



**UNIVERSAL PERIODIC REVIEW  
SUBMISSION FOR SENEGAL**

NGO Submission

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**ABOUT HRF**

1. The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.
2. We focus our work on the founding ideals of the human rights movement, those which are most purely enshrined in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights (ICCPR).
3. HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

## INTRODUCTION

4. This submission was prepared by HRF, for the Universal Periodic Review (UPR) of Senegal. In this submission, HRF evaluates Senegal's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including: limitations on the freedoms of assembly, association, expression, and of the press, and ongoing arbitrary arrests, detentions, and violations of due process.

## FOLLOW-UP ON THE PREVIOUS REVIEW

5. The most recent UPR of Senegal by the United Nations (UN) Human Rights Council took place on November 5, 2018.<sup>1</sup> The Human Rights Council considered and adopted the outcome of the country's review during its 31<sup>st</sup> session, on December 18, 2018.<sup>2</sup> A total of 257 recommendations were made to Senegal, with the government accepting 229 recommendations and noting 28.<sup>3</sup>

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<sup>1</sup> *Senegal, The Universal Periodic Review*, United Nations Human Rights, Office for the High Commissioner, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/265/43/PDF/G1826543.pdf?OpenElement>.

<sup>2</sup> *Senegal: Responses to Recommendations — Session 31*, UPR-INFO, (Nov. 2018), [https://www.upr-info.org/sites/default/files/documents/2019-08/2rps\\_senegal\\_31upr.pdf](https://www.upr-info.org/sites/default/files/documents/2019-08/2rps_senegal_31upr.pdf).

<sup>3</sup> *Id.*

6. As a Member State of the UN, Senegal has committed to protecting, promoting, and respecting the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights (UDHR). Senegal has also ratified the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR).
7. The 2001 Constitution of the Republic of Senegal (*hereinafter* Constitution) formally enshrines the protection of several human rights (*see infra Senegal's National Framework for Protecting Human Rights*). However, despite these constitutional guarantees, in practice, individuals in Senegal are subjected to human rights violations, not least by the very existence of laws that criminalize and impinge on their fundamental freedoms.

## SENEGAL'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

8. Senegal's Constitution contains several key provisions relating to the protection of the fundamental rights and freedoms of its citizens.<sup>4</sup>
9. In relation to the equal protection of individuals under the law, the Constitution states in *Article 7*:
  - (4) *All human beings are equal before the law. Men and Women are equal in right.*
  - (5) *The law promotes the equal access of women and men to the mandates and functions.*
  - (6) *There is in Senegal no constraint, or privilege arising from birth, from person or from family.*
10. In relation to arbitrary detention and torture, the Constitution states in *Article 7*:
  - (2) *Every individual has the right to life, to liberty, to security, to the free development of his personality, to corporeal integrity, notably to protection against all physical mutilations.*
11. In relation to the respect for human dignity and protection from inhuman treatment, the Constitution states in *Article 7*:

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<sup>4</sup> *Senegal Constitution, 2001 with Amendments through 2016, Const. Project (2016),* [https://www.constituteproject.org/constitution/Senegal\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Senegal_2016.pdf?lang=en).

(1) *The human person is sacred. It is inviolable. The State has the obligation to respect it and to protect it.*

(2) *Every individual has the right to life, to liberty, to security, to the free development of his personality, to corporeal integrity, notably to protection against all physical mutilations.*

12. In relation to the freedom of expression, the Constitution states in *Article 10*:

*Each one has the right of expression and to disseminate their opinion freely by word, pen, image, [and] peaceful march, provided that the exercise of these rights does not infringe the honor and the consideration of others, or the public order.*

13. In relation to the freedoms of assembly and association, the Constitution states in *Article 12*:

(1) *All the citizens have the right to freely constitute associations, [and] economic, cultural, and social groups as well as societies, under reserve of conforming to the formalities specified by the laws and regulations.*

## POLITICAL BACKGROUND

14. Senegal gained independence from France on April 4, 1960, after merging with French Sudan (now known as the Republic of Mali), to form the Federation of Mali.<sup>5</sup> On August 20, 1960, Senegal withdrew from the federation and became a separate state.<sup>6</sup> Today, it has a multiparty presidential system with a president elected every five years as head of state and an appointed prime minister as head of government.<sup>7</sup>

15. From 1960 to 1980, Leopold Sedar Senghor, of the Senegalese Democratic Bloc, which later became the Senegalese Progressive Union (UPS), served as the first elected president.<sup>8</sup>

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<sup>5</sup> Ababacar Fall, *Histoire politique et électorale du Sénégal, l'éternel recommencement (de 1960 à 2020)*, Abis éditions, (2020).

