



**LOMPO BAHANLA**

**V.**

**BURKINA FASO**

**APPLICATION NO. 016/2019**

**A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS**

**Arusha, 4 September 2024:** The African Court on Human and Peoples' Rights (hereinafter, referred to as “the Court”) delivered a judgment in the matter of *LOMPO Bahanla v. Burkina Faso*. On April 23, 2019, Mr Lompo Bahanla (hereinafter, referred to as “the Applicant”) lodged an application with the Court to institute proceedings against Burkina Faso (hereinafter referred to as “the Respondent State”).

In his application, he alleged the violation of the following rights: the right to have his case heard, in particular the right to bring before the national courts any act violating his fundamental rights, the right to life and the right to respect for human dignity, protected respectively by Articles 7(1)(a), 4 and 5 of the Charter.

Under reparations, the Applicant sought a presidential pardon, commutation of his death sentence to an imprisonment term, conditional release, amicable settlement and the allocation of various sums of money as compensation for the material and moral damages suffered.



It emerges from the application that, on June 30, 2015, the Applicant was found guilty of murder and sentenced, accordingly, to death by the Court of Appeal of Ouagadougou, Burkina Faso. As a result of the amendment of the Burkinabe penal code by law N0. °025-2018/AN of May 31, 2018, his death sentence was commuted to life imprisonment pursuant to law 900-1 of the said code.

The Respondent State did not raise any objection of lack of jurisdiction. However, the Court ascertained of its own motion that the conditions relating to the various aspects of its material, personal, temporal and territorial jurisdiction had been met. The Court accordingly declared that it had jurisdiction to hear the application.

The Respondent State raised an objection to admissibility based on non-exhaustion of local remedies. It contended, firstly, that the Applicant's cassation appeal was pending at the time the application was lodged and, secondly, that the Applicant could have appealed to the Constitutional Council. Furthermore, the Respondent State argued that the Applicant could have brought an action for liability for the defective operation of the public justice service. Finally, the Respondent State pointed out that the Applicant had made no request for pardon, parole or amnesty.

The Applicant prayed the Court to the dismiss the Respondent State's claims, pointing out that an appeal in cassation is not an effective remedy and that the time that elapsed between the lodging of the appeal and the filing of his application was abnormally prolonged.

Ruling on the objection to admissibility, the Court noted that although the Applicant had not provided proof of the appeal in cassation, the Respondent State had not challenged its reality. The Court also noted that the appeal in cassation was still pending before the Court of Cassation, at the time the application was lodged. The Court recalled that it has



consistently held that, in the Burkinabe judicial system, this remedy is to be exhausted insofar as it is available, effective and satisfactory.

The Court concluded that the Applicant had not exhausted local remedies and consequently declared the application inadmissible.

Finally, the Court ruled that each party shall bear its own costs.

**Further information:**

Further information on this case, including the full text of the judgment, is available on the Court's website: <https://www.african-court.org/cpmt/fr/details-case/0162019>

For further information, please contact the Registrar's Office at the following e-mail address: [registrar@african-court.org](mailto:registrar@african-court.org)

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