

SENEGAL

Casamance civilians shelled by the *Mouvement des forces démocratiques de Casamance* (MFDC), Democratic Forces of Casamance Movement

*For the first time, since the start of the conflict in Casamance in 1982, the town of Ziguinchor, the capital of this region in southern Senegal, has been affected by shelling reportedly launched by armed elements identified with the *Mouvement des Forces Démocratiques de Casamance* (MFDC), Democratic Forces of Casamance Movement, an armed opposition group claiming independence for the region. These shellings, which have been carried out on three occasions since April 1999, have resulted in at least six dead and dozens of wounded among the civilian population.*

The attacks were carried out with 82mm shells, a type of weapon not previously used by the MFDC in Casamance. Several sources agree, without having formal proof, that these weapons came from Guinea-Bissau and were conveyed to Casamance by armed elements of the MFDC who had gone to support the rebellion in Guinea-Bissau led by General Ansumane Mané, which started in June 1998.

These shellings were carried out at a time when the two parties to the conflict are seeking to open negotiations aimed at reaching a peaceful settlement. On 22 January 1999 the Senegalese President, Abdou Diouf, met for the first time, the

Secretary General of the MFDC, Father Augustin Diamacoune Senghor. The latter, although under house arrest, was authorised to go to the Gambia, in April 1999, to set up a meeting of all the branches in the MFDC with a view to reaching a joint position, which would provide a starting point for negotiations with the Senegalese Government. These three sections are the political branch led by Father Diamacoune and Sidy Badji, the head of the *Front nord*, Northern Front, which has renounced the armed struggle since 1991, the military branch which brings together the armed elements of the MFDC under the command of Léopold Sagna and the external branch of the Movement, notably under the leadership of Nkrumah Sané.

Forcefully denounced by Father Diamacoune, the shellings could be the work of certain armed groups within the MFDC who are hostile to the current attempt to open negotiations, or who believe themselves to be excluded from the decision-making process.

Amnesty International urges those responsible both politically and militarily to repudiate publicly all deliberate or indiscriminate attacks against the civilian population or targets, including the deployment of shells against civilian targets. The armed opposition movement must maintain a strict chain of command and take sanctions against those who disobey its orders and launch hostilities against civilians.

Amnesty International has been concerned for many years by the massive human rights abuses committed both by the

Senegalese security forces and by the armed elements of the MFDC. The organisation has recorded the cases of hundreds of prisoners of conscience held without trial for years in Senegalese prisons. The security forces are also responsible for dozens of cases of extrajudicial executions and "disappearances", and have used torture systematically to extract confessions and to terrorise the population.

Furthermore, Amnesty International has been denouncing for many years the abuses which the MFDC has been carrying out with complete impunity against unarmed civilians, whether they be traditional chiefs or individuals who have recently arrived in Casamance and originate from other parts of Senegal, all of whom are under suspicion of collaborating with the Senegalese Government. Dozens of civilians, including women and children have been the victims of ill-treatment, acts of torture and deliberate and arbitrary killings. Some of these acts appear to have been perpetrated by the MFDC on the basis of ethnic criteria. In fact members of the Manjak, Mandingo, Balante and Mancagne ethnic groups are often targeted by the MFDC which believes that non-Diola peoples are not involving themselves in the struggle for Casamance independence. The MFDC also kills soldiers who fall into their hands.¹

¹ See *SENEGAL: Climate of terror in Casamance*, February 1998, Index AI: AFR 49/01/98.

These human rights abuses violate standards established under international humanitarian law, in particular Common Article 3 to the four Geneva Conventions of 1949 and the second additional protocol to the Geneva Conventions of 1977. Article 3 requires all parties to a conflict to treat humanely any civilians and all those taking no active part in the hostilities, and to prevent all recourse to illegal executions and torture. The second additional protocol to the Geneva Conventions of 1977 regulates non-international conflicts and specifies that the civilian population should not be the subject of attack and forbids all acts or threats of violence whose principal aim is to spread terror among the civilian population.

