

**APPLICATION SUBMITTED TO THE ECOWAS COMMUNITY
COURT OF JUSTICE**

IN THE MATTER BETWEEN

**RENCONTRE AFRICAINE POUR LA DEFENSE DES DROITS
DE L'HOMME (RADDHO)**

-AND-

THE REPUBLIC OF SENEGAL

SUMMARY OF FACTS

1. This Communication is submitted against the Republic of Senegal, a state party to the Treaty of the Economic Community of West African States (ECOWAS) having duly ratified the Revised ECOWAS Treaty on 14 June 1994.
2. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) is a non-governmental organization duly registered in the Republic of Senegal on 21 April 1990, operating in Dakar, Senegal, with its principle aim being to defend and protect the rights of Senegalese citizens and African people in general.
3. This Communication is made as regards Senegal's violation of the Protocol on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 2008 to which Senegal is a party and which entered into force on 20 February 2008.
4. Additionally, this Communication is also made with regard to the violations of human rights contrary to the provisions of the African Charter on Human and Peoples' Rights that have been occurring in the Republic of Senegal since the announcement by the Constitutional Council of Senegal to allow incumbent President Abdoulaye Wade to run for a third term.
5. The Protocol relating to the Community Court of Justice entered into force on 5 November 1996 and the Republic of Senegal, by its ratification of the Protocol, has submitted itself to the jurisdiction of this Court. Such recognition of jurisdiction has previously been asserted by Senegal's apt participation in proceedings before the ECOWAS Community Court of Justice in the cases of *Alice Chukwudolue & others v The Republic of Senegal*, Suit No: ECW/CCJ/APP/06/06 and *Hissein Habré v Republic of Senegal* General Role No. ECW/CCJ/APP/07/08 18 November 2010.

6. On 27 January 2012, the Constitutional Council, which is the highest court in the Republic of Senegal as regards constitutional matters, made a decision which involved interpretation of the country's 2001 Constitution. The issue of how many terms the constitution allows the incumbent president to run for was at the core of the dispute emphasized by the decision of the Constitutional Council based on the construal of two key provisions namely articles 27 and 104 of the Constitution (2001).
7. President Abdoulaye Wade, the sitting president, argues that his election in 2000 and his subsequent rule up to and until 2007 cannot be regarded as his first term under the new Constitution (2001) as this election was based on the 1963 Constitution.
8. The Constitutional Council, by confirming President Wade's candidacy, has legitimated the argument that the changes enacted in 2001 were not to be applied retro-actively and so, the President's first term should be rightly considered as the one that started after the 2001 Constitution was passed. This would therefore mean that in accordance with the Court's decision, President Wade's first term under the 2001 Constitution took place between 2007-2012 as opposed to the notion that his first term ran between 2000-2007.
9. Currently, the position taken by the President and endorsed by the Constitutional Council is that President Wade can run for a second term, which is rather a third term as argued in this submission, under the 2001 Constitution and as such, the government has decreed 26 February 2012 as the date for the presidential elections much to the resistance of the opposition parties in the nation as well as a large majority of the citizenry.
10. The complainant therefore requests that the ECOWAS Community Court examine the effects of the decision of the Constitutional Council of Senegal and declare such decision inconsistent with the obligations assumed by the state of Senegal under the

Protocol on Democracy and Good Governance which proscribes non-consensual substantive changes to electoral rules at the eve of elections and calls for accession to power through free, fair and transparent means and whether the same ruling is in line with the spirit of the Constitution of Senegal.

11. As a result of the Constitutional Council's decision, mass protests have swept Senegal in opposition to established attempts of President Wade to run for a third term. The police administration has responded by cracking down protests across the country. Police have allegedly fired on the citizens using live ammunition. The exact number of dead and injured people is still not known but the president has shown no sign of retreat from his resolution to run for a third presidential term.
12. The use of live bullets on the protesters directly violates the provisions of article 22 of the Protocol on Democracy and Good Governance that forbids the use of arms to disperse non-violent meetings or demonstrations thus requiring police officers to only use minimal and proportionate force. Further, these acts contravene the United Nations Code of Conduct for law Enforcement, General Assembly Resolution 34/169 of 17 December 1979 which similarly restricts the use of exaggerated measures of force by the police in the dispersal of demonstrating crowds.
13. The use of live bullets, in addition, contravenes the right to life as enshrined under article 4 of the African Charter on Human and Peoples' Rights (African Charter) and is similarly a clear violation of article 7 of the Senegalese Constitution which covenants that the human person is sacred and inviolable and at all times the state shall have the obligation to respect it and to protect it.
14. The Government of Senegal has so far prohibited mass demonstrations and rally meetings and on occasions where the citizens have attempted to make their displeasure known concerning the ongoing events, this has been met with police brutality and the death of protesters. The Government has failed to respect its citizens'

