

£SENEGAL

@Mass arrests and torture

Most of the detainees appear to be prisoners of conscience

About 150 people were arrested in February 1994 and charged with undermining state security after a violent demonstration in Dakar, the capital, which resulted in the death of eight people, six of them police officers. Most of the arrests were made several days after this outbreak of violence and, in some cases, in towns other than the Senegalese capital. Amnesty International believes some, if not all, of these people to be prisoners of conscience held solely on account of their membership of a political or religious movement, in the absence of any proof that they have used or advocated violence.

Amnesty International is also gravely concerned by the allegations that certain prisoners suffered torture and ill-treatment while in police custody (*garde à vue*), during which time prisoners have access to neither their families nor their lawyers. One of them, Lamine Samb, died, apparently as a result of the torture he underwent in police custody.

While recognizing that governments are entitled to prosecute those responsible for criminal acts, Amnesty International fears that the Senegalese authorities have exploited this serious outbreak of violence in order to discredit the legal opposition by carrying out mass arrests and accusing the leaders of the two main opposition parties of crimes against the security of the state, without apparent proof of their individual responsibility, which constitutes a violation of the internationally recognized right to freedom of expression and association.

Amnesty International reminds the Senegalese authorities of their commitment to the terms of Article 12 of the Convention against Torture, ratified by Senegal in 1986, and urges that independent investigations should be set up without delay into all the allegations of torture and particularly into the cause of death of Lamine Samb. The organization also urges the immediate and unconditional release of all prisoners of conscience held solely because of their attendance at an authorized meeting or their membership of a political or religious movement, without any proof that they have used or advocated violence.

The demonstration of 16 February 1994

On 16 February 1994 the *Coordination des forces démocratiques* (CFD), Coordination of Democratic Forces, an association of five opposition parties, held an authorized meeting in Dakar to protest against the government's economic policy, in particular the devaluation of the CFA franc in January 1994. This meeting took place in the context of a widespread protest movement leading up to a march planned for 18 February. The meeting became disorderly after some participants had interrupted the leaders' speeches and called for an immediate march on the presidential palace. While some people, among them the opposition leaders, left the scene, hooded demonstrators attacked the security forces with knives, machetes, clubs and pistols. Shops were looted and cars set on fire, including a police vehicle. Six police officers were killed and about 20 others injured and taken to hospital.

At least two hours before the beginning of this meeting, there had been incidents in Thiaroye and Pikine, two suburbs of the Senegalese capital. The government saw this as proof of a preconceived plan to take advantage of an authorized meeting to create disturbances and start a march without prior warning. The opposition party leaders, however, denied any intention of resorting to violence and pointed out that the incidents at Thiaroye and Pikine had been provoked by the attempts of the security forces to prevent the population of these suburbs from joining the CFD meeting.

Arrests of members of parliament - Violation of judicial procedure with respect to parliamentary immunity

On 18 February 1994, the leaders of the two main opposition parties, Maître Abdoulaye Wade and Landing Savané - secretaries general of the *Parti démocratique sénégalais* (PDS), Senegalese Democratic Party, and the *Parti africain pour la démocratie et le socialisme* (PADS), African Party for Democracy and Socialism, respectively - were arrested at their homes by police. During the following days a third PDS member of parliament, Pape Oumar Kane, and two other activists from the same party were also detained in Dakar central prison. The five detainees were charged with crimes against the security of the state.

