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Amnesty International urges Burkina Faso to enact legislation to ensure it does not become a safe haven for those suspected of the worst crimes known to humanity

Burkina Faso risks becoming a refuge for persons suspected of committing crimes such as genocide, crimes against humanity, war crimes, torture, enforced disappearances and extrajudicial executions, Amnesty International warned in a report released today.

The report [*“Burkina Faso: La compétence universelle pour mettre fin à l’impunité”*](#) (only available in French) demonstrates how Burkinabe legislation and the lack of effective state cooperation treaties would prevent police and prosecutors using universal jurisdiction to investigate crimes under international law and, where there is sufficient evidence, prosecute suspects in Burkina Faso for such crimes.

Universal jurisdiction is the ability of national courts to investigate and prosecute a person suspected of committing a crime outside its territory, regardless of the nationality of the suspect, the victim or the state where the crime was committed.

According to international law, every victim of these heinous crimes has the right to justice, truth and full reparation. Burkina Faso, and other countries, should allow them to access justice when they cannot find it in their own country.

Burkina Faso must change its law so that crimes under international law are defined in their national legislation in accordance with international law and standards, and eliminate any obstacles to the exercise of universal jurisdiction.

Under customary international law, national courts in any state may exercise universal jurisdiction over war crimes, crimes against humanity, genocide, torture, enforced disappearance and extrajudicial executions.

Despite the vast number of victims of such crimes in Africa, there have been only three investigations or prosecutions commenced in Africa based on universal jurisdiction – in Senegal and South Africa. However, the High Court of Kenya has issued an arrest warrant based on universal jurisdiction for the President of Sudan. The effect of this situation is to allow persons suspected of these crimes to travel across the continent freely.

Burkina Faso’s national legislation currently provides for universal jurisdiction over war crimes, crimes against humanity and genocide committed since February 2010; however, its courts have never exercised universal jurisdiction over those crimes.

The authorities should make a strong commitment to apply universal jurisdiction whenever a case comes to their attention, and should develop an effective action plan involving the immigration authorities, police, prosecutors and investigating judges to ensure effective investigations and prosecutions in such cases.

They should also avoid sending mixed signals. Despite the fact that Burkina Faso is a state party to the Rome Statute of the International Criminal Court, in August 2011, the authorities offered refuge to Muammar Gadhafi in spite of an arrest warrant issued against him by the Court. They later retracted the offer, recognizing that Burkina Faso had “obligations towards the international community” which it had to respect.

Another example where Burkina Faso could apply universal jurisdiction is the case of Guinea's former President Captain Moussa Dadis Camara, who has lived in Burkina Faso since January 2010. Camara is suspected of crimes under international law including torture and crimes against humanity for his role in the September 2009 Conakry massacre in which over 150 people were killed and countless women raped during the violent repression by the army of a political rally. Under Article 6 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Burkina Faso was required to open an inquiry concerning allegations of torture the moment he arrived in the country.

Despite the findings of an International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea, which attributed criminal responsibility for the massacre to a number of individuals including Moussa Dadis Camara, the former Guinean Head of State does not appear to have been the subject of any criminal investigation for any of the crimes of which he is suspected.

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Notes to Editors

- This paper is the seventh in the ‘No Safe Haven’ series. The papers are issued with the aim of ensuring that no safe haven exists for those responsible for the worst imaginable crimes prohibited under international law. Each paper is designed to be a tool to assist countries in reforming their legislation in accordance with international law, and to help lawyers and victims and their families to identify countries where people suspected of crimes under international law might be effectively prosecuted and required to provide full reparation.
- The other ‘No Safe Haven’ papers examine Bulgaria, Germany, the Solomon Islands, Spain, Sweden, Trinidad and Tobago and Venezuela. Three further papers on Ghana, Sierra Leone and Vanuatu will be published in December 2012.
- For more information on Amnesty International’s Campaign for International Justice see www.demandjusticenow.org