liberty to assemble freely and their freedom of expression, a clear infringement of articles 10 and 11 of the African Charter.

15. The complainant therefore alleges that the state of Senegal has violated its citizens human rights contrary to the provisions of article 4, 10, 11 and 13 of the African Charter with regards to the protection of life, the freedom of assembly and the right to participate freely in the government of their country, either directly or through freely chosen representatives in accordance with the provisions of the law.

ADMISSIBILITY

1. With regards to Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO)'s status as a complainant, RADDHO is a non-governmental organization with standing in this Court to challenge the violation of any public right under the doctrine of *actio popularis*.
2. This Court has in its previous decision *The Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v The Federal Republic of Nigeria and Universal Basic Education Commission (UBEC)* Suit No: ECW/CCJ/APP/12/07 held that a complainant has standing under *actio popularis* which allows a person or entity to challenge the violation of a public right. The complainant need not show that he has suffered any personal injury or has a special interest but rather must establish that there is a public right which is worthy of protection and which has allegedly been breached and that the matter is justiciable.
3. As concerns exhaustion of local remedies, article 10(d) of the Supplementary Protocol amending the Protocol relating to the Community Court of Justice gives no condition precedent in accessing the Court provided that the submission of the application shall not be anonymous. This Court has previously reiterated this position in *Essien v The Republic of The Gambia and Another* Suit No: ECW/CCJ/APP/05/05.

4. In accordance with article 10(d)(ii) of the 2005 Supplementary Protocol amending the Protocol relating to the Community Court of Justice the complainant submits that this matter is not *lis pendens* and therefore has not been instituted nor is it before another international court for adjudication.

JURISDICTION

1. The Republic of Senegal is a party to the 1993 Revised Treaty of the Economic Community of West African States (ECOWAS) having duly ratified the Revised Treaty of the ECOWAS on 14 June 1994.
2. Senegal is furthermore a party to the ECOWAS Community Court of Justice since its entry into force on 5 November 1996; and a party to the Supplementary Protocol, which extended this Court's jurisdiction to hear human rights cases brought by individuals, since its provisional entry into force on 19 January 2005.
3. The Republic of Senegal is a party to the African Charter on Human and Peoples' Rights which it ratified on 13 August 1982.
4. The Republic of Senegal has also ratified the Protocol on Democracy and Good Governance which entered into force on 20 February 2008.
5. Article 9(4) of the 2005 Supplementary Protocol amending the Protocol relating to the Community Court of Justice grants this court jurisdiction to determine cases of violation of human rights that occur in any member state.
6. Additionally, article 9(2) of the 1991 Protocol on the Community Court of Justice grants this Court competence to deal with any matter on the interpretation or application of the provisions of the Revised ECOWAS Treaty. This Court therefore, in accordance with article 4(g) of the Revised ECOWAS Treaty which recognises the promotion and protection of human and peoples' rights as per the provisions of the African Charter has

jurisdiction to adjudicate on any violation of the rights under the African Charter. Right from the beginning in the case of *Honorable Dr. Jerry Ugokwe v The Republic of Nigeria* Suit No. ECW/CCJ/APP/02/05 this Court has developed an extensive and enriching human rights jurisprudence which confirms its human rights jurisdiction. In terms of article 9(1)(a) the 2005 ECOWAS Court Supplementary Protocol, this Court is further vested with jurisdiction as regard “the interpretation and application of conventions and protocols of the Community”. It follows that the Court has jurisdiction to examine disputes as to whether actions of member states’ organs are consistent with the ECOWAS Protocol on Democracy and Good Governance.