<sup>6</sup> Fatma Bendhaou, *Fédération du Mali : l'Union qui ne durera pas (Analyse)*, Anadolu Anjasi, (Aug. 22, 2022), <https://www.aa.com.tr/fr/afrique/fédération-du-mali-l-union-qui-ne-perdura-pas-analyse/2666259>.

<sup>7</sup> Vincent Tohbi, *Senegal: Sub-Saharan multiparty elections*, ACE The Electoral Knowledge Network, <https://aceproject.org/ace-en/topics/em/annex/electoral-management-case-studies/senegal-independence-strengthened-in-a-mixed-model>.

<sup>8</sup> M. Senghor est élu président de la République du Sénégal, *Le Monde*, (Sept. 6, 1960), [https://www.lemonde.fr/archives/article/1960/09/06/m-senghor-est-elu-president-de-la-republique-du-senegal\\_2107423\\_1819218.html](https://www.lemonde.fr/archives/article/1960/09/06/m-senghor-est-elu-president-de-la-republique-du-senegal_2107423_1819218.html).

16. On December 17, 1962, tensions between President Senghor and Prime Minister Mamadou Dia of the Senegalese Democratic Bloc over the division of power resulted in a vote of no confidence against the government.<sup>9</sup> Dia responded by invoking executive powers and ordering the army to lock the assembly building before the dissident parliamentarians could vote.<sup>10</sup> Dia and several of his ministers were subsequently arrested and accused of plotting a coup.<sup>11</sup> Sentenced to life imprisonment, he ultimately spent 12 years in detention before being granted a Presidential pardon in 1974.<sup>12</sup> On December 19, 1962, the National Assembly approved Senghor as the new head of government, merging the positions of president and prime minister.<sup>13</sup> The prime minister's office was abolished through a constitutional amendment in 1963 but was later reinstated in 1970.<sup>14</sup>
17. In 1976 and 1978, Senghor further amended the constitution, authorizing the existence of up to four opposition parties, thus putting an end to the UPS' one-party rule.<sup>15</sup>
18. In 1981, Abdou Diouf, who served as prime minister from 1970-1981, was sworn in as president, upon President Senghor's retirement.<sup>16</sup> He won re-election in 1983 and served until 2000, during which time he introduced a multiparty system that allowed political parties to freely operate without any restrictions.<sup>17</sup> In 1983, Diouf abolished the office of Prime Minister, before reinstating it in 1991.<sup>18</sup>
19. In 2000, Abdoulaye Wade, from the Democratic Senegalese Party, won the presidential election with 58.5% of the votes, ending the Socialist Party's 40-year

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<sup>9</sup> Nelson, Harold D., et al. *Area Handbook for Senegal*, 2nd Edition. Washington, D.C.: Foreign Area Studies Division of American University, (1974), 36 p. et al, <https://files.eric.ed.gov>.

<sup>10</sup> *Id.*

<sup>11</sup> *Les péripéties de la crise opposant M. Senghor à M. Dia*, Le Monde (Dec. 19, 1960), [https://www.lemonde.fr/archives/article/1962/12/19/les-peripeties-de-la-crise-opposant-m-senghor-a-m-dia\\_2363104\\_1819218.html](https://www.lemonde.fr/archives/article/1962/12/19/les-peripeties-de-la-crise-opposant-m-senghor-a-m-dia_2363104_1819218.html).

<sup>12</sup> Mehdi Ba, *Senegal: Senghor's shadow share*, Jeune Afrique, (Aug. 28, 2021), <https://www.jeuneafrique.com/1217870/politique/senegal-la-part-dombre-de-senghor/>.

<sup>13</sup> *Senegal (1960-present)*, University of Central Arkansas, (2023), <https://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/senegal-1960-present/>.

<sup>14</sup> *Key Senegalese politician, Mamadou Dia dies*, The Guardian, (Feb. 3, 2009), <https://www.theguardian.com/world/2009/feb/03/mamadou-dia-obituary-senegal>.

<sup>15</sup> Vincent Tohbi, *supra* note 7.

<sup>16</sup> *Abdou Diouf*, RSF, <https://rsf.org/en/abdou-diouf>.

