

## BURKINA FASO

### Follow-up: Jurisprudence Action by treaty bodies

CCPR, CCPR/C/SR.2392 (2006)

HUMAN RIGHTS COMMITTEE  
Eighty-seventh session  
SUMMARY RECORD OF THE 2392<sup>nd</sup> MEETING  
Held at the Palais Wilson, Geneva,  
on Wednesday, 26 July 2006, at 11 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO VIEWS  
UNDER THE OPTIONAL PROTOCOL (agenda item 7)

Report of the Special Rapporteur for follow-up on Views (CCPR/C/87/R.3)

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10. Turning to Sankara et al. v. Burkina Faso (communication No. 1159/2003), he said that the State party's response would be transmitted to the author for comments, with a deadline of two months.

11. Mr. AMOR said that the State party's exemplary and unprecedented response to the Committee's Views was commendable and should be formally acknowledged.

12. The CHAIRPERSON cautioned the Committee against such action; by offering generous compensation, the State party might attempt to divert attention from other shortcomings, such as the failure to reveal the circumstances of Mr. Sankara's death.

13. Sir Nigel RODLEY, endorsing the Chairperson's comment, said that, before commending the State party formally for its action, the Committee should establish whether all its recommendations had indeed been implemented.

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## CHAPTER VI FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

227. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

228. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

229. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

230. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

231. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

232. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2006, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

233. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/60/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

**FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT**

<b>State party and number of cases with violation</b>	<b>Communication number, author and location</b>	<b>Follow-up response received from State party and location</b>	<b>Satisfactory response</b>	<b>Unsatisfactory response</b>	<b>No follow-up response received</b>	<b>Follow-up dialogue ongoing</b>
...						
Burkina Faso (1)	1159/2003, <i>Sankara</i> A/61/40	X A/61/40				X
...						

**CCPR, A/61/40 vol. II (2006)**

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Annex VII

**FOLLOW-UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/60/40).

...

<b>State party</b>	<b>BURKINO FASO</b>
<b>Case</b>	1159/2003
<b>Views adopted on</b>	28 March 2006
<b>Issues and violations found</b>	Inhuman treatment and equality before the Courts - Articles 7 and 14, paragraph 1.
<b>Remedy recommended</b>	The State party is required to provide Ms. Sankara and her sons an effective and enforceable remedy in the form, inter alia, of official recognition of the place where Thomas Sankara is buried, and compensation for the anguish suffered by the family. The State party is also required to prevent such violations from occurring in the future.
<b>Due date for State party response</b>	4 July 2006
<b>Date of State party's response</b>	30 June 2006
<b>State party response</b>	<p>The State party states that it is ready to officially acknowledge Mr. Sankara's grave at Dagnoin, 29 Ouagadougou, to his family and reiterates its submission prior to the decision that he has been declared a national hero and that a monument is being erected in his honour.</p> <p>It submits that on 7 March 2006, the Tribunal of Baskuy in the commune of Ouagadougou ordered a death certificate of Mr. Sankara, deceased on 15 October 1987 (it does not mention the cause of death).</p> <p>Mr. Sankara's military pension has been liquidated for the benefit of his family.</p>

Despite offers by the State to the Sankara family to compensation from a fund set up on 30 March 2001 by the government for victims of violence in political life, Mr. Sankara's widow and children have never wished to receive compensation in this regard. On 29 June 2006, and pursuant to the Committees' Views to provide compensation, the government has assessed and liquidated the amount of compensation due to Ms. Sankara and her children as 43 4450 000 CFA (around US\$ 843,326.951). The family should contact the fund to ascertain the method of payment.

The State party submits that the Views are accessible on various governmental websites, as well as distributed to the media.

Finally, the State party submits that the events which are the subject matter of these Views occurred 15 years ago at a time of chronic political instability. That since that time the State party has made much progress with respect to the protection of human rights, highlighted, inter alia, in its Constitution, by the establishment of a Minister charged with the protection of human rights and a large number of NGOs.

## CCPR, CCPR/C/SR.2450 (2007)

Human Rights Committee

Eighty-ninth session

Summary record of the 2450th meeting

Held at Headquarters, New York, on Thursday, 29 March 2007, at 10 a.m.

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### **Follow-up to concluding observations on State reports and to Views under the Optional Protocol**

*Progress report of the Special Rapporteur for follow-up on Views (CCPR/C/89/R.5)*

1. **Mr. Shearer** (Special Rapporteur for follow-up on Views) introduced his report, which compiled information received during the eighty-eighth and eighty-ninth sessions of the Committee...

...

