MEMO TO THE
SUB-COMMITTEE ON THE PREVENTION OF TORTURE (SPT)

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TO SUB-COMMITTEE ON THE PREVENTION OF TORTURE
SUBJECT PREPARATION FOR SITE VISIT TO SENEGAL
DATE November 7, 2012

This memo is designed to assist the Sub-Committee on the Prevention of Torture (SPT) in preparation for their upcoming visit to Senegal. The memo was prepared by the OPCAT Senegal Research Project composed of a team of post-graduate law students working at the Center for Law and Global Affairs at the Sandra Day O'Connor College of Law at Arizona State University.

This memo is organized as follows:

1. Overview of issues for the SPT

2. Key contacts

The research team also prepared a detailed Country Brief for Senegal that is modeled on SPT material following a site visit to Bolivia.

And the team collected primary and secondary source documents for use by the SPT which can be accessed online as described in separate memo.

The goal of the OPCAT Senegal Research Project is to assist the SPT and to contribute to both the prevention of torture and ill-treatment in Senegal and around the world.

1. OVERVIEW OF ISSUES FOR SPT SITE VISIT AND COUNTRY BRIEF

The OPCAT Senegal Research Team has identified the following key themes for the SPT site visit to Senegal:

OVERARCHING ISSUES

Institutional Corruption and Impunity –There have been extensive reports of Senegal's law enforcement and Executive Branch using various political and legal stratagems to allegedly perpetrate massive human rights violations and be immune from prosecution.

Law Enforcement: The police and *Gendarmarie,* members of Senegal's internal security force, have used President Wade's amnesty law for all offences committed during the internal conflict in Casamance to avoid prosecution from alleged acts of torture. Since 2003, Amnesty international has reported several acts of abuse by law enforcement, which have never been investigated or prosecuted. Transparency International's public opinion survey showed the police to be corrupt and is susceptible to bribes. There are also allegations of authorities arresting and detaining persons arbitrarily.

Government Officials: Article 60 of the Code of Military Justice give the executive branch give de facto power of veto with regard to any judicial proceeding against members of the security forces which creates barriers for the judiciary in attaining prosecution orders for security forces who commit alleged atrocities.

Lack of Judicial Independence – L'Organisation Nationale des Droits de l'Homme du Sénégal (ONDH) and the Fédération internationale des ligues des droits de l'Homme (FIDH) have reported numerous violations of the independence of the judiciary, particularly in pending cases.

KEY RULE OF LAW ISSUES

Lengthy pre-trial detentions – According to Senegal law, individuals cannot be held in police custody for more than 48 hours before being charged with a crime, however this requirement is not frequently met. According to the U.N. Report of the Working Group on Arbitrary Detention for Senegal, average length of time for pretrial detention is three to seven years. Also, Amnesty International has noted that confessions extracted by means of torture and other ill-treatment during the first hours of detention are used to convict the accused during trial.

Violation of asylum seekers' rights – Senegal is a party to the 1951 Refugee Convention and has enacted the 1968 Refugee Law which establish the recognition and treatment of refugees and asylum seekers. As per the 2009 U.S. State Department report on Senegal, governmental and non-governmental bodies generally applaud Senegal's policies on refugees, reporting few or no cases of *refoulement* and highlighting the country's protection system. However, the Global Detention Project has received contradictory information regarding Senegal's detention practices. According to both the U.S. State Department and the U.S. Committee for Refugees and Immigrants (USCRI), undocumented immigrants can be held in administrative detention for up to three months while they await deportation. It also states that asylum seekers are not offered due process or security because appeals filed by denied asylum seekers were examined by the same committee that examined their original cases, and a denied asylum seeker can be arrested for staying illegally in the country.

Torture of detainees – Senegalese law includes adequate provisions to ensure the protection of human rights, however, in practice human rights are not always respected. The U.S. Department of State has noted examples of physical abuse committed by security forces on detainees, which include: forcing detainees to sleep directly upon bare floors, beating detainees with batons, keeping them in cells with minimal access to air.