<sup>17</sup> *The Party System and conditions of candidacy - Senegal*, Trans-saharan elections project, University of Florida, <https://tsep.africa.ufl.edu/the-party-system-and-conditions-of-candidacy/senegal/>.

<sup>18</sup> University of Central Arkansas, *supra* note 13.

rule,<sup>19</sup> and was reelected in 2007.<sup>20</sup> Macky Sall, from the Alliance for the Republic party, was elected president in 2012, after defeating Wade's controversial bid for a third term.<sup>21</sup> Large demonstrations across the country erupted in response to the validation of Wade's candidacy by the Constitutional council,<sup>22</sup> whose members are appointed by the president.<sup>23</sup>

20. Since 2012, Sall's administration has systematically orchestrated efforts to disqualify mainstream opposition candidates, such as Khalifa Sall, former mayor of Dakar, Karim Wade, the son of Sall's predecessor Abdoulaye Wade,<sup>24</sup> and most recently, Ousmane Sonko, former mayor of Ziguinchor, from standing in presidential elections<sup>25</sup> through arbitrary convictions in criminal cases.<sup>26</sup>

## FREEDOM OF ASSEMBLY, ASSOCIATION, AND EXPRESSION

21. Senegal is a party to the UDHR, ICCPR, and ACHPR, all of which protect the freedoms of assembly, association, and expression, as does the Constitution.<sup>27</sup> Nevertheless, officials continue to severely crack down on peaceful protests and dissenting opinions.

22. The Senegalese regime has consistently used various laws to curtail freedom of expression. The Criminal Code contains provisions that are regularly abused to allow for the detention and prosecution of opposition members and other critics.<sup>28</sup> For example, Article 80, a vague national security provision,

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<sup>19</sup> *Élections d'Abdoulaye Wade à la présidence du Sénégal*, Perspective Monde, (March 19, 2000), <https://perspective.usherbrooke.ca/bilan/servlet/BMEve/1257&langue=fr>.

<sup>20</sup> Diadie Ba, *Senegal court confirms Wade re-elected president*, Reuters, (March 11, 2007), <https://www.reuters.com/article/idUKL1113704020070311>.

<sup>21</sup> *Senegal's Macky Sall sworn in as president*, Al Jazeera, (Apr. 2, 2012), <https://www.aljazeera.com/news/2012/4/2/senegals-macky-sall-sworn-in-as-president>.

<sup>22</sup> Xan Rice, *Senegal president cleared for third term*, Financial Times (Jan. 29, 2012), <https://www.ft.com/content/a3b9eb14-4a8e-11e1-a11e-00144feabdc0>.

<sup>23</sup> Senegal Constitution, *supra* note 4, at Art. 89.

<sup>24</sup> Sofia Christensen, *Senegal's modernizing president leads field in upcoming election*, Reuters, (Feb. 19, 2019), <https://www.reuters.com/article/cnews-us-senegal-election-preview-idCAKCN1Q81GI-OCATP>.

<sup>25</sup> Andrei Popoviciu, *Senegal opposition leader trial kickstarts rocky election season*, Al Jazeera, (March 30, 2023), <https://www.aljazeera.com/features/2023/3/30/senegal-opposition-leader-trial-kickstarts-rocky-election-season>.

<sup>26</sup> *Id.*

<sup>27</sup> Senegal Constitution, *supra* note 4.

<sup>28</sup> Senegal Criminal Code, (1965) Loi de base No. 65-60, Arts. 254, 255, and 80, <https://www.refworld.org/docid/49f5d8262.html>.

criminalizes any “maneuver or act that might compromise public security or cause serious political disturbance” and imposes mandatory detention for anyone charged under the law.<sup>29</sup>

23. In 2021, the National Assembly adopted a series of controversial laws on counterterrorism.<sup>30</sup> One of the provisions, Article 279-1 of the Criminal Code, introduced a new category of terrorist offenses, comprising, *inter alia*, of actions that could “seriously disturb public order” or constitute “criminal association”<sup>31</sup> — a vague definition that allows the regime to easily infringe upon individual freedoms of assembly and association, potentially leading to trumped-up charges against opposition leaders and peaceful protestors arrested during demonstrations or other gatherings.<sup>32</sup>

