

- (h) harbours;
- (i) orders; or
- (j) renders support to;

any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation or commission or instigation of torture commits an offence and is liable on conviction to a fine of one hundred thousand dalasis or imprisonment for three years, or to both.

10. Accessory after the fact to the offence of torture

(1) A person who receives or assists another who is, to his or her knowledge, guilty of an offence under this section, in order to enable him or her to escape punishment, becomes an accessory after the fact to the offence of torture.

(2) A person who is or becomes an accessory after the fact to the offence of torture commits an offence and is liable on conviction to a fine of one hundred thousand dalasis or to imprisonment for three years or to both.

(3) A wife does not become an accessory after the fact to an offence of which her husband is guilty by –

(a) receiving or assisting him to escape punishment; or

(b) receiving or assisting in her husband's presence and by his authority, another person who is guilty of an offence, the commission of which her husband has taken part in, to enable that other person to escape punishment.

(4) A husband does not become an accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment.

11. Responsibility of a superior over actions of a subordinate

A superior officer is liable for an act of torture committed by a subordinate under his or her authority and control, where –

- (a) the superior knew, or consciously disregarded information which clearly indicated that the subordinate was committing or about to commit an act of torture;

- (b) the acts committed by the subordinate concerned activities that were within the responsibility and control of the superior; and
- (c) the superior failed to –
 - (i) promptly investigate an allegation or torture,
 - (ii) diligently pursue administrative and disciplinary measures to prevent re-occurrence, or
 - (iii) cooperate with judicial authorities to prosecute the offence of torture.

12. Right to complain

(1) A person who alleges that an offence under this Act has been committed, whether the person is the victim of the offence or not, has a right to complain to the Police, Commission or any other relevant institution or body having jurisdiction over the offence.

(2) Where a complaint is made, the body receiving the complaint shall promptly investigate the complaint, and where there are substantial grounds to support the complaint, the police shall arrest, detain and charge the person with the offence he or she is alleged to have committed.

(3) A person arrested and detained under sub-section (2) shall be assisted to communicate as soon as possible with his or her relative or the appropriate representative of the state of which he or she is a national or is ordinarily resident.

13. Institution of criminal proceedings

(1) Criminal proceedings under this Act may be instituted in one of the following ways –

- (a) by a police officer bringing a person arrested with or without a warrant before a Magistrate upon a charge;
- (b) by a Public Prosecutor or a police officer laying a charge against a person before a Magistrate and requesting the issue of a warrant or a summons; or
- (c) by any person, other than a Public Prosecutor or a police officer, making a complaint.

(2) The validity of any proceedings instituted or purported to be instituted under sub-section (1) shall not be affected by –