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U.S. Department of State

Senegal Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

SENEGAL

Senegal is a moderately decentralized republic dominated by a strong presidency. President Abdou Diouf, who has been in office since 1981, was reelected to a 7-year term in 1993. Credible international observers reported favorably on the registration, campaigning, and polling phases of that election, and stated that observed irregularities in those phases did not materially affect the outcome; however, in the vote tabulation phase, the National Tabulation Commission could not reach consensus and its head resigned, indicating pressure from the Government. Members of the President's Socialist Party (PS) have occupied the presidency and dominated the unicameral legislature since independence from France in 1960, although opposition parties have been legal. During the year, the Government amended the Constitution to create a second legislative chamber, a Senate, in which the President is to appoint one-fifth of the members and an Electoral College consisting largely of elected local and regional government officials is to chose most of the others; both the Constitutional Court and most major opposition parties objected to this system for selecting Senators. In May the PS won 50 percent of votes cast and 93 of 140 seats in elections for an expanded National Assembly. Unlike previous elections, these were supervised by a National Election Observatory (ONEL), independent of the Government. Although the elections were marred by violence and by persistent flaws in the electoral system, and although most international observers were not permitted to monitor them, they apparently were generally freer and significantly more transparent than previous elections, including both the 1993 national elections and the country's first regional and local elections, held in 1996, which were characterized by irregularities and fraud. In March prior to the elections, the Senegalese Democratic Party quit the Cabinet. Following the elections, in July President Diouf appointed a 32-member cabinet that included only 1 minister from an opposition party. The Government continued to implement

decentralized regional and local administrations. Sporadic fighting continued in the Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces in the Casamance (MFDC). The judiciary is independent, but subject in practice to government influence and pressure.

The armed forces are professional and generally disciplined. They traditionally remain aloof from politics and are firmly under civilian control. The paramilitary gendarmerie and the police are less professional and less disciplined. Some members of the security forces, the gendarmerie, and the police continued to commit serious human rights abuses.

The country is predominantly agricultural with roughly 70 percent of the labor force engaged in farming. Recorded gross domestic product (GDP) per capita is estimated at about \$600 a year, but this excludes a large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Recorded GDP per capita has grown at an average rate of between 2 and 3 percent a year since 1995. Exports account for about one-third of recorded GDP, and are led by fish and fish products, phosphates and fertilizers, tourism, and peanuts. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents an important part of the national budget.

The Government respected the rights of its citizens in many areas, but its human rights record was marked by serious problems in other areas, particularly reports of extrajudicial killings and disappearances, torture and beatings by police of suspects during questioning, arbitrary arrest and detention, and lengthy pretrial detention. The Government rarely tries or punishes members of the military, gendarmerie, or police for human rights abuses. Prison conditions are poor. The judiciary is subject to government influence and pressure and suffers from low salaries and insufficient resources. At times the police infringe on citizens' privacy rights. There were several instances in which the Government limited freedom of assembly. The Socialist Party's continued domination of political life calls into question the extent to which citizens can meaningfully exercise their right to change the Government. The ONEL improved transparency in the May legislative elections; however, persistent flaws in the electoral system remain. The Government's creation of a second legislative chamber, no members of which are to be directly elected by the people and one-fifth of the members of which are to be appointed by the President, further reduced the ability of citizens to change their Government and increased the presidency's domination of the State. Domestic violence and discrimination against women, female genital mutilation, and child labor remained problems. Mob violence also is a problem.

Rebel MFDC forces reportedly were responsible for killings and torture.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

While there were no confirmed reports of political or extrajudicial killings by government officials during the resurgence of violence in the southern Casamance region that began in early 1997, government forces were suspected of responsibility for many civilian deaths.

According to eyewitness reports, on the night of February 20, during an identity verification check of a

group of young men gathered in a residential area, police officers from the Thiaroye station in Dakar arrested and beat one young man who had tried to flee. The victim reportedly was taken to a nearby medical center where the duty nurse certified the death and noted the presence of blood, broken limbs, and swollen areas on the corpse. The following day a doctor at Aristide le Dantec public hospital performed an autopsy and determined that the victim had died from natural causes. Skeptical family members requested a review of this finding, and the African Assembly for the Defense of Human Rights (RADDHO ò a Senegalese human rights organization) assisted the victim's family to file a legal complaint in March. The case reportedly was pending at year's end.

In December 1997, in the face of resistance put up by a group of inhabitants being issued an eviction order, law enforcement officers from the Hann gendarmerie station in Dakar opened fire, killing a child. Although no autopsy certificate was made available, with the assistance of the RADDHO, the family of the victim filed a legal complaint.

In March a government report on the Casamance conflict stated that 97 civilians were killed in 1997. The report made no mention of government responsibility for civilian deaths or any investigations into such allegations. However, in a report released in February, Amnesty International (AI) charged that government security forces committed extrajudicial killings, torture, and illegal detention of civilians in the Casamance during 1997 and earlier years.

