

**EMBASSY OF SENEGAL TO THE KINGDOM OF THE NETHERLANDS**

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The Embassy of the Republic of Senegal in The Hague presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour of submitting the attached response from Senegal for achieving universality and full implementation of the Rome Statute.

The Embassy of the Republic of Senegal in The Hague would like to take this opportunity to renew to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court the assurances of its highest consideration.

SECRETARIAT OF THE ASSEMBLY  
OF STATES PARTIES TO THE ROME  
STATUTE OF THE INTERNATIONAL  
CRIMINAL COURT

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THE HAGUE

**REPUBLIC OF SENEGAL**  
**One People – One Goal – One Faith**

**MINISTRY OF JUSTICE**

**Human Rights Directorate**

**REVIEW OF UNIVERSALITY AND FULL IMPLEMENTATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

**RESPONSE FROM THE REPUBLIC OF SENEGAL**

The Government of Senegal thanks the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and sets out below the information relevant to promotion of universality and full implementation of the Statute.

**OBSTACLES TO RATIFICATION OR FULL IMPLEMENTATION OF THE ROME STATUTE FACING STATES:**

There are no obstacles to ratification and full implementation of the Rome Statute in Senegal. Senegal was the first country in the world to ratify the Rome Statute of the International Criminal Court on 2 February 1999. Since then it has implemented a number of measures to ensure full implementation of the Statute at regional, national and international level.

**NATIONAL OR REGIONAL STRATEGIES OR PLANS OF ACTION TO PROMOTE RATIFICATION AND/OR FULL IMPLEMENTATION:**

Senegal has not yet drawn up any specific strategies or plans of action to promote full implementation of the Rome Statute.

However, it has made a significant contribution to advocacy efforts to have the Rome Statute ratified by several African States and to promote its full implementation by organising regional seminars on International Justice in Dakar (7-11 December 2009), promoting women within the Court's authorities, strengthening national capabilities to protect witnesses and share experiences (in July 2013), with the involvement of representatives from the International Criminal Court (ICC) and from countries of French-speaking West Africa. The highlights of the last seminar were the presence of the President of the Assembly of States Parties, Ambassador Tiina Intelman, and the undertaking by the government to strengthen cooperation with the Court through the Ministry of Justice.

In view of this experience and the challenges to be met to ensure universal ratification and full implementation of the Rome Statute, Senegal intends to draw up a plan of action as soon as possible to consolidate achievements at the national level and broaden and share its experience at the regional level, where 21 countries have yet to ratify the Rome Statute, even though the African Group is the region which is best represented within the Assembly of States Parties.

## **TECHNICAL AND OTHER ASSISTANCE NEEDS AND DELIVERY PROGRAMMES:**

No evaluation of the specific needs for universality and full implementation of the Rome Statute has yet been carried out. Nonetheless within the context of general monitoring of human rights, Senegal has a plan of action (2012-2015) to implement the recommendations of the Universal Periodic Review (UPR) by the Human Rights Council.

The lessons learnt from this experience and the planned activities should allow technical assistance needs and others to be evaluated for universality and full implementation of the Rome Statute.

## **PLANNED EVENTS AND ACTIVITIES:**

In the context of strengthening cooperation with the Court for universality and full implementation of the Rome Statute, Senegal plans to achieve the following key activities:

- Ratify the Agreement on Privileges and Immunities of the International Criminal Court and the Kampala Amendments on the Crime of Aggression;
- Sign a bilateral agreement with the Court to further facilitate the fulfilment of its mandate;
- Organise seminars to provide training on the Rome Statute to those involved in justice (judges, lawyers, gendarmes, police, prison administration officials etc.);
- Organise a training workshop on the Rome Statute for members of the National Consultative Council on Human Rights (CCNDH – *Conseil Consultatif national des Droits de l’Homme*) and implement the Plan of Action.
- Organise a regional seminar to share and evaluate experience in implementing the Plan of Action for universality of the Rome Statute;
- Promote the Statute of the Court and the fight against impunity by producing and distributing printed materials and organising outreach activities;
- Open a liaison office to monitor cooperation with the Court.