Despite the fact that the three members of parliament had been arrested more than 48 hours after the events of 16 February, *in flagrante delicto* procedures were adopted. These procedures allow the police to arrest without warrant suspects caught in the act. The Senegalese Constitution provides that a member of parliament may not be arrested without the authorization of the National Assembly, except when *in flagrante delicto*. On 23 March 1994, the president of the Senegalese National Assembly attempted to justify, before a committee of the Interparliamentary Union in Paris, the *in flagrante delicto* arrests of the three members of parliament on the grounds that Maître Wade had told the demonstrators they could set out on a protest march if they wished. The president's declaration offered no evidence that either

Maître Wade or the other two members of parliament had committed any crime or that they had been caught *in flagrante delicto*. Amnesty International believes that the Senegalese authorities abused the *in flagrante delicto* procedures and evaded the provisions of the Senegalese Constitution in order to imprison the leaders of the two main opposition parties. Maître Wade had already been a victim of similar manoeuvres in 1988, when he had been arrested under *in flagrante delicto* procedures and held for several months before being given a one year's suspended prison sentence.

The members of parliament and several other detainees were obliged to begin a hunger-strike in order to be heard by the three examining magistrates in charge of the case and, on the strength of this first hearing which took place on 17 March, it would appear that there is no material evidence against them. In a declaration dated 25 February 1994, the public prosecutor of the Dakar regional court (*tribunal régional hors classe de Dakar*) spoke of the three arrested members of parliament as "co-authors, instigators or accomplices" of acts of violence. This concept of co-responsibility is tantamount to blaming individuals for acts committed by unidentified third parties without need for proof of their personal responsibility, and can thus be used to discredit the opposition. It thereby constitutes an attack on freedom of association and expression. Amnesty International therefore considers the three members of parliament and two other PDS members who have been detained - who have neither used nor advocated violence - to be prisoners of conscience, held solely because they belong to political opposition parties.

Arrests of Islamists - Death under torture

In the days following the events of 16 February, about 150 members of the Islamic youth movement *Moustarchidina wal Moustarchidati*, Men and Women of Truth (the Moustarchidines), were arrested in the capital and in other towns across the country, such as Saint-Louis and Thiès. Among them was Pape Malick Sy, uncle of the leader of the Islamic movement, Moustapha Sy, who was himself sentenced on 14 January 1994 to a year's imprisonment for disturbances aimed at discrediting the state. They are being held in Dakar central prison and all have reportedly been charged with taking part in an unauthorized march, armed assembly, acts of vandalism and violence, crimes against the security of the state and murder. This Islamic movement, which is allied to the CFD, has been accused by the Senegalese authorities of being among the instigators of the outbreak of violence on 16 February and has been banned.

The individual responsibility of the Moustarchidines arrested appears difficult to establish, but Amnesty International believes that some detainees may be prisoners of conscience, arrested solely on the grounds of their membership of this Islamic movement. Most of them were not arrested until 24 and 25 February 1994, that is, nearly 10 days after the violent march. Moreover, Amnesty International has been informed of numerous allegations of torture leading to serious injuries such as torn ears or mouths. In a press release of 27 February 1994,

the Senegalese non-governmental organization *Rencontre africaine pour la défense des droits de l'homme* (RADDHO), African Conference for the Defence of Human Rights, denounced "the systematic recourse to torture to extract confessions".

Torture was probably the cause of death of one of the detainees, Lamine Samb, a teacher of Arabic aged 32 and presumed member of the Moustarchidine movement. Arrested at his home on 17 February 1994, apparently on the strength of information given by another detainee, according to which he was a leading member of this Islamic movement, Lamine Samb was taken to the *Direction des investigations criminelles* (DIC), Directorate of Criminal Investigation, in Dakar. Two days later he was admitted in a coma to Dakar's main hospital, where he died shortly afterwards. According to some reports, Lamine Samb is believed to have been deprived of food and hung upside-down by his ankles. No light has been shed by the authorities on the cause of his death. An autopsy is believed to have been carried out, but the results have not been published in spite of appeals by many human rights organizations including Amnesty International. Lamine Samb was buried on 25 February, apparently after pressure was brought to bear on his family, who did not want to bury his body while the circumstances of his death remained unclear.

