

- (b) witness; or
- (c) person making a complaint, whether the victim or not,

is protected against all manner of ill-treatment or intimidation as a consequence of his or her complaint or any evidence given.

23. Restriction on extradition or deportation where a person is likely to be tortured

- (1) Torture is an extraditable offence.
- (2) Notwithstanding sub-section (1) and the provisions of the Extradition Act, a person shall not be extradited or deported from The Gambia to another state if there are substantial grounds to believe that he or she is likely to be in danger of being subjected to torture.
- (3) For the purposes of sub-section (2), it shall be the responsibility of the person alleging the likelihood of being tortured to prove to the court the justification of that belief.
- (4) In determining whether there are substantial grounds for believing that a person is likely to be tortured or in danger of being subjected to torture under sub-section (2), the court shall take into account all factors including the existence of a consistent pattern of gross, flagrant or mass violations of human rights in the state seeking extradition or deportation of the person.
- (5) Where a person is not extradited or deported as a consequence of the provisions of this section, he or she shall be tried in The Gambia.

24. No amnesty for offence of torture

Notwithstanding the provisions of any other law, a person accused of torture shall not be granted amnesty for the offence of torture.

25. Regulations

- (1) The Minister may make regulations for better carrying into effect the provisions of this Act.
- (2) The Minister may, by statutory instrument, and with the approval of the National Assembly, amend the Schedule to this Act.

SCHEDULE

(Section 3)

1. Physical acts of torture include —

- (a) systematic beating, head banging, punching, kicking, striking with truncheons, rifle butts, jumping on the stomach;
- (b) food deprivation or forcible feeding with spoiled food, animal or human excreta;
- (c) electric shocks;
- (d) cigarette burning, burning by electrically heated rods, hot oil, acid, by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices;
- (e) the submersion of the victim's head in water or water polluted with excrement, urine, vomit or blood;
- (f) being tied or forced to assume a fixed and stressful body position;
- (g) rape and sexual abuse, including the insertion of foreign bodies into the sexual organs or rectum or electrical torture of the genitals;
- (h) mutilation, such as amputation of the essential parts of the body such as the genitalia, ears, tongue;
- (i) dental torture or the forced extraction of the teeth;
- (j) harmful exposure to the elements such as sunlight and extreme cold; or
- (k) the use of plastic bags and other materials placed over the victim's head with the intention to asphyxiate.

2. Mental or psychological acts of torture include —

- (a) blindfolding;
- (b) threatening the victim or his or her family with bodily harm, execution or other wrongful acts;