



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: cc/jmnf/jli/follow-up/CAT

25 November 2013

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of Senegal (CAT/C/SEN/3) by this Committee, at its 49th session, held from 29 October to 23 November 2012. At the end of that session, the Committee's concluding observations (CAT/C/SEN/CO/3) were transmitted to your Permanent Mission. In paragraph 28 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 23 November 2013, further information regarding areas of particular concern identified by the Committee in paragraphs 10 (a), 11 (a) and 12 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Senegal on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/SEN/CO/3)

SENEGAL

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

10. The Committee is concerned that detainees do not enjoy all their fundamental rights from the moment they are, de facto, deprived of liberty, especially since legislation provides for the assistance of a lawyer only as from the twenty-fifth hour of detention and the right to be examined by an independent doctor is not systematically observed. The Committee remains deeply concerned about the practice known as *retour de parquet*, which prolongs the custody of persons who have already been brought before the prosecutor and violates the right of detainees to be brought promptly before a judge. The Committee also notes that there is a shortage of lawyers in Senegal, especially in the more remote parts of the country (arts. 2, 11 and 12).

The State party should:

(a) Take effective steps without delay to ensure that all detainees enjoy, de jure and de facto, all legal safeguards from the moment they are deprived of liberty, particularly the rights to be informed of the reasons for their arrest, including the charges against them; to have prompt access to a lawyer and, if necessary, to legal aid; to be examined by an independent doctor; to notify a relative, and to be brought promptly before a judge;

(...)

Investigations and impunity

11. The Committee is concerned about allegations that torture and ill-treatment by law-enforcement officers have not been investigated or prosecuted. The Committee is also concerned that, in cases where investigations have been initiated, they have not been undertaken promptly and the judicial procedures remain excessively long and drawn out, including in cases where torture has led to death, as in the cases of Mr. Dominique Lopy, Mr. Alioune Badara Diop, Mr. Abdoulaye Wade Yinghou, Mr.

Mamadou Bakhom and Mr. Fally Keïta. While noting that victims of ill-treatment or torture can take their case directly to the Indictments Chamber of the Court of Appeal, the Committee is concerned at the lack of an independent body to investigate allegations of torture or ill-treatment by law-enforcement officers. Moreover, the Committee remains concerned about allegations of murder in Casamance that have not yet led to convictions (arts. 2, 11, 12, 13 and 16).

The State party should:

(a) Take practical measures to speed up investigations and criminal prosecutions under way for alleged acts of torture and ill-treatment, which, if substantiated, should lead to sanctions and penalties that take into account their grave nature and do not class them as some other less serious offence;

(...)

The case of Mr. Hissène Habré, former President of Chad

12. The Committee notes the information provided by the delegation on the State party's wish to try Mr. Hissène Habré in Senegal, as well as the measures taken at regional and national levels to ensure that the trial can take place. While noting the State party's collaboration with the Committee during its official mission in 2009 under article 22 of the Convention, the Committee regrets the State party's delay in trying Mr. Habré in accordance with the Committee's decision of 17 May 2006, which was furthermore confirmed by the order of the International Court of Justice dated 20 July 2012 (*Belgium v. Senegal*) (arts. 5 and 7).

The Committee takes note of the State party delegation's statement that the trial of Mr. Hissène Habré is due to start in December 2012, and urges the State party to make every effort to get the trial under way by this date so as to put an end to impunity for anyone in its territory who is responsible for acts of torture and other international crimes, in accordance with its obligations under the Convention.

(...)

28. The Committee requests the State party to provide, by 23 November 2013, information on the follow-up to the Committee's recommendations on: (a) the introduction or strengthening of legal safeguards for detainees (see paragraph 10 (a) above); (b) the prompt instigation of effective and impartial investigations (see paragraph 11 (a) above); and (c) the proceedings initiated against suspects and the penalties handed down to the perpetrators of acts of torture or ill-treatment (see paragraph 12 above).