



Inter-Parliamentary Union

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Senegal

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 165th session (virtual session, 6-21 May 2021)



Senegalese opposition leader Ousmane Sonko talks to the media at his party's headquarters in Dakar on 8 March 2021 | Seyllou / AFP

SEN-08 - Ousmane Sonko

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Mr. Ousmane Sonko is president of *PASTEF-Les Patriotes*, a Senegalese opposition party. He is a member of the National Assembly and has his sights set on high office. Mr. Sonko came third in the 2019 presidential elections. According to the complainant, the present case is part of ongoing efforts by the ruling party to remove any possibility of change in political leadership.

On 8 February 2021, Mr. Sonko was summoned by the *Section de recherche de la Gendarmerie nationale* (National Gendarmerie's Research Section) after a complaint of rape was filed against him, an offence he categorically denied. On the same day, the Public Prosecutor requested the opening of a judicial investigation and the investigating judge requested the lifting of Mr. Sonko's parliamentary immunity. The National Assembly plenary voted in favour of lifting his immunity on 26 February 2021.

On 3 March 2021, Mr. Sonko was summoned to court and went accompanied by a crowd of activists. According to the complainant, the procession was stopped half way by security forces, who arrested Mr. Sonko.

The complainant alleges several irregularities concerning Mr. Sonko's detention, the criminal proceedings and the procedure for lifting parliamentary immunity.

Case SEN-08

Senegal: Parliament affiliated to the IPU

Victim: Male opposition member parliament

Qualified complainant(s): Section I.1.(a) of the Committee Procedure (Annex I)

Submission of complaint: March 2021

Recent IPU decision(s): - - -

Recent IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from to the authorities: May 2021
- Communication from the complainant: April 2021
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (April 2021)
- Communication addressed to the complainant: April 2021

According to the parliamentary authorities, the case is not of a political nature and procedures have been followed. On the day he was summoned by the judge, Mr. Sonko allegedly mobilized members and supporters of his party and refused to follow the route designated by the law enforcement authorities, thus creating serious public disorder problems. All this took place against a background of a ban on gatherings and demonstrations, following the health emergency declared because of COVID-19. These acts of public disorder were reportedly the reason for his arrest and detention for insurgency and practices and acts likely to disrupt public security, which are offences provided for and punished in the Senegalese Criminal Code.

Mr. Sonko was released under judicial supervision on 8 March 2021. The Public Prosecutor dropped the initial charges brought against him for public disorder. The investigation into the allegations of rape is ongoing.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the information provided;
2. *Notes* that the complaint was submitted in due form by a qualified complainant under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
3. *Notes* that the complaint concerns an incumbent member of parliament at the time of the alleged facts;
4. *Notes* that the complaint concerns allegations of arbitrary arrest and detention, lack of due process at the investigation stage, violation of freedom of opinion and expression, and failure to respect parliamentary immunity, allegations which fall within the Committee's mandate.
5. *Considers*, therefore, that the complaint appears to be *prima facie* admissible under the provisions of section IV of the Procedure and *declares itself* competent to examine the case.
6. *Requests* the Secretary General to convey this decision to the Senegalese authorities and the complainant.