7. The complainant further avers that this Court has jurisdiction based on the principle of ‘Constitutional Convergence’ which is enshrined under article 1(h) of the ECOWAS Protocol relating to Democracy and Good Governance which stipulates that the rights set out in the African Charter on Human and Peoples’ Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States and each individual or organization shall be free to have recourse to the common or civil law courts, to ensure the protection of his/her rights. In the absence of a court of special jurisdiction, the Supplementary Protocol shall be regarded as giving the necessary powers to common or civil law judicial bodies. The same provisions establish the African Charter as common constitutional law in all ECOWAS member states.

1. MERITS

8. Senegal is a member state of ECOWAS and therefore is bound by the fundamental principles of the Community and other obligations in its Treaty, protocols and other legal instruments. Article 98 of the 2001 Constitution of Senegal states that:

Treaties or agreements duly ratified shall, upon their publication, have an authority superior to that of the laws, subject, for each treaty and agreement, to its application by the other party.

9. The candidacy of President Abdoulaye Wade for another presidential term, the decision of the electoral authorities to organize elections on 26 February 2012 with President Wade as a candidate despite explicit dispute and lack of consensus among domestic stakeholders on such a central issue as eligibility; and the endorsement by the Constitutional Council of the President's bid for a third term are in violation of Senegal's obligations under the ECOWAS Revised Treaty (1993) and other relevant legal instruments of the Community in particular the ECOWAS Protocol on Democracy and Good Governance (2002/2008).
10. The deterioration of the human rights situation in Senegal through the disproportionate use of force to suppress protests is in violation of the ECOWAS Treaty, the African Charter of Human and Peoples' Rights and other relevant human rights instruments to which Senegal is party.
11. Finally the denial by the Constitutional Council of the opportunity to contest in the election on grounds of insufficient signatures in support of their candidacy without an opportunity to appeal and replace invalid signatures is in violation of the ECOWAS Protocol on Democracy and Good Governance, the procedural rules of fairness and other democratic principles adopted by member states of the Community.

1.1 PRESIDENT WADE'S CANDIDATURE

12. In the year 2000, when President Wade was elected under the first post-independence Constitution of Senegal (1963), he introduced on his own initiative the new Constitution with the view to limit the terms of office a president can serve and deliver the popular 'Sopi' (change) he had promised the people of Senegal in his quest to be president. This demand for change that he led was motivated by the previous history of the country's 40-year one party rule by both Presidents Leopold Sédar Senghor and Abdou Diouf serving extended presidential tenures of about 20 years each. President Wade was therefore expected to fulfill this demand for change where a President could not stay in power for the rest of his life or for as long as he wished.

13. This was the national consensus created under the political leadership of President Wade which led to the promulgation of the new Constitution of 2001. Indeed the preamble of the constitution which is stated to be an integral part makes reference to the rule of law, equality before the law and the commitment to democratic principles. As was expected, the new Constitution imposed a two term limit on every president without any exception. Article 27 of the Constitution which reads “the duration of the term of office of the President is five years. The term is renewable once” therefore provided for a five-year term of office renewable once, and again without any exception. To clarify the peculiar situation of the first president under the 2001 Constitution, article 104(1) expressly states that “the incumbent president shall complete his term of office” under the new Constitution. Moreover, article 104(2) provides that “all other provisions of the Constitution (2001) shall apply to him [incumbent President Wade]”. It is submitted that the cross-reading of both provisions unequivocally suggests that, by making clear references to the term that was started in 2000, the new Constitution (2001) thus recognizes such term as constitutionally valid one to which the term limitation applies as prescribed by article 27 of the new Constitution. Such understanding of article 104 is reinforced by its provision under the chapter of the new Constitution dealing with transitional matters, thus contextualizing the term limitation as applying to two terms in all including the term started in 2000, which the law allows the incumbent president to complete.
14. Indeed, as a matter of fact, the drafters of the 2001 Constitution declined the well available option of terminating the term which started in 2000 and calling for new elections under the new Constitution in 2001.
15. The letter of the above constitutional provisions is further confirmed by the spirit in which the whole 2001 Constitution was adopted and by several public statements of President Wade that the 2001 Constitution applies to his 2000 term. In light of the mischief it sought to cure by making the term of the President renewable once, the two-

term provisions of the 2001 Constitution could be purposively construed only to mean that no president in Senegal is allowed to run for more than two terms in all. In the pursuit of the ‘Sopi’ (change) political movement that supported his coming into power, President Wade severally declared in various public statements to the Senegalese people that he would not contest for a third term in keeping with the provisions of the 2001 Constitution.

