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SENEGAL

Putting an end to impunity: a unique opportunity not to be missed

“If my son is dead, tell me so that I can rest”¹

1. INTRODUCTION

In November 2001 a police auxiliary was imprisoned after being charged for shooting dead a student at the Senegalese capital’s university campus a few months earlier. Shortly before that, in September 2001, the Senegalese Head of State, President Abdoulaye Wade, publicly announced that Senegal was ready to extradite the former Chadian President, Hissène Habré, to “a country capable of organising a fair trial”, so that he could respond to accusations against him for massive human rights violations.²

These are clearly two very different cases. One concerns the excessive use of force by a member of the police force, while the other concerns the much more complex problem of universal jurisdiction to hear cases of torture and crimes against humanity. However, both these recent decisions seem to confirm the declared will of the current authorities in Senegal to put an end to the almost complete impunity enjoyed by so many of those responsible for violating human rights in Senegal.

A third event has occurred to further confirm this new direction. Until relatively recently, information provided by Amnesty International had been systematically denied by the Senegalese authorities. However, in the past two years they have shown themselves to be more open to dialogue about the human rights situation in their country. This change of attitude is quite remarkable when compared to 1998 when the former Senegalese President of the Republic, Abdou Diouf, described Amnesty International’s report entitled *Climate of Terror in Casamance* as “a web of untruths and lies”. This report documented serious abuses committed by both parties to the twenty-year conflict between the Senegalese security forces and the *Mouvement des forces démocratiques de Casamance* (MFDC), Democratic

¹The words spoken to a gendarme (para-military police officer) in July 1998 by the father of a young Casamançais civilian who had just “disappeared” after being arrested by the military a few days earlier.

²In October 2001 Amnesty International published a document of around 50 pages about human rights violations committed while Hissène Habré was President of Chad. This report also describes in detail the progress of judicial proceedings initiated in Senegal by Chadian victims with the support of an international coalition of human rights organizations. In February 2000 Hissène Habré, who had sought refuge in Senegal after he was deposed from power, was charged in Dakar with complicity in acts of torture and crimes against humanity. In March 2001 the Supreme Court of Appeal ruled that the Senegal judiciary was not competent to judge acts committed by a foreigner outside of their jurisdiction. See Amnesty International report, *Chad: The Habré legacy*, AI Index: AFR 20/004/2001, October 2001.

Forces of Casamance Movement, an armed opposition movement which is demanding independence for the southern region of Senegal.

The systematic denial of corroborated and consistent information throughout the 1990s by the state's highest authorities was an affront to the suffering of Casamançais victims, mostly unarmed civilians, who were arbitrarily targeted without any regard for age or gender. As a result of this denial of justice, the relatives of dozens of people who were extrajudicially executed or who "disappeared" were prevented from receiving reparations, organising funerals and mourning their loved ones.

Amnesty International welcomes the fact that the current Senegalese authorities do not categorically deny the veracity of information published by the organization or by other human rights organizations, such as the *Rencontre africaine pour la défense de droits de l'homme* (RADDHO), the African Conference for the Defence of Human Rights. In their latest written communication to Amnesty International, in July 2001, the Senegalese government did not fundamentally challenge any of the cases of extrajudicial executions or "disappearances" which the organization had raised over the previous ten years, though they did deny any political responsibility for human rights violations committed by the security forces in Casamance.

Over many years, in their reaction to Amnesty International, the leaders of the pro-independence movement have also denied most of the serious abuses committed by their armed fighters and have failed to taken any concrete measures to punish those responsible for such acts or to prevent others. These abuses, which have been relentlessly denounced by the organization, notably include the deliberate and arbitrary killing of unarmed civilians who were often targeted because of their ethnic origin. Also, in complete violation of international humanitarian standards, most of the Senegalese soldiers injured or taken prisoner during fighting with the armed MFDC fighters have been cold-bloodedly killed even though no longer in combat. The MFDC has also been responsible for acts of torture, sexual violence against women, systematic mine-laying resulting in hundreds of victims, and attacks on villagers and travellers along the roads of Casamance.

While they admit that some of their fighters might be responsible for some uncontrolled "slips", the MFDC leadership rejected as untrue most of the information regularly published by Amnesty International on the serious human rights abuses committed by armed fighters claiming to represent the pro-independence movement.

But here too, as with the Senegalese authorities, 2000 saw the beginning of a recognition by the MFDC that armed fighters claiming to represent the movement were directly responsible for serious abuses. Father Augustin Diamacoune Senghor, who was officially the uncontested leader of the MFDC until early 2001, on several occasions publicly criticised one of the rebel force leaders, Salif Sadio, for

committing serious human rights abuses, notably against civilians. This belated recognition must be seen in the context of internal struggles between different factions which led to a division at the top of the movement. Nevertheless, for the first time, a rebel force leader was personally named as being responsible for acts of violence against unarmed civilians.

The combination of the Senegalese government's decision to stop systematically denying human rights violations committed by the security forces and the recognition by some MFDC leaders that rebel force leaders were directly responsible for serious violence against civilians provides Senegal with a unique opportunity to shed light on the serious human rights abuses committed in Casamance over some twenty years. It would put an end to impunity, a major scourge which has undermined the foundation of the rule of law for decades.

The hope that victims and their relatives may at last receive justice is strengthened by another remarkable change in the way the Senegalese security forces operate in the field. As Amnesty International delegates were able to ascertain on two research visits in June and November 2001, there has been a sizeable reduction in the number of human rights violations committed by the security forces in Casamance since Abdoulaye Wade was elected President of Senegal in March 2000.

As soon as they took office the new authorities, and in particular the new Armed Forces Minister, Youba Sambou, have issued strict orders to soldiers in Casamance to ensure that they respect the human rights of the population. These orders have had an immediate impact, in that there has been a considerable reduction in cases of torture, extrajudicial executions and "disappearances".

This stark improvement in the human rights situation in Casamance proves what Amnesty International has repeatedly said over the years, namely that the persistence and gravity of the human rights violations committed by the Senegalese army and Gendarmerie through the past decade cannot be put down to "regrettable errors" (*bavures*). They implicate the highest authorities in the country who were aware of what was happening but failed to take the necessary steps to stop them.

This change of attitude within the security forces in the field proves that serious human rights violations which took place throughout the last decade could only have been committed by Senegalese soldiers with the, at least tacit, consent of those in power and that a determined political will at the highest level can put an end to them.

The decrease in violations, which has been noted by all observers, is all the more significant in that it followed a period, particularly between August 1997 and April 2000, when there was a marked increase in the number of extrajudicial executions and "disappearances". It must also be emphasised that the new restraint practised by the security forces occurred despite continuing unrest and very violent

attacks, often carried out by unidentified armed elements, against villages or convoys of vehicles. These attacks, which have continued into the early part of 2002, have increasingly followed a pattern in which attackers checked the identity of civilians and, on several occasions, simply executed or ill-treated those with non-Casamançais family names.

The hope for a long-awaited break with impunity in Senegal must, however, be consolidated by concrete action and, in particular, independent judicial inquiries into all serious allegations of human rights abuse. These inquiries must lead to those suspected of responsibility for these acts being brought to trial as well as compensation for the victims.

Senegal's recent past must make all human rights activists wary because until now, apart from rhetoric, the political authorities have proved very reluctant to accept the notion that members of the security forces should be brought to justice. This impunity is clearly apparent in relation to the cases of hundreds of prisoners of conscience who were tortured and detained without trial for months and even years before being released for purely political reasons. The same is true for the relatives of dozens of people, extrajudicially executed or "disappeared" after being arrested by the security forces, who are waiting to see justice and compensation.

This report is based on two visits which Amnesty International made in June and November 2001. It exposes some of the human rights abuses committed by both the Senegalese security forces and armed members of the MFDC in Casamance which Amnesty International has investigated. Most of this information has been brought to the attention of the two parties to the conflict by means of a memorandum sent to the Senegalese government and to the MFDC in April 2001. During the June 2001 visit, the Amnesty International delegation discussed these subjects of concern with those responsible, most notably President Abdoulaye Wade and Father Diamacoune, at the time the officially uncontested MFDC leader.

The following month the Senegalese authorities sent a written reply to Amnesty International asking the organization to "make their response public when the organization publishes its report", a wish which Amnesty International has granted in the hope of maintaining a fruitful dialogue with the Senegalese authorities with the aim of improving the country's human rights situation.

While the Senegalese authorities have replied in writing to Amnesty International's memorandum, the organization has to date received no written response from the MFDC; this delay could be due to the split which occurred within the movement during 2001. Amnesty International regrets not receiving a written reply from the MFDC and wishes to clarify that it would have included their reply as an appendix to this report on the same basis as the official reply from the Senegalese government.

Whatever the current state of divisions within the MFDC, upon which Amnesty International makes no statement, the organization calls upon all the political bodies and the various military factions claiming to represent this movement to take immediate steps to sanction those responsible for abuses and to remove them from positions of responsibility so that they can no longer continue to commit such acts.

More generally, the aim of this report is to underline the unique opportunity the Senegalese authorities have to restore the population's confidence in the impartiality of the legal system. Amnesty International notes recent encouraging policy statements made by the Senegalese authorities about the fight against impunity and the organization calls upon Senegal to follow their words with concrete action so that the victims of abuses described in this report can at last get justice and compensation.

Beyond this problem is the whole question of the independence and power of Senegal's judicial apparatus which must be re-examined in the light of international obligations resulting from Senegal's signature to numerous human rights instruments. Of particular importance here is the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Senegal in 1986) which requires that each State Party is obliged to open an impartial investigation whenever there is reasonable ground to believe that an act of torture has been committed, whether or not the victim has made a complaint.

After years of impunity, the Senegalese authorities must not dash the hope of bringing those allegedly responsible for these abuses to justice and of giving moral and material compensation to the victims. Without concrete action leading to the conviction of those responsible for human rights violations and compensation for the victims, there is a strong risk that Senegalese society will miss a unique chance to rediscover confidence in its judicial system and thus in the very foundations of the rule of law.

2. AMNESTY INTERNATIONAL AND SENEGAL

Throughout the 1990s Amnesty International attentively followed the human rights situation in Senegal and published around ten reports on the all human rights abuses committed by both the Senegalese security forces and armed MFDC fighters which came to their attention and which they were able to investigate.

For the record, the organization recounts below some examples of the human

rights abuses it has raised over the last decade and the government's response.³ The MFDC's response to abuses committed by its armed fighters and denounced by Amnesty International will be covered in Part G of this report.

2.1. Torture, excessive use of force and prisoners of conscience

For many years, Amnesty International has regularly demanded that impartial and exhaustive inquiries be opened into all cases of torture and excessive use of force against criminal suspects or those suspected of political crimes by the police or Gendarmerie, most notably in Dakar. With one exception – the case of a woman tortured and raped by police officers in 1994 – to Amnesty International's knowledge, not one of these cases has resulted in those suspected of committing these acts being brought to justice even though some police officers and gendarmes have been charged and held in preventive custody before being released without trial.

Such human rights violations - acts of torture and excessive use of force – resulted in the death of Lamin Samb, an Arabic teacher and alleged member of the Islamic group *Moustarchidina wal Moustarchidati* (Men and Women who fight for truth). He probably died as a result of the torture he endured in prison in February 1994. The authorities stated that an autopsy concluded he died as a result of a heart attack, but, despite demands from several human rights organizations, the full autopsy report has never been made public.

Political figures have also been subjected to torture. This is what happened to Mody Sy, a parliamentarian and member of the *Parti démocratique sénégalais* (PDS), Senegalese Democratic Party, which was the main opposition party led by the current Senegalese President Abdoulaye Wade. Mody Sy was arrested in May 1993 and taken to the Gendarmerie headquarters in the rue de Thiong in Dakar where the security forces subjected him to electric shocks administered to the fingers and the genitals with the aim of forcing him to admit involvement in the killing a few days earlier of Maître Babacar Seye, Vice-President of the Senegalese Constitutional Council.

During the past decade, women have also been victims of torture, including sexual violence. For example, Ramata Guèye, a young mango seller who was arrested in July 1993 and tortured for two days at the Thiès Gendarmerie or Marème Ndiaye who was tortured at the police station in Dakar in 1994. Police officers poured an inflammable liquid on Marème Ndiaye's genital area and attempted electric shock torture on her. She was freed the same day but returned to the police station to complain. She was again arrested and taken to the beach where several members of the security forces raped her. In 1998 a Dakar court sentenced the two police officers found guilty of these acts of torture and sexual violence to two years'

³The few cases quoted below are only given in summary to provide an example. For more details, please refer to the reports Amnesty International has produced throughout the decade and which cover these cases and the response of the Senegalese judicial system. A non-exhaustive list of these documents is published in Appendix 1.

imprisonment. In its annual report 1998-1999, RADDHO described this verdict as “too lenient given the gravity of the crime and misdemeanour in question”.

Amnesty International has also defended the rights of prisoners of conscience held for their membership of political parties, notably in 1994, in regard to several opposition leaders, including Maître Abdoulaye Wade and Landing Savané, respectively secretaries general of the PDS and the *Parti africain pour le démocratie et le socialisme* (PADS), African Party for Democracy and Socialism. These people had been arrested following a demonstration on 16 February 1994 which degenerated into violence and resulted in the death of six police officers. Amnesty International concluded that these people, who had neither used nor advocated the use of violence were prisoners of conscience and launched a campaign to secure their unconditional and immediate release.⁴

2.2 Gross human rights abuses committed by both parties to the conflict in Casamance

Amnesty International has closely followed the large-scale human rights abuses committed both by the Senegalese security forces and the MFDC since the beginning of the conflict in 1982. The organization has denounced with equal fervour abuses committed by either side and has been in constant contact with the leaders of each party to call for an end to the abuses and to fight against the impunity enjoyed by those responsible for these acts. In 1998, a report entitled *Climate of Terror in Casamance* provided details of these abuses. In the main, they affected civilians held hostage by a war and caught between the two enemies, both of whom, unable to beat the other, avenged their inadequate military power on the unarmed civilian population. In June 1999 in a report devoted exclusively to the abuses committed by armed MFDC fighters, Amnesty International criticised the shelling of Ziguinchor by the pro-independence movement which caused several civilian deaths, including two women and a six-year old girl.

2.3 The Senegalese government’s reaction to information made public by Amnesty International

When confronted with repeated serious allegations of human rights violations, the Senegalese authorities repeatedly and categorically denied all information published by Amnesty International, until the election of President Abdoulaye Wade in March 2000. All the testimonies of detainees, former detainees, victims of torture, families of people extrajudicially executed or “disappeared” which Amnesty International made public were considered by the authorities as “lies or a late-night whim devoid

⁴See *Senegal Mass arrests and torture*, 1 June 1994, AI Index: AFR 49/03/94
Amnesty International april 2002 AI Index: AFR 49/001/2002

of a shred of truth”.

The Senegalese authorities also questioned Amnesty International’s impartiality and even the organization’s ethics. In reply to the Amnesty International report published in May 1990 entitled: *Torture in Senegal : The case of Casamance*, the Senegalese Armed Forces Minister at the time stated before the National Assembly on 6 June 1990 that the text was “an incredible story written by a Casamance secessionist who has been formally identified by the Senegalese government”.

Again, in 1997 this will to reject the fundamental questions and resort to pure polemic was in evidence when the Senegalese Minister of Justice, Jacques Baudin, reacted to the organization by stating that Amnesty International “has made us familiar with their whimsical statements and accusations, for which they are able to produce no material proof”. The Minister added that this organization “which is seeking international notoriety has chosen the route of untruths”.

Despite these grave challenges to its impartiality and the seriousness of its work, Amnesty International has sought to maintain a dialogue with the Senegalese authorities and a delegation met with the then President of the Republic, Abdou Diouf in January 1997. The Senegalese Head of State asked the organization to confidentially send him a memorandum containing the organization’s concerns to allow the authorities to respond before being publicly confronted with the information. In the hope of securing their genuine cooperation, Amnesty International sent a memorandum in May 1997 and waited ten months for a written response from the Senegalese government.

As no reply was received, the organization decided to publish its report *Climate of Terror in Casamance* in February 1998. President Diouf’s reaction was unambiguous. He categorised the Amnesty International report as a “web of lies and untruths” and called the organization “a gang of irresponsible people”. This reaction was all the more surprising given that the Senegalese government had been aware of the content of the report for ten months and had not seen fit to respond with any concrete information contradicting the extensive and corroborated evidence made public by Amnesty International.

In response to the allegations of torture, extrajudicial executions and “disappearances” published in the 1998 report, the authorities of the time stated they had received no complaints from the relatives of these “pseudo-victims”, a term used by the Head of State Abdou Diouf himself in the audience he granted the Amnesty International delegation in January 1997.

The then Armed Forces Minister, Cheikh Hamidou Kane told the same Amnesty International delegation that the army could not undertake investigations into events about which it was not informed. He stated that no detainee had been extrajudicially executed and that those who had allegedly “disappeared” might well have left their families for personal reasons or fled to a neighbouring country.

The Senegalese authorities of the time felt that it was up to the victim’s family to produce evidence of these acts and then to make a judicial complaint. This stance, making legal proceedings dependent on a complaint having already been lodged, contravenes the provisions of Article 12 of the United Nations Convention against Torture which Senegal ratified in 1986. This article provides for the opening of an impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed, whether the victim has lodged a complaint or not. In fact, victims of torture did not dare lay a matter before the courts for fear of reprisals or because of external pressure.

The strategy of systematically denying information made public not only by Amnesty International but also by other human rights organizations, in particular those based in Senegal such as RADDHO, has changed somewhat since the election of President Abdoulaye Wade. During official meetings the Amnesty International delegation had with the Senegalese authorities in June 2001, including with the Head of State, the authorities did not deny that human rights had been violated and they stated their will to fight against the impunity which was protecting those suspected of having committed such acts. During a meeting with the Amnesty International delegation, President Abdoulaye Wade committed himself to open investigations into all alleged human rights violations which are brought to his attention. One of the main aims of this report is to make available to everyone and in as much detail as possible all information collected by Amnesty International during its two research visits in June and November 2001, so that these findings can be subject to exhaustive and independent investigation.

In the Senegalese authorities’ official reply of July 2001 to Amnesty International following a confidential memorandum which was sent to both parties to the conflict, the government confirmed :

“the firm will of the Head of State and the Government to fight against the impunity at times enjoyed by those responsible for abuses”. It continued:

“If human rights abuses have been committed, those responsible must be identified, sought and brought to justice. Senegal wishes to see all those responsible for crimes and misdemeanours held to account for their actions, whether they are a member of a public force or not. This goes to

*the very heart of the democracy so cherished by the Senegalese. Human rights abuses will be systematically punished, particularly in the Casamance conflict, as a result of this rejection of impunity”.*⁵

Indeed, in its reply to the Amnesty International memorandum, the Senegalese government contests the extent of violations raised by Amnesty International but it does not fundamentally contest any of the cases of extrajudicial executions or “disappearances” which the organization raises. However, the Senegalese authorities deny that hundreds of Casamance civilians detained without trial for months or years during the past decade were prisoners of conscience. Above all, they deny any political responsibility for the dozens of cases of torture, extrajudicial execution or “disappearance” committed by Senegalese security forces in Casamance by dismissing these as isolated “regrettable errors” made by individuals who had disobeyed orders.

While making clear that these statements do not answer Amnesty International’s concerns nor address the need for justice and compensation for the victims, the organization welcomes the change of tone, after so many years of verbal attack, and the Senegalese authorities’ will to maintain a dialogue with the organization.

With the aim of continuing this dialogue and giving the reader of this document an opportunity to know the official position of the Senegalese government, Amnesty International is publishing the full text of their reply in an appendix. Amnesty International has some important reservations about the content of their reply which does not satisfy the majority of the concerns raised by the organization. These reservations are included in this report.

3. Torture and excessive use of force by the police or Gendarmerie

Over the past five years, Amnesty International has investigated several cases where gendarmes or police officers in the Dakar area have used torture or excessive force. Three such cases resulted in the victim’s death but, despite progress in judicial investigations, some charges being laid and people being arrested and held in preventive custody, no charge has yet led to a trial. There are two possible explanations for this: either Senegalese magistrates responsible for investigating these cases have proved resistant to the idea of pursuing members of the security forces, or the judicial system does not have the means to enforce the law when it concerns police officers and gendarmes who commit human rights violations. Either way, this persistent impunity is undermining any credibility for the rule of law in Senegal.

With the exception of the case of student Balla Gaye, for whom the Head of

⁵All such quotations mentioned in this report are taken from the official response by the Senegalese government. Please refer to Appendix II where the document is reproduced in its entirety.

State specifically requested that an independent commission of inquiry be set up, the four other cases have generated a civil damages complaint showing the willingness of Senegalese citizens to demand accountability from those who do not respect their fundamental rights. This search for justice has been morally and financially supported by RADDHO. In a few cases, the *Comité Sénégalais des Droits de l'Homme*,⁶ Senegalese Committee for Human Rights, has also offered support by applying pressure on the judiciary in the hope of accelerating the examination of these judicial complaints made either by victims or their relatives.

Three of these cases are under investigation and two members of the police force have been charged and arrested in two separate cases, one for torture and one for murder. It is essential that the judicial system completes its task in sending a strong signal to the security forces that, from now on, all cases where human rights are not respected will result in punishment. It is only by breaking this vicious circle of impunity that the security forces will be dissuaded from using such methods.

3.1 Two deaths apparently resulting from the excessive use of force

3.1.1 The case of Alassane Ndong

On 5 November 1997, a 24-year old driver, Alassane Ndong, was fatally wounded in the head by a bullet during a demonstration to protest against the destruction, following a judicial decision, of some homes in a low-cost housing area called Montagne in Dakar. The official reason for demolishing these homes was that they had been built without permission and that “they were harbouring delinquency”. Witnesses met by Amnesty International stated that it had been a peaceful demonstration which was violently repressed by gendarmes from the Hann force using live bullets and causing Alassane Ndong’s death.

The Senegalese government gave a different version of events in their reply to Amnesty International’s memorandum. Their response states that Alassane Ndong was one of a group which was : “violently opposed to the operation, [and] was shot in the head.” It continues: “the gendarmes who were on duty during the [demolition] operations stated they had fired in the air to disperse a threatening crowd.”

With the support of RADDHO, the victim’s family lodged a civil damages complaint, and an investigation into accidental homicide was opened. Despite the difficulty of finding any witnesses as a result of their dispersal to other parts of the

⁶The Senegalese Committee for Human Rights which was created by decree in 1970 is an institution which considers itself to be independent of public officials. It works in the field of human rights education and promotion but also aims to examine and settle cases of violations.

capital following the destruction of their homes, the chief examining magistrate has been able to find some who witnessed the events.

In its July 2001 reply to Amnesty International, the Senegalese authorities stated that the file had been passed to the State Prosecutor's Office for decision. The same communication explains that two forensic reports confirmed he had died by gunfire and a third report "determined the point of entry and exit of the projectile". In November 2001 during a meeting with the Senegalese Minister of Justice, the Amnesty International delegation emphasised the value of knowing the origin of the bullet with a view to determining whether the security forces were responsible. The Minister of Justice noted this comment and undertook to seek further information from the judicial authorities responsible for this case and to communicate it to Amnesty International.