3. Turning to the case of *Sankara et al. v. Burkina Faso* (communication No. 1159/2003), he recalled that the State party, in its response, had agreed to implement the Committee's Views. The authors, however, in their comments, maintained their demand for a public inquiry into Mr. Sankara's death. The Committee was still awaiting the State party's response to the authors' comments.

4. **Ms. Chanet** said that the State party in the latter case seemed prepared to implement the Committee's Views. Although she understood the family's desire for an independent inquiry, that had not been recommended by the Committee. Under "Further action", the Committee indicated that the author's comments had been sent to the State party for comment on 26 February 2007. Therefore, it should also be indicated that the Committee's dialogue with the State party was ongoing.

5. **Ms. Majodina** agreed that the Committee should indicate that it considered its dialogue with the State party to be ongoing. She also wondered if the Special Rapporteur could clarify the reference in the author's comments to the fact that, according to the Procurator, a judicial inquiry could not be undertaken by the Minister of Defence because such an action was "time-barred".

6. **Mr. Shearer** said the expression "time-barred" no doubt referred to some statute of limitations, or a moratorium with regard to events during the period of political upheaval in question. More information in that regard could be requested of the State party. Given that the Committee was still waiting for a reply from the State party, he considered the case to be ongoing.

7. **Mr. Glélé Ahanhanzo**, supported by **Mr. Amor**, said the case should be considered ongoing in order to ensure that the Committee's Views were in fact implemented.

8. **Mr. Schmidt** (Team Leader, Petitions Unit) said that the State party had been very cooperative. The State party and the authors seemed unable to reach agreement on what constituted an effective remedy. He recalled that during the Committee's discussion of the case a majority of

members had felt that it would not be appropriate to recommend an independent inquiry and the Committee had therefore confined itself in its Views to calling for the payment of compensation and public recognition of the victim's burial site. He suggested that the case should be kept open pending receipt of the State party's comments.

9. **The Chairperson** said he took it that the Committee agreed to that suggestion.  
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## CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

213. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

214. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 452 Views out of the 570 Views adopted since 1979 concluded that there had been a violation of the Covenant.

215. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

216. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

217. In many cases, the Committee secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

218. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2007, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

219. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/61/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

**FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT**

<b>State party and number of cases with violation</b>	<b>Communication number, author and location</b>	<b>Follow-up response received from State party and location</b>	<b>Satisfactory response</b>	<b>Unsatisfactory response</b>	<b>No follow-up response received</b>	<b>Follow-up dialogue ongoing</b>
...						
Burkino Faso (1)	1159/2003, <i>Sankara</i> A/61/40	X A/61/40 A/62/40				X A/62/40
...						

**CCPR, A/62/40 vol. II (2007)**

Annex IX

**FOLLOW-UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/61/40).

...

<b>State party</b>	<b>BURKINA FASO</b>
<b>Case</b>	Sankara et al. 1159/2003
<b>Views adopted on</b>	28 March 2006
<b>Issues and violations found</b>	Inhuman treatment and equality before the Courts - Articles 7 and 14, paragraph 1.
<b>Remedy recommended</b>	The State party is required to provide Ms. Sankara and her sons an effective and enforceable remedy in the form, inter alia, of official recognition of the place where Thomas Sankara is buried, and compensation for the anguish suffered by the family. The State party is also required to prevent such violations from occurring in the future.
<b>Due date for State party response</b>	4 July 2006
<b>Date of State party's response</b>	30 June 2006
<b>State party response</b>	<p>The Committee will recall that the State party provided its response on the follow-up to this case on 30 June 2006. It stated that it is ready to officially acknowledge Mr. Sankara's grave at Dagnoin, 29 Ouagadougou, to his family and reiterates its submission prior to the decision that he has been declared a national hero and that a monument is being erected in his honour.</p> <p>It submitted that on 7 March 2006, the Tribunal of Baskuy in the commune of Ouagadougou ordered a death certificate of Mr. Sankara, deceased on 15 October 1987 (it does not mention the cause of death).</p>

Mr. Sankara's military pension has been liquidated for the benefit of his family.

Despite offers by the State to the Sankara family of compensation from a fund set up on 30 March 2001 by the government for victims of violence in political life, Mr. Sankara's widow and children have never wished to receive compensation in this regard. On 29 June 2006, and pursuant to the Committees' Views to provide compensation, the government had assessed and liquidated the amount of compensation due to Ms. Sankara and her children as 43 4450 000 CFA (around 843,326.95 US\$). The family should contact the fund to ascertain the method of payment it they wish to receive it.

The State party submitted that the Views are accessible on various governmental websites, as well as distributed to the media.

