

liable on conviction to a fine of one hundred thousand dalasis or two years imprisonment, or to both.

PART V - TRANSFER OF DETAINEES

17. No transfer of persons where likelihood of torture exists

(1) A person shall not, where there are reasonable grounds to believe that a prisoner or detainee is likely to be tortured -

- (a) release, transfer or order the release or transfer of the prisoner or detainee into the custody or control of another person or group of persons or Government entity;
- (b) transfer, detain or order the transfer or detention of a prisoner or detainee to a non-legal place of detention; or
- (c) intentionally or recklessly abandon a prisoner or detainee, in any place where there are reasonable grounds to believe that the prisoner or detainee is likely to be tortured.

(2) Sub-section (1) applies to any prisoner or detainee in the custody of any public official irrespective of the -

- (a) citizenship of the prisoner or the detainee;
- (b) location in which the prisoner or detainee is being held in custody or control; or
- (c) location in which or to which the transfer or release is to take place or has taken place.

PART VI - JURISDICTION OVER THE OFFENCE OF TORTURE

18. Jurisdiction of The Gambian courts in relation to the offence of torture

(1) A Principal Magistrate shall have jurisdiction to try the offences prescribed by this Act, which is committed -

- (a) in The Gambia;
- (b) outside The Gambia -
 - (i) in any territory under the control or jurisdiction of The Gambia,

(ii) on board a vessel flying The Gambian flag or an aircraft which is registered under the laws of The Gambia at the time the offence is committed; and

(iii) on board an aircraft, which is operated by the Government of The Gambia, or by a body in which the government of The Gambia holds a controlling interest, or which is owned by a company incorporated in The Gambia;

(c) by a citizen of The Gambia or by a person ordinarily resident in The Gambia;

(d) against a citizen of The Gambia;

(e) by a stateless person who is ordinarily resident in The Gambia; or

(f) by any person who is ordinarily resident in The Gambia or in any territory under the control or jurisdiction of The Gambia.

19. Torture bailable by the Magistrates Court

Bail in respect of the offence of torture may be granted by a Principal Magistrate.

PART VII - MISCELLANEOUS

20. Consent of Attorney General required for prosecution of non-citizen

A person who is not a citizen of The Gambia shall not be prosecuted for an offence under this Act except with the consent of the Attorney General.

21. Duty to report torture

A person who suspects or has reasonable grounds to suspect that torture is being committed by a public official, or a person acting in official or private capacity, shall report the matter to the police.

22. Protection of victims, witnesses and persons reporting torture

The Government shall ensure that any person, including a -

- (a) complainant;