24. In March 2021, protests erupted across Senegal after former presidential candidate and opposition leader Ousmane Sonko was arrested on allegations of rape.<sup>33</sup> The five-day demonstration turned violent as police clashed with supporters who claimed that his arrest was politically-motivated in order to bar him from running for office.<sup>34</sup> Defense and security forces responded by deploying teargas and live bullets, resulting in 100 arrests and 14 deaths.<sup>35</sup>

25. In June 2022, Cheikh Abdou Mbacké Bara Dolly, a lawmaker from the opposition coalition Wallu Senegal, was arrested and detained for criticizing President Sall at a political rally.<sup>36</sup> He faced charges under Articles 80, 255, and 258 of the Criminal Code, related to insulting the head of state, spreading false news, and defamation.<sup>37</sup> He was conditionally released in July 2022 after he and his family

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<sup>29</sup> *Id.*

<sup>30</sup> Marième Soumaré, *Senegal: tensions in Dakar as the Assembly adopts a controversial law on terrorism*, Jeune Afrique, (June 25, 2021), <https://www.jeuneafrique.com/1193947/politique/senegal-tensions-a-dakar-alors-que-lassemblee-adopte-une-loi-controversee-sur-le-terrorisme/>.

<sup>31</sup> *Analysis of the laws amending the criminal code and the code of criminal procedure*, Amnesty International, (Dec. 2016), <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR4960062017ENGLISH.pdf>.

<sup>32</sup> *Senegal: New counterterror laws threaten rights*, Human Rights Watch, (July 5, 2021), <https://www.hrw.org/news/2021/07/05/senegal-new-counterterror-laws-threaten-rights>.

<sup>33</sup> *Senegal protest after opposition leader Ousmane Sonko arrested*, BBC, (March 5, 2021), <https://www.bbc.com/news/world-africa-56298756>.

<sup>34</sup> *Id.*

<sup>35</sup> *Senegal: respect free expression and assembly*, Human Rights Watch, (March 12, 2021), <https://www.hrw.org/news/2021/03/12/senegal-respect-free-expression-assembly>.

<sup>36</sup> Aminata Sarr, *Offense au Chef de l'État: La longue liste des personnalités victimes de l'article 80*, Seneweb, (June 11, 2022), [https://www.seneweb.com/news/Societe/offense-au-chef-de-l-rsquo-etat-la-longue\\_n\\_380892.html](https://www.seneweb.com/news/Societe/offense-au-chef-de-l-rsquo-etat-la-longue_n_380892.html).

<sup>37</sup> *Arrestations et non respect des libertés, le Sénégal sous le coup de Article 19*, Midi Actu, (Sept. 24, 2022), <https://midiactu.com/arrestations-et-non-respect-des-libertes-le-senegal-sous-le-coup-de-article-19/>.

publicly apologized to President Sall.<sup>38</sup>

26. In August 2022, opposition activist Outmane Diagne, an aide to opposition leader Ousmane Sonko, was arrested and detained for spreading false news and deleting and modifying newspaper data.<sup>39</sup> The arrest came after Outmane Diagne shared the front pages of satirical Senegalese newspapers on social media, along with three smiley face emojis.<sup>40</sup>

27. In March 2023, opposition activists Cheikh Oumar Diagne and Abdou Karim Gueye were placed in custody and charged with “calling for insurrection,” “calling for violence against state institutions,” and “undermining state security,”<sup>41</sup> following a press conference during which they called for a rally to demand the resignation of President Sall.<sup>42</sup> Both were previously detained in November 2022, after facing charges of spreading false news about officials’ involvement in the death of religious leader Alioune Badara Ndao,<sup>43</sup> who had been detained from 2015 to 2018 on terrorism charges, before being acquitted.<sup>44</sup> The two activists publicly requested an autopsy to determine the causes of Ndao’s death.<sup>45</sup>

## ARBITRARY ARRESTS, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

28. The regime consistently stifles attempts by the opposition and civil society members to express themselves through peaceful protest, citing a “risk of disturbing public order” and a repressive 2011 ministerial decree which bans

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<sup>38</sup> *Un député d’opposition en liberté provisoire après ses “excuses” pour une offense “au président,”* Le Figaro, (July 8, 2022), <https://www.lefigaro.fr/flash-actu/senegal-un-depute-d-opposition-en-liberte-provisoire-apres-ses-excuses-pour-une-offense-au-president-20220708>.

<sup>39</sup> *Senegal: Rise in censorship and crackdown on expression,* Article 19, (Sept. 22, 2022), <https://www.article19.org/resources/senegal-rise-in-censorship-free-speech/>.