3.1.2 The death of a student, Balla Gaye

On 31 January 2001, a first-year law student at the Cheikh Anta Diop University of Dakar, 23-year old Balla Gaye, was killed by a bullet in the back, during a police operation to quash a student demonstration which was demanding higher grants and better study conditions.

The Senegalese authorities reacted quickly to the anger and emotion of the students. The day after the incident took place, the Minister of the Interior stated at a press conference that the police were not armed with live bullets, that the sanctuary of the university had not been breached and that at no moment did the police intervene on campus. Nevertheless, the Minister did say that if it did become clear that a police officer was responsible, he would be punished.

President Abdoulaye Wade personally committed himself to establishing the truth by immediately ordering that two investigations be opened, one administrative and the other judicial, with the aim of discovering the exact circumstances of the student's death "so that those responsible may be immediately brought to trial". The Head of State went even further, by allowing some civil society representatives, including human rights activists and students, to take part in the Commission.

There were several critical and sceptical reactions to the setting up of this Commission. Some magistrates and lawyers said that there was no legal basis for it and it thus threatened to marginalise the judicial system which alone is legally equipped to investigate such crimes. Others, notably among students, expressed anxiety that the Commission would do no more than bury the affair; these doubts being heightened by the fact that the Commission had initial difficulties funding its investigative work.

However, despite these legitimate queries, the Commission, which was headed by Dior Fall Sow, a retired magistrate well-known for his integrity, carried out its investigations and presented its conclusions to the President of the Republic on 31 October 2001.

The Commission pursued three lines of inquiry:

- b) “Provocation by infiltrators”, a theory supported by those who pointed the finger at the political opposition who may have planned the murder to discredit the government.
- c) “Students were responsible”, preferred by members of the security forces which called upon some students to check whether Balla Gaye’s death had not resulted from a settling of scores amongst students.
- d) “The police were responsible”.

It was this last which proved correct. A ballistic report revealed that the bullet which killed Balla Gaye was fired from a weapon in the possession of a member of the security forces who were present on the day of the demonstration. As soon as he learned of the report’s conclusions, President Wade issued “very firm instructions” to the judiciary to “speed up the judicial process”. A few days later, the chief examining magistrate charged and placed in preventive custody, Thiendella Ndiaye, the police auxiliary accused of having fired the fatal bullet.

When talking about the circumstances of Balla Gaye’s death, several eye-witnesses met by Amnesty International in November 2001, stated that the security forces positioned at the entrance to the campus aimed at students “with blanks but also with ‘bullets to kill’”. One witness stated that Balla Gaye was shot in the back just a few metres from the campus entrance gates as he was trying to flee towards the university buildings. This seems to confirm the information provided by the autopsy report which has not yet been made public but reportedly states that “the victim was hit in the left side of his back”.

Amnesty International is pleased that this investigation was carried out so rapidly and hopes that the alleged perpetrators of this death will be brought to justice speedily and that the victim’s family will benefit from the material compensation they deserve.

3.2 Three cases of torture and ill-treatment

3.2.1 Abdoul Aziz Fofana

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On the night of 20/21 November 1997, following a dispute with his father, Abdoul Aziz Fofana, a young man aged about 20, was arrested by the police and taken to the police station in Pikine (a suburb of Dakar) where he was beaten and tortured for some hours by a police officer. As a result of these blows, he lost permanently the use of his left eye.

The Amnesty International delegation met Abdoul Aziz Fofana in December 1999 and collected this testimony from him:

“At the police post, they shouted at me, but I said nothing. I was beaten and slapped in front of my father. I was taken into an unknown place, somewhere within the police station compound, with my arms handcuffed behind my back. A policeman hit me with a truncheon on the buttocks, the face and the head – sometimes gently, sometimes severely. The policeman hit me right in the face for half an hour and my eye was hurting. Our eyes met and he stopped beating me. Then he said to me: ‘You’ve just escaped death. I could have killed you and nothing would have happened to me.’”

Abdoul Aziz Fofana was released the following day in a coma and sentenced to a fine of 3.000 CFA francs (around 4.50 Euros). In February 1998 his eye was operated on at the Le Dantec hospital’s ophthalmic unit in Dakar, but the operation was not successful and the young man has not regained use of his eye.

Despite the fact that a complaint was lodged in March 1998, the legal case did not progress. RADDHO submitted the case to the *Comité sénégalais des droits de l’homme*, which stated in its 2000 Report that it had requested “an intervention to speed up the process in the chief examining magistrate’s office and adequate legal support.”⁷ In reaction to this request, the Minister of Justice wrote to the *Comité sénégalais des droits de l’homme* informing them about “the instructions [he sent] to the State Prosecutor’s Office to speed up the procedure”. This letter was dated August 2000, more than two years after the events took place.

According to information gathered by Amnesty International, the judicial investigation had great difficulty in making progress because the police refused to inform them who was on duty on the night in question. However, this information is readily available because it has to be retained in the “*main courante*”, an official book which is designed precisely for keeping this type of information.

⁷Annual Report of the *Comité sénégalais des droits de l’homme*, 2000, pp 51-52.
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Shortly after these events, the police commissioner was transferred and his replacement stated that he was not able to help the judiciary in finding the person responsible for these deeds. The chief examining magistrate sent several formal judicial delegations to ascertain which police officers were on duty that day, but never received cooperation from the police force.

Eventually, apparently because of pressure from human rights organizations, a policeman, Alioune Dicko, was charged – precisely when is not clear – with “deliberate assault and battery causing a total incapacity to work for a period of two and a half months”. This information was given in the Senegalese government’s official reply to Amnesty International’s memorandum. Their reply added that a medical report had “confirmed the loss of use of the complainant’s left eye” and that the policeman had “been provisionally released by the investigating magistrate”. In the same reply, the Senegalese authorities informed Amnesty International that the case had been communicated to the State Prosecutor’s Office on 13 June 2001 for a ruling.

Pending announcement of the judicial verdict, Amnesty International very much regrets that the fact that the policeman had been charged was not communicated to either the victim’s lawyer, even though he had repeatedly approached the judge for information about progress in the investigation, or to the victim himself. The victim remains to this day in total despair, as shown by an e-mail he sent to Amnesty International in June 2001:

“I want to use this message as a distress call. I suffered acts of torture in a police station in the suburb of Pikine in 1997 (sic) which will affect me for the rest of my life. I have lost all hope because my country’s judicial system is doing nothing to ensure that truth will triumph and that I can reclaim my rights.”

The administrative neglect or disinterest for the suffering of this young man, who has no special protection, together with the absence of any communication to the plaintiff or his lawyer that a member of the security forces had been charged, raises concerns about respect for the rights of those lodging civil complaints and more generally about the smooth functioning of the judicial system in Senegal.

3.2.2. Moussa Ndom

During the night of 19/20 February 1998, in the Pikine district on the outskirts of Dakar, Moussa Ndom, a young man of 21 years old, died as a result of an altercation with the security forces. The Senegalese authorities stated in their reply to Amnesty International’s memorandum, that around 2am on that night, Amnesty International april 2002 AI Index: AFR 49/001/2002

“during a police operation, three young people who were smoking Indian hemp were arrested after a chase. One of them, Moussa Ndom fell to the ground during the chase.”

Amnesty International met eyewitnesses who gave a different version of events. According to them, Moussa Ndom was reportedly beaten to death by police officers, while drinking tea in the street with some friends. The plain-clothes police officers reportedly called to the young people telling them that it was “forbidden to play outside”. All the young people left with the exception of Moussa Ndom who said he lived there. A discussion took place and the police officers pushed the young man against a wall and started hitting him. Moussa Ndom fell unconscious to the ground. His friends returned to the place and accused the police of killing their friend. They were handcuffed and taken away in a police car. The dead body was transported to the Dominique clinic.

In December 1999, an Amnesty International delegation met Moussa Ndom’s father who explained how the police had reportedly used all manner of devious means to portray the murder as an accident: threats, attempts to reach a compromise and finally a falsified medical certificate.

“I immediately went to the police and I took with me a photographer who photographed the police officers in question. They confiscated his camera, ripped out the film and arrested him. He was released soon after. At about 3.30 am I met the police commissioner who told me: ‘It was an accident, these things happen, come back tomorrow morning.’”

The police quickly produced a medical certificate which concluded that he had died a natural death caused by “heart failure” but the victim’s uncle who is the physiotherapist for the local football team and saw the dead body, concluded that the young man’s neck vertebrae had been fractured. The family demanded an autopsy, but in the meanwhile, the police had hastily buried the body.

A judicial investigation was opened after the family lodged a complaint but in their reply to Amnesty International the authorities said “this investigation was not able to find any other cause for the boy’s death and this was why it had been closed as there was no case to answer”. The chief examining magistrate at the time gave the victim’s lawyer a quite different explanation. The magistrate said he was convinced that Moussa Ndom was a delinquent and that he had reportedly died because of excessive drug use. Moreover, it is worrying to note that the family’s lawyer who prepared the complaint has not yet received a copy of the decision that there is no case to answer which was taken one year ago and which he needs to be able to argue

his appeal against the decision.

3.2.3 Mouhamadou Moustapha Dièye

On 15 March 1999 Mouhamadou Moustapha Dièye, a 22-year old student, was severely beaten by the security forces at the Medicine Faculty on Dakar's university campus. While some students were on strike this young man, who was not part of the protest movement, had been allowed to take his exam.

An Amnesty International delegation met Mouhamadou Moustapha Dièye in December 1999 and he explained what had happened to him:

"I was in the room of one of my student friends. We heard screams and went out. Outside there was a confrontation between students throwing stones and the police using tear gas. I was arrested and the police took me away in their van. Throughout the journey to the police station, I was beaten as I sat there. They hit me on the head, my nose was bleeding and I lost consciousness."

The blows caused hemiplegia of his left side, so the police officer took him to hospital where he was given help with his breathing. A head scan revealed that he was suffering from an extradural haematoma and a surgeon operated on him. He spent the next two weeks in a coma, but thanks to physiotherapy sessions, he completely regained the use of his whole body, but missed a whole academic year.

In March 1999 the young man's father formally lodged a complaint with the State Prosecutor. The complaint related the facts and referred to a witness, Ibrahima Ndoye, a journalist with the daily *Info 7*, who had seen the aggression Mouhamadou Moustapha Dièye had suffered (See Appendix III). By return of post, the Prosecutor told him that "an inquiry had been requested to determine responsibility for the violence to which your son was subjected." However, since then, neither the plaintiff nor his lawyer have been informed of any results of their complaint.

It is even more worrying that the journalist who witnessed the violence and whose name was quoted in the complaint, Ibrahima Ndoye, has never been called by the police, although he told Amnesty International that he was there when the student was beaten up by five members of the security forces. This journalist, who states he is willing to confirm his testimony to the judicial authorities, clarified that on that day he saw the security forces using teargas against the students and then:

"...five of them caught a student I recognised because I used to know his sister. They took him to their van and beat him with gun butts until he

lost consciousness. I immediately called my newspaper and we covered the story on the front page of our daily with a photo of the student and specifying that the family would lodge a complaint.”

The official reply about this case sent to Amnesty International said that “the Minister of the Interior who was informed of the affair states that on 15 March 1999 there were no police operation reports which mentioned any incursion by the security forces onto the university campus”.

On the contrary, the Minister stated that at that time there had been a confrontation between striking and non-striking students. The Senegalese government’s official response concluded its remarks on this case by saying: “Unfortunately, as Mr Dièye’s complaint did not include a medical certificate, which would have enabled legal action to be taken, it has been classified as closed.” Amnesty International has not been able to establish beyond doubt whether the medical certificate (See Appendix III) was indeed sent to the State Prosecutor, but the organization is concerned that the case has been closed even though a key eyewitness was never called to testify and neither the plaintiff nor his lawyer were informed of the decision.

All these cases, with the exception of the one concerning the student Balla Gaye which was rapidly dealt with after President Wade decided to set up a commission of inquiry, have several points in common.

- b) They are all relatively old cases dating from between 1997 to 1999. For those which are still under investigation, not one case has yet led to any of the alleged perpetrators of these acts being brought to trial. Therefore, neither the victims nor their relatives have been able to receive any moral or material compensation.
- c)
- d) The Senegalese judiciary has had to deal with resistance from the security forces when seeking the truth and have not always been able to subject these security officers to the full force of the law. In their official reply to Amnesty International, the Senegalese government implicitly admitted this when, with reference to the case of Abdoul Aziz Fofana, they said that despite several attempts by the chief examining magistrate the police had refused to name the colleagues who had been on duty on the day in question. The government’s response states that the State Prosecutor’s Office found itself “confronted with the impossibility of carrying out the required judicial tasks”. The nature of the difficulties faced by the judiciary is confirmed by information available to Amnesty International which clarifies that the examining magistrate did indeed send several judicial delegations to obtain the names of the police officers on duty that day, but without success.
- e)
- f) The families and the victims themselves have not been informed of judicial

decisions which have been communicated in writing to Amnesty International. In particular, Abdoul Aziz Fofana has still not been informed that a police officer has been charged for assaulting him and neither Mouhamadou Moustapha Dièye's family nor their lawyer has been informed about the decision to close the case effectively preventing them from appealing against it.

These are serious anomalies which are contrary to Senegalese law. Article 169 of the Code of Penal Procedure states that "as soon as an inquiry appears closed, the examining magistrate passes the file to the counsel for the accused and the plaintiff." This information is essential if the plaintiffs wish to lodge an appeal, in accordance with Article 180 of the same Code of Civil Procedure. This stipulates: "The plaintiff can appeal against a refusal of information, a case closure and declarations which harm their civil interests."

By not informing the family and lawyer of Mouhamadou Moustapha Dièye about the decision to close the case, the Senegalese judicial system has deprived the plaintiff of one of the fundamental rights in any jurisdiction, that of appealing against a decision. Later in this report, this problem of non-respect for the rights of plaintiffs re-emerges in relation to the "disappearance" of Jean Diandy, a Casamançais civilian who was arrested by the security forces on 4 August 1999 and has not been seen since.

These irregularities show the reluctance and the malfunction of the Senegalese judicial apparatus when it comes to dealing with complaints about human rights violations committed by the security forces, as well as the lack of respect for the rights of plaintiffs and for victims' suffering. From the five cases mentioned above, two (Abdoul Aziz Fofana and Balla Gaye) have led to a member of the security forces being charged. Senegalese civil society and the human rights organizations must sustain their pressure so that these people are brought to a fair trial without delay.

Amnesty International believes that breaking the cycle of impunity which has protected the security forces against any judicial proceedings for many years will provide the best protection for Senegalese citizens against excessive use of force by members of the police force or the Gendarmerie.

4. PUTTING AN END TO NEARLY 20 YEARS OF IMPUNITY IN CASAMANCE

On 31 August 1999 two complaints for civil damages "against persons unknown for illegal arrest and kidnapping" were formally lodged with the chief examining
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magistrate of the regional court in Ziguinchor. These complaints concern the cases of two people who “disappeared”, Jean Diandy and Alexis Etienne Diatta, both arrested by the security forces but their families have heard nothing about them since. (See below for the detail about these two cases.)

According to information available to Amnesty International, this is the first time in nearly 20 years of conflict that families supported by the *Collectif des cadres casamançais* have made a formal civil damages claim even though the phenomenon of “disappearances” and extrajudicial executions has affected hundreds of people since the beginning of the 1990s. Previously, the fear of reprisals from the security forces and the lack of material resources had made it very difficult to make this formal complaint.

This new initiative was explained by the *Collectif des cadres casamançais* in a press statement issued on 8 September 1999 which said:

“Even though the valiant sons of our country have made enormous efforts to bring peace to Casamance, each day we learn that citizens are kidnapped, detained, tortured in defiance of all known laws and regulations.”

The text added: *“Of course these people’s families have repeatedly sought the support of state representatives based in Casamance to ensure that the truth is revealed about these kidnappings – disappearances. They have always been met with a wall of silence suggesting complicity.”*

It was to break down this wall of silence and the judiciary’s complicity, whether through inaction or fear, that this association took the initiative to lodge these two complaints to test the goodwill and independence of the Senegalese judiciary when dealing with violations committed in Casamance - qualities which are so often spoken about but which never translate into fact.

By lodging these two complaints, the *Collectif des cadres casamançais* gambled on the good performance of the Senegalese justice system. Two years later, it must be said that the Senegalese justice system remains just as powerless when carrying out independent and exhaustive inquiries into serious and well-founded allegations of human rights violations committed by soldiers in Casamance.

With reference to the complaint concerning the “disappearance” of Alexis Etienne Diatta, the Senegalese government’s reply to Amnesty International simply states that “the judicial investigation is continuing and on 22 February 2000, the examining magistrate issued a judicial demand.” No indication was given about any result of the judicial demand, made two years ago, nor information about any other

judicial actions that may have been pursued with the aim of responding to the terrible request that the father of Alexis Etienne Diatta posed to gendarmes a few days after his son “disappeared”: “If my son is dead, tell me so that I can rest”

The treatment reserved by the Senegalese judicial authorities for the other complaint lodged at the instigation of the *Collectif des cadres casamançais* following the “disappearance” of Jean Diandy is a reminder of the lack of respect for the plaintiff, which was also apparent in their attitude with regard to the assault on the student, Mouhamadou Moustapha Dièye (see above).

The official document the Senegalese government sent to Amnesty International states that “the file was closed on 7 August 2000 with no case to answer.” During their visit to Senegal in November 2001, Amnesty International delegates met Jean Diandy’s wife as well as one of her lawyers and learned that the decision of “no case to answer” had not been communicated to the family of the “disappeared” person nor to their lawyer. Whether due to bureaucratic oversight or to indifference to a case seen as unimportant, the fact that this decision of closure taken 18 months previously was not passed on, has denied the family and their lawyers any possibility of appeal and stopped them from pursuing their efforts to discover his fate. This attitude seems to clearly illustrate a denial of the suffering endured by hundreds of relatives of Casamançais who have “disappeared” and which characterised Senegalese policy to the very highest levels throughout the past decade.

The new attitude shown by the Senegalese government in their reaction to information published by Amnesty International concerning torture, extrajudicial executions and “disappearances” must be welcomed. In the past the Senegalese authorities used to respond to allegations of “disappearances” where it appeared they had been arrested by members of the security forces, by stating that these men may have gone abroad or may have left their family to live with another woman. For many years, the response from the Senegalese authorities, up to the highest level, was to react to the incommunicable anguish of the families of the “disappeared” by insulting the memory of the victims.

Amnesty International welcomes the new attitude of the Senegalese authorities personally advocated by President Wade who committed himself, in a meeting granted to an Amnesty International delegation in June 2001, to open independent and impartial inquiries into all serious allegations that he may receive.

This commitment not to close their eyes to the past and the willingness to open inquiries was reiterated in the Senegalese government’s written response to Amnesty International’s memorandum, though the authorities did at the same time raise some of the difficulties connected to such a task:

“So far as the behaviour of the Army and the security forces of Senegal is concerned, the Head of State and the Government refuses to cover up faults which may have been committed. It must be said though that establishing exactly what happened is a very delicate matter and seeking out who is responsible demands detailed analysis which is not possible because of the difficulties of getting access to the armed groups. For this reason, it has been decided to consider the possibility of setting up a commission of inquiry which would take responsibility for establishing the circumstances in which some of the Casamance events took place.”

In order to facilitate the opening of such inquiries, Amnesty International is publishing details of numerous cases of abuses committed by both parties to the conflict in Casamance. It is quoting as many direct testimonies as possible to give voice to the victims or their families who have not previously been heard by the authorities. At the end of this report, the organization provides a list of all cases of abuses it has been able to investigate, whether committed by the security forces or by the MFDC.

The list is by no means exhaustive because Amnesty International has not been able to check many of the allegations it has received, for example if the witnesses have fled the place where it occurred, or because people are too scared to recount what they have seen. However, the number of civilians on the three tables which form the list (more than 250 in total) and the gravity of the abuses committed by the two parties show the unbelievable violence of this conflict and the need for the relatives of these victims for justice.

Amnesty International takes note of the Head of State’s commitment to shed light on these cases and to punish those responsible for these acts and sincerely hopes that the suffering of hundreds of relatives of Casamançais victims of detention without trial, torture, extrajudicial execution or “disappearance” during the past decade will at last be considered with dignity and that they will obtain justice.

Beyond the need to investigate persistent and consistent allegations of serious human rights violations, there is also a need for the current political authorities to consider fundamental reform of the Senegalese judicial apparatus which has been unable to fight against the impunity enjoyed by the security forces perhaps because of inadequate funding but above all, because of a lack of real independence.

4.1 The current context: Hopes for peace and fear that the climate of insecurity may be out of control

The Casamance conflict began in December 1982 when a demonstration against the centralising policies of the Dakar government gave rise to a wave of arrests and the sentencing of the main MFDC leaders, including Father Diamacoune. However, it was not until six or seven years later that real confrontation began, when MFDC fighters attained the military resources to harass Senegalese soldiers.⁸

The Senegalese army quickly realised it was impossible to win militarily against the armed elements of the MFDC who were scattered in small very mobile groups. In particular, the MFDC were protected by both a perfect knowledge of this densely forested territory and by the possibility of withdrawing to rear bases across the border in Guinea-Bissau. As they could not oust the fighters, the security forces resorted to a policy of blind repression against any civilian who was suspected of supporting the MFDC either financially or ideologically, such action being most frequently based on information gathered from anonymous denunciations. The aim was to use terror and violence to dissuade Casamance civilians from offering any assistance to the MFDC, whether by sheltering the fighters or by providing them with food.

On the other side, armed elements of the MFDC attacked civilians who were accused of being “collaborators” with the Senegalese government, in particular village chiefs or those belonging to non-Diola ethnic groups (the indigenous ethnic group of Casamance from which most of the political leaders and fighters of the MFDC came), whom they accused of not supporting the pro-independence struggle.

Throughout the 1990s, despite two cease-fire agreements signed in 1991 and 1993, the region was dominated by a situation in which neither side could beat the other militarily and by an increasing number of civilian victims caught between the two sides, subjected to arbitrary harassment by both the security forces and the armed elements of the MFDC.

Politically the situation was just as blocked. The MFDC officially claimed independence for this region, while the Senegalese government stated that territorial integrity was a non-negotiable principle.

The first serious attempt to open negotiations took place in January 1999, when President Abdoul Diouf met the then MFDC Secretary General, Father Diamacoune, in Ziguinchor, the regional capital. In December of that same year, the two parties met in Banjul, the Gambia, and agreed on an “immediate cessation of

⁸For a more detailed historical perspective on the fighting and different stages of negotiation up until 1998, see Amnesty International report entitled: SENEGAL: Climate of Terror in Casamance, March 1998 (AI Index: AFR 49/01/98).

hostilities”. However, armed attacks continued mostly because of disagreements within the pro-independence movement between those in negotiation with the Senegalese government and those, in particular in the military wing of the MFDC, who felt excluded from the negotiations and wanted to make their voice heard through armed attacks.

The election of President Abdoulaye Wade in April 2000 led to a fresh new approach from the government side. The new Head of State, who had made resolving the Casamance conflict his highest priority, chose to sideline all intermediaries who over the years had tried to find a resolution, each in a way which suited their own interests. This had particularly involved the governments of the Gambia and Guinea-Bissau, countries which respectively border the north and south of Casamance, and French government emissaries who had tried to re-open channels of dialogue between the two parties.