Torture and "disappearances" in 1992 and 1993

In 1993, Amnesty International had already taken up several cases of well-founded allegations of torture in Senegal. Mody Sy, a PDS member of parliament arrested in May 1993 and still detained at the present moment, is feared in particular to have been given electric shocks to his fingers and genitals while in police custody. In July 1993, Ramata Guèye, a young mango vendor aged 20, was held for two days and severely beaten. A medical certificate issued immediately after her release describes heavy bruising to the buttocks and right hand, a sprained thumb, and a quantity of hair torn out. These two individuals were arrested in the context of the investigation into the murder, in May 1993, of Maître Babacar Sèye, vice-president of the Constitutional Council of Senegal. Although responsibility for the murder of Maître Sèye has not yet been clearly established, other PDS members, including Maître Abdoulaye Wade, have been charged with being accessories to murder, albeit without being remanded in custody in connection with this case. In contrast, accusations concerning the implication of members close to the Senegalese Prime Minister do not appear to have been investigated.

Despite Amnesty International's repeated appeals for an investigation into these allegations of torture, for the results to be published and the perpetrators to be brought to justice, the truth has yet to emerge. Mody Sy's lawyer is still waiting for the results of the medical examination carried out on his client in prison in June 1993 and it appears that no official investigation has been opened. In the case of Ramata Guèye, the police officers accused of ill-treatment have given evidence but the results of the inquiry have not been made known to the victim's lawyer.

Amnesty International has also, for several years, been investigating allegations of torture and "disappearance" in the context of the outbreak of violence which, in 1992 and 1993, engulfed Casamance, a region in the south of Senegal. Following an on-the-spot investigative mission in June 1993, Amnesty International sent a memorandum to the Senegalese authorities in which it listed several cases of torture and "disappearance", in particular those of 24 persons arrested by the army in 1992 and 1993 of whom there has been no news and who do not appear to have been the subject of any investigation (see attached text). So far the organization has received no reply from the Senegalese Government.

The organization reminds the Senegalese authorities of the international commitments that they have undertaken, particularly under the Convention against Torture, and urges them to give assurances that full and independent investigations will be carried out every time that there are reasonable grounds for believing that torture has been practised or that "disappearances" or extrajudicial executions have occurred, so that those responsible may be brought to justice and that there should be no recurrence of these violations.

RECOMMENDED ACTION

Address politely worded appeals, preferably in French, to the Senegalese authorities in order to:

1. a) Express your concern over the "disappearance" of at least 24 people - the actual figure is certainly much higher - in Casamance in 1992 and 1993;
- b) Urge the Senegalese authorities to respond to Amnesty International's appeals and implement the organization's recommendations, to demonstrate their commitment to respect for human rights.
2. a) Express your concern over the death of Lamine Samb, apparently as a result of torture, and urge that all allegations of torture should be investigated and the results of the investigations made public before the periodic report that Senegal is required to submit to the United Nations Committee against Torture, which is due to examine it in November 1994;
- b) Request assurances that, if these allegations of torture are substantiated, those responsible will be brought to justice and that the authorities will take steps to prevent any recurrence of torture;
3. a) Express your concern at the arrest of more than 150 people of whom some, if not all, are prisoners of conscience, held solely because they were active in political or religious movements, without ever having used or advocated violence;
- b) Urge the immediate and unconditional release of all persons arrested solely because of their membership of a political or religious movement;
- c) Urge that all other detainees accused of crimes against the security of the state should be brought to justice and given a fair trial.

Address your appeals to:

Son Excellence
Monsieur Abdou DIOUF
Président de la République
Avenue Roume
BP 168
DAKAR
Sénégal

Son Excellence
Monsieur Djibo Laïty KA
Ministre de l'intérieur
Ministère de l'intérieur
Rond-Point de la République
DAKAR
Sénégal

Son Excellence
Monsieur Jacques BAUDIN
Garde des Sceaux
et Ministre de la Justice
Ministère de la Justice
BP 784
DAKAR
Sénégal