16. Arguably, the most famous of such statements broadcasted on national television and by international media is when President Wade said in 2007, after he was elected for a second term, that: “I can run for no more term as I have locked the Constitution”. This statement is in clear admission by President Wade, safe of subsequent malicious construction of the law, that his candidacy for the February 2012 election is in pursuit of a third term in the sense of and despite the letter and spirit of the “Sopi” Constitution of Senegal (2001). Malicious construction of the law, which amounts to a violation of the rule of law, is evidenced in the present case by President Wade’s public justification whether “he is still bound by his vow to reach the train station if a storm breaks out while he is on his way thereto”. Although not binding under domestic law, such statements carry a great weight as they were made by the president who, in terms of several provisions of the Constitution, guarantees that the law of the land is upheld, and the rule of law is secured from any breach. Moreover, as established in precedents such as *Burkina Faso v Mali*¹ and the *Nuclear Test case*², the unilateral declarations of the Head of State can create binding obligations under international law. President Wade, with the support of the electoral institutions of Senegal, has violated obligations owed to the Community by violating his own declarations on democratic principles to which the Community is unequivocally committed.

¹ *Case concerning the Frontier Dispute (Burkina Faso v. Republic of Mali)*, Judgment of 22 December 1986, *I.C.J. Reports* 1986, p. 573, para. 39.

² *Nuclear Tests (Australia v. France; New Zealand v. France)*, Judgments dated 20 December 1974, *I.C.J. Reports* 1974, pp. 267-8, paras. 43 and 46 and pp. 472-3, paras. 46 and 49.

17. It is impossible to find any justification under the democratic principles to which ECOWAS is committed, why President Wade should be allowed to seek a third term under a Constitution promulgated with the declared view of limiting the number of terms a president can serve as a clear departure from the years before the constitution. This departure from the past was declared and championed by President Wade himself. Under a constitution that allows a president to renew his term of office only once, he cannot be allowed by state institutions to renew it twice, without clearly breaching the democratic obligations of the state including those owed under ECOWAS laws created to entrench democratic principles in the sub-region, especially the ECOWAS Protocol on Democracy and Good Governance. Republic Constitutions such as that of Senegal must be interpreted in a way that conforms to the esteemed Republican principle of egalitarianism and not exceptionalism.

18. It ensues from the on-going that the reinterpretation of the Constitution of Senegal, five weeks to elections constitutes a substantial alteration of the state of the law in contravention of the article 2(1) of the ECOWAS Protocol on Democracy and Good Governance which directs that:

No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of political actors.

19. It is submitted that constitutional provisions limiting the number of terms constitutes fundamental electoral law. The Constitution of Senegal is the supreme law of the land which sets the general framework for elections, among others by limiting terms of presidency. The Constitution is therefore positioned as the supreme electoral law of Senegal which all electoral laws ought to be read with. The endorsement by the Constitutional Council of Senegal of the candidacy of a president who has completed two terms thus amounts to “substantial modification of electoral laws” in the sense of both the Constitution of Senegal and the ECOWAS Protocol on Democracy.

20. A cardinal principle of the concept of constitutionalism is the limitation of governmental power by clearly predetermined rules.³ It is therefore an unconstitutional means of seeking power and a violation of the ECOWAS Democracy Protocol for the Constitutional Council to adopt a non-purposive and restrained interpretation of the Constitution in less than two months to an election and seek to exempt President Wade from the limitations imposed on him and subsequent holders of his office by the same constitution.
21. President Wade's candidacy for the third time is also in violation of the spirit of the ECOWAS Protocol on Democracy and Good Governance which was ironically made in the city of Dakar as a supplement to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security, in recognition of the fact that peace and security ultimately depend on democracy and good governance.
22. It is undeniable from the facts of this case, that a change in the interpretation of a law implies a change of the law in effect. It is beyond dispute in this case also that the limitation of presidential terms was a key objective of the 2001 Constitution and therefore the 2001 constitution cannot be considered as granting that which it sought to deny namely a presidential tenure that exceeds two terms.
23. The ECOWAS Democracy Protocol also requires zero tolerance for power obtained or maintained by unconstitutional means⁴ as well as popular participation in decision-making and strict adherence to democratic principles.⁵ Contrary to these principles, the government of Senegal has failed to afford citizens the right to have a say in a matter that is openly in dispute.
24. In the ECOWAS Protocol on Democracy and Good Governance it is provided in article 1(b) as a constitutional principle binding all member states that "every accession to power must be made through free, fair and transparent elections". It is impossible for

