
amnesty international

SENEGAL

Submission to the UN Universal Periodic Review

**Fourth session of the UPR Working Group of the
Human Rights Council
February 2009**



Executive summary

In this submission, Amnesty International provides information under sections C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:¹

- Section C highlights Amnesty International's concerns about torture and other ill-treatment; death in custody; violations of the rights to freedom of expression, association and assembly; and harassment and persecution based on sexual orientation or identity.
- In section D, Amnesty International makes a number of recommendations for action by the government to address the areas of concern

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

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C. Promotion and protection of human rights on the ground

Torture, ill-treatment and death in detention

Senegal is a party to a number of human rights treaties which prohibit torture and cruel, inhuman or degrading treatment or punishment, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its Optional Protocol, the International Covenant on Civil and Political Rights and the African Charter.

However, Amnesty International continues to receive reports of torture and other forms of ill-treatment and use of excessive force against criminal suspects and political activists involved in public demonstrations. Torture and ill-treatment is generally reported to have taken place in the custody of the security forces. In 2007, at least one detainee died in detention.

In April 2007, for example, Dominique Lopy, aged 23, was arrested in Kolda, some 600km south-east of Dakar, by police officers who suspected him of having stolen a television. His family saw him with visible marks of beatings when he was brought back to his home for a house search. He died in detention the following day. Following protests, the authorities agreed to conduct an autopsy, but by the results have not been made public.

Amnesty International is concerned that these acts of torture and ill-treatment remain unpunished. While some security forces have faced administrative sanctions, very few, if any, have - to Amnesty International's knowledge - been brought to justice.

In July 2008, a group of Senegalese NGOs submitted a draft bill to the government for the establishment of a mechanism to prevent torture and ill-treatment as part of implementing the Optional Protocol to the Convention against Torture ratified by Senegal in 2006. The draft bill proposes the establishment of an independent administrative body, an Inspector of places of detention (*Inspecteur des lieux de privation de liberté*), which would have the power to visit any detention center in Senegal and make recommendations to the authorities. As of 1 September 2008, the government had yet to make the proposed document an official draft bill.

Freedom of expression, association and assembly under attack

Amnesty International is concerned about continuing reports of restrictions on the rights to freedom of expression, association and assembly in an attempt to stifle voices critical of the Head of State, President Abdoulaye Wade. In the last two years supporters of opposition parties, human rights defenders and several journalists have been subjected to arrest, ill-treatment and harassment.

In recent years, several peaceful demonstrations have been banned and those that took place despite this prohibition were restricted. In January 2007, a banned peaceful demonstration organized by opposition parties was broken up and some of the political leaders were beaten and briefly detained. In March 2008, a peaceful demonstration organized by a consumer association against the high cost of living was also banned as a threat to public order.

Despite the ban, the demonstration went ahead, but was restricted. According to reports, at least 24 people were arrested. Two of them were given a one month's suspended sentence for illegal gathering and destruction.

In the last couple of years, several political opponents have been arrested. Some were detained for several months accused of threatening state security or insulting the Head of State. Amnesty International is concerned that these arrests and detentions were attempts to silence political opposition.

In July 2007, Alioune Tine, Secretary General of the African Assembly for the Defence of Human Rights (*Rencontre Africaine pour la Défense des Droits de l'Homme*, RADDHO) was briefly detained after weapons were found at the organization's headquarters. These arms appeared in fact to be de-commissioned weapons handed over by the Senegalese army to be burned in the context of an international campaign against the proliferation of arms. Mr. Tine was subsequently released without charge.

Journalists have also become a regular target of harassment. In August 2008, the office premises of the daily newspaper *24 Heures Chrono* and the newspaper *L'As* were ransacked by unidentified individuals. These newspapers had been threatened with reprisals by the then Minister of Craft Industry and Air Transport after they published information about his salary as Chair of the board of a private company.

Arrest and persecution based on actual or perceived engagement in consensual same-sex sexual acts

Amnesty International is concerned that individuals face arbitrary arrest, harassment and discrimination solely on the basis of their real or perceived engagement in consensual same-sex sexual acts or practices.

In February 2008, nine men and one woman were arrested, and others were at risk of arrest, following the condemnation in the press of a "gay wedding" at which some of them were photographed. The newspaper article appealed to "Senegalese values" as being opposed to homosexuality. Commentaries subsequently posted on-line called for the men to be killed. As a consequence, several individuals had to flee the country.

According to the Senegalese criminal law, "whoever will have committed an improper or unnatural act with a person of the same sex will be punished by imprisonment of between one and five years and by a fine of 100,000 to 1,500,000 francs. If the act was committed with a person below the age of 21, the maximum penalty will always be applied". Amnesty International has received report of cases where this law had been applied. In August 2008, two men were sentenced to two year's imprisonment by a court in Dakar on such charges.

D. Recommendations for action by the State under review

Amnesty International calls on the government to:

Torture, ill-treatment and death in detention

- Develop and adopt measures to prevent, prosecute and punish acts of torture and ill-treatment, in line with international standards;
- Promptly, impartially and effectively investigate all complaints and reports of torture or other ill-treatment. Those responsible for torture or other ill-treatment should be brought to justice.

Freedom of expression, association and assembly

- Take concrete and effective measures to protect the rights to freedom of assembly and freedom of expression;
- Ensure that law enforcement officials are fully trained and equipped to maintain public order without resort to excessive force, with any breaches vigorously and independently investigated.

Harassment and arrest based on sexual orientation

- Respect, protect, and fulfil the human rights of all persons, without discrimination of any kind;
- Review the Senegalese legislation which results in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity. This includes reviewing the law explicitly criminalizing consensual sexual conduct between people of the same sex;
- Immediately and unconditionally release all prisoners of conscience who are held solely on the basis of their actual or imputed sexual orientation or gender identity;
- End incitement to discrimination, hostility or violence against individuals on the basis of their real or perceived engagement in consensual same-sex sexual acts or practices and/or their gender identity, in accordance with the international standards prohibiting advocacy of hatred and discrimination.

Appendix: Amnesty International documents for further reference²

- *Senegal: Commentary on implementing legislation for the Rome Statute* (AFR 49/002/2007)
- Amnesty International annual report entries 2005-2008
- *Love, hate and the law: Decriminalizing homosexuality* (POL 30/003/2008)

² All of these documents are available on Amnesty International's website: <http://www.amnesty.org/en/region/africa/west-africa/senegal>