



**Conference of the States Parties  
to the United Nations  
Convention against Corruption**

Distr.: General  
29 November 2016  
English  
Original: French

---

**Implementation Review Group**

**Eighth session**

Vienna, 19-23 June 2017

Item 2 of the provisional agenda\*

**Review of implementation of the United Nations  
Convention against Corruption**

**Executive summary**

**Note by the Secretariat**

**Addendum**

**Contents**

	<i>Page</i>
II. Executive summary .....	2
Senegal .....	2

---

\* CAC/COSP/IRG/2017/1.



## II. Executive summary

### Senegal

#### 1. Introduction: Overview of the legal and institutional framework of Senegal in the context of implementation of the United Nations Convention against Corruption

Senegal signed the United Nations Convention against Corruption on 9 December 2003 and ratified it on 16 November 2005.

Senegal is a republic. The President of the Republic is the Head of State and of the executive. He or she is elected directly by universal suffrage for a term of five years, renewable once only, and presides over the Council of Ministers. Legislative power is exercised by the National Assembly. Members of the National Assembly are directly elected by universal suffrage for a term of five years. The judiciary is independent from the executive and legislative branches of government.

Senegal has a civil-law system based on the Constitution, which ranks above all other laws. Duly ratified or approved treaties or agreements, once published, take precedence over national legislation, and may be directly applied so long as they are sufficient in themselves (art. 98 of the Constitution).

Judicial institutions include the Supreme Court, the Court of Auditors, the courts of appeal, the courts of first instance and the magistrates' courts. The body responsible for managing judges' careers is the Higher Council of the Judiciary. Judges are subject only to the law in the performance of their functions, and their independence is guaranteed by the principle of security of tenure, balanced by the requirements of service.

The main institution in the fight against corruption is the National Office for the Fight against Fraud and Corruption (OFNAC). The main legislative provisions to combat corruption are contained in the Criminal Code and Uniform Act No. 2004-09 of 6 February 2004 on combating money-laundering (hereinafter "the Money-Laundering Act").

#### 2. Chapter III: Criminalization and law enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Bribery of public officials is an offence under articles 159 to 162 of the Criminal Code. Active bribery is an offence under article 161 of the Code, read in conjunction with articles 159 and 160, while passive bribery is an offence under article 159, which also contains a definition of "public official".

Bribery of foreign public officials is not established as an offence. However, it is envisaged in the draft of the new Criminal Code that is being prepared.

Active and passive trading in influence is established as an offence under article 161 of the Criminal Code, read in conjunction with article 160. These provisions refer not only to real influence but also to supposed influence.

Bribery in the private sector is not established as an offence. Nevertheless, a perpetrator of the offence of active bribery may be "anyone" (art. 161 of the Criminal Code). This provision refers to article 159 of the Code, which applies only to public officials and directors of private entities entrusted with providing a public service.

*Money-laundering, concealment (arts. 23 and 24)*

The Money-Laundering Act reproduces article 23, paragraph 1 (a) and (b), of the Convention almost to the letter. It defines a predicate offence as any serious crime (*crime*) or ordinary offence (*délit*), within the meaning of the Act, including a crime or offence committed in the territory of another State, which has enabled the perpetrator to acquire property or income. Furthermore, under article 2 of the Act, money-laundering is considered to have taken place even if the acts resulting in the acquisition, possession and transfer of the property in question were committed in the territory of another State.

Senegal confirmed that the new uniform act on combating money-laundering of the West African Economic and Monetary Union (WAEMU), of 3 March 2015, would be incorporated into its domestic law.

Article 430 of the Criminal Code establishes the act of concealment as a criminal offence. The penalties applicable to that offence are provided for by article 370 of the Code.

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Embezzlement and misappropriation of public and private funds are established as offences under articles 152 and 153 of the Criminal Code. The perpetrator may be “any person”. The beneficiary of such acts is not specified, therefore the acts may be committed for the benefit of the public official, for another natural person or for a legal person.

Abuse of functions is not currently an offence under the Criminal Code. However, the draft of the new Code reflects this provision of the Convention, and the offence of abuse of functions is envisaged to be added to that of abuse of authority.

Illicit enrichment is an offence under Act No. 81-54 of 10 July 1981. Accordingly, Senegal has set up a specialized court to try cases of illicit enrichment (Court for the Suppression of Illicit Enrichment (CREI)), and has adopted a law on the declaration of assets.