Amnesty International has no position on armed conflicts in themselves. It neither condemns nor defends recourse to the use of force by States or armed opposition movements. It makes no comment or judgement on the arguments advanced by parties in conflict to justify the use of force. The organisation is, however, opposed to the deliberate or indiscriminate killing of civilians in an armed conflict, whether these acts are carried out by the armed forces of a national government or by an armed opposition movement.

The shelling of Ziguinchor

On 29 April 1999, early in the morning, two shells were fired at the airport at Ziguinchor. They were apparently aimed at a plane which was landing and which had on board senior officials of the Senegalese Ministry of Tourism. There were no casualties as a result of this shelling.

On the same day and the day after, 30 April, six further shells attacked the outlying districts of the Casamance capital, in particular the Nema II district, near the airport. These shellings claimed four victims and at least 14 people were wounded, some of them seriously.

All the victims were civilians, attacked in their homes or in the street. Shellfire instantly killed **Souleymane Camara**, an 18-year-old pupil on his way to a class at the Tété Diédhiou College. Another shell fell on a house where a baptism was being celebrated, wounding several individuals. In a nearby compound, two people were hit, a woman of 35, **Aftou Sambou**, who was killed instantly and a young girl of 6, **Nano Dramé**, who died in hospital. Another burst of shellfire killed a woman of 45, **Ndiaba Touré**.

This attack by armed elements of the MFDC led to an exchange of fire with the Senegalese army which caused the start of an exodus of inhabitants from the areas surrounding Nema II

and Kandialang, and the evacuation of schools such as the Djinabo secondary school, situated close to the airport.

Exactly one month later, on 29 May 1999, Ziguinchor was shelled again, apparently by armed elements claiming to be from the MFDC. These shellings killed two civilians. It appears that, on this occasion, armed elements of the MFDC were acting in response to a raid by the Senegalese army, designed to dislodge from certain of their bases MFDC fighters in the region of Nyassia, some 10 kilometres from Ziguinchor. Six shells were fired on the town. One of these fell on the house of retired adjudant of the *gendarmérie*, paramilitary police, Mattias Diatta, in the Tylène district, causing the deaths of César and Hélène Diatta and wounding a dozen members of the same family.

On the same date, 29 May, early in the morning, two 82mm shells fell on the market at Tylène Cadior which was fortunately still deserted.

A third shelling took place on 2 June 1999 in populated areas around Ziguinchor. These three waves of shelling caused panic among the population who fled from the target areas.

The shells were fired from the south of the town, where the MFDC's military bases are located. The Senegalese army discovered 82mm mortars of Chinese manufacture. Several sources indicate,

without having formal proof, that the arms came from Guinea-Bissau and were brought back to Casamance by the armed elements of the MFDC who had gone to give aid to the Bissau-Guinean General Ansumane Mané, when he rebelled against the elected President, Joao Bernardo "Nino" Vieira, in June 1998. This military alliance between the MFDC and the Bissau-Guinean rebels was denied by General Mané but appears to have been proved by numerous indications, notably the testimony of certain members of the MFDC. Among the new equipment employed by the armed elements of the MFDC, there appears to be a sophisticated transmission system which allows the co-ordination of simultaneous attacks in different locations.

Efforts to open negotiations

The shellings at Ziguinchor took place at a time when hopes were emerging of the opening of negotiations between the MFDC and the Senegalese Government. On 22 January 1999 the Senegalese President, Abdou Diouf, met with the Secretary General of the MFDC. After their meeting, Father Diamacoune published a statement indicating that the MFDC was ready to open negotiations with the Senegalese Government. However, the obstacles remain: the Senegalese Government denies all claims to independence and wishes to institute negotiations within the framework of territorial integrity, offering only regionalisation as a solution to the crisis. Some MFDC leaders, including the Assistant

Secretary General of the Movement, Nkrumah Sané refuse to accept any preconditions to negotiation and demand the release of Father Diamacoune and other MFDC leaders who are still under house arrest in Ziguinchor.

