai o toe mafaufaugina sose mataupu foue uiga mote fenua tenei.

Article 32

Takutonuga 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

Te failautusi aoao ote malo sokoe tau ke fakailoa neia ki fenua katoa e kau ite malo soko mo fenua katoa ne saina I faifaiga fakatalia tenei io me lau fakatasi ki mea konei:

(a) Signatures, ratifications and accessions under articles 25 and 26;

Sainaga, fakataliaga, mote maliega mai lalo te takutonuga 25 mote 26;

(b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;

Te aso ne kamata ei te faifaiga fakatalia tenei ,mai lalo ite takutonuga 27 mote aso ne faulu ei sose fakamafuliiga mai lalo ite takutonuga 29;

Article 33

Takutonuga 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Te faifaiga fakatalia tenei, tela te gana Alapi, Saina, Palagi, te sao Falani, Lusua mote spanisi e tusa pau te saolele, e tau o avatu kite failautusi aoao ote malo soko.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

Te failautusi aoao ote malo soko ke avaka neia ne kopi ko oti ne fakamaonia ki faifaiga fakatalia tenei ki fenua katoa.

The [Convention against Torture Initiative \(CTI\)](http://www.cti.international) was launched in March 2014 by the Governments of Chile, Denmark, Ghana, Indonesia and Morocco, with Fiji joining as a Core State in 2019 and The Bahamas in 2025. Following the completion of its initial ten-year mandate in 2024, CTI entered a second phase extending to 2030. As a State-led initiative, CTI supports governments in advancing the universal ratification and effective implementation of the UN Convention against Torture through constructive engagement, tailored technical assistance, capacity-building and the exchange of experiences and good practices. For more information about CTI, its activities and how to join the CTI Group of Friends, visit www.cti.international

Te [Convention against Torture Initiative \(CTI\)](http://www.cti.international) ne kamata i a Mati 2014 ne Malo o Chile, Denmark, Ghana, Indonesia mo Morocco, kae ne kau atu a Fiji e pelā me se Fenua Autū i te 2019, mo The Bahamas i te 2025. Mai tua o te fakaotiga o tena taimi galue muamua e sefulu tausaga i te 2024, ne ulu atu a CTI ki tena vaega lua, tela ka fakasoko ke oko ki te 2030. E pelā me se fakatokaga e takitakigina ne Malo, e fesoasoani a CTI ki malo ke gasolo ki mua te taliaga ne fenua katoa mo te fakaaongaaga tonu kae aoga o te Faifaiga Fakatalia a Malo Soko kite Fakasauaa, auala i te galue fakatasi i se auala aoga, fesoasoani fakapitoa e fakatoka e tusa mo manakoga o fenua, te fakamalosiga o te iloa mo te mafai o tino mo ofisa, mo te fakatau avatu o iloa mo faifaiga lei. Mo nisi fakamatalaga e uiga mo CTI, ana galuega mo te auala ke kau atu ki te Potukau o Taugasoa a CTI, asi ki te www.cti.international