Embezzlement of property in the private sector is an offence under articles 364, 366, 368, 370 and 383 of the Criminal Code and article 891 of the Uniform Act relating to Commercial Companies and Economic Interest Groups.

*Obstruction of justice (art. 25)*

Article 25 of the Convention is primarily implemented through article 197 of the Criminal Code. This article also makes it an offence to attempt to prevent a witness from appearing or testifying in court freely. Article 25, paragraph (b), is implemented through article 195 of the Code, thus making obstruction of justice by any means an offence.

*Liability of legal persons (art. 26)*

The criminal liability of legal persons is currently provided for only under the Money-Laundering Act. The draft of the new Criminal Code envisages the criminal liability of legal persons involved in any offence, including any of the offences established by the Convention. Civil liability is covered by articles 118 and 145 of the Code of Civil and Commercial Obligations, article 161 of the Uniform Act relating to Commercial Companies and Economic Interest Groups and articles 128, 146 and 147 of the Public Procurement Code. However, neither these texts nor administrative law appear to be comprehensive enough to establish the liability of legal persons for participation in the offences established in accordance with the Convention.

Article 26, paragraph 4, of the Convention, concerning the sanctions to which legal persons may be subject, is implemented only under the Money-Laundering Act (art. 42).

*Participation and attempt (art. 27)*

Article 27, paragraph 1, relating to participation in an offence established in accordance with the Convention, is reflected in articles 45 and 46 of the Criminal Code, as well as in article 3 of the Money-Laundering Act.

Article 27, paragraph 2, relating to attempt, is only covered in the case of an offence that is considered to be a serious crime. Under article 2 of the Criminal Code, any attempt to commit such a crime is regarded as constituting the crime itself. However, any attempt to commit an ordinary offence is only regarded as constituting the offence itself in the cases established in a special provision of the law (art. 3 of the Code). Therefore, not all offences established in accordance with the Convention constitute serious crimes.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

The Criminal Code establishes penalties on the basis of the gravity of the offence. Those penalties are more severe, or even doubled, when the offence is committed by a public official.

Article 61 of the Constitution grants members of Parliament immunity in respect of the opinions that they express or votes that they cast in the performance of their functions. The plenary session of the Parliament decides, by a simple majority of votes, on the lifting of that immunity.

Under article 101 of the Constitution, the President of the Republic is responsible for acts committed in the performance of his or her functions only in the case of high treason. He or she can only be indicted by the two assemblies<sup>1</sup> on the basis of a vote by secret ballot, by a majority of three fifths of the members of the assemblies.

Members of OFNAC cannot be prosecuted, arrested, investigated, detained or tried for views or opinions that they express, or for actions or decisions that they take in the performance of their duties.

Under article 32 of the Code of Criminal Procedure, Senegal applies the principle of prosecutorial discretion. In the area of money-laundering, the application of this principle is modified. According to article 29 of the Money-Laundering Act, when acts may constitute the offence of money-laundering, the State prosecutor, acting on a report by the National Financial Information Processing Unit (CENTIF), immediately brings the matter before the investigating judge.

Articles 127 ter, 130, 132 to 134 and 141 of the Code of Criminal Procedure provide for the possibility of placing the accused under court supervision, and of pretrial release.

The gravity of the offences covered by the Convention is not taken into account when considering the eventuality of early release or parole. However, Senegal has confirmed that the authorities have taken into account the gravity of the offence in general on occasions on which such measures have been considered.

Article 52 of Act No. 61-33 on the general civil service regulations provides for disciplinary sanctions upon the indictment of an official. Similar provisions are

---

<sup>1</sup> The Senate was dissolved in 2012.

applicable to non-permanent staff (Decree No. 74-347 on the regulations applicable to non-permanent staff).

Article 34 of the Criminal Code provides for the deprivation of civil and political rights. However, the scope of application of that article does not cover enterprises owned in whole or in part by the State.

Substantial cooperation provided by an accused person in the investigation or prosecution of an offence established in accordance with the Convention may be considered a mitigating factor (art. 433 of the Criminal Code).

Persons who, prior to any legal proceedings under articles 159 and 160, disclose the acts committed by the bribe-taker to the competent authorities, are not prosecuted (third paragraph of art. 160 of the Code). This automatic exemption is provided for only in respect of passive bribery and bribery of national public officials.

