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Maitre Malick Sall
Keeper of the Seals, Minister of Justice
Building administratif Président
Mamadou Dia, 7e étage
BP 4030 Dakar, Senegal



RE: THREATS TO THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND THE LACK OF JUSTICE FOR FAMILIES OF THOSE KILLED DURING PROTESTS IN SENEGAL

Dear Minister,

Amnesty International wishes to express its concern at the threats to the right to freedom of peaceful assembly in Senegal and the lack of justice for the families of victims of an excessive use of force.

During March 2021, spontaneous demonstrations erupted in several cities around the country, sometimes accompanied by cases of looting, ransacking of public property, and clashes with law enforcement officers.

While there was no immediate danger to the lives of the officers or others, the defence and security forces did not hesitate to fire live ammunition at demonstrators who were exercising their right to assembly as guaranteed by the Senegalese constitution and international law.

On 3 March, as the convoy accompanying opposition leader Ousmane Sonko to a judicial summons was brought to a standstill, and as a prelude to his arrest, gendarmes used excessive force against one of his bodyguards, beating him and placing a tear gas grenade in his jacket.

During this incident, the prefect of Dakar asked the security forces to “charge” (fire tear gas at) the demonstrators, including the journalists present at the scene. One cameraman from a regional television station was hit by a grenade, resulting in a wound to his shin.

Between 3 and 8 March, there appear to have been several instances of the defence and security forces using force that was excessive, either because it was not necessary to use such force to contain any violence, or because the force used was disproportionate to the harm it was intended to prevent.

Individuals in plain clothes armed with sticks, cudgels and firearms were also observed at several sites beating demonstrators while the security forces looked on, and even using firearms in some locations around the capital.

As a result, demonstrators, including children, were injured or killed. Amnesty International documented 14 deaths and a further 590 people injured, according to the Senegalese Red Cross.

Among the victims was Cheikh Wade, shot in Parcelles Assainies by the police and the video of whose death has been widely circulated on social and other media in Senegal and around the world. In the video, authenticated by Amnesty International, a police officer can be seen aiming and shooting at Cheikh

Wade. A police car then drove up to the body and past it. Cheikh's family filed a complaint with the Dakar Court of Appeal, but the case has not been followed up to date. His family is still awaiting justice.

I strongly believe that implementing Amnesty International's recommendations below would enable the Senegalese authorities to ensure compliance with international standards by ending the violent repression of demonstrations and ensuring justice for the victims of the March protests.

Amnesty International is particularly concerned about the excessive use of force during demonstrations and recommends that the Senegalese authorities:

- conduct prompt, impartial, independent and thorough investigations into the circumstances of the killings and injuries to protesters during the events of March 2021;
- prosecute all persons suspected of being responsible for such crimes or other instances of excessive use of force, including superiors, and impose disciplinary and criminal sanctions when such persons are found guilty;
- protect and guarantee the right to peaceful assembly in accordance with Senegal's constitution and its international commitments, including through implementation of the Guidelines for the Policing of Assemblies by Law Enforcement Officials of the African Charter on Human and Peoples' Rights (ACHPR). In particular:
 - ensure that law enforcement officers are identifiable by a name or badge with their officer number.
 - use tear gas or water cannon only in situations of widespread violence to disperse a crowd, and only if all other means have failed to contain the violence. People must be warned of the impending use of these means and be allowed to disperse.
 - use firearms only when there is an imminent threat of death or serious injury, and when other less extreme means are insufficient. Law enforcement officers must give clear warning of their intention to use firearms.

Thank you in advance for your time and attention to this matter.

Yours faithfully,