<sup>40</sup> *Senegal: Repressive legislation threatens freedom of expression,* European country of origin information network, (Jan. 11, 2023), <https://www.ecoi.net/en/document/2085609.html>.

<sup>41</sup> *Senegal: Human rights violations on the rise in run up to election,* Article 19, (April 5, 2023), <https://www.article19.org/resources/senegal-human-rights-violations-run-up-to-election/>.

<sup>42</sup> Daouda Mine, *DIC - After Sheikh O. Diagne, Abdou Karim Guèye placed in police custody,* IGFM, (March 19, 2023), <https://www.igfm.sn/dic-apres-cheikh-o-diagne-abdou-karim-gueye-place-en-garde-a-vue>.

<sup>43</sup> Article 19, *supra* note 39.

<sup>44</sup> *Country analysis: Senegal,* Lexota, (Dec. 2022),

[https://lj2026.n3cdn1.secureserver.net/wp-content/uploads/2023/01/COUNTRY-ANALYSIS\\_-Senegal\\_Dec22.pdf](https://lj2026.n3cdn1.secureserver.net/wp-content/uploads/2023/01/COUNTRY-ANALYSIS_-Senegal_Dec22.pdf).

<sup>45</sup> *Pape Alé Niang, Abdou Karim Guèye et Cheick Oumar Diagne, libres,* Ndarinfo, (Jan. 10, 2023),

[https://www.ndarinfo.com/Pape-Ale-Niang-Abdou-Karim-Gueye-et-Cheikh-Oumar-Diagne-libres\\_a35156.html](https://www.ndarinfo.com/Pape-Ale-Niang-Abdou-Karim-Gueye-et-Cheikh-Oumar-Diagne-libres_a35156.html).

“political demonstrations” in downtown Dakar.<sup>46</sup> Senegalese officials refused to repeal the ministerial decree despite the Economic Community of West African States (ECOWAS) Court of Justice’s ruling on March 31, 2022, which states that it violates the rights to freedom of expression and peaceful assembly.<sup>47</sup>

29. In January 2021, Boubacar Seye, president of the NGO Horizons Sans Frontières, was arbitrarily detained on his arrival at the Dakar airport and charged with “disseminating fake news,” after criticizing the regime’s lack of transparency regarding European Union funding for youth employment and migration.<sup>48</sup> He was provisionally released after 20 days of detention.<sup>49</sup>

30. In February 2021, Birame Souleye Diop and Abbas Fall, two members of the Pastef opposition party, were accused of criminal conspiracy, immoral content dissemination, assault threats, and violence, for criticizing the regime’s handling of Ousmane Sonko’s case.<sup>50</sup>

31. In June 2022, the Dakar Prefect banned a demonstration against the Constitutional Council’s decision to reject opposition alliance Yewwi Askan Wi’s national list in the 2022 legislative elections, invoking a risk of public disorder.<sup>51</sup> Opposition politicians Déthié Fall and Ahmed Haidara were arrested and given conditional prison sentences for participating in unauthorized demonstrations.<sup>52</sup>

32. In January 2023, rapper Abdou Karim Gueye and two other members of the Nittu Deugu citizen’s movement were arrested after participating in a meeting with Prime Minister Amadou Ba about the alleged misuse of COVID-19 funds.<sup>53</sup> The members had left the meeting chanting, “Free Pape Ale Niang,” who was arrested for writing about the rape charges against Ousmane Sonko.<sup>54</sup>

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<sup>46</sup> *Senegal, report on the human rights situation covering 2022*, Amnesty International, (2023),

<https://www.amnesty.org/en/location/africa/west-and-central-africa/senegal/report-senegal/>.

<sup>47</sup> *Ligue Nationale Sénégalaise des droits de l’homme et Amnesty international Senegal section vs Republic of Senegal*, Court of Justice of the Economic Community of West African States (Ecowas), (March 31, 2022), [http://www.courtecawas.org/wp-content/uploads/2022/06/JUD-ECW-CCJ-JUD-22-22-La-ligue-Senegalaise-Des-Droits-Humains-Amnesty-vs.State-of-Sénégal-31\\_03\\_22.pdf](http://www.courtecawas.org/wp-content/uploads/2022/06/JUD-ECW-CCJ-JUD-22-22-La-ligue-Senegalaise-Des-Droits-Humains-Amnesty-vs.State-of-Sénégal-31_03_22.pdf).

