

SENEGAL

@Opposition member of parliament tortured in police custody

Mody Sy, a recently elected member of parliament representing the opposition *Parti démocratique sénégalais* (PDS), Democratic Party of Senegal, was arrested on 20 May 1993. He was held for one week at the Gendarmerie (para-military police) station in Thiong street, in central Dakar, where he was reportedly tortured in order to make him confess a crime - providing weapons used in the murder of a prominent lawyer earlier the same month. According to reports from various sources, he was suspended between two tables and electric shocks were administered to his fingers and genitals. Several days later after his transfer to Dakar's central prison, he was still suffering from numbness in his feet and still bore the physical scars of his torture. Some publicity was given to Mody Sy's torture by the media in Dakar in early June.

Amnesty International representatives visiting Dakar several weeks later asked the Procurator General on 10 June whether he had ordered an official investigation into the allegations of torture in the case of Mody Sy. As the country's most senior law officer, the Procurator General is responsible for upholding respect for the law and initiating investigations when there are grounds for believing that the law has been broken. He explained that as he had not received a complaint about Mody Sy's treatment in custody, he had taken no action. When reminded that he had the power to open an inquiry even in the absence of a complaint by the victim, he indicated that he was waiting for the medical report before deciding whether to act. On 11 June a military doctor examined Mody Sy, nine days after his lawyer had requested an official medical examination for his client. He subsequently received medical treatment. However, still no official investigation is known to have been opened into these serious allegations of torture.

Mody Sy was arrested on suspicion of complicity in the murder the previous week of Maître Babacar Sèye, the Vice-President of Senegal's Constitutional Council. He was apparently implicated in the murder by Clédor Sène, who had been arrested by the police as a suspect and who apparently made a confession saying he had been the driver of the car used in the murder of Maître Babacar Sèye. Clédor Sène apparently claimed to the police that he had been recruited by the PDS leadership to assassinate Maître Babacar Seye. The PDS had been a vociferous critic of the Constitutional Council and of fraud during recent elections. However, when he appeared before an examining magistrate, Clédor Sène withdrew his statement and claimed instead that he had been approached by people close to the Prime Minister, a member

of the ruling *Parti socialiste* (PS), Socialist Party, to carry out the murder and to announce it as a PDS attack.

Even in this publicised and apparently well-documented case of torture allegations involving an elected member of Senegal's National Assembly, the Senegalese authorities have responded extremely slowly, in particular in ordering a medical examination of the alleged victim and in opening an official inquiry into the allegations of torture, in conformity with the country's international human rights commitments¹. The reluctance to open an inquiry shows a lack of resolve to tackle the problem of torture and to bring to justice those responsible for the crime of torture. That reluctance and the apparent existence of specialized torture equipment lend credibility to allegations that torture is frequently used against suspected criminals at the Gendarmerie de Thiong.

At both the national and international level, representatives of the Senegalese government have often declared its commitment to respect for human rights. In 1991, the Senegalese delegation at the United Nations annual Commission on Human Rights referred under Agenda Item 10 to the speed with which Senegal had ratified the UN Convention against Torture - in fact it was the second African country to ratify the Convention - by referring to it as a testimony of "the great interest which Senegal attaches to the eradication of this odious and barbaric crime, which is torture"². In reality, the official reaction to serious allegations of torture is different.

Despite its international commitments, in 1991 Senegal stopped investigations into allegations of torture in connection with cases in the Casamance region, claiming that a May 1991 amnesty law had forbidden further examination of past events. When challenged by the Human Rights Committee³ in October 1992 about this apparent granting of impunity to those responsible for acts of torture, the Senegalese government's representative undertook to urge his government to continue past investigations into torture and to open inquiries into torture allegations even when a formal complaint had not been received. However, no investigation is known to have been opened and the lack of inquiry into the alleged torture of Mody Sy implies that the authorities are not respecting their own recent declarations before the Human Rights Committee. In addition, in contravention of Article 5(2) of the United Nations Convention

¹Senegal ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986. The Convention's article 12 states: "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction".

²"(le) grand intérêt qu'il attache à l'éradication de ce crime odieux et barbare qu'est la torture".

³The Human Rights Committee is the body of 18 experts created by the United Nations International Covenant on Civil and Political Rights (ICCPR) to monitor implementation by States Parties of the provisions of the ICCPR and its Optional Protocol.

against Torture, Senegal has taken no steps to investigate allegations of torture made against former President Hissein Habré of Chad who is currently resident in Senegal⁴.

WHAT YOU CAN DO TO HELP STOP TORTURE IN SENEGAL:

1. Send politely-worded appeals, preferably in French, to the Senegalese authorities below making the following points:

! urging the authorities to fulfil their obligation under Article 12 of the Convention against Torture to organize immediately an independent, impartial and effective investigation into allegations that Mody Sy was subjected to torture;

! seeking assurances that if the allegations are confirmed, those responsible will be brought to justice and the authorities will take action to prevent any further cases of torture from occurring.

2. Encourage others in your country, especially members of parliament and the medical profession, to send appeals to the Senegalese

⁴Please refer to Amnesty International's report entitled: "Chad - Never again? Killings continue into the 1990s" (AI Index: AFR 20/04/93), published in February 1993.

Please send your appeals to:

Monsieur le Commandant Léon Charles DIEDHIOU
Directeur de la Gendarmerie de Thiong
Rue de Thiong
Dakar
Sénégal

Monsieur le Général GOMIS
Chef de la Gendarmerie nationale
La Gendarmerie nationale
Dakar
Sénégal

Monsieur Jacques BAUDIN
Ministre de la Justice, Garde des Sceaux
Ministère de la Justice
Dakar
Sénégal

Monsieur Papa Bougouma DIENE
Procureur général auprès de la Cour d'Appel
Palais de Justice
Dakar
Sénégal

Copies to:

Monsieur Moustapha NIASSE
Ministre des Affaires étrangères
Ministère des Affaires étrangères
Place de l'indépendance
Dakar
Sénégal

KEYWORDS: PARLIAMENTARIANS / TORTURE/ILL-TREATMENT / POLICE / MEDICAL TREATMENT / IMPUNITY /
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