Exemption from criminal sanctions is also provided for with regard to money-laundering (art. 43 of the Money-Laundering Act).

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Senegal does not have a regime for the protection of witnesses, experts and victims.

Articles 2, 76 to 78 and 405 to 410 of the Code of Criminal Procedure grant any person who claims to have suffered harm as a result of a serious crime or ordinary offence the right to bring a civil suit for damages and file a complaint before the investigating judge. Thus, the views and concerns of victims may be presented and considered at appropriate stages of criminal proceedings against offenders.

Adequate protection of reporting persons and whistle-blowers does not exist in Senegal.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

Article 31, paragraph 1, of the Convention, which relates to confiscation, is reflected in articles 11 and 30 of the Criminal Code. However, article 30 of the Code does not include the offences referred to in article 159 and, consequently, does not allow the competent courts to order the confiscation of assets in relation to those offences. The draft of the new Criminal Code extends application of the measure of confiscation to all offences, including those established in article 159. Provisional measures, and the freezing or seizure of any item referred to in article 31 (1) of the Convention for the purpose of eventual confiscation are only provided for in the Money-Laundering Act.

The administration of frozen, seized or confiscated property is entrusted to the judicial authorities (see, for example, art. 88 of the Code of Criminal Procedure). A draft law is under preparation for the purpose of creating a body responsible for the administration of seized or confiscated property.

Article 30 of the Criminal Code and article 87 bis of the Code of Criminal Procedure do not cover cases in which the proceeds of crime have been transformed or converted. Such cases are provided for in article 45 of the Money-Laundering Act.

Article 3, paragraph 4, of Act No. 2012-30 establishing OFNAC provides that bank secrecy cannot be invoked as a ground for refusal to provide that Office with information it has requested. Furthermore, the investigating judge, whose requests for information likewise cannot be refused on that ground, may also ask banks operating in the country to respond to requests for information.

Reversal of the burden of proof is provided for in article 163 bis of the Criminal Code relating to illicit enrichment.

The rights of bona fide third parties are protected by articles 89 and 90 of the Code of Criminal Procedure.

*Statute of limitations; criminal record (arts. 29 and 41)*

The statute of limitations is codified in articles 7 and 8 of the Code of Criminal Procedure. For offences established in accordance with the Convention, the usual statute of limitations period is 10 years from the date on which a serious crime is committed, and three years in the case of ordinary offences, provided that during that period no investigations or criminal proceedings are commenced. The statute of limitations is suspended where any circumstance or legal obstacle prevents criminal prosecution. With regard to illicit enrichment, article 163 bis of the Criminal Code establishes the starting point of the statute of limitations period as the point at which a formal warning is issued.

The new draft Code of Criminal Procedure reflects the requirements of article 29 of the Convention relating to the length of the limitation period and the suspension of the statute of limitations where the alleged offender has evaded the administration of justice, with regard to all offences covered by the Convention.

Currently, foreign criminal records can only be taken into account in money-laundering cases (art. 39 of the Money-Laundering Act).

*Jurisdiction (art. 42)*

Senegal has established its jurisdiction over the offences covered by the Convention, although this is not explicitly stated in its legislation. In respect of aircraft and vessels flying its flag, the jurisdiction of Senegal is established in article 125 of the Civil Aviation Code and article 620 of the Merchant Shipping Code.

Senegal has established its jurisdiction over offences committed by or against its nationals abroad (the principles of active personality and passive personality). With regard to article 42, paragraph 2 (c), the jurisdiction of Senegal is established only when the place of commission of the offence is located in one of the member States of WAEMU (art. 46 of the Money-Laundering Act).

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

According to Senegalese law, acts of corruption entail consequences, including under the law of civil obligations, money-laundering legislation and public procurement law. For example, article 145 of the Public Procurement Code provides that sanctions may be imposed by the dispute resolution committee of the body responsible for regulating public procurement. Article 42 of the Money-Laundering Act provides for the punishment of legal persons.

The law allows entities or persons who have suffered damage as a result of an act of corruption to initiate legal proceedings in order to claim compensation from those responsible for the damage.

According to the Code of Criminal Procedure, civil proceedings to claim compensation for damage caused by any offence may be initiated by anyone who has personally suffered damage directly caused by the offence. Furthermore, article 118 of the Code of Civil and Commercial Obligations establishes the liability of any person who, by his or her own fault, causes damage to others.