Finally, it submitted that the events which are the subject matter of these Views occurred 15 years ago at a time of chronic political instability. That since that time the State party has made much progress with respect to the protection of human rights, highlighted, inter alia, in its Constitution, by the establishment of a Minister charged with the protection of human rights and a large number of NGOs.

**Author's comments**

On 29 September 2006, the authors commented on the State party's submission as follows. They dispute the adequacy of all the remedies set out in the State party's submission. They highlight the failure by the State party to initiate inquiry proceedings to establish the circumstance of Mr. Sankara's death. This request was reiterated by the authors on 17 May 2006 after the Committee's Views. However, on 21 June 2006, the Procurator refused to refer the matter to the Minister of Defence to commence a judicial inquiry, arguing (as on the previous occasion) that it was "time-barred". In the authors' view the only effective remedy would be an impartial judicial inquiry into the cause of his death. The Committee itself in para. 12. 6 has already rejected the prescription arguments provided by the State party. The authors state that the "decision" of 7 March 2006 to unilaterally modify the falsified death certificate of Mr. Sankara of 17 January 1988 was done ex parte during proceedings which were secret and of which the authors only became aware in the State party's response on follow-up to this case. In their view this constitutes an independent and further violation of article 14, paragraph 1 on behalf of the authors. As to the recognition of his burial place, the authors state that no records, direct witness

evidence, burial record, DNA analysis, autopsy or forensic report are provided which would constitute an “official record” in relation to the burial remains of Mr. Sankara. True “official recognition” of the place where his remains are buried can only come after a judicial inquiry establishes the circumstances of his death and burial by direct witness evidence, burial record, DNA analysis, autopsy or forensic reports. As to the entitlement to a military pension, the authors state that such entitlement is irrelevant for the purposes of providing a remedy for the violations found. As to the receipt of compensation from the Compensation Fund of Political Violence, the authors submit that as the Committee itself found in considering the admissibility of this case, the pursuit of an application through the existing Compensation Fund for Victims of Political Violence does not qualify as an effective and enforceable remedy under the Covenant given the context of the grave breaches of article 7 rights. The State party cannot now re-argue that an ex post facto indemnity available pursuant to the non-contentious Compensation Fund for Victims of Political Violence qualifies as an “effective remedy” under the Covenant. In addition, any such application would require the Sankara family to abandon their rights to have the circumstances of Mr. Sankara’s death established by judicial inquiry and waiver of all rights to seek remedies before the courts.

On 19 June 2007, the authors reiterate the inadequacy of the State party’s efforts to provide a remedy. They submit that they still do not know the author’s exact burial place, which could only be ascertained through a thorough investigation into the circumstances of his death - something which has not to date been undertaken. They submit that the sum in compensation offered is derisory considering that the violations found have been ongoing since 1987.

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**CCPR, CCPR/C/SR.2533 (2008)**

Human Rights Committee  
Ninety-second session

Summary record of the 2533rd meeting  
Held at Headquarters, New York,  
on Wednesday, 2 April 2008, at 11 a.m.

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Progress report of the Special Rapporteur for follow-up on Views (CCPR/C/92/R.5)

34 Mr. Shearer (Special Rapporteur for follow-up on Views) introduced his progress report (CCPR/C/92/R.5), which compiled information received since the ninety-first session of the Committee.

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36. With regard to the case of *Sankara et al. v. Burkina Faso* (Communication No. 1159/2003), he suggested that the Committee find the State party's remedy satisfactory and discontinue consideration of the matter under the follow-up procedure.

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42. *The recommendations contained in the progress report of the Special Rapporteur for follow-up on Views, as amended, were approved.*

The meeting rose at 1.05 p.m.

## VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

187. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

188. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

189. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

190. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

191. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

192. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2008, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

193. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/62/40) is set out in annex VII to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
Burkina Faso (1)	1159/2003, <i>Sankara</i> A/61/40	X A/61/40, A/62/40 and A/63/40	X			
...						

**Annex VII**

**FOLLOW UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/62/40).

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<b>State party</b>	<b>BURKINA FASO</b>
<b>Case</b>	<b>Sankara et al., 1159/2003</b>
<b>Views adopted on</b>	28 March 2006
<b>Issues and violations found</b>	Inhuman treatment and equality before the Courts - articles 7 and 14, paragraph 1.
<b>Remedy recommended</b>	The State party is required to provide Ms. Sankara and her sons an effective and enforceable remedy in the form, inter alia, of official recognition of the place where Thomas Sankara is buried, and compensation for the anguish suffered by the family. The State party is also required to prevent such violations from occurring in the future.
<b>Due date for State party response</b>	4 July 2006
<b>Date of State party's response</b>	30 June 2006
<b>State party response</b>	<p>The State party provided its follow-up response on 30 June 2006. It stated that it was ready to officially acknowledge Mr. Sankara's grave at Dagnoin, 29 Ouagadougou, to his family and reiterated its submission prior to the decision that he has been declared a national hero and that a monument is being erected in his honour.</p> <p>It submitted that on 7 March 2006, the Tribunal of Baskuy in the commune of Ouagadougou ordered a death certificate for Mr. Sankara, deceased on 15 October 1987 (it does not mention the cause of death) Mr. Sankara's military pension has been liquidated</p>

for the benefit of his family.