Following the outbreak of a rebellion in June in neighboring Guinea-Bissau, Senegalese troops in the area near the rebels' main base in Bissau were reportedly under instructions to shoot to kill anyone seen on the streets. These instructions may have contributed to the June 23 shooting of two guards at a foreign embassy, one of whom died from his injuries. Eyewitnesses identified the assailants as Senegalese soldiers. A subsequent investigation by Senegalese military authorities concluded that it was not possible to determine which side fired at the two guards, who reportedly were caught in a crossfire. Also on June 23, Senegalese troops reportedly shot and killed three unidentified youths who were fleeing the soldiers in the Bissau neighborhood of Antula. Senegalese forces were observed stealing private vehicles and other goods and attempting to ship them to Senegal. The Senegalese military arrested two Senegalese soldiers on charges that they looted a foreign ambassador's residence on July 14 in Bissau. There were unconfirmed reports that in June Senegalese troops fired heavy artillery shells across the border into Guinea-Bissau.

On many occasions vigilante groups and mobs lynched suspected thieves. In April representatives from 52 villages in the area around the eastern town of Kidira met to discuss a problem of banditry and livestock theft. A mob formed and assaulted a Mauritanian refugee camp, killing one refugee. The next day the same group of local inhabitants burned several refugee encampments located outside the official refugee sites. In the following 2 weeks, additional attacks and reprisals by refugees resulted in 12 deaths (of both Senegalese and refugees) and loss of property. The Government then deployed extra police and additional security at the official refugee sites. In cooperation with the office of the United Nations High Commissioner for Refugees (UNHCR), the Government successfully separated the two groups and worked to calm tensions. Although there were no arrests or charges in the deaths, the Government arrested several individuals it claimed were responsible for the banditry that led to the mob actions.

The government report issued in March claimed that MFDC rebels were responsible for an unspecified number of executions of civilians. Periodic attacks on businesses throughout the year by suspected MFDC groups engaged in banditry also resulted in the killing of civilians. The AI report issued in February also charged the MFDC forces with abuses including killings, beatings, and other acts of violence against civilians. On several occasions landmines, particularly those planted on public roadways, exploded and killed civilians.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

The 30 disappearances in the Casamance reported by AI in September 1997 remained unresolved. The RADDHO also reported that the six disappearance cases it cited in its 1997 report have yet to be resolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, in spite of constitutional prohibitions against such treatment. The press repeatedly reported instances of torture perpetrated by police, usually beatings, and the problem remained a serious public concern. In February the police in Dakar reportedly beat a young man to death (see Section 1.a.). The AI report issued in February (see Section 1.a.) charged that the security forces committed torture in the Casamance in 1997.

On May 5, gendarmes used live ammunition to disperse a demonstration at the University of Saint Louis in northern Senegal, severely wounding five students. The Government denied charges that police had used live ammunition; however, according to press reports, medical personnel at the Saint Louis hospital confirmed that bullets had been removed from some of the wounded. On other occasions when the police dispersed public protests (see Section 2.b.), they used nonlethal means such as tear gas.

On October 1, Ankillong Diabone, the head of the Casamance regional office of RADDHO, was subjected to rough, abusive, and inhuman treatment by soldiers at a military checkpoint on a road in the Casamance. According to RADDHO's report, the soldiers bound and gagged Diabone, threatened to kill him, and left him lying in the sun for almost 2 hours before finally releasing him. The military initially denied having tied up or otherwise mistreated Diabone, but initiated an inquiry into the incident after repeated requests by RADDHO and other human rights organizations. The inquiry reportedly was ongoing at year's end.

Despite stronger legal provisions against torture put in place in 1997, the Government rarely undertakes investigations or prosecutes officials allegedly responsible for such acts. Those cases that are pursued often take years before final judgment is reached. Two police officers arrested in 1996 for torturing a suspect by spraying paint thinner on his buttocks and setting him on fire were still on bail pending trial at year's end.

In August a Dakar court sentenced two police officers to 2 1/2 years in jail for the abuse and rape of a female suspect detained at a police station in the Dakar suburb of Guediawaye in connection with a case of theft. The court also ordered the two police officers and their civilian accomplices to pay \$4,000 (2 million CFA francs) to the victim, who lost a hand due to her injuries. The case had been pending before the court since June 1996 when the officers were arrested. Since then, they had been released on bail.

In May the international press reported allegations that local security forces in Ziguinchor cut off the lips of a suspected rebel sympathizer, shoved them in his mouth, and forced him to drink his own blood. However, this report was not confirmed by national NGOs, and the alleged incident was not covered by newspapers in the country.

The AI report issued in February charged the MFDC with beatings and other acts of violence against civilians.

Prison conditions are poor. Prisons remain overcrowded, and food and health care are inadequate. However, there have been no reports of deaths in prison as a result of these conditions.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the authorities at times violate these constitutional prohibitions.

The law specifies that warrants, issued by judges, are required for arrests. However, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if ordered by a public prosecutor. This period may be doubled in the case of crimes against the security of the State. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or rel