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

Senegal has an authority that is specialized in combating corruption, namely OFNAC. OFNAC is an independent administrative authority which has the power to take up a

matter on its own initiative, conduct an investigation and initiate legal proceedings (art. 3 of the Act establishing OFNAC).

OFNAC cooperates with similar national and international organizations working to combat fraud, corruption, similar practices and related offences.

OFNAC has neither the power to prosecute nor exclusive jurisdiction in relation to the offences referred to in the Convention. The authorities responsible for investigating corruption are the police and the gendarmerie, specifically the economic and financial brigade of the gendarmerie and the criminal investigation directorate of the judicial police.

The Court for the Suppression of Illicit Enrichment was established by Act No. 81-54 of 10 July 1981. However, it does not have jurisdiction over all the offences established in accordance with the Convention, but only over the offence of illicit enrichment.

The Senegalese financial intelligence unit (CENTIF) is an administrative body and has operational independence. It has the power to freeze transactions for a period not exceeding 48 hours (art. 28 of the Money-Laundering Act).

## **2.2. Successes and good practices**

The following successes and good practices are highlighted:

- The inclusive and transparent nature of the review process;
- The establishment of illicit enrichment as an offence;
- The organization of OFNAC, which includes former staff members of other law enforcement authorities responsible for investigating corruption;
- The cooperation of OFNAC with civil society and the private sector.

## **2.3. Challenges in implementation**

It is recommended that Senegal:

- Establish an electronic system in order to compile statistics within the justice institutions;
- Clarify the wording of article 161 of the Criminal Code to ensure that its provisions apply when an undue advantage is intended for a third person (art. 15);
- Adopt the draft of the new Criminal Code in order to implement article 16 (1), and consider implementing article 16 (2);
- Criminalize abuse of functions as defined in article 19 of the Convention;
- Consider introducing an electronic asset declaration system (art. 20);
- Consider making bribery in the private sector an offence (art. 21);
- Implement the new WAEMU uniform money-laundering act of 2015 (art. 23);
- Adopt such measures as may be necessary to establish the overall liability of legal persons who participate in offences covered by the Convention and, in particular, consider establishing the criminal liability of such persons (art. 26);
- Establish a longer statute of limitations period and/or, in the case of corruption offences, provide that the limitation period begins only at the time the offence is discovered (art. 29);

- Expand the scope of application of article 34 (3) of the Criminal Code to the holding of office in an enterprise owned in whole or in part by the State (art. 30 (7));
- Include article 159 of the Criminal Code in the provisions listed in article 30 of that Code, as envisaged by the draft of the new Criminal Code (art. 31 (1));
- Take such measures as may be necessary to enable identification, tracing, freezing or seizure for the purpose of eventual confiscation, with regard to all offences established by the Convention (art. 31 (2));
- Continue to work on setting up an agency for the management and recovery of seized and confiscated assets that will be responsible, inter alia, for the administration of property placed in legal custody (art. 31 (3));
- Amend its legislation to bring it into line with the provisions of paragraphs 4, 5 and 6 of article 31;
- Adopt legislation to establish a regime for the protection of witnesses, experts and their families in accordance with article 32 of the Convention;
- Consider entering into agreements or arrangements with other States for the relocation of witnesses (art. 32 (3));
- Consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for reporting persons (art. 33);
- Ensure that OFNAC is notified of all corruption cases and has the right to bring a civil suit for damages in each such case (arts. 30 (3) and 36);
- Provide that OFNAC investigators have the same prerogatives as the criminal police (art. 36);
- Safeguard the budgetary independence of OFNAC and strengthen its cooperation with other relevant agencies (art. 36);
- Consider extending the jurisdiction of the Court for the Suppression of Illicit Enrichment in order to make it a court for the suppression of economic and financial crimes, with jurisdiction over all corruption offences (art. 36);
- Consider entering into agreements or arrangements concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of article 37.

In addition, Senegal may wish to:

- Adopt such legislative measures as may be necessary to establish as a criminal offence any attempt to commit an offence established in accordance with the Convention (art. 27 (2));
- Take into consideration any conviction in another State (art. 41);
- Establish its jurisdiction, in accordance with article 42 (2) (c), over corruption offences when the place in which the offence is committed is located in a State which is not a member of WAEMU;
- Establish its jurisdiction when the alleged offender is present in its territory and it does not extradite him or her for a reason other than his or her Senegalese nationality (art. 42 (4)).

