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*Winner of the 2006 UNESCO Prize for Human Rights Education  
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## **PRESS STATEMENT**

For immediate release

21 February 2012

### **CENTRE FOR HUMAN RIGHTS CALLS ON ECOWAS COURT TO SUSPEND 26 FEBRUARY 2012 PRESIDENTIAL ELECTION AND END HUMAN RIGHTS VIOLATIONS IN SENEGAL**

The Centre for Human Rights, University of Pretoria, has followed with great concern the events that have been taking place in the Republic of Senegal since the decision of the Constitutional Council, on 27 January 2012, to allow the incumbent, President Abdoulaye Wade, to run for a third term. In our view, it is a contravention of the letter and spirit of the Constitution of Senegal, the Economic Community of West African States (ECOWAS) laws and the President's own pledge to the Senegalese people.

The Government of Senegal has, despite the legitimate concerns raised by the opposition parties, civil societies as well as a large majority of the citizenry, decreed 26 February 2012 as the date for the presidential election.

The President's objective under the 2001 Constitution was a clear political mandate from the Senegalese people to implement immediate change (*Sopi*). An important element of this change was to reverse the post-independence history of Senegal, which saw Presidents Senghor and Diouf each served 20 years in office. As a consequence, the 2001 Constitution provided for a two-term limit which was maintained even after a 2008 amendment extended the tenure from five to seven years. President Wade has, however, to the dismay of the citizens, sought to use the same Constitution to extend his own tenure as president, thus defeating the object and purpose of the Constitution he led the people of Senegal to create.

Additionally, the Centre also observes with great disappointment the violation of human rights that have been occurring in Senegal since the Council's decision. In violation of the African Charter on Human and Peoples' Rights, the Senegalese Constitution, the ECOWAS Protocol on Democracy and Good Governance and the United Nations Code of Conduct for Law Enforcement Officials, Senegalese police have responded to mass protests by cracking down violently on protesters across the country.

The Government of Senegal has also banned mass demonstrations and meetings contrary to the Country's Election Code, which allows free assembly of all candidates and voters, in clear contravention of the citizens' liberty to assemble and freedom of expression. The ongoing uncontrolled responses of the police have gone as far as firing tear gas into mosques in various cities thus desecrating religious sanctuaries and fueling discontent among Muslim leaders and the general public.

As a result, the Centre for Human Rights, in partnership with the *Rencontre Africaine pour la Défense des Droits de l'Homme* (RADDHO), a non-governmental organization based in Dakar, Senegal, have lodged an urgent application with the ECOWAS Community Court of Justice seeking the immediate suspension of the presidential election scheduled to take place on the 26 February 2012. This application also requests the Court to call upon the Government to engage in inclusive talks with the opposition parties and civil society to establish conditions for a credible election to be held as soon as possible.

As one of the prominent regional courts in Africa, the ECOWAS Court, which sits in Abuja, Nigeria, has jurisdiction over fifteen West African countries and has since 2005 decided several individual human rights cases. The choice of the ECOWAS Court lies in its proximity to the Senegalese situation and the role that it has so far played as a beacon of democracy and justice in the West African region. ECOWAS, of which Senegal is a member state, has adopted legal instruments which impose democratic obligations on member states while recognizing the African Charter on Human and Peoples' Rights as imperative for achieving ECOWAS objectives. Different to the African Court on Human and Peoples' Rights, the ECOWAS Court also does not require that litigants first exhaust local remedies.

The Centre for Human Rights therefore calls upon the Government of Senegal:

- 1) to cease and desist from gagging the public from exercising its freedom of expression and association through peaceful demonstrations as prescribed by the country's laws;
- 2) to cease and immediately refrain from the use of live bullets in dispersing the opposition parties, their followers or any other organized groups exercising their right to freedom of expression and of assembly;
- 3) to immediately release any persons who have been arrested during the demonstrations and have not yet appeared in court within forty eight hours as is required by the national laws;
- 4) to forthwith lodge investigations into the killings that have so far taken place and prosecute the police officers responsible for the killings while compensating any injured parties in this matter; and finally
- 5) to suspend the decreed elections of 26 February 2012 and without delay commence inclusive talks with the opposition parties and relevant civil society organizations calling for an assurance of sustainable peace before, during and after the results of the elections.

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