Abdoulaye Wade firmly asked all these intermediaries to allow the Senegalese government to handle the issue directly with the MFDC. The new Head of State first approached the government of Guinea Bissau to ensure they would forbid the MFDC from maintaining their bases in that country. Then, he went into direct negotiations with the MFDC in Ziguinchor, not in the Gambia or Guinea-Bissau, both of which had hosted such meetings in the past.

These negotiations led to the signing of two peace agreements in March 2001. According to their terms, the two parties agreed to implement several essential measures with the aim of bringing peace to the region, in particular, “the decommissioning of arms, the containment of forces, the handing in and destruction of arms and the return to barracks of the military.” However, these measures could not be achieved because of a new outbreak of fighting between enemy factions within the MFDC in December 2000 and continuing insecurity along the roads and in the villages of Casamance often caused by bandits or MFDC fighters holding the population to ransom for money or food.

The dialogue became even more difficult after August 2001 when Father Diamacoune was apparently forced out of his post as Secretary General and given the nominal title of Honorary President, which unleashed a power struggle between the traditional MFDC leaders. This internal crisis led in November 2001 to an official split in the Movement (see Part G of this report)

Apart from this split which prevent the MFDC from negotiating with the Senegalese government with one voice, there are two other fundamental problems:

- b) Growing insecurity along the roads and in the towns and villages of

- Casamance where vehicle hold-ups and armed attacks on civilian homes are increasing; and
- c) The future status of this region, which is the fundamental problem and key to this conflict.

4.1.1 The question of Casamance's status : Autonomy or independence?

As far as the status of the region is concerned, the official position of the Senegalese government has never altered. Throughout the last two years of his term in office, former President Diouf never ceased saying that he “was ready to negotiate on any issue, except independence.” The new President Wade’s attitude is very similar. He even reinforced it by repressive measures announced on 5 December 2000, when the government stated that “any threat or complicity with a threat to national unity, particularly by spreading, broadcasting or using as propaganda separatist statements, will be pursued before the courts.” This measure was immediately applied on 14 December 2000 when two journalists with a privately-owned Senegalese daily *Le Populaire*, Mamadou Thierno Talla and Sidy Diop, were briefly detained after they published a report on Casamance. For its part, even though the MFDC no longer makes it a pre-condition for the opening of negotiations, it has never officially given up its aim of independence for Casamance.

A compromise based on real peace and projects to develop this war-devastated region seem to be the basis for discussion between the government and some parts of the MFDC. Amnesty International takes no position on this political conflict as its mandate is strictly limited to respect for human rights in the region, as in the remainder of Senegal.

It is in this context that Amnesty International is particularly concerned about the increasing number of attacks carried out by often unidentified armed groups in 2001. During some of these attacks, travellers have been arbitrarily killed or ill-treated solely because they have non-Casamançais family names. Amnesty International has been informed about several such incidents where the armed elements responsible for these acts have openly stated their MFDC membership and have said in front of their victims that they want to chase out of the region all those who come from the north.

Amnesty International fears that this tension may lead to new violations being committed by soldiers against civilians in the region. The organization wishes to reiterate that it is the responsibility of the Senegalese authorities to keep control of their troops, as they have proved capable of doing since April 2000. Without this, there is a great risk of returning to the infernal cycle of attacks by armed elements followed by disproportionate military repression against civilians with its attendant

human rights violations.

5. EXTRAJUDICIAL EXECUTIONS AND “DISAPPEARANCES”: A LARGE-SCALE AND RECURRING PHENOMENON

5.1. A massive and recurrent pattern

The political decision to carry out “disappearances” and extrajudicial executions is the most serious and prevalent aspect of human rights violations committed by the security forces throughout the last decade.

Since the beginning of the conflict in Casamance, dozens of civilians have been victims of extrajudicial executions. This term describes a murder committed deliberately and illegally on the orders of the authorities or with their explicit or tacit agreement and where the authorities do nothing to put an end to such practices or to bring to justice those suspected of such acts. Other people have “disappeared”; these are people who are known to have been arrested by the Senegalese security forces but whose fate remains unknown.

The appendices to this report produce a non-exhaustive list, in a series of tables, of people extrajudicially executed, and of people who have “disappeared” after being arrested by the security forces since 1992 (Appendices V and VI). A table of people deliberately and arbitrarily killed by armed elements of the MFDC since 1992 features in Appendix VII.

These tables give the names, dates and circumstances of arrest by soldiers of people who have been killed or who have “disappeared”. According to Amnesty International’s information, the Senegalese authorities have not opened an impartial investigation into any one of these cases, even though this information has been communicated to the Senegalese government on several occasions, some of the names being listed in a report entitled: *Climate of Terror in Casamance*, published in February 1998.

When this report was made public, the then Minister of Justice, Jacques Baudin, said: “I am not saying that the Senegalese army has not killed, but if lives have been lost in the context of their exercising the right to legitimate defence, then the army is absolved.” However none of the cases mentioned by Amnesty International in the 1998 report seemed to fit within the criteria of legitimate defence. The cases involved unarmed civilians most of whom had been arrested on the basis of anonymous denunciations which the security forces apparently did not seek to substantiate before taking action. Members of the security forces, equipped with lists of suspects drawn up on the basis of denunciations, arrested civilians in their homes, in their fields or at the numerous military checkpoints along the roads of Casamance. Information gathered by Amnesty International showed that those

arrested were often severely tortured before being executed or disappearing without trace.

The July 2001 reply from the Senegalese government is much more cautious with regard to the accuracy of the information published by Amnesty International. Their reply first recalls Amnesty International's definition of extrajudicial executions and "disappearances" and adds that according to the organization: "most of these incidents can be attributed to the soldiers operating along the roads or in the fields."

Amnesty International concludes from this that even if the current Senegalese government does not formally acknowledge any of the cases of extrajudicial execution or "disappearance" raised by the organization, nor does it fundamentally contest any of them. The government's reply mentions just one case where the military and administrative authorities intervened to save the lives of four people leading the government to claim that : "this example shows how the orders or involvement of the authorities cannot be used to define a killing as an extrajudicial execution."

However, the case raised by the Senegalese government is, unfortunately, the exception which proves the rule and Amnesty International has highlighted this case to show that the authorities could have prevented violations but so rarely intervened. The large number of extrajudicial executions (nearly 70 since 1992) and "disappearances" (more than 100) raised by Amnesty International cannot be explained as "regrettable errors" (*bavures*) committed by inexperienced soldiers.

Rather, the Senegalese army is universally considered to be a well-structured and disciplined army, which has over many years regularly contributed troops to peace-keeping operations under the auspices of both the Organization of African Unity (OAU) and the United Nations (UN). Senegal itself has proudly stated that it has a republican security force which takes its commands from the political institutions. This clearly indicates that the highest state authorities do indeed have responsibility for the serious actions attributed to Senegalese soldiers and gendarmes throughout the 1990s.

Convincing support for this assertion that the highest military and political levels of authority were responsible for these practices of extrajudicial executions and "disappearances" is implicit in the Senegalese government's July 2001 reply when it states: "After listing some hundred cases of unresolved disappearances or executions the [Amnesty International] report emphasises that, since April 2000, there has been a period of relative calm with regard to human rights violations committed by the security forces." So, by the current authorities' own admission, the calming of the situation occurred from April 2000 onwards following firm orders

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issued to soldiers by the new government when it took office. This shows clearly that the political authorities, providing they have the will, can issue orders to the security forces on the ground to cease violating human rights. It is therefore legitimate to pose the following two questions:

1. Did President Abdou Diouf's government in the past give similar orders to the security forces to respect human rights, while the Senegalese authorities regularly received information from human rights organizations about serious human rights violations committed by the army and Gendarmerie in Casamance?
2. If so, why did the Senegalese security forces not obey these orders and why did they continue to commit these abuses with impunity?

This raises the fundamental question about responsibility at the highest level, both politically and militarily, during the past decade.

Of the approximately 70 names of people extrajudicially executed by the security forces in Casamance between 1992 and 2000 and gathered by Amnesty International, some 55 have been killed since August 1997, that is in the months and years which followed the discovery of the bodies of 25 Senegalese soldiers, who had been killed at Mandina Mankagne by armed elements of the MFDC in August 1997. From that time soldiers increased the number of arrests they made at road checks or in the fields, and arrested anyone suspected of having links with the pro-independence movement or accused of helping armed elements of the movement whether financially or materially.

Many of the civilians arrested by the military seem to have been cold-bloodedly extrajudicially executed by soldiers, even though the army was legally required to hand them over to the Gendarmerie or to the judiciary for possible indictment.

The increase in human rights violations by the military lasted until at least April 2000 when, following the election of President Wade, it is clear that new orders were given to the military to put an end to this practice. The indiscriminate repression of unarmed civilians by the security forces culminated in the massacre of more than 30 people in the village of Djifanghor in November 1998. The persistent practice of arbitrary arrests, extrajudicial executions and "disappearances" on such a large scale could not have taken place without the explicit or implicit consent of the political authorities, who apparently did nothing to bring the presumed perpetrators of these acts to justice.

These practices had, on several occasions, been publicly denounced by RADDHO and Amnesty International, which raised its concerns directly

with the then President Abdou Diouf in an official meeting in January 1997. The authorities could not therefore claim that they were unaware of what was happening on the ground nor that they were powerless to control their subordinate soldiers. It only needed the new authorities to issue different orders and to transfer some local military leaders for the practices to diminish significantly from April 2000 onwards.

Amnesty International welcomes this new political will to better control the security forces on the ground, but the organization insists that those responsible for past human rights violations must be brought to trial and that the truth about the fate of the “disappeared” must be revealed. Amnesty International fears that the majority of these people have been killed and buried in communal graves. If so, the authorities are also denying relatives the mourning process which usually follows the death of a loved one, by refusing officially to recognise the victim’s death.

During a fact-finding visit in June 2001, Amnesty International delegates met many victims’ families who could not find peace because they did not know the fate of their loved ones. The new authorities have a duty to give these people whose morale has been shattered, the peace of mind they demand by telling them the truth about the fate of their “disappeared” relative and by prosecuting those responsible for these acts. In this way, the comparative calm brought about by a decrease in human rights violations by the security forces since April 2000, could be consolidated and developed through ending the impunity which the security forces have enjoyed for many years in Casamance.

To reveal the truth in these cases, Amnesty International has collected numerous testimonies from victims or their relatives as well as statements by those who have witnessed arrests of people subsequently extrajudicially executed or who “disappeared” during recent years.

Since the August 1997 ambush organised by armed elements of the MFDC at Mandina Mankagne when 25 soldiers were killed, one constant feature of the period of violence which followed was that most of the violations were committed by soldiers in the context of arresting suspects either on the roadside or at their homes. By contrast, gendarmes who had been responsible for serious acts of torture in the past showed more restraint. In fact numerous witnesses told the Amnesty International delegation which was undertaking research on the field in December 1999 at the height of this period of ruthless repression, that “when someone is arrested by soldiers, he has little chance of lasting the night. If he is handed to the gendarmes, he has

a chance of living, even if he is imprisoned.”

Amnesty International provides below some of the information it has collected during several fact-finding visits to the area with a view to ending the impunity enjoyed for so long by the Senegalese security forces and bringing justice to the victims and their relatives.

5.2 The Djifanghor massacre (2 November 1998)

The largest massacre of civilians by the army since the beginning of the conflict in Casamance took place in Djifanghor Banjall, an outlying district 7 kilometres to the east of Ziguinchor, on the night of 1/2 November 1998. It happened after several attacks in this area by armed elements identified with the MFDC and, apparently, in reprisal for mines laid by some armed groups.

The day after the killings, more than 30 bodies were found in houses and on the edge of compounds. Whole families were decimated, for example all seven members of Félix Tendeng’s family were killed. According to survivors who witnessed the events, Adama Bassène, who was nine months pregnant, was killed and an old man, Samuel Bassène, had his stomach slit open.

The Amnesty International delegation met three survivors, including two women who had observed the massacre while lying on the ground in a corner at the edge of the village. All witnesses said that it was indeed the army which was responsible for the deaths.

One woman met by Amnesty International said:

“I had left the house to collect wood when I heard the noise. I hid myself and I could hear gunfire. I saw men in uniform go into my house and kill seven people from my family, including two children aged three and five years. They were all lined up facing the wall and they were killed. As they left, the soldiers burned some huts.”

Another survivor, Ernest Manga, wrote a testimony for Amnesty International, which stated:

“At about 9pm, the soldiers came. I heard cars which continued as far away as SERAS, where they got out and went towards the districts of Koucouhoutou and Djifanghor Banjall. A few moments after they arrived, they started shooting with bursts of gunfire.”

Ernest Manga explained that the soldiers had come because some people had been denounced and there were scores to settle:

“When the soldiers arrived in Djifanghor, they only targeted the Banjal Diolas [a sub-group of the indigenous ethnic group, the Diola]. The reason the Banjal were massacred is purely because of settling old scores. Some people must have deceived the soldiers by telling them we were rebels. They did not try to check carefully, they blindly hurled themselves on poor people, when the real problem is a question of land.”

The day after the killing, the military sealed off the zone forbidding anyone, even the regional governor, from visiting the site. The bodies were starting to decompose which brought the risk of an epidemic and it took a public alarm call by a political leader, Marcel Bassène, special advisor to President Diouf on the Casamance crisis in the early 1990s, before the military allowed the bodies to be buried, some 20 days after the massacre.

The few survivors of the massacre have never dared to return home, some being actively sought by the security forces. For example, Ernest Manga, whose testimony is quoted above was sought by the military for having dared to speak about what had happened. RADDHO called upon the Prosecutor in Ziguinchor to provide protection for Ernest Manga, but on 27 May 1999, he was arrested when visiting his father in Djifanghor. The military apparently accused him of providing Amnesty International with a list of the people killed in the 2 November 1998 massacre. No-one has seen him since.

During its visit to Senegal in June 2001, the Amnesty International delegation described in detail its concerns about the extent of this massacre of defenceless civilians and the total absence of any inquiry or judicial proceedings against those responsible. Unlike the policy of total denial which operated under President Abdou Diouf, several ministers and senior officials in the Ministries for the Armed Forces and the Interior did not seek to deny either the accuracy of this information or the security forces' responsibility, although they stated that it occurred in the context of a reprisal against people suspected of supporting the MFDC.

Amnesty International welcomes this clear progress towards acknowledging the truth and thus the suffering of the relatives of these victims, but the organization believes that judicial measures, reparation, public acknowledgement of these crimes and compensation are needed before the victims' families can mourn their losses.

5.2.1 Other extrajudicial executions

On 1 May 1998 a group of young men from Eloubaïr were extrajudicially executed by soldiers at Djiromaït where they had apparently gone to fish. They were Luc Bassène, Djemondon Sipouremending Bassène, Louis Diatta, Lamine Tendeng, Biram Manga and a sixth person whose name is not known to Amnesty International. At the time of their arrest, they were in possession of their identity cards and their fishing nets. They were killed on the spot by soldiers, apparently on suspicion that they were “MFDC rebels”, and hastily buried in a common grave.

An Amnesty International delegation met some villagers from Djiromaït who had gone to the site and dug up the bodies when they heard rumours about the events:

“We found the corpses there in their underpants. They had been crudely buried in one single hole. We dug a deeper hole and re-buried them at the same spot, they are still there. Our village chief intervened with the military and told them that they were fishermen and the soldiers threatened to kill him.”

Witnesses told the Amnesty International delegation that they went to complain at the Gendarmerie in Oussouye where they were well-received and listened to, but the gendarmes refused to go to the site to investigate or to open an inquiry. The bodies are reportedly still buried in that common grave and if there was a real political will to find the truth about this event, it would not be difficult to identify the bodies and the bullets which killed them.

Four other people arrested together on 26 November 1999 just escaped being extrajudicially executed. The four, Raphaël Bassène, Clément Tendeng, Alouise Manga and Gilbert Tendeng left the village of Kassoulou that day to attend a funeral in the village of Kailou. Amnesty International collected the testimony of two of them in December 1999, a few days after the events had occurred:

“We passed behind the military camp in Nyassia at about 11am. The soldiers asked to see our identify cards and said to us in Wolof: ‘You’re from Kassoulou, you’re rebels.’ They made us sit down and started to hit us with shovels and spades. They said that we must be killed.”

Fortunately for these four men, they had been seen by some women who were passing by. The women rushed to inform the village chief who went to complain at the sub-prefecture. The Sub-Prefect told him to see the Captain who went to the spot and ordered the release of the four men. The military paid for medical treatment for the two people most seriously affected by the ill-treatment.

The Captain gave them back their identity cards which had already been taken to the Commander; a sign interpreted by many observers that these people were going to be killed. These events took place just after several soldiers had been killed in the area by a landmine, which could explain the nervousness of the armed forces and their desire to take revenge on the civilian population. When the Amnesty International delegation met these two survivors, they saw that one of them had a deep wound on his skull and the other had a dislocated elbow

Amnesty International also gathered a testimony about an extrajudicial execution on 14 March 1998 at the southern zone military camp (COMZONE) in Ziguinchor. The witness who asked to remain anonymous was held in the same place and observed with his own eyes the torture and execution of Jean Basse, a civilian who had been arrested a few days earlier:

“They burnt his beard, his hair and his genitals with melted plastic. I was watching and they told me: ‘Watch this, it will be your turn next.’ The soldiers said: “We have received instructions from our commander to kill those we arrest.” Then they knocked Jean Basse down with an metal bar and one of them began stabbing him under his armpit. He did not even cry and he was dead. They took away his body.”

This witness who met Amnesty International was able to secure his own release because of an intervention at a high level. He had met Colonel Ibrahima Fall of the Gendarmerie, whom he described as a “kind person”, but the case has not been pursued and there has been no inquiry.

Throughout this period impunity and silence were the rule without exception even when a civilian was killed by a soldier seemingly without premeditation. Amnesty International collected one testimony which shows how in such a case, rather than acknowledging the facts and punishing the guilty person, those responsible within the military knowingly lied to the victim’s family so they could bury the body clandestinely. It concerns the murder of Paul-Ignace Bassène, a nurse from Nyassia, who was killed in his home at 7am on 29 May 1999. According to an eyewitness met by the Amnesty International delegation:

“One of Paul-Ignace’s children came out of the house to collect some mangoes. The soldiers saw a door open and close and they perhaps thought that a rebel had come out of there. They entered and saw Paul-Ignace sitting in his lounge. They asked him what he was doing there, he replied and a soldier opened fire on him in bursts, in front of his mother, his wife and children, injuring one of his fellow soldiers.”

Paul-Ignace Bassène did not die immediately. He was taken by the soldiers to the regional hospital in Ziguinchor. When the nurse died of his wounds later the same day, the military did all they could to conceal the death and protect the person who was responsible for the act. The military told the family that they had had to take Paul-Ignace Bassène to Dakar for intensive care treatment. The victim's wife went to the Senegalese capital and visited all the hospitals but could not find her husband. His body had been at the morgue for a few days and was going to be buried as an unidentified corpse when a relative learned that such a burial was going to occur. He went to have a look and recognised the body of his relative. No inquiry into this case has been opened despite the large number of witnesses to this extrajudicial execution.

Amnesty International received a testimony concerning another case which clearly shows how far the military will go to prevent the identification of a civilian who is killed on the road or in the fields. On 27 March 2000 two hastily dug graves were found in the region of Loudia Ouoloff. Some shoes and a bag, which were identified as belonging to Denis Sambou, who was born around 1982, had been placed on one grave. On the other, there was a pair of size 45 plastic shoes which apparently belonged to another man, called Daniel Samou, born in 1970. According to a testimony received by Amnesty International:

“The Imam and the deputy village chief both stated that they had personally asked the army to allow them to go and look for the villagers from Cagnout to help them identify the bodies. But the military refused categorically. The head of the military patrol ordered villagers from Loudia Ouoloff to dig two graves. He then commented that if the men had brought appropriate digging tools, no civilian would have been informed.”

According to the same testimony, the victims' identity papers had been taken by the soldiers who executed the two men.

5.3. “DISAPPEARANCES”

There has also been an increase in the number of “disappearances” since August 1997. These are cases of people who were arrested by the Senegalese security forces, but whose names do not appear on any lists of detainees and of whom there has been no news since their arrest. Almost half of the hundred or so cases of “disappearances” collected by Amnesty International since 1992 took place between the months of September 1997 and April 2000.

During the various fact-finding visits to Casamance, Amnesty International delegates met numerous relatives of people who have “disappeared” after their arrest by the military. They also met people who had witnessed some of these arrests, for example that of Amilitaire Diadia who was arrested on 28 November 1999 at the army post in Nyassia. This man aged around 30, was travelling from Oussouye towards Ziguinchor on a bus with some ten other people. He was travelling with a friend who told the Amnesty International delegation the circumstances of his arrest:

“We were travelling in the same bus and we had been checked several times at the Niambalang bridge, then at Dialang and each time we all got off the bus and handed over our identity cards without any problem. At the Nyassia checkpoint, we were again asked for our identity cards. My identity card was just above Amilitaire’s. When they called him to collect his, he replied in Diola: ‘Ndieme’ (I’m here), and this made the soldiers angry. It was about 6pm. The soldier put Amilitaire’s identity card back on the pile and when everyone had retrieved their identity cards, the soldier said to Amilitaire: ‘you’re not going through today’ and he told the driver to leave. His luggage and his belt for climbing up trees to collect palm wine were taken off the bus. Amilitaire realised what was going to happen to him. He gave me the bucket of rice he had bought and asked me to give all his belongings to his relatives. The bus left with us aboard and we left him there with the soldiers.”

The circumstances of his arrest show just how arbitrary the situation was at those checkpoints, especially between 1997 and 1999. This man had passed several checkpoints without problem by showing the same identity card and all it took was the decision of one soldier for his fate to be definitively sealed. The “disappeared” person’s older brother immediately intervened with the Prefect who informed the Governor but, to this day, no-one has seen Amilitaire Diadia and his name is not on any prison list.

In another case which Amnesty International has investigated, it seems that the “disappeared” person, Kelountang Bassène, was arrested by soldiers after a personal disagreement with a government representative, the sub-Prefect of Niaguis. The Amnesty International delegation met Kelountang Bassène’s wife, who told them how soldiers had come to arrest her husband at home at 1am on 16 September 1997:

“At 1am a man in civilian clothes knocked at the door. My husband followed him without his shirt and there the soldiers who were outside surrounded him and took him away. I went to the Gendarmerie in Bignona and the gendarmes asked me what proof I had to say that it was soldiers who had arrested him. I said that my son is in the 4th year at

school and he knows how to distinguish between soldiers and civilians. I told them: 'If you deny it, come with me to the military camp to see if my husband is there.' Our house is 15 metres from the military camp. But the gendarmes refused to go and asked me again to show them who had arrested my husband but I did not know. Since then I've given up and I am now alone with five children."