## 2.4. Technical assistance needs identified to improve implementation of the Convention

- Information technology support, especially with regard to statistics.

## 3. Chapter IV: International cooperation

### 3.1. Observations on the implementation of the articles under review

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

Extradition is regulated by Act No. 71-77 of 28 December 1971 (the Extradition Act), the Code of Criminal Procedure and the Money-Laundering Act.

Senegal is also a party to the Convention on Extradition of the Economic Community of West African States (ECOWAS) and its Protocol on the Fight against Corruption of 21 December 2001.

Although Senegal has signed bilateral extradition agreements, including one such agreement with France, it does not make extradition conditional upon the existence of a treaty, and considers the Convention a legal basis for extradition.

Under article 4 of the Extradition Act, dual criminality is always a requirement for extradition, without exception. However, this requirement is interpreted flexibly if the conduct underlying the offence is punishable under the laws of both States. Paragraph 2 of the article requires that the maximum applicable sentence be at least two years, thus covering the majority of the offences under the Convention. However, given that the Convention is considered as a legal basis for extradition, all the offences it covers may be considered extraditable.

The rule of speciality is enshrined in article 20 of the ECOWAS Convention on Extradition.

Under article 4, paragraph 1, of that Convention, extradition is not granted for political offences. However, in accordance with paragraph 3, the offences covered by the United Nations Convention against Corruption are not considered to be political offences.

The grounds for refusal to grant extradition, including the ground that the alleged offender is a Senegalese national, are set out in articles 5 and 8 of the Extradition Act. Nevertheless, in accordance with the principle of *aut dedere aut judicare*, the jurisdiction of Senegal over offences committed by its nationals abroad is recognized by article 664 of the Code of Criminal Procedure and by article 10 (2) of the ECOWAS Convention on Extradition.

Pretrial detention or custodial arrest is provided for in article 19 of the Extradition Act and article 74 of the Money-Laundering Act. The maximum period of 20 days established by that provision applies only to neighbouring countries.

A simplified extradition procedure is provided for in article 72 of the Money-Laundering Act. For other offences, article 44 of the Convention is implemented through direct application of the Convention. In addition, letters rogatory may be transmitted through the International Criminal Police Organization (INTERPOL) in urgent circumstances.

Senegalese legislation does not provide for the enforcement of a sentence imposed under the domestic law of a requesting State.

Articles 7 and 9 of the Constitution guarantee civil liberties in general. They apply to extradition proceedings. Furthermore, the guarantees established in the Code of Criminal Procedure apply to the extradition process.

Discrimination is a mandatory ground for refusal in accordance with article 4, paragraphs 4 and 5, of the ECOWAS Convention on Extradition. Furthermore, article 55 of the Money-Laundering Act provides for consultation with the requesting State to obtain additional information, if necessary, before a request is refused. The other offences to which article 44 of the United Nations Convention against Corruption applies are covered by the direct application of the Convention.

Senegal does not refuse requests for extradition on the sole ground that the offence is also considered to involve fiscal matters (art. 9 of the ECOWAS Convention on Extradition).

The transfer of sentenced persons is provided for bilaterally with France, as well as by the ECOWAS Convention on Mutual Assistance in Criminal Matters and part V, chapter II, of the Money-Laundering Act.

*Mutual legal assistance (art. 46)*

Mutual legal assistance is regulated by the ECOWAS Convention on Mutual Assistance in Criminal Matters; the General Convention on Judicial Cooperation (Convention of Antananarivo); the ECOWAS Protocol on the Fight against Corruption; the Convention on Judicial Cooperation between France and Senegal; articles 53 to 70 of the Money-Laundering Act; and articles 30 and 31 of the Extradition Act, which also apply to letters rogatory.

In practice, mutual legal assistance is afforded only in the event of dual criminality. Therefore, Senegal cannot grant mutual legal assistance in relation to offences involving legal persons.

Under article 53 of the Money-Laundering Act, Senegal may provide information in accordance with article 46 (3) (a) to (i) of the Convention. Subparagraphs (3) (j) and (k) of that article are covered by article 36 of the Money-Laundering Act and by article 87 bis of the Code of Criminal Procedure. Furthermore, article 46 is implemented through direct application of the Convention. Senegal may provide information without prior request, pursuant to articles 24 and 25 of the Money-Laundering Act. Information received under article 46, paragraph 4, of the Convention is kept confidential in accordance with article 56 of the Money-Laundering Act.