## **EXAMPLES OF IMPLEMENTING LEGISLATION FOR THE ROME STATUTE:**

To implement the Rome Statute, Senegal has incorporated the provisions of the Statute in its national legislation, specifically in the Penal Code and in the Criminal Procedure Code, by adopting two amending Acts. They are:

- **Act No 2007-02 of 12 February 2007 amending the Penal Code**, Article 2 whereof adds to Book 3 of the Penal Code, under Title II, a Chapter III entitled “**Crimes under international law**”, which comprises Articles 431-1 to 431-6. These provisions establish the crime of genocide, war crimes and crimes against humanity respectively and reiterate the definitions and offences established under the Rome Statute in full.
- **Act No 2007-05 of 12 February 2007 amending the Criminal Procedure Code on the implementation of the Treaty of Rome establishing the International Criminal Court**. This law establishes the principles of the non-applicability of statute of limitations for crimes (Article 1) and universal jurisdiction (Article 2, amending Article 669 of the Criminal Procedure Code) as provided for by the Rome

Statute and determines the cooperation arrangements with the Court, which include legal cooperation, arrest and surrender (Article 3).

Cooperation also involves enforcing sentences, identifying, tracing, freezing and seizing the proceeds, property and instrumentalities of crimes.

Other types of cooperation are provided for in Articles 677-17 to 677-20 of the Criminal Procedure Code. This involves the temporary transfer of any person held on the national territory to the International Criminal Court for the purposes of identification, interview or complying with any other means of taking evidence, assisting the Attorney General at the Appeals Court in Dakar to execute the requests provided for in Article 99(4) of the Rome Statute and to adopt interim measures, at the Court's request, involving the immunities and privileges guaranteed to the Court and its staff on the territory of the Republic of Senegal in the performance of their duties.

### **BILATERAL COOPERATION AGREEMENTS BETWEEN THE COURT AND STATES PARTIES:**

Senegal has not yet signed a cooperation agreement with the Court.

Act No 2007-05 of 12 February 2007 amending the Criminal Procedure Code on the implementation of the Treaty of Rome establishing the International Criminal Court, added to Book IV of the Code a Title XIV entitled "**Relations with the International Criminal Court**". This provides a complementary legal basis to the signing of such an agreement.

At the regional seminar to strengthen national capabilities in the field of protecting witnesses and sharing experiences, which was recently held in Dakar in 2013, the Government undertook to sign with the Court any relevant agreement to implement the Rome Statute. The necessary steps will be taken with the Court's Secretariat to sign such a cooperation agreement.

### **SOLUTIONS TO CONSTITUTIONAL ISSUES ARISING FROM RATIFICATION:**

There are no constitutional issues arising from the ratification of the Rome Statute, a formality which Senegal carried out on 2 February 1999.

As a reminder, the preamble to the Constitution reasserts Senegal's commitment to the ideals of the United Nations and to international legal instruments on human rights.

Title II of the Constitution (Articles 7 to 25) is exclusively devoted to public and personal freedoms, to economic and social rights and to collective rights.

Even better, Article 98 of the Constitution establishes the principle of the primacy of international norms over national law by providing that: "Treaties or agreements which have been correctly ratified or approved shall have greater authority than that of laws as soon as they are published, provided such agreements or treaties are applied by the other party."

**NATIONAL CONTACT POINTS FOR MATTERS RELATED TO PROMOTION OF RATIFICATION AND FULL IMPLEMENTATION OF THE ROME STATUTE:**

From an administrative point of view, Senegal has not yet appointed points of contact for matters related to promotion of ratification and full implementation of the Rome Statute.

However, Senegal does have a National Consultative Council for Human Rights (CCNDH – *Conseil Consultatif National des Droits de l’Homme*), an organisation which consists of representatives from all government departments and from six civil society organisations responsible for helping to draft monitoring reports on treaties and agreements which have been signed and to advise the government on matters pertaining to human rights. Through the Ministry of Justice it also has access to the Directorate for Human Rights (*Direction des Droits Humains*) and the Directorate for Criminal Matters and Pardons (*Direction des Affaires Criminelles et des Grâces*). One of these bodies could be designated as a focal point.

**The Government of the Republic of Senegal reasserts its commitment to strengthening cooperation with the Secretariat of the Assembly of States Parties for universal ratification and full implementation of the Rome Statute of the International Criminal Cour**