³ Ewing & Bradley, Constitutional and Administrative Law.

⁴ Article 1(c).

⁵ Article 1(d).

free, fair and transparent elections to be held in an atmosphere of human rights violations including the freedom of expression and assembly which has been taking place in Senegal since the validation of President Wade candidacy for the third time by the Constitutional Council.

25. Fairness in an election process necessarily involves and indeed begins with fairly deciding when the rules should be set out and how they should be set out to ensure that all parties are treated equally without exception. Indeed, in an atmosphere where civil and political rights are not respected as required by the ECOWAS Treaty and relevant protocols, free and fair elections cannot be organized.
26. It clearly flows from the ongoing that Senegal has violated articles 1(b), 1(c), 1(d) and 2(1) of the ECOWAS Protocol on Democracy read together with article and the general principle of the rule of law.

1.2 HUMAN RIGHTS VIOLATIONS

27. The rule of law is a cardinal principle to which this Community is committed as stated in a number of legal instruments including the preamble of the ECOWAS Protocol on Democracy and Good Governance with member states having observed that, to have peace and security in the region there is a strong need to uphold the principles of “democracy and good governance, the rule of law, and human rights”. The ECOWAS Revised Treaty under article 4(j) declares as a fundamental principle the “promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July, 1991”. The Declaration elaborates on the principles to be followed “in order to enhance the prospects of advancing economic cooperation and integration in a political environment of peace, security and stability”.⁶ The inclusion of the principles of this Declaration in the ECOWAS Treaty is a testimony to its importance the community imbues it with binding

⁶ Preamble of the Declaration of Political Principles adopted in Abuja on 6 July, 1991.

force upon every domestic organ of a member state in the community as much as any other provision of the Treaty.

28. It is clear from the unrest and violence that has met this development in Senegal, one of the most peaceful members of the Community that the decision of the Constitutional Council to proceed with elections with President Wade as a candidate has the potential of causing grave domestic instability in violation of Senegal's obligations under the ECOWAS Treaty.

29. The gross human rights violations including of the freedoms of expression and of assembly that have followed the declaration of the candidacy of incumbent President Wade for the third time are in violation of Declarations 4 and 5 in which Heads of States in the Community make the following assertions:

4. We will respect human rights and fundamental freedoms in all their plentitude
Including in particular freedom of thought, conscience, association, religion or
Belief for all our peoples without distinction as to race, sex, language or creed.

5. We will promote and encourage the full enjoyment by all our peoples of their
Fundamental human rights, especially their political, economic, social, cultural
And other rights inherent in the dignity of the human person and essential to
his free and progressive development.

30. As a result of the Constitutional Council's decision, mass protests have swept Senegal in opposition to this decision. The police administration has responded by cracking down against protesters across the country using live ammunition. The exact number of dead and injured people cannot so far be accounted for.

31. The use of live bullets on the protesters directly violates the provisions of article 22 of the Protocol on Democracy and Good Governance that forbids the use of arms to disperse non-violent meetings or demonstrations thus requiring police officers to only use minimal

and proportionate force. Further, these acts contravene international provisions inter-alia the United Nations Code of Conduct for Law Enforcement Officials, General Assembly Resolution 34/169 of 17 December 1979 which similarly restricts the use of exaggerated measures of force by the police in the dispersal of demonstrating crowds.