Bank secrecy is not a ground for refusal to render mutual legal assistance, in accordance with article 55 of the Money-Laundering Act and article 4 (2) of the ECOWAS Convention on Mutual Assistance in Criminal Matters.

The provisions set out in paragraphs 10, 11 and 12 of article 46 of the United Nations Convention against Corruption are implemented through direct application of the Convention. Furthermore, the transfer of detained persons is provided for by article 13 of the ECOWAS Convention on Mutual Assistance in Criminal Matters and article 60 of the Money-Laundering Act.

The Ministry of Justice is the central authority where bilateral or multilateral agreements have been concluded with the requesting State. In the absence of such agreements, requests are sent through diplomatic channels. The only accepted language is French. The requirements relating to requests for mutual legal assistance are laid down in article 5 of the ECOWAS Convention. Article 6 of that Convention provides that, to the extent consistent with its laws and practice, the requested Member State shall carry out the request in the manner specified by the requesting Member State. Moreover, hearings may take place by videoconference. It was indicated that the normal time frame for the execution of a request was three to six months.

The principles of confidentiality and speciality are regulated by articles 8 and 9 of the ECOWAS Convention.

The grounds for refusal of mutual legal assistance set forth in the Convention are covered by its direct application and by article 55 of the Money-Laundering Act and article 4 of the ECOWAS Convention. Article 55 of the Money-Laundering Act requires that the reasons for refusal be given. The postponement of execution of a request on the ground that such execution would interfere with an ongoing investigation or prosecution, and the possibility of granting assistance subject to certain conditions, are provided for by article 4, paragraphs 3 and 4, of the said Convention.

Safe conduct is guaranteed by article 15 of the ECOWAS Convention for witnesses who provide evidence at the request of the requesting State.

The ordinary costs of executing a request for transfer of proceedings are borne by the requested Member State (art. 34 of the ECOWAS Convention).

The provision of documents available to the general public is provided for in article 16 of the ECOWAS Convention. Furthermore, in practice, documents that are not available to the general public are also provided.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

Senegal has been a member of INTERPOL since 1961. The national police and the gendarmerie use the I-24/7 secure network and INTERPOL notices. The INTERPOL National Central Bureau (NCB) is located within the national police. There is informal cooperation between police authorities at the borders, and liaison officers are seconded to both the Subregional Bureau in Abidjan (Côte d'Ivoire) and INTERPOL headquarters in Lyon (France). Police liaison officers are also present in Dakar.

Senegal has also been a member of the West African Police Chiefs Committee (WAPCCO) since 2003.

The National Financial Information Processing Unit (CENTIF) is an administrative body and has operational independence. It cooperates with its foreign counterparts and is also a member of the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) and the Egmont Group of Financial Intelligence Units.

OFNAC cooperates with other anti-corruption authorities, but has not entered into agreements with them. It is a member of the Network of National Anti-Corruption Institutions in West Africa (NACIWA).

Article 8 of the Agreement on Police Cooperation between ECOWAS Member States and the Agreement of the West African Police Chiefs Committee provide for the conduct of joint investigations. Such investigations have been conducted with Ghana and Côte d'Ivoire.

### **3.2. Successes and good practices**

- Joint investigations have been conducted with Ghana and Côte d'Ivoire.

### **3.3. Challenges in implementation**

- Consider the enforcement of sentences imposed under the domestic law of requesting States (art. 44 (13));
- Consider concluding, if necessary, further agreements on the transfer to Senegal of persons sentenced to imprisonment for corruption offences, in order that they may complete their sentences there (art. 45);

- Adopt a stand-alone national act on mutual legal assistance in criminal matters, based on Act No. 2007-05 of 12 February 2007 relating to mutual legal assistance between Senegal and the International Criminal Court (ICC) (art. 46);
  - Ensure that, in practice, Senegal renders requested assistance in the absence of dual criminality, provided that such assistance does not involve coercive action (art. 46 (9));
  - Take such measures as may be necessary to allow for the appropriate use by the competent authorities of controlled delivery and other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, and allow for the admissibility in court of evidence derived therefrom (art. 50).
-