It seems that his arrest was the result of a settling of personal scores. The sub-Prefect was friendly with Kelountang Bassène and he often came to eat at his house. And then one day Kelountang Bassène was called in by the military and told that the sub-Prefect had accused him of "giving food and drink to the rebels". Kelountang Bassène denied the allegations and he was released. A few days later some men came to his house to arrest him in the middle of the night. No-one has seen him since.

In several cases those arrested by soldiers and who had then "disappeared" had been denounced as "rebels" by paid informers. That is what happened in the case of Amaye known as Diaghoulé Diatta, a leper aged around 60 who had lost the use of his hands. On 11 November 1998, this man was arrested by soldiers based at Oussouye when he was returning from a visit to his sister's house. Since his arrest, his family has had no news of him.

Another arrest which seems to have been the result of a denunciation is that of Georges Gnioulé Bassène a 38 year-old physical education teacher at the Joseph Faye College in Oussouye on 1 November 1998. This man was arrested while in a vehicle with two priests, both ordained members of the Piarist Congregation and in charge of the Joseph Faye college. The soldiers, who were with a person known to be a paid informer, made Georges Gnioulé Bassène get out of the car at the point where the road leads to Singhalène on the edge of Oussouye and ordered the driver of the vehicle to leave. The two priests tried to protest, but the soldiers told them it was simply to check his identity. Georges Gnioulé Bassène was apparently taken towards the military base of Elinkine. No-one has seen him since.

This practice of denunciation has also been used to settle personal scores. Amnesty International has collected several testimonies which confirm that if anyone wanted to get rid of an enemy, all they needed to do was denounce them as a "rebel" or a "rebel sympathiser" to the military. This was what happened in the case of Abdou Karim Sambou, father of nine children who was born in Niaguis in 1963. A teacher by profession, he was arrested by soldiers at Niaguis on 30 August 1998. No-one has since seen him alive. According to information available to Amnesty International, Abdou Karim Sambou appears to have been denounced as a "rebel" because his wife was in charge of the Rural Bank. Some villagers decided to get rid

of the husband of their creditor by denouncing him as a MFDC “rebel” after the couple made a formal complaint to the Gendarmerie about them. The complaint had been made by the couple, following the villagers’ non-payment of debts, after they had been called upon to repay them. Abdou Karim Sambou’s wife has made many inquiries with the military authorities and the Gendarmerie, but she has never been able to find out what happened to her husband.

Any Casamançais civilian could therefore fear being arrested and “disappearing” at a checkpoint on the basis of an anonymous denunciation that would often not be verified by the security forces. This is what happened to hundreds of men and women arrested, tortured, killed or who “disappeared” during the past decade after being denounced apparently by people who bore a grudge against them for one reason or another. These anonymous denunciations meant that often the family of a “disappeared” person would have had no idea why their relative had been arrested.

One of the most recent cases documented by Amnesty International concerns Moïse Ndoye Diatta, a man aged around 40, father of six children, who worked during the tourist season at the Hotel Savannah in Cap Skirring. In November 2001 an Amnesty International delegation met his wife who related the circumstances of his arrest:

“On Friday 2 April 2000 my husband had finished his work around 3pm and he went with one of our children to attend a Holy Week service. Soldiers came to arrest him at home in front of his brother, Célestin Diatta and two other children who witnessed the arrest. I was not there, but when I came home my husband’s brother told me that the soldiers had tied up Moïse, hit him and put him in a car. I went with the village chief to see the soldiers and I said to them: ‘I know this is a war situation, if you were the ones who took my husband, you must tell me.’ The soldiers told me that they had not arrested my husband, but that they were going to investigate.”

In June 2001 the Ziguinchor examining magistrate called Moïse Ndoye Diatta’s wife and asked her if her husband was a “rebel”. She replied: “No” and so the magistrate asked: “Your husband works six months a year at the Hotel Savannah, what does he do the rest of the time?” His wife replied that he got involved in some agricultural work. She told the Amnesty International delegation that the magistrate had spoken in a very “kind” manner and promised her he would do his job. The magistrate did indeed hear testimony from three eye-witnesses to the arrest, the brother of the “disappeared” person, and the two children who saw the soldiers arrive, but Moïse Ndoye Diatta’s family has never been informed of any progress in

the inquiry.

In some cases, the “disappeared” people were seen alive in a military camp before all trace of them was lost. Adrien Sambou who was arrested by soldiers in July 1998 in Cabrousse is an example. He had gone to Guinea-Bissau but after the intervention of Senegalese troops there, decided to return to Casamance. While en route for Djirack he was arrested by soldiers who took him to Cabrousse. A palm-wine collector saw him in a military camp and confirmed that Adrien Sambou had for two days been “doused with diesel oil” before being taken to an unknown destination. His relatives who were alerted by this witness have not dared to lodge a complaint.

In one case, witnesses said they heard the voice of those arrested and ill-treated by soldiers before they disappeared without trace. For example, during the night of 29/30 March 2000, people living around the military camp of Djoher, on the Oussouye road, recognised the voice of Antoine Nyafouna, aged around 40 and from Caléane, near to Nyassia, who was apparently crying out while being beaten and claiming his innocence.

His wife, who met an Amnesty International delegation, related that her husband had been to Etomé (17 km from Caléane on the road to Ziguinchor) on Tuesday 28 March 2000 for a funeral. The following day, 29 March, he began his journey home. When they reached the Djoher area, (some 2 km outside Caléane), soldiers had blocked the road, because of an MFDC attack. Antoine Nyafouna waited for the soldiers to let him pass and then went towards his home which was nearby. People saw him on his bicycle passing a few hundred metres in front of the military checkpoint at Djoher. Since that time, no-one has seen him.

As he did not arrive Antoine Nyafouna’s family became increasingly worried, especially when, very early the day after his “disappearance” a neighbour came to ask if he had returned. The neighbour said that the previous night he and his wife had heard someone sounding like Antoine Nyafouna screaming at Djoher, military camp confirming that he lived in Caléane and was not a member of the MFDC.

Antoine Nyafouna’s wife made a statement at the Gendarmerie and the gendarmes called in villagers from Djoher to hear their story. One of the witnesses who heard the cries from Antoine Nyafouna at the military camp apparently withdrew the statement he had made before the examining magistrate after a gendarme told him he had been “stupid” to reveal what he had heard. The family of the “disappeared” person has never been contacted by the judiciary in spite of the right to be informed about any progress in this inquiry.

In another case, the “disappearance” of Ephrème Diatta in April 2001, one of his friends saw him still alive in the hands of the security forces at the Gendarmerie in Cabrousse before his family lost all trace of him. The Amnesty International

delegation met Ephrème Diatta's wife who told them what she knew of her husband's "disappearance":

"On Wednesday 19 April 2000, my husband went to Cabrousse to repair the tool he uses to extract palm wine which had broken. When he did not come home, I went to Cabrousse where I met one of his friends, a teacher, Dominique Diatta who is also a representative of the Alliance des forces de progrès (AFP), Alliance of Progressive Forces. (This party is led by Moustapha Niassé, former Prime Minister under Abdoulaye Wade, and is currently in opposition.) My husband is also an AFP member. The teacher told me that a child had been present when Ephrème was arrested by soldiers just as he was about to get into a vehicle to go home."

Soldiers handed Ephrème Diatta over to some gendarmes who asked the detainee if he knew people in Cabrousse. He gave the name of Dominique Diatta, indicating that he was an AFP representative. Dominique Diatta was called to the Gendarmerie where he saw his friend tied up, but was not permitted to talk to him. When he asked the gendarmes why they had arrested Ephrème Diatta, they said: "we were told he is a rebel". Dominique Diatta made clear to the gendarmes that his friend was not a rebel, but a palm wine collector. The next day, the teacher went back to the Gendarmerie and was told that Ephrème had been released. He believed what he was told and so the teacher stopped worrying.

As her husband did not return home, Ephrème Diatta's wife went to Cabrousse where she met the AFP representative. They went together to the Gendarmerie, where the gendarmes denied having ever held the man. They went to see the military who confirmed they had arrested someone on Thursday 20 April and passed him on to the Gendarmerie. Despite the evidence, no-one has further news of the "disappeared" person. When Amnesty International delegates met Ephrème Diatta's wife, she told them: "I know he is dead". This example of an arrest resulting from an anonymous denunciation which leads to the person's "disappearance" is typical of a policy implemented over many years by the security forces in Casamance.

5.3.1. Two complaints lodged by families of the "disappeared"

In 1999, in a move designed to test the declared will of the Senegalese government to put an end to the impunity enjoyed by the security forces, the *Collectif des cadres de Casamance* chose two representative cases of "disappearances" which clearly show that the security forces were responsible for the arrest of the people who have since "disappeared".

The first case chosen by the *Collectif* is the “disappearance” of Jean Diandy, who was arrested by soldiers at his home on 2 August 1998. Jean Diandy’s wife, who was not at home at the time of the incident, learned from eyewitnesses on her return that a group of soldiers had found her husband at home, wearing no shirt, and took him away. Sources told her that he was at the COMZONE. She went there, but the soldiers told her that her husband was not there.

Amnesty International met Gaston Sagna, who was arrested at the same time as Jean Diandy and released shortly afterward. He told the Amnesty International delegation about the circumstances of arrest:

“I was in the middle of eating mangoes with Jean Diandy at his home when the soldiers came to arrest us. It was about 5pm. We were taken in a military vehicle and driven to the abattoir in Boutoute. I was released there.”

Jean Diandy’s wife went to make a statement at the Gendarmerie where she says she was well-received. But since then, she has had no news of her husband.

This is a particularly important case. The only “disappearance” cases which Amnesty International has selected as providing evidence of security forces complicity have been those where people have been arrested by soldiers or gendarmes in the presence of witnesses or where the organization has had reliable indications that they were in the custody of the security forces before they “disappeared”. However, it is very rare that a co-detainee of the “disappeared” person can testify that this person was indeed detained before they “disappeared”.

The case of Jean Diandy’s “disappearance” is therefore particularly valuable as there is another person, Gaston Sagna, who was arrested at the same time but released shortly afterward. This witness has been interviewed by the examining magistrate in Ziguinchor and he reportedly confirmed being arrested by soldiers at the same time as Jean Diandy. Despite this major testimony, which does not seem to have been adequately checked for accuracy (in particular there has been no confrontation between the witness and the soldiers at the camp), the magistrate has already filed the case. This was confirmed in the official reply from the Senegalese government to Amnesty International which stated: “The file was closed and the case discharged on 7 August 2001.”

Although it is not possible to comment on the reasons the magistrate took this decision, as these have not been provided, it must be highlighted that in this case the rules of procedure have not been respected. The decision to drop the case has not been communicated to the family of the “disappeared” person, nor to their duly

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appointed lawyers. Not only does this show a lack of respect for the suffering of the family of a “disappeared” person, but it also deprives the family’s lawyers of the right to appeal against the decision.

The other case taken up by the *Collectif des cadres casamançais* is the “disappearance” of Alexis Etienne Diatta. The Amnesty International delegation met this “disappeared” person’s father who explained the circumstances of his son’s arrest on the night of 18 July 1998 between 11pm and midnight at their home in Ziguinchor:

“I saw the people parked 100 metres away in a white four-wheel drive car without number plates. They came with a torch in their hand and when they saw Alexis, they said : ‘Mome la’ (‘That’s him’ in Wolof). They strapped my son up and put him in the vehicle.”

This witness told us that a neighbour had run behind the car and confirmed seeing it heading towards the military camp. Amnesty International has received other testimonies which confirmed that this white four-wheel vehicle without number plates had been seen either just before or just after the arrests of civilians by armed men.

The day after the event, Alexis Etienne Diatta’s father went to the Escale Gendarmerie station in Ziguinchor. The gendarmes who knew his son well apologised for his disappearance and said they would look for him. For a whole week, the father went each day to see the gendarmes. Finally, in exasperation, he told them: “If my son is dead, tell me so that I can rest.” No-one has since received any news about this young man.

In their July 2001 reply to Amnesty International, the Senegalese government stated: “The judicial investigation is underway and on 22 February 2000 the examining magistrate issued an instruction to the Procuracy.” Their reply does not specify whether since then, a period of more than two years, any judicial measures have been taken to accelerate the handling of this case and to relieve the family from their feelings of uncertainty which are, despite everything, mixed with hope.

6. IMPUNITY IN TORTURE CASES

For many years Amnesty International has denounced the impunity enjoyed by the security forces in Casamance for the acts of torture they committed against civilians throughout the 1990s regardless of the gender or age of the victim.

As with other serious human rights violations committed by the security forces, the Senegalese authorities have long satisfied themselves with a blanket

denial of information published by Amnesty International and with statements that the Senegalese authorities, and in particular President Diouf, have always been opposed to torture.

Amnesty International has noticed a change in the attitude of the military and administrative authorities with regard to torture too. In June 2001, the organization's delegates raised this question with those responsible for the COMZONE in Ziguinchor with reference to the relatively recent torture of Raoul Mendy.

This young man was born in 1976 and had sought refuge in Guinea-Bissau in 1992, where he had become a trader. In the context of his work, he travelled regularly to Ziguinchor to buy goods to sell. He told the Amnesty International delegates what happened to him when he was arrested by Senegalese soldiers on 3 December 2000 at the Bréguédié border post:

“There were three soldiers at the border post. They asked for my identity card, one soldier looked at it and gave it back to me. Just as I was about to leave, a lieutenant called me back and asked again for my identity card. They took me to the military camp. They took off my clothes leaving me only my underpants. I asked them why, but they did not reply. They put me in a hole in the ground which was a metre deep and four metres long. I was tied by my hands and feet and they hit me as I was lying in the trench. While they were hitting me, they asked if I'd known about the rebel attack on a lorry. I said 'No'. They accused me of being a spy and giving rice to the rebels. I stayed in the hold until 'Monday night'. They took me out and made me 'roll' in dirty water, one soldier stood on my stomach and they poured dirty water in my mouth. I just had to swallow it and then I vomited. Then they took some empty bleach containers and they burned them pouring the melted plastic on my body. The plastic stuck to my body. Afterwards, they poured lemon juice and salt on my body which stung badly.”

Fortunately for Raoul Mendy, a young boy noticed the trader's bicycle at the military camp and immediately alerted his family, who had a highly-placed relative in Ziguinchor and so were able to alert Colonel Seck, the COMZONE commander. Colonel Seck first stated that he could not believe such a story would be possible, but when Raoul Mendy's family insisted, he telephoned the lieutenant concerned who confirmed that he had not detained the young man. The Colonel told the lieutenant: “If anything happens, you'll be in trouble, because I have told you to stop all torture.” It was at this stage that the lieutenant admitted detaining Raoul Mendy. He was taken to a military hospital where he was kept for two months, but the scars from the melted plastic are still visible and painful to this day. (See photograph)

Although in the past the Senegalese military would have done all they could to silence such a story, Amnesty International is pleased to note that those responsible for the COMZONE, whom they met in June 2001, recognised that the incident had occurred and said that the lieutenant (whose name is known to Amnesty International) was placed under close military arrest but then transferred and that his case was the subject of an investigation to be carried out by the gendarmes.

Amnesty International believes that a simple transfer is an inadequate measure given the seriousness of the accusations against this officer. While awaiting the outcome of the Gendarmerie's investigation, this lieutenant should be suspended from any duty where he could commit further human rights violations or intimidate the victim, witnesses or the investigators. The organization hopes that this case, which for once has not been challenged by the Senegalese authorities, will be treated with all necessary rigour to show the other security forces that past practices are no longer permitted and above all that they are not protected by impunity.

During the past decade, Amnesty International has been able to gather numerous cases of torture but despite various public declarations, no perpetrator has been brought to trial. As in the cases of extrajudicial executions and "disappearances", most of the people were arrested and tortured after being denounced. This is what happened to two tree planters, Stanislas Kabou and Osiris Ndecky. On 24 May 1999 they surprised a group of young people who were collecting apples and cashew nuts in the orchards and they confiscated the identity cards of some of them so they could identify them. The young boys went straight to the military checkpoint and said that the two planters were rebels who had grabbed their identity cards. The two planters were arrested by soldiers and taken to the COMZONE where they were hit all over their bodies with electric cables. On the night of their arrest, the soldiers who came on duty asked for candidates among the detainees to be killed, while sharpening their daggers and saying that they were going to kill all the "rebels". They were released on 26 May 1999 after several people intervened to verify that these two people really were simple planters.

Another person, Edouard Badiane was denounced because he owned a hunting gun. The military came to his home in Niaguis on 13 May 1999. Edouard Badiane gave them his gun and his two remaining cartridges. He was arrested with his brother and transferred to the COMZONE. During the journey, the two men were made to lie down and stamped on by the soldiers. When they arrived at the southern zone military camp, they were taken to a cell with their hands tied behind them, and were put in a coffin filled with sand. That was how they passed their first night in detention. The next day, they were hit with electric cables. On 25 May 1999, they appeared before the examining magistrate and were charged with "illegal possession of a 3rd category weapon and ammunition" and were given a suspended prison sentence of three months.

Amnesty International collected other testimonies about methods of torture used by the security forces in 1998 and 1999 which included:

Burning the genitals with cigarettes;
 Spraying someone with engine oil;
 Interrogating someone held upside down and beating them;
 Pouring melted plastic on the body.

This last method has been criticised for many years by Amnesty International and other Senegalese human rights organizations, like RADDHO. Moreover Amnesty International has received other information which indicate that Senegalese troops also used this torture technique in Guinea-Bissau during their military intervention there in 1998.⁹

In addition to the case of Raoul Mendy mentioned above, Amnesty International has collected information about two other people who have been subjected to this brutal practice. Around mid-March 1998, Ibrahima Mané, a young man aged 19, left Niaguis to go to Ziguinchor to obtain his identity papers. He was arrested by soldiers at the checkpoint in Adéane and tortured. His body was burned by melted plastic and he was sprayed with burning ashes.

Throughout the last decade, even old people were not spared this brutality. In December 1999, the Amnesty International delegation met Bienvenue Sagna, a man aged 78, who lives in Bouroufaye, 7 kilometres from Ziguinchor. In early May 1998, he was pressing cashew apples when he heard gunfire. He went home and some soldiers arrived claiming someone had entered the house. He was taken to the COMZONE where he was hit all over his body with a studded stick in front of his wife and his sisters who screamed with terror. Once the women were released, the soldiers tied Bienvenue Sagna to the ground and poured a melted plastic bottle on his back.

Bienvenue Sagna told the Amnesty International delegation about the treatment he had suffered at the hands of soldiers:

“Under their blows, I could no longer feel my body. The soldiers were saying to me: ‘Speak, speak, tell us something’. Fortunately, I understand a little Wolof, but I did not understand all they said. They asked me if I sent my children into the forest and if I made food for the rebels. They ripped off the cross I had around my neck and they almost strangled me with their hands.”

The soldiers finally took the detainee to the Gendarmerie two days later where the gendarmes took good care of him. They were surprised the soldiers could beat such an old man. He was released a few days later.

When the Amnesty International delegation met Bienvenue Sagna in December 1999, the old man still bore the burn marks on his back. His wife told the

⁹See Amnesty International report: *Guinea-Bissau: Human rights in war and peace* (AI Index 30/07/99).

organization's delegates that since his arrest, her husband often loses his balance and falls to the ground.

6.1. Ill-treatment and in particular sexual violence against women

Women have not been spared the indiscriminate human rights abuses which have afflicted hundreds of Casamançais civilians through the past decade. In their fight which they have seen as a struggle against everyone suspected of supporting armed elements of the MFDC, the security forces have often accused women of feeding and lodging MFDC "rebels". Others have been taken hostage because their husband or a relative who was wanted was not there. Some of the women who were arrested were tortured and sometimes raped, or threatened with rape. Amnesty International has documented such acts of violence in previous reports.

The practice of taking women hostage has continued in recent years. For example, on 23 December 1997 in Boulome, some soldiers arrested Khady Ahoba Sambou Tendeng and her newly-born baby. The woman was taken to the military camp in Boulome where she was kept in detention for four days. According to information collected by Amnesty International, this woman appears to have been held as a hostage because the army was looking for Raymond Tendeng, the son of her dead husband, who had fled.

On 19 May 1999 Ciré Sané who had left Ziguinchor to gather palm oil from Koundioundou, was arrested on the road by soldiers. This was apparently with a view to obtaining information about the whereabouts of her brother Lansana Diédhiou, a retired driver at the Ministry of Public Works. That same night, soldiers went to Lansana Diédhiou's home but as they did not find him there, they arrested Ciré Sané's husband, Malang Diédhiou. He was tortured before being handed over to the Gendarmerie in response to the protests his relatives made to the civilian administration.

On 27 May 1999, in the village of Basséré, a group of women were taken hostage to force their partners or relatives to give themselves up. At that time of year, the villagers worked together in the fields and the men had gone to clear the fields in preparation for the new crops. Suddenly, a military plane flew over the area and the men hid in the forest out of fear. The previous day an explosion had occurred on the road linking Basséré and Nyassia, which had reportedly been mined by MFDC elements.

When the soldiers entered Basséré village, they found only children, old people and some women who were cooking rice in the village chief's compound.

This is the testimony of one of the women met by Amnesty International:

"When they (the soldiers) entered, they asked what we were doing in the village chief's home. We replied saying that we Christian women were organising a celebration. They again asked us the question: 'and your

husbands?’ We replied: ‘they’ve gone into the bush to clear the fields for cultivation.’ The soldiers did not believe this.“

These women were denied the right to leave the village chief’s home for several days. After two days of false imprisonment, one of the women asked for permission to go to her home to change her clothes, but the soldiers refused. Amnesty International has been able to collect the names of 11 of these falsely imprisoned women: Suzanne Sagna, Marie Sagna, Béatrice Sagna, Adèle Sagna, Rosalie Bassène, Marie Manga, Thérèse Sagna, Véronique Sagna, Virginie Sagna, Anna Sagna and Mélanie Sagna. Two elderly men were also taken hostage: Bénédict Sagna and Alfred Manga.

According to the testimony of another woman, the military also killed several people during a raid between 27 and 28 May 1999 (see table of extrajudicial executions, Appendix III). This woman added that the army had also burned numerous homes in Basséré and “emptied the granaries of rice and the seeds selected and stored in jars or bags for the next season. They told the women that the bags were not kept for seeds but that they were for the rebels. That is why they took them.”

Although all this information about torture and ill-treatment was featured in the memorandum sent to the Senegalese authorities in April 2001, the Senegalese government’s reply did not make any mention of such incidents committed by the security forces in Casamance. Amnesty International hopes that this silence does not indicate a willingness to ignore these serious acts of torture.

Amnesty International wishes to recall that Senegal is obliged, under the provisions of Article 12 of the United Nations Convention against Torture, ratified by Senegal in 1986, to open an impartial investigation each time there is reasonable ground to believe that an act of torture has been committed, whether the victim has lodged a complaint or not. The examples given above which provide the names of the victims, the place and date of the events, as well as first-hand accounts by witnesses, provide sufficient evidence to justify the opening of independent judicial inquiries.

7. REPARATION FOR HUNDREDS OF PRISONERS OF CONSCIENCE HELD FOR YEARS WITHOUT TRIAL

During a Council of Ministers meeting on 8 March 2001, President Wade stated that he had “decided to apply a measure of leniency with regard to all those who are today imprisoned for reasons directly or indirectly linked to the painful events in Casamance”. At that same meeting, the Head of State asked the Minister of Justice to grant all these detainees conditional release. This happened one week before the first of two peace agreements were signed between the Senegalese government and the MFDC, respectively on 16 and 23 March 2001.

