

EXTERNAL (for general distribution)

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UA 240/93 Torture

23 July 1993

SENEGAL: Mody Sy, member of Parliament, member of the opposition Parti démocratique sénégalais (PDS), Democratic Party of Senegal
Ramata Guèye (female) mango seller, aged 20

Mody Sy, a recently elected member of parliament representing the opposition Parti démocratique sénégalais (PDS), 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 to providing weapons used in the murder of a prominent lawyer earlier the same month. He was suspended between two tables and electric shocks were administered to his fingers and genitals. Several days later when transferred to Dakar's central prison, he was still suffering from numbness in his feet and still bore the physical scars of his torture. By the end of June he was still requiring medical treatment.

Amnesty International representatives visiting Dakar on 10 June were told by the Procurator General that despite considerable press publicity about Mody Sy's case, he had not opened an inquiry into these allegations as he had received no complaint about this case of torture. When reminded that he had the power to open an inquiry even in the absence of a formal complaint, he indicated that he was waiting for a 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. Mody Sy subsequently received medical treatment. However, to date, no official investigation is known to have been opened and Mody Sy's lawyer has not been granted access to the medical report.

In a related case Ramata Guèye was arrested on 14 July and also subjected to torture first at the Gendarmerie station in Pout near to the town of Thiès, and later at the Gendarmerie station in Thiès. She was released uncharged after some two days in custody. At a press conference on 19 July, lawyers defending Mody Sy and others held in connection with the same murder case announced that Ramata Guèye would be making a formal complaint against four officials alleged to be responsible for her torture. They also displayed photographs of her injuries and a copy of a medical certificate which specified that at the time of her release she had serious bruising on the buttocks and right hand, a sprained thumb and that some of her hair had been pulled out. Five days after her release, she was continuing to pass blood in her urine.

Amnesty International is concerned that the reluctance of the authorities to open an inquiry reveals a lack of resolve to tackle the problem of torture and to bring to justice those responsible for 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.

BACKGROUND INFORMATION

Mody Sy was arrested on suspicion of complicity in the murder of Maître Babacar Sèye, the Vice-President of Senegal's Constitutional Council during the week of 10 May. The PDS had been a vociferous critic of the Constitutional Council and of fraud during recent elections. The PDS and Mody Sy were implicated in the murder by Clédor Sène, who

had apparently made a confession saying he had been the driver of the car used in the murder of Maître Babacar Sèye. 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.

Ramata Guèye was apparently arrested to obtain information about where her friend, detainee Pape Ibrahima Diakhite, had hidden the weapon he is believed to have used in the murder of the Maître Babacar Sèye.

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RECOMMENDED ACTION: Please send telegrams/faxes and airmail letters either in French, English or in your own language:

- urging the authorities to fulfil their obligation under Article 12 of the Convention against Torture ratified by Senegal in 1986, to organize immediately an independent, impartial and effective investigation into allegations that Mody Sy and Ramata Guèye were 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;
- urging the authorities to issue promptly a public statement that torture will not be tolerated in Senegal and to take all necessary steps to ensure that this commitment is respected by all branches of the gendarmerie and security forces.

APPEALS TO

1) Monsieur Djibo Ka
Ministre de l'Intérieur
Ministère de l'Intérieur
Dakar
Sénégal

Telegrams: Ministre Djibo Ka, Dakar, Sénégal
Faxes: + 221 23 84 88 (c/o Ministry of Foreign Affairs)

Salutation: Monsieur le Ministre/Dear Minister

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

Telegrams: Général Gomis, Dakar, Sénégal
Faxes: + 221 23 84 88 (c/o Ministry of Foreign Affairs)

Salutation: Monsieur le Général/Dear General

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

Telegrams: Ministre Baudin, Dakar, Sénégal
Faxes: + 221 23 84 88 (c/o Ministry of Foreign Affairs)

Salutation: Monsieur le Ministre/Dear Minister

COPIES OF YOUR APPEALS TO:

Monsieur Moustapha NIASSE

Ministre des Affaires étrangères

Ministère des Affaires étrangères
Place de l'indépendance
Dakar
Sénégal

Directeur de la Gendarmerie de Pout
Pout
Sénégal

Directeur de la Gendarmerie de Thiong
Rue de Thiong
Dakar
Sénégal

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

and to diplomatic representatives of Senegal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 September 1993.