<sup>48</sup> *Senegal, report on the human rights situation covering 2021*, Amnesty International, (2022),

<https://www.amnestyusa.org/countries/senegal/>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Senegal: Prohibitions, violence, arbitrary arrests, the right to protest is under threat*, Amnesty International, (June 29, 2022), <https://www.amnesty.org/en/latest/news/2022/06/senegal-interdictions-violences-arrestations-arbitraires-le-droit-de-manifester-est-menace/>.

<sup>52</sup> *Id.*

<sup>53</sup> *Dakar dismisses rights retreat assertions*, Voa Africa, (March 9, 2023), <https://www.voaafrica.com/a/dakar-dismisses-rights-retreat-assertions/6997572.html>.

<sup>54</sup> *Id.*

33. In February 2023, Mohamed Samba Djim of the FRAPP-France Dégage Movement was arrested in his home for allegedly funding activities that could endanger public safety or cause political unrest.<sup>55</sup> Before his arrest, he had solicited online crowdfunding to aid members and officials of the Pastef opposition party.<sup>56</sup>
34. In March 2023, former Prime Minister Hadjibou Soumaré was detained on charges of “defamation” after he suggested in a public letter that the president had donated 12 million euros to an unnamed French politician during a recent visit.<sup>57</sup> The regime accused Soumaré of trying to discredit President Sall and undermine the institution that he embodies.<sup>58</sup>

## FREEDOM OF THE PRESS

35. Although freedom of the press is enshrined in Senegal’s law, some media outlets have been arbitrarily suspended by the regime, and journalists continue to be subjected to intimidation and censorship.
36. In January 2021, a controversial press law was enacted that authorized prison terms of up to two years for defamation and three years for publishing “fake news” likely to “discredit public institutions” or “prejudice public decency.”<sup>59</sup> Under Article 192, certain officials, such as the governor or prefect, are authorized to shut down media outlets without a judge’s prior approval, under exceptional circumstances, such as a deemed threat to national security or on the grounds of inciting hatred.<sup>60</sup> This provision seriously undermines press freedom because “national security” is a notoriously vague term which is susceptible to subjective interpretations by Senegalese officials.
37. In March 2021, the National Audiovisual Regulatory Council (CNRA) suspended independent television stations Walf TV and Sen TV for three days, for airing

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<sup>55</sup> *Senegal: Authorities intensify repression ahead of 2024 election*, Amnesty International, (March 17, 2023), <https://www.amnesty.org/en/latest/news/2023/03/senegal-authorities-intensify-repression-ahead-of-2024-election/>.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Babacar Dione, *Senegal’s ex-prime-minister in custody after criticism*, AP News, (March 10, 2023), <https://apnews.com/article/senegal-marine-le-pen-politician-arrest-ae486c58758268b5f288682d36506123>.

<sup>59</sup> *Loi n°2017-27 du 13 juillet 2017 portant Code de la Presse*, Journal officiel de la République du Sénégal, (Aug. 19, 2017), <http://www.numerique.gouv.sn/sites/default/files/CODE%20PRESSE.pdf>.

<sup>60</sup> *RSF asks Senegal to amend its new press law*, Reporters Without Borders, (Jan. 8, 2021), <https://rsf.org/en/rsf-asks-senegal-amend-its-new-press-law>.

anti-riot forces violently repressing supporters of opposition leader Ousmane Sonko with tear gas and live ammunition.<sup>61</sup> The two leading private TV stations were accused of “inciting violence” likely to constitute a “threat to national stability or social cohesion.”<sup>62</sup> In February 2023, Walf TV once again had its signal cut off for a week after broadcasting the violent crackdown on the opposition protest in Mbacké.<sup>63</sup>

38. Senegalese officials are increasingly hindering journalists’ ability to perform their work without fear and intimidation. In April 2022, journalist Pape Malick Thiam was arrested for filming in a restricted area while covering a hearing on the rape case involving Ousmane Sonko.<sup>64</sup> He was severely beaten by security officials until he lost consciousness.<sup>65</sup> In July 2022, during a live interview, Talla Sylla, a member of the ruling Alliance for the Republic openly called for burning down the Walf TV station and attacking its journalists, expressing displeasure over their critical reporting on President Sall.<sup>66</sup>