A few days later, an unknown number of Casamance prisoners, including 16

held in Kolda prison (in Casamance) were freed, but during a fact-finding visit carried out in June 2001, an Amnesty International delegation found that some people were still held without trial on charges of “threatening State security” and of “plotting with a view to threatening the integrity of the nation”. According to information available to Amnesty International in early 2002, three people are still held under these charges at Rebeuss prison in Dakar and a number of others, although the precise figure is difficult to assess, may still be held in this connection in Casamance.

However, the decision taken by President Wade in March 2001 to release all prisoners held in connection with events in Casamance provides an opportunity, if it is genuinely implemented, to put an end to one of the major human rights violations in Senegal throughout the last decade. By that we mean the detention without trial for months or even years of people charged with threatening State security. Most of them appear to have been prisoners of conscience held by the Senegalese government as a bargaining chip for use in their negotiations with the MFDC without any evidence that they had participated in acts of violence or had incited such acts.

Over many years Amnesty International has investigated the cases of Casamançais civilians detained without trial. The organization’s delegations have visited the area on several occasions to meet these prisoners as well as various magistrates handling their cases, the few lawyers who have been involved in assisting these detainees, politicians from all sides, government officials and opposition political parties.

As a result of these various fact-finding visits, Amnesty International has reached the conclusion that the hundreds of civilians held in connection with the Casamance conflict were almost all prisoners of conscience. This is based on the following observations:

- ∅ Hundreds of civilians have been arrested following anonymous denunciations, on the basis of lists which usually only feature the surname and first name. This makes it possible for these people to be arrested as a result of mistaken identity because in Casamance, as in the rest of Senegal, there is a limited number of family names. Thus, numerous people have been arrested solely because they have a Diola name. At times of heightened tension in the Casamance conflict this was reason enough to raise the suspicion of the security forces.
- ∅ In order to extract confessions, most of the detainees were severely tortured during the period of *garde à vue* detention. This period, during which the suspect can be held incommunicado for interrogation purposes, must not exceed four days. However, when the suspected offence concerns a threat to State security, as is the case with the Casamançais prisoners, the Code of Penal Procedure makes provision for this period to be extended to eight days before a detainee has to be brought before the *parquet*, the office of public prosecutions.

- ¢ All the detainees have been charged with “threatening State security and national territorial integrity” on the basis of confessions extracted as a result of such torture.
- ¢ These people have had no opportunity to confront those who denounced them and many have not had access to a lawyer.

Two other fundamental issues explain why people were held without trial for so long and why they were released at a given time:

7.1. Lack of any will to bring the prisoners to justice

From all the information gathered from prisoners, lawyers and magistrates it seems that once the prisoners were charged, no serious judicial process was started to ensure they would be brought to justice. So some detainees spent months or even years without seeing a magistrate or ever being interrogated, even on one brief occasion. The then chief examining magistrate who met an Amnesty International delegation in 1999 acknowledged that the accused prisoners had not been able to confront those who denounced them in order to maintain the latter’s anonymity. This magistrate also stated that evidence, such as arms kept under seal, had never been shown to the people accused of having possessed them.

7.2. Releases for political, not legal, reasons

Amnesty International has also noted that successive waves of conditional releases of Casamance detainees have always been decided by the political authorities and never by the magistrates responsible for the cases. Such measures have been used when the political authorities want to make a goodwill gesture to the MFDC to encourage them to start peace negotiations. Whenever there is a new step towards opening negotiations, the authorities release a new group of detainees, without any apparent indication that they are more or less guilty than those who have the misfortune to remain in detention.

The last three waves of releases clearly indicate the link between progress in peace negotiations and releases: in February 1999, one month after his first meeting with Father Diamacoune in Ziguinchor, President Abdou Diouf released 123 Casamançais prisoners, most of whom had been held without trial for four years. In early 2000, a few days after a cease-fire agreement was signed in Banjul between the two parties, President Diouf announced the release of 41 others. President Wade’s March 2001 decision to release the remaining Casamance detainees, a few days before the two peace agreements with the MFDC were signed, must be similarly interpreted as a goodwill gesture.

These releases which follow no judicial process serve to prove what Amnesty International has been insisting upon for many years: that most of the Casamançais civilians held in the context of this conflict have been used as bargaining chips in

government negotiations with the MFDC and that they are therefore prisoners of conscience, that is people imprisoned for, among other things, their political opinions or ethnic origin, without using or advocating violence.

In their July 2001 reply to Amnesty International, the Senegalese government categorically refuted this analysis. They stated that the waves of releases of Casamançais detainees could be explained by the fact that their “detention is no longer required to establish the truth” and that therefore, they are “provisionally released on the request or by order of the examining magistrate”.

Over the years, Amnesty International has continuously collected testimonies which contradict that version of events. For example, in January 1997 and December 1999, Amnesty International visited two Casamançais prisoners, Hubert Bassène and Clobot Diatta, who were arrested in 1994 in Guinea-Bissau and extradited to Senegal a few days later where they were detained at Rebeuss Prison in Dakar. During these two visits, Amnesty International discovered that the judicial investigation into their cases was not progressing. The chief examining magistrate had never once interviewed them and their case was still not settled five years after their arrest. What is more, as in the cases of hundreds of other Casamançais prisoners held during the last decade, there was no perceptible sign of any will to bring them to trial and the judicial authorities openly acknowledged that these people would probably not be tried. In the specific case of these two detainees their continuing detention was all the more incomprehensible in that a third person, arrested at the same time in Guinea Bissau and charged with the same offences, had been released in one of the waves of releases ordered by President Diouf. There was no way of knowing what had motivated Marcel Diatta’s release or the continuing detention of the other two.

In their July 2001 reply to Amnesty International, the Senegalese government stated that in this case, these two detainees had been “provisionally released because their detention was no longer necessary for the purposes of investigation and because their release was no threat to public order”. However, according to Amnesty International’s information, they were released on 16 March 2001, one week after the Head of State’s decision to provisionally release all Casamançais detainees. This new “coincidence” seems to confirm once more the political nature of the decision to hold these detainees for nearly seven years and to release them on the very day that the first peace agreement between the Senegalese government and the MFDC was signed.

More generally, the Senegalese government rejects the idea that these detainees held for years without trial could serve as a bargaining chip. The Senegalese government’s reply states that:

“The decision about whether people are released or remain detained is determined by the needs of the judicial investigation and public order rather than by deals between the parties. A deal presupposes a reciprocal arrangement, yet it is nowhere mentioned in the relations between the State of Senegal and the MFDC, that there is a government undertaking

to provisionally release common law detainees.”

However, the statement issued from the 8 March 2001 Council of Ministers meeting, as reproduced in the newspaper *Le Soleil* of following day, specifies the reasons which led the Head of State to take the decision to conditionally release all detainees held in connection with events in Casamance (See Appendix VIII).

Interestingly, not one of the reasons given is based on legal considerations. The article refers to the Casamance people's attachment to a single, unified Republic of Senegal, a measure to promote peace and above all, "the willingness of Father Augustin Diamacoune Senghor to opt for peace." This official statement supports the idea that the presidential decision to release all the Casamançais prisoners was taken on the basis of opportunistic political considerations rather than any judicial reasons.

In addition to this underlying question which fundamentally challenges whether there was any legal basis for these long-term detentions without trial, the hundreds of people detained over the last decade have a right to moral rehabilitation and financial reparation for their treatment. The Council of Ministers statement of 8 March 2001 makes it clear that these Casamance prisoners have been conditionally released, like those released in earlier waves by President Diouf. The judicial authorities could therefore confront them at any time and they live with the knowledge that none of the acts to which they were previously subjected are seen as requiring justification. The very phrase "measure of leniency" which was used in the Council of Ministers' statement clearly shows that the Senegalese government feels that the arrest of these people was justified.

This is precisely what the Senegalese government said in its July 2001 reply to Amnesty International. They reproached Amnesty International for concluding that these detainees were prisoners of conscience on the basis of: "subjective considerations insofar as their conclusion, which is shared by members of the MFDC, is reached solely on the basis of the dates the detainees were released." The Senegalese government also reproached Amnesty International for "bas[ing] its assertions on the testimonies of the family and friends of the detained people when the partiality of such people is so well-founded that the legislature in almost all countries rejects the use of this type of sworn testimony in judicial processes."

With reference to this accusation of "subjectivity", and even a lack of impartiality, it must be remembered that Amnesty International has carried out numerous fact-finding visits to the area and has met with all parties, not only detainees but also magistrates and politicians handling these affairs. The organization has collected a mass of corroborating evidence which proves that the Senegalese authorities have never had any intention of bringing these dozens of Casamance prisoners, who have been held in prison awaiting some progress in negotiations with the MFDC, to trial.

The purely political nature of these detentions was confirmed by judicial

officers, as well as by some members of the government, both under the presidency of Abdou Diouf and his successor Abdoulaye Wade. Several officials clearly stated that the Casamance detainees issue was purely political and was beyond any judicial authority. For example, one of the magistrates responsible for these cases told the Amnesty International delegation in June 2001 that “ [as] there are no longer any charges against the Casamançais, it will now be settled at the political level.” One minister met on the same visit said that, despite President Wade’s decision to release all the detainees, “these releases are being delayed, because the State has given its part but has had nothing in return from the MFDC”.

Amnesty International therefore believes that, following President Wade’s decision taken in March 2001 to release all the Casamançais detainees, it is now time to ascertain whether all these people have indeed been freed and to make restitution, both materially and judicially, to those who have seen their own, and their family’s lives shattered.

With regard to the Casamançais prisoners who remain in prison despite the March 2001 decision taken by President Wade, the Amnesty International delegation was able to meet the last three people held without trial on charges of “threatening State security” and “plotting with a view to threatening the integrity of the nation”, at the Rebeuss Prison in Dakar. One of them, Michel Pereira, seemed to have lost his mind and he was reportedly being cared for at the Fann Hospital in Dakar. The Amnesty International delegation raised this problem in a meeting with the Minister of Justice in June 2001 and asked the Senegalese judiciary to review his case on medical grounds. The organization re-iterated this demand in writing by issuing a medical action in October 2001.

The authorities confirmed that they had requested a medical report but on their most recent visit to Senegal in November 2001, the organization’s delegates noted that this person’s mental health had not been examined. At the end of January 2002, Amnesty International finally learned that Michel Pereira had been freed on medical grounds. The organization welcomes this decision but reiterates its demand that all other prisoners held without trial in connection with the events in Casamance, including the two still held in prison in Dakar, Boubacar Mané and Bory Diédhiou, are freed in line with the Head of State’s decision taken in March 2001.

8. ABUSES COMMITTED BY THE MFDC

Over many years Amnesty International has regularly denounced abuses committed by the MFDC, whether it concerned the deliberate and arbitrary killing or the torture, including sexual violence, of civilians, especially those with non-Casamançais family names. Senegalese soldiers who have been taken prisoner or injured have also often been cold-bloodedly killed, with total disregard for the rules of international humanitarian law.

In particular, in July 1999, the organization published a report which focused exclusively on the shelling of civilian targets on two occasions in the region of

Ziguinchor, one of the most serious human rights abuses committed by the movement's armed wing.

In recent years, Amnesty International has persistently called upon the leadership of the MFDC to firmly condemn these abuses. The organization has also encouraged them to remind their troops of the rules of international humanitarian law which govern their actions and in particular common Article 3 of the four Geneva Conventions which recommends humane treatment for civilians and anyone taking no active part in the hostilities.

The MFDC leadership must also remove from any position of authority anyone who commits such abuses and give clear orders to all members to respect the rules of international humanitarian law.

When investigating abuses committed by armed elements in the context of Casamance, two problems arise:

8.1 The problem of attributing responsibility for armed activity

It has always been difficult to determine whether pro-independence rebel fighters or highway criminals were responsible for acts committed against the civilian population, whether it is raping women, laying mines, holding up vehicles or stealing cattle. While rebel fighters were pillaging and often holding civilians to ransom in order to obtain food and money, having no other means to sustain themselves, it seemed that criminals with no political motive, were sometimes tempted to give their acts of banditry the "aura" of the struggle for regional independence. These acts of banditry seriously escalated throughout 2000 leading to problems with neighbouring Guinea-Bissau. On several occasions the frontier was even closed by civilians who had had enough of seeing criminals steal their possessions and cattle and then seek refuge in Guinea-Bissau.

In February and March 2001, there was an unprecedented increase in such acts of violence when two vehicle convoys were held up in the northern part of Casamance and twenty people were killed solely because they had non-Casamançais family names.

For the months of October and November 2001 alone, Amnesty International noted some ten attacks either against passenger or commercial vehicles, or on tourist resorts which left several civilians dead or injured. The attackers were often not satisfied with robbing their victims, but also forced them to carry the stolen goods over several kilometres into the forest.

In the first week of November 2001, there was a further escalation. Until then, the victims had been freed once the stolen goods were safe, but then twelve employees of a public works company in northern Casamance were taken hostage by around 50 armed attackers who had stolen four of the company's vehicles. The following day, seven of the hostages were released in the Gambia, the others had

reportedly escaped and returned to Senegal. According to those who witnessed the attack, the armed attackers claimed to be members of the MFDC.

In other cases, the attackers have not revealed their identity. A case in point occurred on 21 November 2001 in an attack on the village of Djilane, some 80 kilometres from Bignona, during which a village chief was tortured and robbed of 2 million CFA francs (approximately 3,000 Euros).

In all its reports, Amnesty International has only mentioned events which it has been able to investigate for itself and where it has found evidence which indicates that those responsible identify with the pro-independence movement.

8.2. The problem of internal divisions within the MFDC

Despite the fact that for three years the MFDC leadership has chosen the path of a negotiated settlement with the Senegalese government, two peace agreements being signed in March 2001, armed attacks by people claiming to represent the MFDC have not stopped. This raises the question about what real authority the political leadership of the MFDC has over the different fighters acting in its name.

This question has been even more pertinent since the end of 2000 during which time the military leaders of two armed factions of the MFDC have been in open conflict. The dispute between different armed factions, has been replicated in a power struggle between those loyal to Father Diamacoune Senghor and his opponents who support Sidy Badji, the leader of the Northern Front, which laid down its arms after the 1991 cease-fire. Sidy Badji named himself acting Secretary General in November 2001.

Amnesty International's mandate focuses only on respect for human rights. This report will therefore not cover in detail the different phases of the dispute between the factions which led to open conflict in the second half of 2001.

Amnesty International notes these internal divisions and calls on all parts and factions claiming to represent the MFDC to respect human rights, as stipulated in international humanitarian law. For more than ten years, armed elements of the MFDC have been responsible for serious abuses against unarmed civilians and Senegalese soldiers who have been captured alive. Amnesty International has ceaselessly denounced these actions and urged that those responsible for such acts are removed from positions of authority so that they are unable to commit further similar abuses.

In order to assist in the search for truth and justice, Amnesty International publishes below the information it has been able to collect on abuses committed by elements identified with the MFDC over the past three years. A non-exhaustive list of more than 70 people killed by the MFDC since 1992 is reproduced at the end of this report (see Appendix VII).

8.3.1 The bombing of Ziguinchor in April and May 1999

In April 1999, armed elements of the MFDC shelled the town of Ziguinchor with rocket fire for the first time, killing four people and injuring more than ten. Amnesty International publicly condemned this act in a report published in June that same year entitled: SENEGAL: Casamance civilians shelled by the *Mouvement des forces démocratiques de Casamance* (MFDC), Democratic Forces of Casamance Movement (AI Index: AFR 49/05/99).

During its December 1999 fact-finding visit, the Amnesty International delegation visited the site of the shelling and noted that the MFDC shells had fallen onto private homes. One witness, who lost his daughter on 29 April 1999 in the shelling of his house, told the delegation:

“It was early in the morning, a little boy was being baptised. A shell fell on the house making a hole in the metal roof and injuring seven people, several children were injured by the fragments. There were two deaths: my little daughter Fatou Nano Dramé (aged 7) and a woman Diaban Touré (aged 70 years).”

In response to questions posed by the Amnesty International delegation in December 1999, Father Diamacoune reiterated that he had always forbidden his movement’s military branch from shelling towns and villages, but he did not rule out the possibility that uncontrolled elements or dissident factions of the MFDC had been responsible.

All observers met by the Amnesty International delegation in December 1999, named the faction led by Salif Sadio, who was reportedly hostile to the opening of negotiations or may have felt excluded from the decision-making process, as being responsible for the shelling of Ziguinchor

8.3.2. The May 1999 attack on the village of Mlomp

The Amnesty International delegation met several victims of the attack on Mlomp by armed elements on the night of 18/19 May 1999. The attackers seemed to know the location well and in two hours were able to pillage six shops and a snack bar, taking away large amounts of stolen goods.

The first witness met by the Amnesty International delegation ran the snack bar in the village. He said:

“At about 9pm four people entered the bar with leaves covering their heads. They said to me in French: ‘Hands up’, they hit me on the shoulder with a gun and they forced me to hand over the safe. I had never seen them before. They threatened the customers in the bar and stole their bicycles.”

Another witness told of his ordeal the same night:

“I was asleep, they woke me up and broke my torch. They hit me with a gun butt on my right eye brow, on my skull and a third blow to my neck. They were speaking a language I didn’t understand.”

Some thirty villagers – men and women, including four old people – were forced by the attackers to carry the stolen goods. One of these villagers told the Amnesty International delegation:

“We had to push our bicycles laden with stolen goods. Only the men were carrying and, after a while, the attackers let the women go. They spoke to each other in a Diola dialect spoken in the Karone Islands (a fast style, like in Djembering). We went through Diantène on to the forest of Casamance Park, we walked all through the night and had to cross rivers up to our necks in water, and they made us walk fast. Those who had difficulty walking were hit. When they let us go, they said to us: ‘if you see any soldiers, tell them that it was rebels who took you.’”

The theft and transport of stolen goods started around 11pm and continued until about 9am the next day, that is ten hours of forced walking. The villagers, mostly bare foot, carried heavy loads on their back and heads and received threats and blows when the attackers felt they were not walking fast enough. According to the testimonies gathered by Amnesty International, two of these villagers Amangayé David Manga and Amine Ehemba Manga, were tortured. One of the women, the second wife of the king of Mlomp, was reportedly slapped by the attackers.

8.3.3. The April 1999 attack on young Peul boys

The Amnesty International delegation also investigated a case where armed elements identified with the MFDC attacked five young Peul boys who were collecting cashew nuts at around midday on 15 April 1999 in Mandina Mankagne.

One of these young people met by the Amnesty International delegation said:

“We saw three armed men wearing torn combat fatigues in a tree. We tried to flee, but they opened fire on us killing one of us, Oumar Ba (aged 15). Then they threatened to kill us with a knife. The men were speaking Diola and we speak more Wolof. I was hit on the head with a large stick, another was hit on the ear and another on the neck. These men told us: ‘Go and tell the soldiers that we’ll be attacking them on 21 or 25 April’ and said: ‘Don’t come collecting cashew nuts again.’”

The young boys fled and left behind the dead body of Oumar Ba and Moctar Diallo who was injured by three bullets in his lower stomach. The young boys went to see the military who at first refused to go and look for the dead and injured boys for fear that the attackers might have laid mines. Eventually, the soldiers went to

collect the injured boy and took him to hospital where he remained under treatment for three months.

8.3.4. Attacks against women

Armed elements identified with the MFDC have also attacked women by taking them hostage and by subjecting them to sexual violence. For example, on 4 May 2000 four women were kidnapped from an orchard near to the border with Guinea-Bissau, in the village of Sanoun, near Samine. They were taken to an MFDC camp in Sindis, on Guinea-Bissau territory, where they were reportedly ill-treated and some of them allegedly raped. All four were released the next day, probably because one of them knew one of the rebel fighters.

During their fact-finding visit in December 1999, the Amnesty International delegation also met six Mankagn women who had reportedly been attacked and sexually assaulted on the orders of armed elements identified with MFDC. These events took place on 1 July 1999 in Saint-Louis Ziguinchor. That morning the women had left home to collect cashew nuts in the orchards when they were attacked by several Diola-speaking assailants.

One of the women, Diminga Ndécky, told the Amnesty International delegation:

“As we saw the men arrive, one of us called out and they hit us hard, breaking the skin, they must have cut us. They said they were MFDC rebels and told us: ‘We’ve told you to stop coming to the bush. The bush belongs to the rebels and the soldiers.’”

Another woman told how she had fainted as a result of the blows and that a young man had had to carry her to the village on his back. From there, the gendarmes took her to the regional hospital.

Several of these women said they had been subjected to sexual violence. Diminga Ndécky told the Amnesty International delegation:

“The rebels did not rape us because they could not have sex with women for fear of spoiling the influence of their ‘grisgris’. Because I was very plump, they accused me of carrying out perverse sexual acts with the soldiers. They removed my knickers with a knife, they spread open my legs and put sand and a piece of wood into my vagina using all four fingers. I began to bleed and I fainted. I thought I was going to die. I could not walk for five days.”

This young woman was taken to Ziguinchor hospital, by gendarmes from Boutoute where she remained in hospital for five months. More than two years after the attack, she still suffers from uro-vaginal problems and has continuous pain in the lower stomach. A medical certificate issued by

Ziguinchor hospital and reproduced below states that she had been “raped, beaten on the buttocks, thighs and back and she had been burned.”

Another women, Anna Malack, who had endured the same fate spent three months in hospital. Since that time, her menstrual cycle has stopped completely. Before being sexually attacked, the armed men told her: “The forest no longer belongs to civilians, it belongs to us and the soldiers. If you don’t want to suffer, stay in the town.”

All the women met by the Amnesty International delegation stated that they had great difficulty sleeping and the images of the violence they suffered are constantly recurring.

8.3.5. The deliberate and arbitrary killing of people with non-Casamançais family names

During two attacks in February and March 2001, some twenty people were killed by armed elements, claiming to represent the MFDC, solely because the people had non-Casamançais family names.

One witness of the attack which took place on 16 February 2001 near to the village of Niahoum told Amnesty International about the circumstances of these deliberate and arbitrary killings:

“We were travelling along a road in northern Casamance when our convoy was attacked. It was about 9am when some 40 armed men appeared on the road and forced us to stop. They burned the vehicles, hit us with gun butts and sticks, and then asked us for our identity cards. They separated out those with non-Casamançais family names and forced them to crouch down about 15 metres away from the road. Then they were cold-bloodedly killed. Thirteen died immediately, a 14th person died later of his injuries at the regional hospital in Ziguinchor.”

A witness of the second attack, which took place on 2 March 2001 at about 10.30 am near the village of Bélaye, told Amnesty International:

“Men armed with pistols and kalachnikovs stopped our convoy of about ten vehicles. They stole all our possessions and asked for our identity cards. They separated from our group seven people who had non-Casamançais family names. One of them, called Camara who was of Mandingo ethnic origin, said he was Casamançais. He even tried speaking to them in Diola, but he was killed with the six others after they had been forced to lie down on the ground.”

