

## FREE TRANSLATION

Dear Sir,

This is to acknowledge receipt of your letter dated September 29, 2009 and I would like to thank you warmly for it.

I very much appreciated the tone of your letter; it was careful and prudent, because you took the precaution to point out clearly what was reported to you.

Do you know that some journalists, said to be close to power were also condemned and sometimes very severely?

Ndiogou Wack Seck, Chief Editor of *'Il est Midi'*, known to be a defender of the regime against unjustified attacks of the allied press, was sentenced 12 times by the court to jail term and fines. This journalist never got a single association nor a committee of journalists to investigate his case, not even a human Rights NGO to protest.

Senegal is a country of Democracy, where journalists are particularly very well treated. Their Association used to receive from the previous socialist government an annual aid of 150 million CFA francs, the equivalent of 300,000 US Dollars. I increased that amount to 300 million CFA francs, that is 600,000 US Dollars and then to 600 million CFA francs, equivalent to 1.2 million US Dollars.

The bad thing about the Senegalese press is that, there are too many headlines for a limited number of readers, because we have a great number of illiterates. Then newspapers compete with each other through big headlines in color, the most sensational possible to attract buyers, even if they have to invent or sometimes forge the truth. Before the liberal alternance regime, press owners used to share the subsidies among themselves, leaving out the true working bees of the hive. To the great displeasure of media owners, we have changed things around and now press owners and journalists are financially supported.

This is the reason why young reporters do not get along with the older ones who live of collecting ransoms. Here we are talking about grocery journalists: you pay for the title and the page.

Of course it is understood that I refuse to play that game and this is the reason why there are many of them who are allied against me. This does not disturb me at all because the Senegalese are much smarter than one would think. The journalist having become less credible cannot have a significant incidence on elections.

In order to pull them out of this sad situation, I have decided to build a Press House. In this 8 stories modern building, their association will have about 4 floors fully equipped and operational. I have asked them to lease the rest of the floors so as to secure regular revenue and be independent.

The 7 billion CFA cost of the building, allocated to construction could give any regime great eulogistic titles daily. But our regime will not do that. Our sense of liberty prevents us from buying consciences.

Coming back to the cases you reported, the two journalists from Kaolack you mentioned, are the best proof of the independence of Justice.

In our judiciary system inspired from the French system, the Public Prosecutor, called also the « parquet » is under the Minister of Justice from whom he receives instructions as a Public Attorney. He faces the Attorney of the Bar who defends the indicted citizen. In between the two stands the independent Judge.

In this particular case the Public Prosecutor, i.e. the Minister of Justice, representing the government was opposed to jailing journalists. The Judge had to override the decision and put the journalists in jail. On September 23<sup>rd</sup> 2009, their temporary release came through thanks to the diligence of the Public Prosecutor's office.

Now, here is what happened with the two other journalists Boubacar Kambel Dieng and Kara Thioune. During a press conference given by one of our soccer stars, the room was full and the conference had already started. The journalist arrived and was stopped by a police officer who had received orders not to let anybody in anymore, because the conference was already going on. This journalist went on a rage and slapped the police officer. This was followed by collar grabbing. His fellow journalist joined in and both of them assaulted the police officer. The other police officers in the vicinity arrived and you can imagine what happened next. The two journalists that assaulted the police officer were arrested and deferred to the Public Prosecutor's office.

Are there many countries where a journalist can assault a police officer and get away with it? They took lawyers to defend them.

The complaint of the journalists is in Court under preliminary investigation. Therefore one cannot talk about impunity.

As you can see the situation of the press in Senegal is very complex and tricky and just as you rightfully mentioned it several times, I have requested the reform of the press code to decriminalize press offences. Please note that, some journalists here, among the most important ones, have publically come forward in their press organs to rise against the decriminalization. That will not stop me and I just instructed the new Prime Minister to carry on with this decriminalization dossier and to elaborate a new press code.

Let me take this opportunity of the interest you show for our country, to ask you to bring your assistance forward in the selection of two American lawyers specialized in Media Laws, to come and participate in the elaboration of a press Code more Democratic than in the United States.

I am making the same request to the United States Government in the scope of our bilateral cooperation.

I will end with Mrs. Clinton's word. Perhaps we do not even understand it the same way. As far as I am concerned, it is a friendly advice. Nothing being perfect in this world, the Senegalese system does not brag about being perfect and this is the reason why any advice that can improve it will always be welcome. There is no doubt that Mrs. Clinton will receive our request for legal assistance for the elaboration of a consensual but democratic press Code, that does not overlook the Government and other citizen's rights to defend their honor.

While thanking you once again for the interest you have in our country, please kindly accept Dear Sir, the expression of my most considerate appreciation.

Abdoulaye WADE

Attachment: copy of the Press House model

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