Despite offers by the State to the Sankara family of compensation from a fund set up on 30 March 2001 by the Government for victims of violence in political life, Mr. Sankara's widow and children have never wished to receive compensation in this regard. On 29 June 2006, and pursuant to the Committee's Views to provide compensation, the Government had assessed and liquidated the amount of compensation due to Ms. Sankara and her children as 434,450,000 CFA (around 843,326.95 USD). The family should contact the fund to ascertain the method of payment if they wish to receive it.

The State party submitted that the Views are accessible on various governmental websites, as well as distributed to the media.

Finally, it submitted that the events which are the subject matter of these Views occurred 20 years ago at a time of chronic political instability. That since that time the State party has made much progress with respect to the protection of human rights, highlighted, *inter alia*, in its Constitution, by the establishment of a Minister charged with the protection of human rights and a large number of NGOs.

#### **Author's comments**

On 29 September 2006, the Committee members will recall that the authors commented on the State party's submission disputing the adequacy of all the remedies set out in the State party's submission. They highlighted the failure by the State party to initiate inquiry proceedings to establish the circumstance of Mr. Sankara's death. On 21 June 2006, the Procurator refused to refer the matter to the Minister of Defence to commence a judicial inquiry, arguing that it was "time-barred". They argue that the only effective remedy would be an impartial judicial inquiry into the cause of his death. The Committee itself in paragraph 12.6 has already rejected the prescription arguments provided by the State party. The authors state that the "decision" of 7 March 2006 to unilaterally modify the falsified death certificate of Mr. Sankara of 17 January 1988 was done *ex parte* during proceedings which were secret and of which the authors only became aware in the State party's response on follow-up to this case. In their view this constitutes an independent and further violation of article 14, paragraph 1. As to the recognition of his burial place, the authors stated that no records, direct witness evidence, burial record, DNA analysis, autopsy or forensic report were provided which would constitute an "official record" in relation to the burial remains of Mr. Sankara. As to the entitlement

to a military pension, the authors stated that such entitlement is irrelevant for the purposes of providing a remedy for the violations found. As to the receipt of compensation from the Compensation Fund for Victims of Political Violence, the authors submitted that as the Committee itself found in considering the admissibility of this case, the pursuit of an application through the existing Compensation Fund for Victims of Political Violence does not qualify as an effective and enforceable remedy under the Covenant given the context of the grave breaches of article 7 rights. In addition, any such application would require the Sankara family to abandon their rights to have the circumstances of Mr. Sankara's death established by judicial inquiry and waive all rights to seek remedies before the courts.

In an e-mail from the authors on 14 November 2007, they insist that, despite the Committee's failure to specifically mention it in the Views, the only appropriate remedy in this case is the initiation of an inquiry to establish the circumstances of Mr. Sankara's death. The prosecutor has continually refused to do so. The authors refer to the Committee's jurisprudence (including in *Kimouche v. Algeria*, communication No. 1159/2003) to demonstrate that this has been the type of remedy requested of the Committee in previous cases and refer also to the admissibility decision of the case of Sankara itself which affirms the necessity for such an inquiry. They submit that it is unclear whether this was merely an oversight by the Committee or an administrative error.

### **Committee's Decision**

The Committee welcomes the State party's response to its Views. It notes the authors' claim that the only effective remedy in this case is an inquiry into the circumstances of Mr. Sankara's death but recalls that the remedy recommended by it did not include a specific reference to such an inquiry. It also recalls that its decisions are not open to review and that this applies equally to its recommendation. The Committee considers the State party's remedy satisfactory for the purposes of follow-up to its Views and does not intend to consider this matter any further under the follow-up procedure.

...

## VI. FOLLOW UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

230. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Ms. Ruth Wedgwood has been the Special Rapporteur since July 2009 (ninety-sixth session).

231. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 543 Views out of the 681 Views adopted since 1979 concluded that there had been a violation of the Covenant.

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235. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to the ninety-sixth session (13-31 July 2009), in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

236. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/63/40) is set out in annex IX to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
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Burkina Faso (1)	1159/2003, <i>Sankara</i> A/61/40	X A/61/40, A/62/40 and A/63/40	X			
...						