The fact that the armed elements responsible for these acts claim to be members of the MFDC was again apparent in the context of an attack against about ten civilians in Ziguinchor in the night of 3/4 January 2002. A member of the local

section of RADDHO who was a victim of this attack told Amnesty International how, after stealing all their belongings and forcing them to carry them out of town, the attackers asked for their victims' identity cards to check the origin of their names.

“They took to one side three people who had family names from the north. They were stripped down to their underwear and severely beaten. In Diola, the attackers said that they were part of the MFDC and they did not want autonomy or development for the region, just independence. Then they said to the three people with non-Casamançais family names that all the ‘Northerners’ must leave Casamance.”

8.3.6 Deliberate and arbitrary killings of armed elements of the MFDC by members of an opposing faction

In December 2000, disagreements between the armed factions of the MFDC led to open war between supporters of Salif Sadio, one of the rebel leaders who was apparently opposed to negotiations with the Senegalese authorities and the so-called “loyalists”, members led by Léopold Sagna, who was given the title of Chief of Army Staff and who accepted the policies of Father Diamacoune. In early 2001 Salif Sadio appeared caught as in a vice in the narrow strip of land between Guinea-Bissau, which closed its border from then on and “loyalist” troops and he apparently laid a trap for Léopold Sagna. Using the excuse of wanting to meet him to discuss the situation, Salif Sadio took him prisoner along with 50 of his men. According to corroborated information available to Amnesty International, Salif Sadio killed all the prisoners, including Léopold Sagna, before fleeing towards northern Casamance where he apparently remains near to the border with the Gambia.

8.4. MFDC reactions to information published by Amnesty International

On each visit to Casamance during recent years, Amnesty International delegates have met with various MFDC leaders, including Father Diamacoune, Secretary General of the MFDC until August 2001, Sidy Badji, leader of the Northern Front who laid down arms in 1991 and is currently a rival to Father Diamacoune with the title of Acting Secretary General, or one of the external representatives of the Movement, Nkrumah Sané, the historical second-in-command of the MFDC who has on several occasions been challenged by different rival factions.

While refusing to get involved in the internal politics of the MFDC, during the various meetings the organization's delegates have raised their concerns about the abuses committed by armed members claiming to represent the MFDC and have asked the political leaders, who in one capacity or another have stated that they represent and lead the movement, to do all within their power to put an end to these actions.

Father Diamacoune, who was the uncontested leader of the movement until early 2001, has over a long period claimed responsibility for armed activities by

rebel fighters in the name of their struggle against Senegalese soldiers and in two meetings with Amnesty International delegations, in January 1997 and December 1999, even acknowledged that some of his members have been implicated in abuses which he has himself firmly condemned.

This situation completely changed in early 2001 when part of the rebel movement led by Salif Sadio broke off all contact with the movement's political leadership based in Ziguinchor which made Father Diamacoune very angry. In a letter to Salif Sadio which was made public in April 2001, Father Diamacoune wrote to the military commander in the following terms:

“Your bad conduct and your total refusal to obey me is sullyng our movement and all of Casamance (...) You will answer for your bad acts, your bad conduct and above all your refusal to obey me before God, before Casamance and before history.”

In March 2001, following two massacres of unarmed civilians killed solely because they had non Casamance family names, Father Diamacoune went further in his accusations when he referred to Salif Sadio as a “serious criminal”. In a handwritten letter to Salif Sadio, the MFDC Secretary General wrote:

“Why do you claim my kinship, say that I am your supreme leader and, at the same time, commit abominable crimes and categorically refuse to obey me?”

Father Diamacoune went even further in November 2001 when he confirmed to Amnesty International that, in the first quarter of 2001, according to his information, Salif Sadio's men killed about 50 “loyalist” fighters, including the official MFDC Chief of Army Staff, Léopold Sagna, who had been taken prisoner some time earlier

In November 2001, Father Diamacoune again publicly condemned armed elements who claim to represent the MFDC when he said:

“I strongly condemn this behaviour and these attitudes which I consider to be acts of banditry... [Father Diamacoune urged] his dear MFDC fighters to strictly respect what they have been told is forbidden and to not threaten anyone (sic), to not attack civilians or innocent people [and] to not fire first on the Senegalese army.”

It is feared that, now that his leadership is more contested than ever within the movement, Father Diamacoune's urgings will have no more impact than his earlier appeals. Without getting involved with the deep divisions which are tearing this movement apart, Amnesty International calls upon all factions and all groups claiming to represent the MFDC to respect the human rights of unarmed civilians and combatants who are injured or taken prisoner, whether they are Senegalese soldiers or armed elements of hostile MFDC factions. Each of these factions must remove

from positions of authority any person who commits such abuses and take all necessary measures to ensure that such acts do not recur.

9. A SHARED RESPONSIBILITY: MINE-LAYING IN CASAMANCE

The use of anti-tank and anti-personnel mines in Casamance is nothing new. They have generated hundreds of civilian and military victims and contributed hugely to the economic decline of the region. These mines are or have been used indiscriminately by both sides in the conflict, and by highway criminals to cover escape from their crimes. The number of recorded mine victims is, fortunately, clearly diminishing according to the statistics of Handicap International. It is imperative that large-scale de-mining take place in this region, as hundreds of mines remain undetected in the region, one of the most heavily mined in Africa. Together with delayed-action bombs, which constitute a growing threat to the population, they are preventing any economic regeneration.

The March 2001 peace agreements provide for de-mining, but such work cannot proceed without substantial international support and serious efforts on both sides to stop further laying of mines. For many years, and at least until 1999, this weapon was readily available on markets in Guinea-Bissau at a price of 1,500 CFA francs (2.20 Euros) each while the search and destruction of mines costs at least 300 Euros a piece.

9.1. The MFDC's responsibility

The MFDC's responsibility for laying mines is beyond question. The MFDC leadership has admitted to Amnesty International representatives that they have used landmines in the past arguing that they were a legitimate defence. The MFDC has also acknowledged its responsibility in front of representatives of RADDHO and Father Diamacoune has on numerous occasions publicly, but without effect, called upon armed elements of his movement to stop laying mines. This is the conclusion of a RADDHO report published in May 1998, which confirms that the "rebel fighters have extensively mined the region in an anarchic manner and without using a map to record their positions in order to contain the movements of the army and sometimes to force the local population to abandon their villages."

The 2001 Landmine Monitor report states that: "The MFDC has never formally denied their use of mines. The MFDC use AP [Anti-personnel] mines "in a conventional manner", laying them in small amounts around their position or in order to protect themselves while withdrawing. Mines are also used to protect economic assets, such as cannabis fields."

9.2. The Senegalese army's responsibility

As far as the responsibility of the Senegalese security forces is concerned, the facts are more difficult to prove as the government has always denied using this weapon in Casamance. Whenever Amnesty International has raised the issue, the Senegalese

government has denounced it as serious misinformation and stated that “these allegations are both false, unfair and damaging to our country”. According to the Senegalese authorities, not only has the Senegalese army not laid any mines, because they have no “interest in mining their own territory” but they “remain the prime victim of the mines laid by the pro-independence armed groups which terrorise the population.”

However it does seem that, at least in the past, the army has laid anti-personnel mines to protect their military camps and to avoid attacks by armed elements of the MFDC. Amnesty International has received at least three testimonies from military sources which state that mines have been transported to Casamance and Guinea-Bissau (where Senegalese troops intervened militarily in June 1998). One of these testimonies, from a Senegalese soldier, quoted the case of a soldier who left the camp in the area around Mandina Mankagne in June or July 1997 to collect mangoes and inadvertently stepped on a mine which had been laid by his own colleagues.

RADDHO has also conducted an investigation and has concluded that the two parties share responsibility for laying landmines, even if the MFDC seems to have used them more systematically. In a report published in May 1998, RADDHO states that it is: “certain that the vast majority of the anti-personnel mines laid in Casamance were laid by rebel elements.” The organization adds that: “thanks to some indiscretions we also know that the army lays mines in security zones. The same sources have added that the army has a map of mine-fields which will facilitate the de-mining of the mined zones”

Also, during their intervention in Guinea-Bissau in 1998, the use of mines by the Senegalese army was publicly criticised in *Landmine Monitor Report 1999*, even though Senegal signed and ratified in December 1997 and September 1998, the Ottawa Convention on the Use, Stockpiling, Production, and Transfer or Anti-Personnel Mines and On Their Destruction.¹⁰

The use of landmines, by all forces in the Guinea-Bissau conflict, including Senegal, has been confirmed by other official sources, in particular the ECOMOG force commander in that country and by the United Nations Mine Action Service (UNMAS).

Despite the information produced by Senegalese and international human rights organizations and a UN agency, the Senegalese government continues to categorically deny that they are at all implicated in laying mines in Casamance and even that they have any stocks of this weapon. In their July 2001 reply to Amnesty International, the Senegalese government stated that “in the new English-language *Landmine Monitor Report* published in 2000, the accusations made against the Senegalese security forces have been completely removed.”

¹⁰See *1999 Landmine Monitor Report* which starts its entry on Senegal with the following words: “It appears certain that Senegalese troops used antipersonnel landmines in Guinea-Bissau in 1998.”

The Landmine Monitor 2000 report takes note of the Senegalese government's denials and congratulates the government on its undertaking not to use mines. However, according to Amnesty International's information, Landmine Monitor has never retracted its earlier statement. In its 2000 report, the paragraph devoted to the use of landmines by Senegalese forces in Guinea-Bissau ends with the following sentence: "Landmine Monitor believes that there was compelling, though not incontrovertible, evidence that led to its conclusion that Senegal had likely used antipersonnel mines in Guinea-Bissau, prior to becoming a State Party to the Mine Ban Treaty."

9.3 The difficult task of de-mining

Extensive use of mines has resulted in hundreds of civilian and military victims in Casamance. Statistics collected by Handicap International show a steady increase in cases through the second half of the 1990s. In 1994 the number of victims was noted as two, in 1997 the number had risen to 163 and to 201 the following year. Since then, the figure has been steadily decreasing and the victims numbering around 50 for the first 11 months of 2001.

The notable reduction in the number of victims is due to several phenomena:

- i) It seems that since the death of Ansoumane Mané, the former Chief of Army Staff of Guinea-Bissau who led a revolt against his country's government in 1999 and who was allied to Salif Sadio, the most intransigent of MFDC faction leaders, the easy purchase of mines has noticeably reduced. This is also due to a tangible rapprochement between the governments of Senegal and Guinea-Bissau which meant that the latter undertook no longer to allow MFDC rear bases on its territory. This new policy of the Guinea-Bissau government led to a weakening of, and a sizeable loss of financial income for, the armed elements of the MFDC which were the most hostile to the peace process. It was these elements who were most likely to lay mines to cover their retreat following attacks either against soldiers or, along the roads of Casamance, against civilians to obtain money and food.
- j) The mined villages and fields were abandoned by their inhabitants and owners and largely became ghost areas.
- k) The impact of the remarkable awareness-raising work carried out in the area by Handicap International must also be highlighted. It made the population aware of the dangers of mines, especially among those who were tempted to return to their abandoned villages to collect their possessions or harvest their crops and who in the past would have become victims of mines.
- l) The clear undertaking of both parties not to use mines in the future is important. This had already been officially agreed in a joint statement signed in December 1999 in Banjul and was confirmed in a peace agreement signed by the MFDC and the Senegalese government in March 2001, in which both parties committed themselves to carrying out de-mining operations.

Senegal therefore has a unique opportunity to tackle the problem of mines which

has resulted in hundreds of victims and has turned dozens of places into ghost villages. There are two essential requirements if this is to be achieved:

- a) Both parties to the conflict must clearly state where they have laid mines and work together to de-mine these areas; and
- b) Such a large-scale task can only be carried out with massive logistical and financial support from the international community.

10. ABOLISHING THE DEATH PENALTY

As far as using the death penalty is concerned, Senegal has for a long time been *de facto* abolitionist, which means that the penalty is no longer carried out (the last execution dates back to 1967). However, Senegal has still not abolished it, unlike 11 other African countries which have already taken this decisive step in defence of basic human rights. The most recent of these countries, Côte d'Ivoire, abolished the death penalty in its Constitution which was accepted by referendum in July 2000.¹¹

In response to questions on this subject when the January 2001 constitutional referendum was being prepared, President Wade made it clear, without making a statement on the subject itself, that this question should not be dealt with in the Constitution but should be handled by revising the Penal Code or by adopting new legislation. Amnesty International took note of this opinion and raised the issue in meetings with the Senegalese authorities in June and November 2001. The authorities clarified that the question was the subject of debate within the government and one senior official mentioned that he had seen a document circulating which proposed abolishing the death penalty.

In its official July 2001 reply, the Senegalese government said: "A process is underway where all parts of society will be involved in discussing a possible change to the law."

Amnesty International congratulates the government for launching this debate and encourages the Senegalese authorities to take the necessary measures at the earliest opportunity to legally abolish this punishment which violates the first of the inalienable individual rights recognised in the 1948 Universal Declaration of Human Rights, that is the right to life. With this aim in mind, Amnesty International urges the Senegalese government to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

11. Conclusion

¹¹ The African countries which have already abolished the death penalty for all crimes are Angola, Cape Verde, Côte d'Ivoire, Djibouti, Guinea-Bissau, Mauritius, Mozambique, Namibia, Sao Tome et Principe, The Seychelles and South Africa.

During the past two years, various undertakings made by the Senegalese authorities and some groups of the MFDC have allowed one to believe that on both sides there is a willingness to put an end to the abuses which have economically ruined this region and which account for hundreds of victims, both military and civilian. This dual development complements the already long-standing efforts of civil society which has been fighting for years for greater independence within the judiciary and for material and moral compensation for the victims of human rights violations.

Amnesty International believes that Senegal now has a unique opportunity to put an end to the impunity enjoyed by the security forces for more than a decade and which has relentlessly undermined the fundamental rule of law.

The current government therefore has a special responsibility. It has certainly sent some strong signals that it will no longer tolerate perpetrators of human rights violations arrogantly escaping justice, but much remains to be done before the Senegalese population again feels that the law is the same for everyone.

To achieve this, alleged perpetrators of human rights violations must answer for their actions before the law. In the past and in an attempt to justify measures of amnesty announced to benefit individuals from all sides who were responsible for human rights abuses in Casamance, the Senegalese authorities have told Amnesty International that it is important to be able to “turn the page”.

The organization does not challenge the validity of an ultimate aim of national reconciliation, but it believes that, above all, the victims and civil society have a right to know the truth and to see justice at work. Every society can seek to reconcile itself with its past, but this can only happen when the cause of its problem is known. If one really wants to “turn the page”, the page must first have been written and absorbed into the society’s conscience, those responsible must be brought to justice and the victims must have their honour and rights restored. The recognition and acknowledgement of these past acts of violence is an essential first step towards avoiding their repetition and towards allowing all Senegalese citizens to have confidence in their country’s judicial system.

12. RECOMMENDATIONS

During the past decade, Amnesty International has made a substantial number of recommendations to the Senegalese government and to the MFDC urging both parties to respect human rights. As this report shows, the country must now seize this unique opportunity to put an end to the impunity which undermines the rule of law in Senegal and facilitates the continuation of human rights violations. The recommendations which follow aim to show some of the immediate measures the two parties must take in order to change the course of the country’s history in favour of respecting human rights and restoring citizens’ confidence in the judicial system.

10. Recommendations to the Senegalese government

(K) RELEASE THE REMAINING PRISONERS OF CONSCIENCE AND REHABILITATE THE HUNDREDS OF DETAINEES HELD WITHOUT TRIAL

- (K) Amnesty International urges the immediate and unconditional release of all prisoners of conscience in Casamance, held without evidence of their direct involvement in any act of violence.
- (L) Amnesty International urges that the hundreds of people held without trial during the months and years of the past decade are definitively rehabilitated and benefit from material compensation and medical assistance.

(B) FIGHT AGAINST TORTURE AND OTHER FORMS OF ILL-TREATMENT

- ¢ Amnesty International calls upon the authorities to provide the judicial system with the means required to complete on-going investigations and to open impartial and independent investigations into all serious allegations of torture and ill-treatment. Amnesty International draws their attention to Articles 12 and 13 of the Convention against Torture which provide for the opening of an impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed whether or not the victim has lodged a complaint.
- ¢ It is also essential that all those suspected of acts of torture are brought to justice. This principle must apply regardless of where these people are, where the crime was committed and the nationality of the perpetrators or the victims. There must be no “safe haven” for torturers.

(C) PREVENT EXTRAJUDICIAL EXECUTIONS AND “DISAPPEARANCES”

- ¢ Amnesty International urges the opening of rapid and impartial investigations into all recent allegations of extrajudicial executions and “disappearances” which appear to have been committed by the Senegalese security forces in the context of the conflict in Casamance, so that those responsible may be brought to justice.
- ¢ State agents suspected of involvement in extrajudicial executions and “disappearances” must be immediately relieved of their duties and remain so throughout the entire period of investigation. They must also be brought to justice to answer for their acts.
- ¢ The victims’ relatives must have access to all information about the investigation and be permitted to provide evidence. Complainants, witnesses, lawyers and all others connected with the investigation must be protected against any act of intimidation or reprisal.

- ∅ The investigation must continue until the fate of each victim has been officially clarified.
- ∅ Those suspected of human rights violations must be removed from any position or function where there is a risk they may repeat these acts, or intimidate the victims, witnesses or the judicial investigators, until the end of the investigation and, where appropriate, until the trial itself.
- ∅ The victims of such acts or their families must be able to recover their honour and to benefit from material compensation.

(D) ABOLISH THE DEATH PENALTY

- ∅ Amnesty International calls upon the government to take the necessary legislative measures to abolish the death penalty and in particular to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

II. RECOMMENDATIONS TO ALL GROUPS AND FACTIONS CLAIMING TO REPRESENT THE MFDC

Put an end to torture, including sexual violence, and deliberate and arbitrary killings

- II. Amnesty International urges all political groups and all armed factions claiming to represent the MFDC to remove anyone responsible for abuses from any command function and to immediately take all possible steps, in accordance with international humanitarian law, to put an end to acts of torture, including sexual violence, and deliberate and arbitrary killings and to prevent them in the future.
- III. Amnesty International urges the leaders of all political groups and all armed factions claiming to represent the MFDC to do everything possible to exercise strict hierarchical control over their troops and to hold responsible any member who has committed human rights abuses or who has allowed them to be committed. Also, MFDC leaders must ensure that anyone suspected of such actions is removed from any command function and any post which would give them the potential to commit further human rights abuses.

V. RECOMMENDATIONS TO BOTH PARTIES

- V. Amnesty International calls on both parties to the conflict to respect the elementary humanitarian principles as detailed in common Article 3 of the four Geneva Conventions of 1949, namely: humane treatment of civilians and all persons taking no active part in hostilities, prevention of any recourse to illegal executions and torture.
- VI. Amnesty International calls upon both parties to the conflict to respect their commitments in connection with the laying of mines, to destroy their existing

stocks and as far as possible, to work together to de-mine the region.

VIII. RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY

Amnesty International calls upon the international community to provide technical and financial assistance as a contribution to a comprehensive de-mining of Casamance.

Appendix I

MAIN DOCUMENTS PUBLISHED BY AMNESTY INTERNATIONAL SINCE 1989

Senegal: Torture, the Casamance case (AI index: AFR 49/002/1990), 23 May 1990.

Senegal: An escalation in human rights violations in Casamance region (AI index: AFR 49/001/1991), 10 January 1991.

Senegal: Summary of Amnesty International concerns since January 1991 (AI index: AFR 49/001/1992), 7 October 1992.

Senegal: Opposition member of parliament tortured in police custody (AI index: AFR 49/002/1993), 28 June 1993.

Senegal: The murder of Maitre Babacar Seye - a political killing? (AI index: AFR 49/006/1993), 20 October 1993.

Senegal: Mass arrests and torture: most of the detainees appear to be prisoners of conscience (AI index: AFR 49/003/1994), 1 June 1994.

Senegal: Comments by Amnesty International on the second periodic report submitted to the United Nations Committee against Torture (AI index: AFR/001/1995), November 1995.

Senegal: Widespread use of torture persists with impunity, while human rights abuses also continue in Casamance (AI index: AFR 49/001/1996), 28 February 1996.

Senegal: Climate of terror in Casamance (AI index: AFR 49/001/1998), February 1998.

Guinea-Bissau: Human rights under fire, (AI index: AFR 30/004/1998), July 1998.

Senegal:

Casamance civilians shelled by the Mouvement des forces démocratiques de Casamance (MFDC) (AI index: AFR 49/005/1999), 30 June 1999.

Senegal: Putting an end to impunity: a unique opportunity not to be missed (Memorandum sent confidentially to the Government of Senegal and to the MFDC) (AI index: AFR 49/003/2001), April 2001.

Appendix II

This response was sent by Abdoulaye BALDE, Secretary General of the Presidency of the Republic, to the Secretary General of Amnesty International on 13 July 2001.

Senegal's response to the Amnesty International report

Amnesty International sent the government of Senegal a report on the country's human rights situation. A delegation from that association then visited Senegal in early July 2001. The delegation was received by the most senior state officials, in particular by the President of the Republic, the Prime Minister, the Armed Forces Minister, the Minister of Justice and the Minister of Internal Affairs.

These highest level official meetings with representatives of Amnesty International are indicative of the spirit of openness, dialogue and mutual exchange which inspires Senegal's response to this association.

This document aims to respond to the observations made by Amnesty in its April 2001 report. Senegal calls upon Amnesty International to publish this reply when they publish their report.

Firstly, we must clarify that the protection of human rights is a permanent concern for the government of Senegal which came into office when power changed hands in April 2000. The new President of the Republic, Me Abdoulaye Wade is a long-standing human rights activist. So, in Senegal, protecting human rights is one of the essential components of the rule of law which all Senegalese keenly support.

Since the change of government, a Delegation for Human Rights and Peace, directly linked to the President of the Republic, has been established to deal with this priority. Led by a magistrate, this Delegation has responsibility for receiving complaints made by those who consider they have been victims of human rights abuse and passing them to either the administrative or judicial authorities for their active attention. This structure has responsibility for giving effective life to rights which must not remain moribund.

Secondly, we wish to state the firm will of the Head of State and the Government to fight against the impunity at times enjoyed by those responsible for abuses. If human

rights abuses have been committed, those responsible must be identified, sought and brought to justice. Senegal wishes to see all those responsible for crimes and misdemeanours held to account for their actions, whether they are a member of a public force or not. This goes to the very heart of the democracy so cherished by the Senegalese. Human rights abuses will be systematically punished, particularly in the Casamance conflict, as a result of this rejection of impunity.

There have been substantial developments in the Casamance conflict during the past year or more. The State of Senegal's main aim is to restore peace there because without that there can be no guarantee for the respect of human rights throughout the whole country. To achieve this a peace agreement was signed in March 2001 and the State expects this to provide the framework for restoring civil public order where this is currently being threatened by the action of armed groups. It is essential we fight against the abuses committed by these groups to ensure that the fundamental rights of all citizens of this region of Senegal are protected.

As for the Armed Forces, the Gendarmerie and the Police, we are planning to educate them in human rights matters. They have received detailed instructions from the Head of State to ensure that, when they intervene, they scrupulously respect fundamental human rights. This point was specifically taken from the Amnesty International report.