32. “Recognition promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights” is also a fundamental principle of the Community as stated in article 4(g) of the Revised ECOWAS Treaty. The use of live bullets, in addition, contravenes the right to life as enshrined under article 4 of the African Charter on Human and Peoples’ Rights and is similarly a clear violation of article 7 of the Senegalese Constitution which covenants that the human person is sacred and inviolable and at all times the state shall have the obligation to respect it and to protect it.
33. By its prohibition to holding of mass demonstrations and rally meetings, the Government of Senegal has failed to respect its citizens' liberty to assemble freely and their freedom of expression, a clear infringement of articles 10 and 11 of the African Charter which promote the freedom of association and the right to assemble freely with others respectively.
34. It is noteworthy that before this decision by President Wade to run for a third term and the endorsement by the Constitutional Council of that decision, Senegal was a leading member state in honouring these ECOWAS obligations. The response of the security forces to the protests against the Constitutional Council’s decision has led to the loss of lives and physical injuries to several people.
35. The disproportionate response of the police including the killing of a protester as a result of being run over by a police vehicle as well as the use of live ammunition is in violation of Senegal’s obligations not only under the Revised ECOWAS Treaty and other relevant ECOWAS laws but also the African Charter on Human and Peoples’ Rights.

1.3 PROCEDURAL RULES OF NATURAL JUSTICE AND DUE PROCESS

36. These country-wide protests have been intensified by the decision of the Constitutional Council to disqualify other candidates in less than a month to the elections on grounds of not having enough signatures in support of their candidacy without an opportunity of rectification to redeem their candidacies before the election. In the case of *Ugokwe v Nigeria*, this honourable Court recognized the right to fair trial, especially appeal right, in case of elections.
37. The ECOWAS Democracy Protocol requires that “adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results”.
38. The decision to proceed with the election polls as scheduled without addressing the grievances of other political actors is therefore in violation of Senegal’s obligations under ECOWAS as it creates a situation of frustration leading to a deterioration of peace and security and the continuing violations of the rights of the Senegalese opposition leaders to be granted a right of fair trial and access to justice. The disqualification of the proposed contenders due to lack of ability by the court to validate a quantitative sum of their signatures without granting the said contenders the right to remedy the collected signatures and present them afresh before the Constitutional Council is therefore a violation of this Court’s spirit to promote fair trial and justice.
39. In summary, as regards the violation of human rights, it may be argued that the use of police brutality and live ammunition to disperse the protesters contravenes not only the Protocol on Democracy and Good Governance but also the provisions of articles 4, 10, 11 and 13 of the African Charter, whose protection is guaranteed by the members of this Court under article 4(g) of the revised ECOWAS Treaty.

RELIEF SOUGHT FROM THE COMMUNITY COURT OF JUSTICE

40. The complainant seeks that this Court adjudge or otherwise declare:

1. That the endorsement by the Constitutional Council of Senegal of the candidacy of the incumbent president, Abdoulaye Wade, for re-election into the presidential office is a violation of the principles enshrined under the Protocol on Good Governance and Democracy and further contravenes the provisions and spirit of the Senegalese Constitution as well as the will of the people of Senegal.
2. That the decision of the Constitutional Council to endorse President Wade amidst protests from the citizenry is not in line with relevant provisions of the ECOWAS Democracy Protocol on accession to power through free fair and transparent means. That the same decision contravenes peace and security in Senegal.
3. That the Republic of Senegal be ordered by this honorable Court to suspend the decreed elections of 26 February 2012 until such time as the Government of Senegal will be able to provide a credible pledge to this Court that the elections will be held in an environment that ensures inclusive talks with the opposition parties and relevant civil society organizations and until such time the Government can grant an assurance of sustainable peace before, during and after the results of the elections.
4. That the violent response by the police personnel to the protesters and the use of live ammunition is a violation of article 22 of the Protocol on Democracy and Good Governance and a further contravention of article 4 of the African Charter on Human and Peoples' Rights and the Government of Senegal be ordered by this Court to cease and desist with immediate effect from using live ammunition to disperse protesters.
5. That the Government of Senegal be ordered by this Court to investigate the deaths and injuries of protesters, prosecute the police officers involved in the use of live

ammunition and adjudicate that the Government compensate the victims of human rights violations occasioned and inflicted as a result of the demonstrations held in Senegal since the announcement of the Constitutional Court on 27 January 2012.