

# Senegal: Rise in censorship and crackdown on expression



Activist Outhmane Diagne. Photo: Facebook

**ARTICLE 19 is deeply concerned by the crackdown on expression we have witnessed in Senegal in recent months. We call on the Senegalese authorities to repeal any laws criminalising protected speech and to release those detained for exercising their right to freedom of expression.**

Over the past few months, ARTICLE 19 has documented a number of attacks and infringements on the right to freedom of expression.

On 10 June, 2022, Abdou Bara Dolly, a member of parliament, was arrested following critical remarks he made against President Macky Sall during a demonstration by the two coalitions of the opposition (Yewi Askan and Wallu) in Dakar. He was charged and placed under a detention order for the offences of insulting the head of state (article 80 of the penal code), dissemination of false news (article 255 of the penal code and defamation (article 258 du code penal). After almost a month in detention, Abdou Bara Dolly was finally granted provisional freedom on 8 July 2022. He remains at the disposal of the court for his trial.

On 3 August 2022, Pape Ibra Guèye, also known as Papito Kara, a social media activist, was arrested for the offence of disseminating false news, and for deletion, modification, fabrication and use of computer data to publish headlines from media outlets and newspapers before they were made public by the outlets. Press groups filed a complaint after the headlines were published on social media. He remains in detention.

A few days later, activist Outmane Diagne was arrested and detained for spreading false news, and for deleting and modifying newspaper data. This happened after he shared the front pages of satirical newspapers on his Facebook page, along with 3 smiley face emojis. He also remains in custody at this time.

On 8 September 2022, Abdou Karim Gueye and Cheikh Oumar Diagne were placed in police custody following remarks made after the death of an imam, Alioune Badara Ndao, during a TV programme. The two defendants accused the State of being the root cause of Imam Ndao's illness. They were taken into custody on 12 September and charged for 'broadcasting false news'. They remain in custody today.

*"This tendency of Senegalese authorities to deny criticism and muzzle dissenting voices and freedom of expression flouts the fundamentals of democracy. The chilling and deterrent effect of these practices on activists, civil society organisations, the media, and others encourages self-censorship. The fundamental values of democracy and freedoms that the country has taken years to acquire must be preserved," said David Diaz-Jogeix, Senior Director of Programmes at ARTICLE 19.*

ARTICLE 19 reminds the Senegalese authorities of their obligation under Article 19 of the International Covenant on Civil and Political Rights which provides that 'everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice'.

ARTICLE 19 further reminds the Senegalese authorities that restrictions on freedom of expression are permissible only if they comply strictly with the three-part test established under Article 19(3) of the ICCPR. They must meet the requirement of legality (which requires that the legal basis for the restriction be clear, accessible and predictable), pursue a legitimate aim, and be necessary and proportionate to achieving that aim.

In particular, the criminalisation of protected expression such as satire, criticism towards the State or public officials constitutes a violation of Article 19. In addition, the principle of proportionality mandates that criminalisation of speech always be an exceptional and last resort and that restrictions on the right to freedom of expression 'must be the least intrusive instrument amongst those which might achieve their protective function' (Human Rights Committee, [General Comment No. 34](#), paragraph 34).

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Senegal is ranked 50 out of 161 countries in the 2022 [Global Expression Report](#) – ARTICLE 19's annual review of the state of freedom of expression and the right to information around the world.