Lastly, concerning the past behaviour of the Army and the Senegalese Security Forces, the Head of State and Government are refusing to conceal any errors they have made. We wish to make clear that establishing precise facts is a very delicate business and identifying who was responsible requires an in-depth analysis which is not possible given the problems of access to the armed groups. For this reason, we are considering the possibility of creating a commission of inquiry which would be responsible for establishing the circumstances of specific events in Casamance.

As far as Casamance is concerned, the entire State policy rests on the transparent search for peace.

The Amnesty International report lastly raises the question of the death penalty which is permitted in the Penal Code to punish the most serious crimes. As Senegal has not applied this penalty since 1967, Senegal is considered *de facto* abolitionist. A process is underway where all parts of society will be involved in discussing a possible change

to the law.

Senegal's reply to specific points raised are developed below:

IX. Torture and excessive use of force by the police (pages 5-8 of the report)ⁱ

There have been developments in some of the cases raised in this part of the report. For example:

1st case: Public Prosecutor and the bereaved of Alassane Ndong vs persons unknown

Alassane Ndong, who was one of those violently opposed to the demolition of homes in and the evacuation of the low-cost housing district of Montagne de Hann, was shot in the head during the process. The homes were built on land belonging to the *Société de Promotion des Petites et Moyennes Industries* (SONEPI), Company for the promotion of small- and medium-sized industries.

Three days later, on 8 November 1997, he died as a result of his injuries in the hospital where he had been taken.

The Gendarmes who were on duty during the operations stated they had fired in the air to disperse a threatening crowd.

A judicial investigation into involuntary homicide against persons unknown was opened at the *premier Cabinet d'instruction du Tribunal de Dakar*, first investigation chamber of the Dakar tribunal. The two forensic reports confirmed he had died by gunfire and a final report determined the point of entry and exit of the projectile.

The working file was passed to the examining magistrate at the Procuracy for decision by order dated 3 November 2000; the case is continuing.

2nd case: Moussa Ndom

During a police operation on the night of 20 February 1998, three young people who were smoking Indian hemp, were arrested at around 2am after a chase. One of them, Moussa Ndom, fell to the ground during the chase and was taken to hospital where he died. The doctor issued a certificate confirming it as a natural death caused by heart failure. Nevertheless, a judicial investigation was opened to determine the cause of death but was able to find no other reason for this boy's death. The case has been closed as there is no case to answer.

3rd case: Abdou Aziz FOFANA

In March 1998 Mr Abdou Aziz Fofana lodged a claim for civil damages with the Chief examining magistrate against Guardian of the Peace, Alioune Dicko, for

deliberate blows and injuries which resulted in a total incapacity to work for two and a half months. The doctor also noted the plaintiff's loss of use of his left eye.

Dicko was charged and released on bail by the examining magistrate.

Given that the victim has claimed several police officers struck him when at the police station - he had been taken there after his father intervened in a dispute between him and his sister - the Procuracy has demanded a supplementary indictment dated 4 October 2000 to hear the case against the accused because it was impossible to act upon the original instruction. The working file was communicated by the examining magistrate to the Procuracy on 13 June 2001 for decision; the case is still pending.

4th case: Mouhamadou Moustapha Ndeye

This case does not appear on any records at the Regional Court of Dakar. However, from the facts provided by Amnesty International, it seems that it could refer to the complaint lodged by Malamine Dieye on behalf of his son, Moustapha Dieye, first year medical student at Dakar's Cheikh Anta Diop University.

In a letter of complaint against persons unknown, Malamine Dieye, criticised the violence his son had suffered in the afternoon of 15 March 1999 within the university campus when a group of police officers reportedly set upon him with multiple gun butt blows which resulted in a cranial fracture requiring surgery on 17 March 1999.

The Minister of Internal Affairs who received the complaint said that on 15 March 1999 no police operation report mentioned any security force intervention within the university campus. However, at the general assembly of the student movement it was noted that during that same period, three students were reportedly injured as a result of confrontations between striking and non-striking students.

Regrettably, the complaint lodged by Mr Dieye, has been closed without resolution because there was no medical certificate to enable further investigation.

5th case: Student Balla GAYE (deceased)

On 1 February 2001, the student Balla GAYE died as a result of injuries caused by a firearm bullet which hit him in the lungs.

The investigation was entrusted to the Police *Division des Investigations Criminelles* (DIC), Criminal Investigation Department and opened by the Procuracy of the *Tribunal Régional Hors Classe*, Regional Unclassified Court, of Dakar and several people have been questioned, including police officers who were members of the security force positioned around the university on 31 January 2001 because of acts of violence committed in the streets by striking students.

An independent commission of inquiry has been set up by decree to establish

responsibility for the death of the student. In parallel with the work of the commission of inquiry, the Procuracy of Dakar has itself opened a judicial investigation against persons unknown for murder.

The two procedures are underway.

X. Extrajudicial executions and disappearances (pages 11 – 16 of the report)

Extrajudicial execution is defined by Amnesty International as “a killing committed deliberately and quite illegally **on the orders of the authorities**” (page 11) and disappearances (page 12) as “people who are known to have been arrested by the Senegalese security forces but whose fate remains unknown”. The document adds that most of these incidents can be attributed to the soldiers operational along the roads or in the fields “ (sic) (page 13).

By way of illustration, the report mentions a case which was in danger of becoming an “extrajudicial execution” except that the Sub-Prefect (representing the administrative authority) and the Captain (representing the military authority) intervened. As a result of these interventions, the lives of the four people were saved.

This example shows how the orders or the involvement of the authorities cannot be used to define a killing as an extrajudicial execution. In any event, we must make clear that when an incident involves the military, it is the Military Justice Code which applies either to purely military offences or offences committed by soldiers in the context of their work whether in the community or at the barracks. In this context, before any prosecution can begin, the order for prosecution must be delivered by the most senior in the chain of command.

After listing some hundred cases of unresolved disappearances or executions the report emphasises that, since April 2000, there has been a period of relative calm with regard to human rights violations committed by the security forces (page 13 of the report).

XI. Detention without trial of prisoners of conscience (pages 26-30 of the report)

Detainees arrested in connection with the Casamance affair are not prisoners of conscience.

This recurrent term used by Amnesty International is based on subjective considerations insofar as their conclusion, which is shared by members of the MFDC, is reached solely on the basis of the dates the detainees were released.

From our viewpoint, the period when charges were being pursued must be taken into

account, as this would shed a different light on the release of prisoners in the southern region of the country.

Amnesty International states on page 30 of its report that it has not been possible to categorically state whether cases of stolen livestock, women being raped and landmines laid in the southern region were the responsibility of independence fighters, or common criminals.

In all cases, a government has the responsibility to protect and guarantee the peace and security of all persons living within its territory.

In their role of maintaining law and order, police officers and gendarmes who are carrying out policing functions first hand over to the State Prosecutor responsible for that locality any people against whom there are charges, suspicions or sufficiently serious indications that they have committed a crime or misdemeanour.

At this stage, when a detention is no longer required to establish the truth, the person can be provisionally released on the request or by order of the examining magistrate.

The decision about whether people are released or remain detained is determined by the needs of the judicial investigation and public order rather than by dealings between the parties. A deal presupposes a reciprocal arrangement, yet it is nowhere mentioned in the relations between the State of Senegal and the MFDC, that there is a government undertaking to provisionally release common law detainees.

Let us take the following examples raised in the Amnesty International report to show that the cases are of a purely judicial nature:

For the Ziguinchor region:

Complaint against persons unknown for illegal arrest and kidnapping (pages 9 and 21); plaintiff, Jean Diandy. The file was closed and the case discharged on 7 August 2001.

Complaint against persons unknown on the same grounds (pages 9 and 22): plaintiff, Alexis Etienne DIATTA. The judicial investigation is underway and on 22 February 2000 the examining magistrate issued an instruction to the Procuracy.

For the Dakar region:

Detainees Hubert BASSENE, Clodot DIATTA and Matar Bodian (page 28) have been provisionally released because their detention was no longer necessary for the purposes of investigation and because the release was no threat to public order.

For the Kolda region:

The length of time spent investigating the cases of detainees Kadialy GOUDIABY, Lansana GOUDIABY, Saloum GOUDIABY and Dembo DIATTA (page 28) is due to the need for a two-tier investigation for criminal matters. The second investigation finally resulted in the referral of the four accused to the Assizes Court (Order of the Office of the Director of Public Prosecutions dated 29 April 1999).

I. The use of landmines in Casamance

Amnesty International has relied on the analysis made in the Landmine Monitor Report of 1999.

However, after the first conference on parties to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and On Their Destruction, held in Maputo, Mozambique between 3 and 7 May 1999, the Senegalese delegation met with members of the International Campaign to Ban Landmines (ICBL) and provided them with all appropriate details about the various circumstances in the Landmine Monitor Report of 1999.

We must therefore remind Amnesty International that in the new English-language Landmine Monitor Report published in 2000, the accusations made against the Senegalese security forces have been completely removed. However, it has been consistently recognised that anti-personnel mines were laid by the MFDC in 1999 and 2000, and that these have claimed the lives of several innocent victims.

This is why Landmine Monitor 2000 unequivocally welcomed the Senegalese commitment never to use anti-personnel mines and to ensure application of and respect for all provisions of the Mine Ban Treaty.

II. Recommendations to the Senegalese government (page 37 to end of the report)

We reiterate the arguments made in our reply to the 1998 Amnesty International memorandum on the same subject.

To quote: “Article 79 of the Senegalese Penal Code punishes any attempt throughout the territory which aims to generate civil war by arming or encouraging citizens or inhabitants to arm themselves against each other whether to cause devastation, massacre or pillage”

Article 80 punishes “... other measures or acts which may threaten public security or cause serious political unrest, discredit public institutions or their activities, or contravene the country’s laws”.

Article 46 of this code defines complicity as actions by “ those who by gifts, promises, threats, abuse of authority or power, illegal plotting or mischief, have provoked or given orders to commit such action“ or “those who knowingly aid or

abet the perpetrator or perpetrators of the action in the activities they have prepared, facilitated or carried out”.

Article 45 punishes the accomplices of crimes and misdemeanours as severely as the principal perpetrators and it is in this context that procedures are underway and investigations are being pursued both in Ziguinchor and Dakar. These are currently following their natural course.

Therefore, to qualify the Casamance detainees as prisoners of conscience, simply because they have not been arrested in the field of combat or with a weapon in their hand, shows a misreading of the laws and regulations which are in force in Senegal and which are generally the same as those in other so-called developed countries based on roman law.

It is however surprising that because the investigation phase is confidential, Amnesty International bases its assertions on the testimonies of the family and friends of the detained people when the partiality of such people is so well-founded that the legislature in almost all countries rejects the use of this type of sworn testimony in judicial processes.

It is similarly surprising when Amnesty International claims that the fact there was a large number of arrests during the same period starting on 27 April 1995, and that these arrests were carried out by mixed patrols of soldiers and gendarmes allegedly proves that they were carried out on orders from Dakar.

Soldiers belonging to the national army are not qualified to carry out criminal investigations so, when they fulfil their mission to defend national territory and protect citizens and their possessions, they are accompanied by members of the Gendarmerie who play the role of criminal investigator. This procedure is called “military police service at arms”.

These people are different from members of the Gendarmerie who are responsible for the operational defence of national territory. They form the *Légion de Gendarmerie d'Intervention*, Intervention Legion of the Gendarmerie, which has a similar mission to the national army.

The Casamance detainees are not prisoners of conscience and to assert that the Diolas have been targeted is to misinterpret Senegalese society; they do not represent the majority population in the natural region of Casamance.

Diolas are included among the state’s highest authorities and the detainees arrested as a result of events in Casamance, which include those with family names like Ndiaye, Diallo, Diagne, etc, are not all Diolas.

Among the list of military victims there are some ethnic Diola names as well as those from the Wolof, Sérène and other communities which constitute the Senegalese nation.”

Overall the situation in Casamance is very complicated. The army is not dealing with a classic military force but with bands of rebel fighters who are difficult to identify and who dissolve when necessary into the civilian population which supports them.

In accordance with presidential orders, the military high command will continue always to oversee, with all necessary vigour, respect for the principles and rules defined by the four Geneva Conventions of 1949 and the UN Convention on Torture, which have all been ratified by Senegal.

Lastly, we must mention that in an article in the *Populaire* newspaper of 3 July 2001, the Secretary General of the Senegalese Section of Amnesty International said: "We are satisfied with the human rights situation in Senegal."

Signed:

Abdoulaye BALDE

Appendix IV

Dakar,
31 August 1999

Chief Examining Magistrate
Regional Court
Ziguinchor

Re: Civil damages complaint by Mrs KHADY BASSENE against persons unknown for the illegal arrest and false imprisonment of her husband, Mr JEAN DIANDY

Dear Chief Examining Magistrate

By the current complaint and on behalf of our client,

Mrs KHADY BASSENE,
Resident in Ziguinchor,
c/o Fatou Badji – Niefoulene district,
Ziguinchor

We lodge a civil damages complaint against persons unknown for the illegal arrest and false imprisonment of her husband, Mr JEAN DIANDY on the basis of the following facts:

- I. On Wednesday 4 August 1999 in Djifanghor, our client went to Ziguinchor for her niece's marriage.
- II. That evening, her son, JULES DIANDY came to tell her that his father and his friend GASTON SAGNA had been arrested by men in military uniform and taken away in a military vehicle.
- III. As soon as her son told her, she went to find out what had happened
- IV. She managed to find GASTON SAGNA who had been released by the soldiers.
- V. The latter, GASTON SAGNA, told her that at around 5pm, when he was coming back from the rice fields of Djifanghor, he went to see his friend JEAN DIANDY.
- VI. They had just finished eating some mangoes, when a group of soldiers showed up at the house and asked GASTON what he knew of JEAN DIANDY.
- VII. GASTON SAGNA reportedly told the soldiers that he only knew him through his rice cultivation.
- VIII. The soldiers asked them to follow, not even allowing her husband time to collect his identity card.
- IX. They were taken away in a military vehicle to the Boutoute abattoir.
- X. GASTON was released and her husband, JEAN DIANDY was taken to the Military Camp in Ziguinchor.
- XI. Since that day, all investigations undertaken to find traces of her husband have proved fruitless.

As a result of the facts listed above, we lodge a complaint on behalf of our client against persons unknown for the illegal arrest and false imprisonment, offences listed and punished under Articles 334 and subsequent articles of the Penal Code.

For the purposes of this investigation, the following must be heard:

- I. Our client, KHADY BASSE (sic)
- II. Her son, JULES DIANDY
- III. Mr GASTON SAGNA

And any other person who may help with the investigation.

Given the seriousness of the facts listed above, our client and the witnesses cited no longer feel secure. It is essential that all useful measures to protect them are taken.

Yours sincerely,

Head of Bar Association, BOKAR NIANE

Lawyers:
 LAMINE SEGA FALL
 AMADOU SALL
 SADEMBOU DIOP

Appendix V
**LIST OF EXTRAJUDICIAL EXECUTIONS DOCUMENTED BY AMNESTY
 INTERNATIONAL SINCE 1992**

The civilians named in this list have all been extrajudicially executed since 1992 by the Senegalese security forces in Casamance. As none of these people was armed at the time they were killed, it is clear that they were not killed in combat.

DATE	NAME AND PERSONAL DETAILS	PLACE OF ARREST	OTHER DETAILS
April 1992	Jean-Marie SAGNA , from the village of Koureng, Nyassia district	Kaguite	He was going to a burial when he was arrested by soldiers from Kaguite camp. He was accused of in fact being called Jean-Marie Tendeng, a suspected MFDC leader. Jean-Marie Sagna's body was burned in the bush around Kaguite after he had been beaten to death.
September 1992	Lamine and Ansou COLY , school students aged 15 or 16 years Badara SANÉ Younnousse SAGNA Assane DIÉDHIOU	Bissine	They were cold-bloodedly killed by soldiers who had razed the village.
December 1992	Théodore and Ignace DJIVOUNOUK	Diakène	Killed by soldiers.

12 January 1993	Abdoullah BARRY , from Ziguinchor, Aloor district	Ziguinchor	He was arrested at his home by soldiers, beaten and tortured. He died at Ziguinchor hospital. He was suspected of being a rebel.
January 1993	Salif DIÉDHIOU		He was killed in his home because he resisted arrest. He was suspected of being a rebel.
May 1993	François DIATTA	Diakène Ouloff	Someone witnessed his arrest at the military check point in Diakène Ouloff. He was taken to the Gendarmerie camp where he was killed. His sister who was living in France came to investigate and, with the help of an official, was able to discover the place where François Diatta was buried.
January 1995	Jean-Pierre MANGA , aged around 40, a simple man with some mental disability who was never seen in public. He was a casual worker at SONACOS, an oil factory in Ziguinchor, when his health permitted as he suffered from asthma.	Outskirts of Ziguinchor	Soldiers entered his home, beat him in front of his wife and neighbours and took him away. His body was found two days later, riddled with bullets.
17 August 1995	Boulong HIMBANE , aged 70 and no longer able to work	Carouante (10 km from Oussouye)	Around 1pm soldiers burst into his hut, killed him and dragged his body outside
12 July 1997	Alphonse DIATTA (known as Reagan), photographer from Gouraf	At the dam at the entrance to Ziguinchor	He was travelling to Ziguinchor on his motorcycle for a celebration. Soldiers stationed at the dam at the entrance to Ziguinchor told him to stop, but he was listening to his personal stereo and did not hear, so they shot him in the head.
23 October 1997	Ibou DIATTA of Mandina Kaguil Kaoussou DIATTAPape Famara DIÉDHIOU Diedhiou (all three were from Diatock) Daouda DIÉDHIOU , from Niankit Mamadou SANÉ from Ounicok Amidou BADJI from Ourankon Tidiane SANÉ , son of Mamadou Sané	Adéane	These seven people were arrested by soldiers stationed at Adéane as they were fleeing from the village of Mandina Thierno Marassoum after an army attack. They were taken to the village of Bindialoum and shot, then shown to the national and international press as rebels who had been captured and killed during fighting.
3 February 1998	Mameuny SAGNA , from the village of Kaïlou	Kaïlou	He was shot in the head with an automatic weapon at Bafican bridge (Ziguinchor <i>département</i>) as he passed a military truck. He was instantly killed.
12 March 1998	Jean BASSE , from Mandina/Mani	Place of arrest unknown	He was arrested by soldiers and transferred to the southern military zone camp in Ziguinchor where he was executed.
11 May	Sifaramding	Diogué	Six bodies were found in a communal grave in

1998	<p>(Soupremeing) BASSÈNE, aged 56 Pierre Lucke (Dieudonné) BASSÈNE, aged 24 Louis BASSÈNE / DIATTA, aged 16 Biram MANGALamine TENDENGCharles BADJIAnd a seventh person living in the Karone Islands.</p>		<p>Djiromaïte (Oussouye <i>département</i>). The victims had been on board a rowing boat heading towards Diogué, at the mouth of the Casamance River, some 60 km from Ziguinchor. They were arrested by soldiers who were members of a marine unit which patrol the waters.</p>
26 October 1998	<p>Lansana COLY</p>	Ziguinchor	<p>He was arrested by soldiers and killed. Four days later, the mayor's office was alerted by soldiers about his decomposing body and he was buried at Santiaba cemetery in Ziguinchor.</p>
2 Novem ber 1998	<p>More than thirty bodies were found, including: Maxime AHOUMENOU, aged 25 Agathe BAMPOKY and her two daughters aged 4 and 6 Adama BASSÈSENE who was pregnant, and her two sons aged 2 and 3 Virginie Alanso COLY and her daughter, Marie DIATTA aged 12 Maxime DIANDY aged 19 Sikékébi DIATTA aged 62 Angélique TENDENGBenjamin TENDENG S. and his two children Ernest TENDENG aged 65 Félix TENDENGGaspard TENDENGJean- Baptiste TENDENG aged 72 Jérôme TENDENG aged 58 and his son aged 11 Léon TENDENG and his child, Anty, aged 7 Samuel TENDENG, his son and daughter Véronique TENDENG Viviane TENDENG aged 30 and her child, Aléka TENDENG, aged 12</p>	<p>Djifanghor Bandial and Djifanghor Koucouhoutou, 7km east of Ziguinchor</p>	<p>Around 9pm heavy artillery and gunfire were heard in Djifanghor Bandial and Djifanghor Koucouhoutou (peripheral districts of Ziguinchor where the Diolas Bandiales live). Soldiers carrying a list of people who had been denounced, went from door to door and killed some thirty people, including women and children, in retaliation for the mines laid by the MFDC. Soldiers burned down homes and left the bodies. At least four people "disappeared" (see list of "disappeared" - Appendix II).</p>

	William TENDENG and his two sons aged 3 and 8 Ponou TENDENG , a child aged 10		
31 March 1999	Sidy Bécaye SADIO , high school pupil, born in 1985	Thionck Essyl	He was shot point blank at 6am by a soldier who came with a group to surround the house of his father who was suspected of having sheltered rebels there. The young school boy was at home on holiday.
28 May 1999	Paul-Ignace BASSÈNE , nursing assistant	Nyassia	A soldier shot him while he was sitting in his lounge. He was taken to Ziguinchor hospital, but died from his injuries shortly afterwards. The army told the family that the injured man had been taken to Dakar for medical attention and by chance a relative discovered Paul-Ignace Bassène's dead body in the Ziguinchor morgue shortly before he was due to be buried as an unidentified body.
21 January 2000	Momany TENDENG , born in 1935 in Nays and father of five children	Nyassia	He was killed by soldiers 100m from the Sub-prefecture in Nyassia. As his brother was the village chief, he was able to reclaim the body and after the burial, a military delegation formally apologised to him.
36611	Daniel SAMBOU and Denis SAMBOU , from Kagnout, Oussouye <i>département</i>	Loudia Ouoloff	Killed, then buried there by the inhabitants of Loudia Ouoloff on military orders.

Appendix VI

LIST OF PEOPLE WHO HAVE “DISAPPEARED” SINCE 1992

The civilians who are mentioned in this list were arrested by the Senegalese security forces. They have not been seen since. This list is far from exhaustive and only includes cases which Amnesty International was able to investigate. Amnesty International gathered information about dozens more cases of "disappearances" but was not able to verify whether the people concerned had indeed been arrested by the Senegalese security forces.

DATE	NAME AND PERSONAL DETAILS	PLACE OF ARREST	OTHER DETAILS
September 1992	Famara BODIAN , aged 24, shopkeeper from the Gambia Ibou SANGA (known as "Blanc"), aged 50	Kaguite	Following an attack by the MFDC on a military camp in Kaguite, the army rounded up all men aged between 14 and 70. They were searched and beaten. Two of them, Ibou Sanga and Famara Bodian were taken away in the direction of Ziguinchor. No news since.
October 1992	Ansou COLY , aged 15 Lamine COLY , aged 18 Assane DIÉDHIOU , aged 15 Younousse SANGA Aliou Badaré SOMÉ , aged 15	Near to Bissine	These five young people were arrested by soldiers on the road near Bissine. No news since.
1 November 1992	Jean-Pierre Koussalèyodo MANGA , from Niambalang	Ziguinchor	Arrested at a checkpoint at the entrance to Ziguinchor, he was reportedly carrying a MFDC membership card. No news since.
November 1992	Frédéric DIATTA , from Pointe Saint-Georges Dominique DIÉMÉ , Ponta village Chief	Ponta	These two men were arrested by soldiers the day after an armed attack by the MFDC on Pointe Saint-Georges. No news since.
November 1992	ALILINGUENE family: the father and his three sons	in Diakane Diola, near Oussouye	The entire Alilinguene family was arrested and taken to Ziguinchor. The women were released a few days later. The father and his three sons were accused of having participated in an MFDC attack and were reported to have been taken to the Edjounjo military camp, near Oussouye. No news since.