Problems with Juvenile Justice: Despite several provisions in the code of criminal behavior to ensure adequate justice for juveniles, OHCHR reported that Senegal lacked specialized juvenile courts and consequently juvenile judges and adequately trained social educators. Juveniles often do not have access to education while in prison. There are also delays in the child's judicial proceedings and longer terms of imprisonment due to a lack of child advocacy.

KEY CONTACTS

This section presents a list of key contacts that the OPCAT Research Team believes would be useful for interviews by the SPT based on interviews and research (please note that some of the names of specific contacts and their emails and/or telephone numbers may have changed).

SENEGAL GOVERNMENT

Senegal's Ministre de la Justice

Minister: Mme Aminata Touré
Phone: 33 849 72 16

Secrétaire général : M. El Hadj Mansour Tall
Phone: 33 849 70 55

Directeur de Cabinet : M. Amadou Ball
Phone: 33 849 76 28\

Address: Building Administratif 7e étage BP 4030
Phone : 33 849 70 00 / 33 823 50 24
Fax : 33 823 27 27
Site Web: http://www.justice.gouv.sn

Senegal prison system

Head of Prison Administration: Directeur Cheikh Tidiane Mbaye, Ministère de la Justice
Prison Administration: Direction de l\'Administration Pénitentiaire
Contact Address: 58 Boulevard de la République, Dakar, Senegal
Phone: +221 823 86 03
Fax: +221 822 93 62

Division de la Legislation des Statistique et de L'Instruction (DLSI) - Division of Legislation and Statistics Instruction for prisons:
Phone: +33 869 47 82

List of Prisons: http://www.justice.gouv.sn/index.php?option=com_content&view=article&id=170

ETABLISSEMENTS	CONTACT
Maison d'Arrêt de Rebeuss	Tel : 33.849.62.10
Camp Pénal de Liberté VI	Tel : 33.865.23.99
Maison d'Arrêt et de Correction de Hann	Tel : 33.859.29.28
Maison d'Arrêt et de Correction du Cap Manuel	Tel : 33.821.22.48
Maison d'Arrêt et de Correction du Pavillon Spécial	Tel : 33.849.19.50
Maison de Correction de Sébikotane	Tel : 33.836.33.55
Maison d'Arrêt des Femmes de Liberté VI	Tel : 33.827.40.67
Maison d'Arrêt et de Correction pour Femmes de Rufisque	Tel : 33.836.44.86
Maison d'Arrêt et de Correction de Ziguinchor	Tel : 33.991.10.64
Maison d'Arrêt et de Correction de Bignona	Tel : 33.994.11.66
Maison d'Arrêt et de Correction d'Oussouye	Tel : 33.993.11.34
Maison d'Arrêt et de Correction de Diourbel	Tel : 33.971.16.88
Maison d'Arrêt et de Correction de Bambey	Tel : 33.973.61.18
Maison d'Arrêt et de Correction de Mbacké	Tel : 33.976.13.39
Maison d'Arrêt et de Correction de Saint-Louis	Tel : 33.961.10.26
Maison d'Arrêt et de Correction de Dagana	Tel : 33.963.11.41
Maison d'Arrêt et de Correction de Podor	Tel : 33.965.12.28
Maison d'Arrêt et de Correction de Matam	Tel : 33.966.62.16
Maison d'Arrêt et de Correction de Tambacounda	Tel : 33.981.10.89
Maison d'Arrêt et de Correction de Bakel	Tel : 33.983.51.05
Maison d'Arrêt et de Correction de Kédougou	Tel : 33.985.10.23
Maison d'Arrêt et de Correction de Kaolack	Tel : 33.941.27.79
Maison d'Arrêt et de Correction de Nioro du Rip	tel : 33.944.31.22
Camp Pénal de Koutal	Tel : 33.941.17.29
Maison d'Arrêt et de Correction de Kaffrine	Tel : 33.946.10.13
Maison d'Arrêt et de Correction de Thiès	Tel : 33.951.11.10