The meeting between President Diouf and Father Diamacoune did bear some fruit, however. In February 1999, the Senegalese Government released 123 Casamance civilians who had been held without trial for years in prison in Dakar, Ziguinchor and Bignona. One hundred and ten civilians continue to be held without trial in these three places of detention.

This meeting, which brought with it an easing of tension in the region, also had positive effects on efforts for peace in the region. Father Diamacoune, under house arrest since 1995, was able, on 22 April 1999, to visit the Gambia to meet the Gambian President, Colonel (Rtd.) Yahya Jammeh and prepare for a meeting of the three wings of the MFDC, the political, military and exterior wings of the Movement.

A week after Father Diamacoune's visit to the Gambia, Ziguinchor was bombarded by shells. The Secretary General of the MFDC strongly condemned this act, denouncing "an obvious intention to undermine the unity of the Movement and to torpedo the current initiative". Father Diamacoune rejected the implication of the MFDC in this act and accused "shady dealers crouching in

the shadows who want to continue making a business out of the Casamance problem.” On 1 May 1999 the Secretary General of the Movement wrote directly to the MFDC fighters, calling on them to cease attacks on villages in Casamance and to respect the peace process begun at the meeting of 22 January 1999 with President Diouf.

Condemnation of the second bombardment on 29 May 1999 was not so categorical. Members close to the provisional steering committee, set up by Father Diamacoune in the lead-up to negotiations, accused the army of having provoked the MFDC by carrying out a raid. In so doing, they implicitly recognised the responsibility of armed elements of the MFDC for the shelling of the town.

The initiative for these shellings may have come from MFDC dissident groups who disapprove of the current effort aimed at opening negotiations or who feel excluded from the decision-making process. The exact strength of this group within the MFDC is not known. In any case, the three shelling incidents in Ziguinchor show that opponents of the peace process are in possession of powerful weapons and are bent on ensuring that their point of view is taken into account.

All the constituent parts of the MFDC were finally able to meet together between 22 and 25 June 1999 in Banjul, capital

of the Gambia. The aim of this meeting was to harmonise views within the MFDC in order to arrive at a common position which would allow negotiations with the Senegalese Government to be broached. During this meeting, Father Diamacoune's post as Secretary General of the MFDC was renewed, and the independence movement reconfirmed "its determination to go to the negotiating table". However, the MFDC imposed a precondition that restrictions on Father Diamacoune, currently under house arrest, be lifted, and that there be a cease-fire on both sides.

Recommendations

Amnesty International urges that the MFDC armed groups put an immediate end to all deliberate and indiscriminate attacks on the civilian population.

Amnesty International also urges those responsible politically and militarily within the MFDC to make a public declaration of their opposition to deliberate or indiscriminate attacks on the civilian population, including the use of indiscriminate shelling of civilian targets. The Movement should maintain a strict chain of command and hand over to justice those who disobey its orders and attack civilians. Only in this way will the armed opposition movement adhere to its obligations under international humanitarian law, in particular under Common Article 3 to the four Geneva Conventions of 1949, which requires the humane

treatment of all civilians and all those taking no active part in the hostilities and the prevention of all recourse to illegal executions and torture.

The MFDC must also respect the second protocol of the Geneva Conventions of 1977, in particular Article 13 which specifies:

1. “The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this part, unless and for such time as they take a direct part in hostilities.”

Amnesty International strongly urges the armed elements of the MFDC to respect these minimum rules of humanitarian law and to spare the life of innocent civilians.

<p>KEYWORDS: ARMED CONFLICT¹ / NON-GOVERNMENTAL ENTITIES¹ / INDISCRIMINATE KILLINGS / IMPUNITY /</p>