29 December 1992	Baïmoul (or Bajingor) SAMBOU , from Djiromaïte and living in Oussouye	Oussouye	Arrested in Oussouye. He was reported to have been taken to the Edjoungo military camp. No news since.
2 January 1993	Bruno BASSÈNE , from Diakène	Near to Ziguinchor	Arrested reportedly because he had witnessed the murder of Théodore and Ignace Djivounouk, two villagers also from Diakène, killed by soldiers in late December 1992. No news since
14 January 1993	Edouard BASSÈNE Jean-Baptiste BASSÈNE Jean-Marie BASSÈNE Nicolas BASSÈNE Ousmane BASSÈNE Gaston MANGA Daniel TENDENG	Dar Salam	Arrested by the army in Dar Salam village. No news about these seven men since.
February 1993	Simon Ampa Gomis DIATTA , bricklayer living in the district of Cadjifoulong (Mlomp)	Oussouye	Arrested at the market in Oussouye, he was reportedly taken to the Edjoungo military camp. No news since.
May 1994	Nanoum DIATTA , aged around 60 and known by his reputation for having been a great traditional wrestler.	Between Fanda and Agniack on the Ziguinchor to Kolda road	Some women witnessed soldiers arresting him and alerted his tutor, who went with his daughter to Agniack military camp to find out more. The soldiers hustled the tutor, pushed his daughter to the ground and told them to never come back.
24 January 1995	Youba BADJI , from the village of Aniack	Camaracounda	Arrested by soldiers during an identity check: he was accompanying women to the weekly market of Camaracounda. No news since.
The night of 17/18 February 1995	Amadou SANE Malang SANE	Aniack, an area of Niaguis	Arrested by soldiers in their village. No news since.
19 February 1995	Oumar DIÉMÉ Souleymane MANGA	Bissine	Arrested by soldiers in the village of Bissine. No news since.
6 August 1995	Dominique MANGA , from Djiwant, plumber in Cap Skirring	at the checkpoint on the Niambalang bridge situated between Oussouye and Ziguinchor.	Arrested by soldiers on duty at the bridge who were carrying out identity checks. No news since.
17 July 1995	Malang DIATTA Adama SAMBOU Alassane Amany SAMBOU Aliou SAMBOU Fodé SAMBOU	In Edjoungo, Oussouye <i>département</i>	These six men were arrested by soldiers shortly after they had escorted Queen Anna Sambou of Djiwant back to her home. The queen is the traditional representative of Casamance spiritual power for the Oussouye <i>département</i> . No news of them

	Sidate SAMBOU all from the village of Mlomp		since.
2 August 1995	Anomène DIATTA Awantaï DIATTA Jules DIATTA Louis DIÉDHIOU , Essaoute village Chief Nicolas SAMBOU all from Essaoute	Essaoute, Oussouye <i>département</i>	These five people were arrested in the early morning at their home in the presence of their family. No news since.
24 October 1995	Jean-Pierre SAMBOU and two of his children, Célestine (known as Tuti) SAMBOU (f), aged 7-8, and Julien SAMBOU	near the village of Essoukoudiak , inside Guinea Bissau	Arrested by Senegalese soldiers who had crossed the border. These people who had found refuge in Guinea Bissau have never been seen again.
3 August 1997	Kadialy SANÉ , aged 40, farmer from Bagaya	Kandialan	Arrested near the Kandialan military camp. No news since.
8 August 1997	Jean Pierre NYAFOUNA , employee in a hotel in Mbour (near Thiès)	Nyassia	Arrested in Nyassia by soldiers at a vehicle road check. He was accused of being a member of the MFDC because he was wearing a <i>grigri</i> (amulet). Not seen again.
24 August 1997	Sarani MANGA BADIAN , one of the four members of the Executive Bureau of the MFDC	Ziguinchor	Arrested at his home at about 9.30 in the evening by members of the Senegalese security forces as he was about to go to bed. His arrest took place in the presence of several family members and neighbours. No news since.
24 August 1997	Koulamouwo Edgar DIÉDHIOU	in the village of Siganar Bouloup, Ziguinchor <i>département</i>	Arrested in the evening by soldiers while he was attending a celebration held in his village. No news since.
24 August 1997	Simon MALOU , a retired primary school teacher	in Tylène, a district of Ziguinchor	Arrested by soldiers at his home in the presence of his family as he was about to go to bed. No news since.
25 August 1997	Léon TOUPANE , sexton at the Ziguinchor cathedral	Ziguinchor	Arrested at his home by soldiers. No news since.
25 August 1997	Edmond Sékou SADIO , aged 32, barman in Tylène (an area of Ziguinchor)	Ziguinchor	Arrested at about 10.45pm by a commando composed of four civilians and two soldiers at his place of work, the Diamoraye bar called "Bar Ndiago". No news since.
25 August 1977	François SAMBOU , a pre-school teacher	Ziguinchor	Arrested in the street a few minutes before Edmond Sékou SADIO (see above) by the same commando. No news since.
7 September 1997	Kélountang BASSÈNE , President of the parents committee of Niaguis school	Niaguis	Arrested at his home by soldiers in the presence of his wife and son at 1am. No news since.

23 September 1997	Jacques MANGA, Gouraf village chief	Niaguis	Arrested by soldiers from Niaguis military camp. No news since.
28 December 1997	Victor NYAFOUNA Achille TENDENG	Dioher	Arrested by soldiers and taken to an unknown destination. No news since.
29 December 1997	Adama DIATTA (f)	Soucouta	Arrested by soldiers and taken to an unknown destination because her husband had fled and was sought by the army. No news of her since.
Early 1998	Sicamewo DIÉDHIOU from Siganar	In the Cabrousse area	Arrested on denunciation, when he was travelling to a wrestling match in Cabrousse. No news since.
10 May 1998	Laurent BASSÈNE	Ziguinchor	Arrested by soldiers around 9am behind Ziguinchor airport and taken to an unknown destination. No news since.
July 1998	Adrien SAMBOU, palm wine collector	Cabrousse	Arrested by soldiers in Cabrousse, as he was returning from Guinea-Bissau. No news since.
3 August 1998	Edouard DIATTA, farmer	Niaguis	Abducted by soldiers in Niaguis while food was being distributed. No news since.
13 August 1998	Samba Sow SENGHOR, palm wine collector living in Sindiane (Bignona <i>département</i>).	Sindiane	Arrested because he was reportedly accused of providing palm wine to the rebels, he was seen on 13 August at Bignona military camp but there has been no news of him since then.
20 August 1998	Bacary BADIANE	Néma II, Ziguinchor	Arrested at his home by soldiers at around 9pm, apparently following an accusation made by the family living with them after an argument between children of the two families. As he was Diola, he was reportedly accused of being a rebel. Soldiers took him to an unknown destination and there has been no news of him since.
30 August 1998	Abdou Karim SAMBOU, teacher in Yarang and General Treasurer of the <i>Organisation départementale culturelle pour les activités de vacances</i> (ODECAV), Departmental Cultural Organisation for Holiday Activities.	Near Niaguis	Arrested by soldiers as he was riding his motorcycle on the road towards Niaguis. Taken to an unknown destination and no news since.
September 1998	Karfa SANÉ, SONATEL employee in Ziguinchor	Ziguinchor	Arrested by soldiers at his home at 7am, he was taken to an unknown destination. No news since.

28 September 1998	Arona BADJI , former soldier, aged 43	Bignona	Arrested by gendarmes in Bignona when he was collecting his retirement pension at the town's treasury. No news since.
11 October 1998	Amaye Diaghoule DIATTA , aged around 60 and from Oukoute	Oussouye	Arrested by soldiers based at Oussouye. This man had apparently been denounced as a "rebel" by a paid informer, who stated that Amaye Diatta had laid mines and that it was as a result of careless handling of mines that he had lost his fingers (Amaye had had leprosy in the 1980s). Amaye Diatta was taken to military camp in Oussouye, tied up, beaten, then driven by lorry to Elinkine. No news since.
1 November 1998	Georges Nioulé BASSÈNE , aged 35, physical education teacher at the Joseph Faye college in Oussouye	Oussouye	Arrested by soldiers as he entered the village on a vehicle accompanied by two priests who ran the Joseph Faye college in Oussouye. Taken to the military base in Elinkine. No news since.
2 November 1998	Taïdou DIADIA and his two young daughters Victor TENDENG	Djifanghor	In the evening of 2 November, soldiers attacked the districts of Djifanghor Bandial and Djifanghor Koucouhoutou, where the Diolas Bandiales live on the pretext of retaliation for the laying of mines by the MFDC; there were more than thirty deaths (see list of extrajudicial executions – Appendix 1) and several "disappearances"; four such victims are named here.
2 November 1998	Henry DIATTA Felix TENDENG	Boutoute	Arrested by soldiers in full daylight. Taken to an unknown destination. No news since.
25 November 1998	Honthirou SANÉ	Ziguinchor	Arrested at his home around 7am by soldiers and taken to an unknown destination. No news since.
3 December 1998	Boubacar SAKHO	Ziguinchor	Arrested at his home by soldiers, he was taken to an unknown destination. No news since.
3 April 1998	Ampa Etienne SAMBOU , from the village of Calobane Abdou BADJI , born in Bagaya Ibou DiÉDHIou , born in Diégoune	Ziguinchor	All three were arrested by soldiers following the shelling of Ziguinchor by armed elements of the MFDC. No news of them since.
9 May 1999	Amadou Ba DIATTA , retired soldier from Kartiack	Niaguis	Arrested by soldiers at the Niaguis checkpoint as he was travelling on the road towards Kolda on a registered public bus. Since then, his family has had no news of him.
14 May 1999	Daouda BADIANE from Niaguis	Niaguis	Arrested at his home by soldiers. No news since.
19 May 1999	Emmanuel BASSÈNE , palm wine collector	Village of Diantène	Arrested at his home by soldiers. He was accused of sheltering armed men who had

			forced some Peul to carry goods into the forest. No news since.
26 May 1999	Ernest MANGA	Djifanghor	Having survived the Djifanghor massacre of November 1998, he was sought by the military who arrested him at the Kitor checkpoint. Since his arrest, there has been no news of him.
27 May 1999	Adama MANGA (born in 1931) and Stanislas MANGA , his son	Ediouma	Arrested by soldiers, no news of them since.
29 May 1999	Antoine (known as Inana) SAGNA (born in 1931) William SAGNA (son of Antoine Sagna, born in 1957) Alfred (known as Kouhigo) SAGNA and Adélaïde SAGNA	Bassere	Arrested by soldiers and taken to an unknown destination. No news since.
4 June 1999	Paul DIASSY (older brother) Ernest DIASSY (younger brother) Pascal DIATTA Ousmane CAMARA	At their home in the Lyndiane district	At around 6.30 am, two brothers, Paul and Ernest Diassy were arrested at their home by soldiers. Two neighbours, Pascal Diatta and Ousmane Camara, who is handicapped, were also arrested. They were taken to the <i>Ecole des Agents Techniques de l'Agriculture</i> , School for Agricultural Technicians. No news since.
18 June 1999	Amoul DIÈMÉ , from Youtou, worked in Diop Caye's garden near to the resettlement village of Djibélor	Djibélor	Arrested by soldiers when he was returning from market with his provisions. He was taken to an unknown destination. No news since.
18 July 1999	Alexis Etienne DIATTA	Ziguinchor, district of Tylène	Arrested at his home by plain-clothes men, who took him away in a white four-wheel drive vehicle without number plates. According to one witness, the car reportedly went towards the military camp in Ziguinchor. Since that day, he had never been seen again.
4 August 1999	Jean DIANDY , aged around 70, born in Djifanghor	Djifanghor	Arrested at his home by soldiers with Gaston Sagna at around 5pm. They were taken to the abattoir in Boutoute, where Gaston Sagna was freed and Jean Diandy wearing no shirt, was taken hostage by soldiers and driven to the Ziguinchor camp. No news of him since.
17 November 1999	François Pierre MANGA , born on 5 December 1971 in Ziguinchor and son of Jacques Manga, who "disappeared" on 23	Djibock	Arrested by gendarmes as he was leaving Ziguinchor. No news since.

	September 1997 (see above)		
26 January 2000	Jean DACOUGNA , aged around 40 and mentally handicapped	Ziguinchor	Arrested by soldiers apparently because of his habit of walking the streets at night, which resulted from his mental state, without his identity papers. No news since.
7 April 2000	Moïse Ndoye DIATTA	Cabrousse	Arrested at his home by soldiers in front of his brother and two young boys. No news since.
20 April 2000	Ephène DIATTA , from Diakène Diaola	Cabrousse	Arrested by soldiers and taken to the Gendarmerie in Cabrousse, where a friend saw him alive. No news since.
26 April 2000	Antoine NIAFOUNA , aged around 40, from Kaléane, Ziguinchor <i>département</i>	Dioher checkpoint on the Oussouye road	According to his family, this man had been to Etomé for a funeral. When he was returning home in the evening, he was reportedly stopped with other travellers because of an attack on the road. At around 6.30pm, the traffic could again move and Antoine Niafouna reportedly continued his route into Dioher where he was reportedly arrested. He was apparently taken to the military camp where he was reportedly heard to claim his non-membership of the MFDC and refusing to confirm his identity. No news since.

Appendix VII

**LIST OF CIVILIANS KILLED BY THE *MOUVEMENT DES FORCES
DEMOCRATIQUES DE CASAMANCE* (MFDC), DEMOCRATIC FORCES OF
CASAMANCE MOVEMENT, SINCE 1992**

The civilians on this list have all been deliberately and arbitrarily killed since 1992 by armed combatants claiming to represent the MFDC. The bodies of the victims have been found near to the place where they were abducted by people presumed to be combatants of the independence movement. This list is far from exhaustive as it only includes the cases which Amnesty International has been able to investigate. Dozens of other cases of alleged deliberate and arbitrary killings committed by the MFDC have been received by Amnesty International, but it has not been possible to verify whether those people have been indeed been killed by armed members of the Casamance independence movement.

DATE	NAME AND PERSONAL DETAILS	PLACE OF ATTACK	OTHER DETAILS
September 1992	Boubacar MANÉ , Bissine village chief	Bissine	Accused of opposing independence for Casamance, he was abducted and hanged by MFDC combatants.
11/12 November 1992	Seven fishermen from northern Senegal Yoro SARR Cheikh Amadou Omar SALL Baba Guilé PAM Louti SALL Baba MAAL Amadou KELLI Baba PAM	Pointe-Sainte-Georges	According to witnesses, some twenty armed men identified with the MFDC rounded up the population and then proceeded to "screen" them, separating the Diolas (the ethnic group of the majority of MFDC members) from the others from the north of the country. After stealing all their possessions, the attackers forced the second group to lie on the ground and then killed them.
3 December 1992	Daouda DIÉMÉ , member of the <i>Parti socialiste</i> (PS), Socialist Party	Ziguinchor	Known for his opposition to independence, he was killed in his home.
5 January 1993	Sékou BADJI , retired Gendarme	Kignabou	Killed in his village.
21 February 1993	Jonas DIATTA from Mlomp Babacar NDIAYE , teacher in Oussouye	Boukitingo	Members of the <i>Parti démocratique sénégalais</i> (PDS), Senegalese Democratic Party, they were killed apparently because they had opposed the MFDC call for a boycott of the 1993 presidential and legislative elections.
11 March 1993	Baïlo DIALLO , Peulh herdsman	Diakène Oulof	Abducted from his village. His mutilated body was found three days later.
12 March 1993	Adama NDIAYE , member of the PS	Diakène Oulof	Accused of denouncing MFDC supporters, he was killed in his village.
13 April 1993	Omer DIATTA , President of the	Near Oussouye	Killed while riding his motorcycle. The MFDC had reproached him for having

	rural community of Oukout		received President Abdou Diouf in his home during the electoral campaign in the region in February 1993.
15 February 1995	Boubacar BAL Mamadou SY Both Toucouleur fishermen	Kaléane	Accused of being agents of the Senegalese security forces because they came from northern Senegal, they were tortured and then shot dead.
March 1995	Akagna DIÉDHIU , aged 60	Youtou	Killed apparently because he refused to contribute financially to the armed activities of the MFDC.
22 March 1995	Bernard MENDY and his wife	Boutoupa	Driven away from their village of Boutoupa by MFDC combatants, they were killed when they tried to return to collect their possessions.
1 April 1995	El Hadj Kéba SAGNA , traditional chief and <i>président des notables du département de Ziguinchor</i> , President of the Dignataries of Ziguinchor <i>département</i> .	Bouloum	Accused of supporting Senegalese government policy, he was killed in his home.
29 July 1995	Etienne MENDY Jean MENDY Two brothers of the Manjack ethnic group and members of the PS	Niaguis	Killed in their home after receiving several threats by armed MFDC fighters.
14 August 1995	Michel DIATTA Jean-Pierre MANGA	Carouante	Accused of acting as informers for the Senegalese security forces, they were abducted from their homes and killed a few metres away.
Night of 7/8 September 1997	Nakéba DIATTA , aged 8 (f) Papisse DIATTA , aged 20, a deaf mute Timinadya DIATTA , aged 6 (f) Abdoulaye MANÉ , aged 16 Fily Bayo MANÉ , aged 15 Sékou MANÉ , aged 9 Yafaye MANÉ , aged 9 Famata SADIO , aged 14 (f) Yaya SADIO , aged 22, a farmer	Djibanar	Armed MFDC combatants burst into the youth centre in the village of Djibanar. in the <i>département</i> of Sédhiou, where a party was being held. They reproached the villagers for dancing when they themselves were fighting for the independence of Casamance. The attackers fired indiscriminately on the crowd and killed nine people, injuring 15 others.
3 June 1998	Dieynaba MANGA (f), born in Djivant,	Djibonker, on the road	People claiming to be MFDC fighters stopped a vehicle travelling on this road, because they

	aged around 60. Albertine MANGA (f), born in Edjougou, aged 57.	between Nyassia and Oussouye	suspected that a soldier in civilian clothes was in the vehicle. The armed combatants asked the passengers; “where is the soldier?” Some passengers tried to escape and the armed combatants fired on these people, killing two women, Dieynaba MANGA and Albertine MANGA, instantly.
15 April 1999	Oumar Ba , aged 15	Mandina Mankagne	This young Peulh was collecting cashew nuts when he was killed by bullets fired by three armed men hidden in a tree.
30 April 1999	Souleymane CAMARA , aged 18	Ziguinchor	This young man was going to his class at the Tété Diédhiou college when he was killed by an exploding shell during the MFDC bombardment of Ziguinchor.
30 April 1999	Astou SAMBOU (f), aged 35	Ziguinchor	Hit by a shell in her compound during the MFDC bombardment of Ziguinchor. She was killed instantly.
30 April 1999	Fatou Nana DRAMÉ (f), aged 6	Ziguinchor	She was injured by a shell in the same compound as Astou Sambou during the MFDC bombardment of Ziguinchor. She later died in Ziguinchor hospital.
30 April 1999	Ndiaba TOURÉ (f), aged 45	Ziguinchor	Killed by shelling during the MFDC bombardment of Ziguinchor.
29 May 1999	César DIATTA Hélène DIATTA	Ziguinchor, district of Tylène	Killed by a shell which fell on the home of the Gendarmerie Adjudant-Major, where they happened to be.
20 February 2000	Alioune NGOM , tourist guide Abdoulaye DIOP , driver	Nyassia region	Three transport vehicles were attacked by MFDC fighters. They checked the identity of the passenger and selected two people who were from the north of the country whom they killed in front of the other travellers.
3 April 2000	Marc KANFANI , born in 1945, a retired police officer	Boutoute	Marc Kanfani was arrested by armed men claiming to be MFDC members when he was travelling on public transport. The assailants stole all the passengers’ possessions and forced some to carry the stolen goods into the forest. According to hostages who were later freed, Marc Kanfani was taken to one side by the armed men who asked him why people from his ethnic group, Mankane, do not join the MFDC fighters. A strong verbal exchange followed and Marc Kanfani was killed.
13 August 2000	Sana CISSÉ , a 70-year old man, retired employee of the <i>Société nationale de raffinage de l’huile d’arachide</i> (SONACOS), National Groundnut Oil Refinery Company.	Ziguinchor, Lindiane district	In the middle of the night armed men burgled several shops in this outlying district of Ziguinchor. As they were attacking the shops, one of the armed combatants shouted: “Yen has had enough. It’s independence or death. No more negotiations.” The assailants reportedly ordered an old man, Sana Cissé, to return home, but it seems he protested and was killed.

8 September 2000	Marc NDOUYE Irène KAMONY (f)	Boutoute	Armed people claiming to be the MFDC went to the home of Marc Ndouye whom they accused of being a security forces informer. They killed him at his home in front of others. A neighbour, Irène Kamony, heard the shots and came to help her son who was staying with Marc Ndouye. She was shot several times in the stomach and died two days later, on 10 September 2000, in Ziguinchor hospital.
16 February 2001	Mansour LOUCAR Ndiaga MBAYE Yoro NDIOM Omar MBAYE Mor Talla MBAYE Omar GUËYE Ali NDIAYE And six others	Niahoump (Sédhiou <i>département</i>) 70km north of Ziguinchor	Six trucks transporting civilians were stopped by a group of some twenty alleged MFDC members. According to several survivors who witnessed the event, the attackers first stole their victims' possessions, then checked the identity of the travellers and separated out all those (thirteen people in total) who had family names from outside Casamance. These thirteen people were laid on the ground, riddled with bullets and they died there and then.
2 March 2001	Modou MACKÉ (from the family of religious leaders (<i>marabouts</i>) from Touba Wagane FAYE Maodo DIOP Ndiouna SÈNE Amadou FALL Omar FAYE Mr CAMARA (first name not available to Amnesty International).	Belaye (50km north of Ziguinchor)	Some fifty alleged MFDC combatants attacked of convoy of around ten vehicles. According to survivors who witnessed the event, the attackers first stole their victims' possessions, then checked the identity of the travellers and separated out all those (seven in total) who had family names from outside Casamance. These seven people were laid on the ground, riddled with bullets and they died there an then.
Between January and August 2001	Léopold SAGNA, Chief of Staff of the MFDC KOUBALOSO And 20-50 other MFDC fighters.	Kassolole region, near to the border with Guinea-Bissau	Léopold Sagna and a group of his supporters which numbered between 20 and 50 men, were taken prisoner in early 2001 by Salif Sadio, former MFDC Chief of Staff, who held them hostage. Salif Sadio ordered their execution before they were chased from their bases by those loyal to Léopold Sagna and regrouped in northern Casamance near to the border with the Gambia.

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