

AI Index: PRE 01/308/2010  
15 September 2010

## **Senegal: Security forces continue to torture with impunity**

Senegal's security forces continue to torture suspects held in custody, sometimes to death, leaving all those in detention at risk of serious human rights violations, Amnesty International said in a report released today.

The report "Senegal: Land of Impunity" documents how in the past three decades very little has improved within the Senegalese justice system. The systematic use of torture to extract confessions remains openly condoned in court proceedings and perpetrators are seldom held to account when their victims die as a result of mistreatment.

"For decades Senegalese men and women have been subjected to cruel and elaborate torture and ill-treatment at the hands of those who should be protecting them," said Salvatore Saguès, West Africa researcher at Amnesty International.

"Senegal's disregard for human rights can be judged by its failure to live up to its international human rights obligations. It does not even apply the guarantees set out in its own national legislation."

Amnesty International's report pulls together comprehensive research conducted between 1998 and May 2010 and contains testimonies from individuals - civilians victims of the past Casamance conflict, common law detainees or groups of people arrested because of their alleged political opinions or sexual behaviour - who describe being electrocuted, burned, asphyxiated and sexually assaulted while being held by security forces.

The report demonstrates that the Senegalese authorities have rarely investigated cases of deaths in custody, and where investigations have taken place, they have rarely been conducted in a prompt, independent and impartial manner.

On 14 July 2010 19-year-old Abdoulaye Wade Yinghou was arrested as he walked past a demonstration in a Dakar suburb on his way to buy animal feed. Witnesses saw police beat Yinghou with rifle butts at the time of his arrest and again on arrival at the police station.

The following day, Yinghou's family were told by police officers that his body was in the hospital morgue because he had died following a seizure or illness. However an autopsy revealed facial injuries, broken ribs and a death aggravated by "assault with a (several) hard and blunt object (s)."

In the last three years, at least six people arrested for common law crimes have died in custody, apparently from the effects of torture.

In at least four of these cases, investigations were not opened or completed and the police officers and

gendarmes implicated in these acts of torture were not brought to justice.

In order to ensure immunity from prosecution for Senegalese security forces, the authorities have used various political and legal stratagem that have allowed those responsible for these crimes to avoid being made accountable for their acts.

In some cases, the Senegalese authorities have chosen to use a general amnesty which is contrary to international law standards that ban amnesties for serious human rights violations until their perpetrators have been tried.

Another major obstacle to justice, is the fact that in order to call a member of the security forces before a court of law, magistrates must obtain an *ordre de poursuites* (prosecution order) from the responsible Ministry – typically either the Ministry of the Interior or the Ministry of Defense.

The *ordre de poursuites* serves as a major obstacle and effectively grants *de facto* power of veto to the interested Ministry leaving the judiciary helpless and depriving the victim's families of any hope of justice.

At the highest level, Senegal's contempt for the rule of law is demonstrated by its failure to bring former Chadian dictator Hissene Habre to trial.

Habre fled to Senegal after being forced from power in 1990. Up to 40,000 Chadians are estimated to have been killed during his 8- year rule. Despite repeated injunctions from the UN Committee against Torture and a call by the African Union, Senegalese President Abdoulaye Wade continues to make excuses for not bringing Habre to justice.

“For common law detainees, groups arrested because of their alleged political opinions or sexuality and victims of Hissène Habré alike, victims find their way blocked by a wall of impunity,” said Salvatore Saguès. “Until that wall is broken down, the people of Senegal can have no confidence in the country's police, judiciary or government.”