39. In November 2022, camera operator Fatou Dione of online media *Buur News* was physically assaulted by police while covering protests that rocked central Dakar and demanding the release of political prisoners.<sup>67</sup> The following day, the editor of *Dakar Matin*, Pape Alé Niang, was arrested and charged with “divulging information likely to harm national defense,” and “disseminating false news likely to discredit public institutions”<sup>68</sup> after writing about Oumsane Sonko’s rape charges.<sup>69</sup>

40. In March 2023, Pape Ndiaye, a journalist from Walf Fadjiri press group, was arrested and indicted on six counts, including “contempt of court” and

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<sup>61</sup> *Senegal Protests: 2 demonstrators killed, TV channels suspended, Radio office ransacked*, Media foundation for West Africa, (March 5, 2021), <https://www.mfwa.org/senegal-protests-2-demonstrators-killed-tv-channels-suspended-radio-office-ransacked/>.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Senegal: Assaulted, detained and arraigned, journalist Pape Thiam regains his freedom*, Media foundation for West Africa, (Apr. 25, 2022), <https://www.mfwa.org/country-highlights/senegal-assaulted-detained-and-arraigned-journalist-pape-thiam-regains-his-freedom/>.

<sup>65</sup> *Id.*

<sup>66</sup> *Senegalese ruling party member calls for attacks on Walfadjri media company, journalists*, Committee to protect journalists, (July 6, 2022), <https://cpj.org/2022/07/senegalese-ruling-party-member-calls-for-attacks-on-walfadjri-media-company-journalists/>.

<sup>67</sup> *Woman media practitioner savagely assaulted by Senegalese police*, Media Foundation for West Africa, (Feb. 15, 2023), <https://www.mfwa.org/country-highlights/senegal-police-assault-female-journalist/>.

<sup>68</sup> *Senegalese court grants temporary release for journalist Pape Ale Niang*, *Le Monde*, (Jan. 11, 2023), [https://www.lemonde.fr/en/le-monde-africa/article/2023/01/11/senegalese-court-grants-temporary-release-for-journalist-pape-ale-niang\\_6011188\\_124.html](https://www.lemonde.fr/en/le-monde-africa/article/2023/01/11/senegalese-court-grants-temporary-release-for-journalist-pape-ale-niang_6011188_124.html).

<sup>69</sup> *Detained Senegalese Pape Ale Niang, released for the second time*, Media foundation for West Africa, (Jan. 12, 2023), <https://www.mfwa.org/detained-senegalese-journalist-pape-ale-niang-released-for-the-second-time/>.

“spreading false news,” following comments he made about the case against Ousmane Sonko.<sup>70</sup> Ndiaye had alleged that some deputy prosecutors were initially opposed to pursuing the criminal case against the opposition leader.<sup>71</sup>

## RECOMMENDATIONS

41. HRF calls on Senegal to:

- a. Ensure that journalists, political activists, and opposition leaders are able to freely exercise their rights to freedom of expression, association, and peaceful assembly without fear of reprisals, arrest, detention, intimidation or harassment;
- b. Guarantee the right to peaceful assembly, as enshrined in the Senegalese Constitution and in international law and, in particular, repeal the ministerial Order no. 7580 of July 2011, which prohibits demonstrations of a political nature in the center of the capital;
- c. Amend the provisions of the Criminal Code that limit the right to freedom of expression, particularly Article 80, which imposes mandatory detention for anyone who compromises public security or causes political disturbance, and Articles 254-255, which impose penalties for publishing false news and offending the Head of State;
- d. Ensure that the notion of “terrorist act” in Article 279-1 of the Criminal Code is clearly defined and not deployed as a tool to limit the exercise of the right to freedom of expression and assembly by removing expression and conduct from the law that does not constitute an immediate threat to national security;
- e. Bring the new press code and its provisions in line with regional and international standards, including by decriminalizing press offenses; and
- f. Cease all forms of judicial harassment and politically-motivated prosecutions of opposition leaders, political activists, and journalists who

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<sup>70</sup> Senegal: Authorities must release journalist Pape Ndiaye, IPI Institute, (March 20, 2023), <https://ipi.media/senegal-authorities-must-release-journalist-pape-ndiaye/>.

<sup>71</sup> Senegal: journalists jailed for contempt of court and spreading false news, Africa News, (March 8, 2023), <https://www.africanews.com/2023/03/08/senegal-journalist-jailed-for-contempt-of-court-and-spreading-false-news//>.

criticize or express open opposition to the regime.