



Appendix C – Proceeds of Crime Act 2002 (UK) s241A

241A Gross human rights abuse or violation

1. Conduct constitutes the commission of a gross human rights abuse or violation if each of the following three conditions is met.
2. The first condition is that—
 - a. the conduct constitutes the torture of a person who has sought—
 - i. to expose illegal activity carried out by a public official or a person acting in an official capacity, or
 - ii. to obtain, exercise, defend or promote human rights and fundamental freedoms, or
 - iii. the conduct otherwise involves the cruel, inhuman or degrading treatment or punishment of such a person.
3. The second condition is that the conduct is carried out in consequence of that person having sought to do anything falling within subsection (2)(a)(i) or (ii).
4. The third condition is that the conduct is carried out—
 - a. by a public official, or a person acting in an official capacity, in the performance or purported performance of his or her official duties, or
 - b. by a person not falling within paragraph (a) at the instigation or with the consent or acquiescence—
 - i. of a public official, or
 - ii. of a person acting in an official capacity, who in instigating the conduct, or in consenting to or acquiescing in

it, is acting in the performance or purported performance of his or her official duties.

5. Conduct is connected with the commission of a gross human rights abuse or violation if it is conduct by a person that involves –
 - a. acting as an agent for another in connection with activities relating to conduct constituting the commission of a gross human rights abuse or violation,
 - b. directing, or sponsoring, such activities,
 - c. profiting from such activities, or
 - d. materially assisting such activities.
6. Conduct that involves the intentional infliction of severe pain or suffering on another person is conduct that constitutes torture for the purposes of subsection (2)(a).
7. It is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or omission.
8. The cases in which a person materially assists activities for the purposes of subsection (5)(d) include those where the person –
 - a. provides goods or services in support of the carrying out of the activities, or
 - b. otherwise provides any financial or technological support in connection with their carrying out.