

**Jersey Law 1/1990**

**TORTURE (JERSEY) LAW 1990**

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**A LAW** to declare that torture shall be an offence in the Bailiwick, sanctioned by Order of Her Majesty in Council of the

**19th day of December 1989**

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*(Registered on the 23rd day of February 1990)*

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**STATES OF JERSEY**

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The 17th day of October 1989

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

**ARTICLE 1**

**Torture**

(1) A public official or person acting in an official capacity, whatever his nationality, commits the offence of torture if in the Bailiwick or elsewhere he intentionally inflicts severe pain or suffering on another in performance or purported performance of his official duties.

(2) A person not falling within paragraph (1) commits the offence of torture, whatever his nationality, if –

(a) in the Bailiwick or elsewhere he intentionally inflicts severe pain or suffering on another at the instigation or with the consent or acquiescence –

(i) of a public official, or

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- (ii) of a person acting in an official capacity; and
  - (b) the official or other person is performing or purporting to perform his official duties when he instigates the commission of the offence or consents to or acquiesces in it.
- (3) It is immaterial whether the pain and suffering is physical or mental and whether it is caused by an act or an omission.
- (4) It shall be a defence for a person charged with an offence under this Article in respect of any conduct of his to prove that he had lawful authority, justification or excuse for that conduct.
- (5) For the purposes of this Article “lawful authority, justification or excuse” means –
- (a) in relation to pain or suffering inflicted in the Bailiwick, lawful authority, justification or excuse under the law of the Bailiwick;
  - (b) in relation to pain and suffering inflicted outside the Bailiwick –
    - (i) if it was inflicted by an official of the Bailiwick acting under the law of the Bailiwick or by a person acting in an official capacity under that law, lawful authority, justification or excuse under that law,
    - (ii) in any other case, lawful authority, justification or excuse under the law of the place where it was inflicted.
- (6) A person who commits the offence of torture shall be liable on conviction to imprisonment for life.

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ARTICLE 2

**Requirement of Attorney General's consent for prosecutions**

Proceedings for an offence under Article 1 shall not be begun except by, or with the consent of, the Attorney General.

ARTICLE 3

**Citation and commencement**

This Law may be cited as the Torture (Jersey) Law 1990.

**R.S. GRAY**

*Deputy Greffier of the States.*