Maison d'Arrêt et de Correction de Mbour	Tel : 33.957.10.54
Maison d'Arrêt et de Correction de Tivaouane	Tel : 33.955.15.08
Maison d'Arrêt et de Correction de Louga	Tel : 33.967.12.30
Maison d'Arrêt et de Correction de Kébémer	Tel : 33.969.10.71
Maison d'Arrêt et de Correction de Linguère	Tel : 33.968.10.85
Maison d'Arrêt et de Correction de Fatick	Tel : 33.949.10.61
Maison d'Arrêt et de Correction de Foundiougne	Tel : 33.948.11.11
Maison d'Arrêt et de Correction de Gossas	Tel : 33.947.11.24
Maison d'Arrêt et de Correction de Kolda	Tel : 33.996.11.07
Maison d'Arrêt et de Correction de Vélingara	Tel : 33.997.11.35
Maison d'Arrêt et de Correction de Sédhiou	Tel : 33.995.11.26

INTERNATIONAL NGOS

Prisons:

Prison Fellowship International
Executive Director: Charles Richard Kossere
BP 16125
Dakar-Fann, CP 12523 Senegal
Phone: +(221) 77 764 54 31
Phone: +(221) 33 825 17 24
Fax: +(221) 33 825 17 24
Email: fpsenegal2006@yahoo.fr
Email: charlrichard@yahoo.fr

Tostan International, Dakar Office
National Coordinator: Khalidou Sy
c'est 5, Cite Aelmas
Ouest Foire VDN, en face CICES
BP 29371 Dakar-Yoff, Senegal
Phone: +221 33 820 5589

DOMESTIC NGOS

Human Rights

This organization defends the independence of the judiciary and guarantees of individual freedom:
Comité Africain pour le Droit et le Développement
8 Boulevard de Sud Point E, Dakar-Fann, Senegal
Phone: + (221) 24 41 01
Fax: + (221) 22 07 02
Email: cadd1@sentoo.sn

This organization aims to advocate for the protection of human rights, especially the right to be free from torture.

Action des Chrétiens pour l'Abolition de la Torture-Sénégal
President: Alain Agboton
B.P. 10027
Dakar-Fann
Sénégal
Phone/Fax: (221) 21 66 05

Prisons

This organization has visited a number of prisons in Senegal to assess conditions of prisoners and the extent to which the prisons conform to or depart from the Standard Minimum Rules for the Treatment of Prisoners:

Ligue Africaine des Droits de l'Homme et des Peuples (Section du Sénégal)
Executive Director: Landing Badji
B.P 21052 - 152 HLM Gibraltar 1 - Dakar Ponty
Phone/Fax: (221) 821 26 98
Email *: lbadji@telecomplus.sn*

This organization published documents on violations in Senegal, especially related to prison conditions and torture in Casamance:

Rencontre Africaine pour la Défense des Droits de l'Homme
President: M. Alioune Tine
Sicap Amotie II Villa 4024
Allees Seydou Nourou Tall/ BP 15246
Dakar Fann, Senegal
Phone: 00 221 33863 00 30/31
Fax : 00 221 824 60 52
Email : tineassistante@yahoo.fr

This organization visits prisons, and takes cases of pre-trial detainees to court:

Association des Jeunes Avocats Sénégalais
s/c 152, Avenue du Président Lamine Guèye
Dakar, Sénégal
Phone: (221) 21 85 50
Fax: (221) 21 48 41

Women's Issues

These organizations protects the rights of Senegalese Women:

Association des Juristes Sénégalais
President: Marie Delphine Ndiaye
Ancienne Mairie de la Medina
BP: 2080 Dakar BP
Phone:+ (221)338214066
Email: femjursen@femjursen.com