

(translated from the French)

ICJS press release followed by the opening statement to the
PRESS CONFERENCE BY THE LAWYERS OF THE FAMILY OF PRESIDENT THOMAS SANKARA
FOLLOWING THE JUDGEMENT OF
APRIL 6, 2022 BY THE JUDGEMENT CHAMBER
OF THE MILITARY COURT OF OUAGADOUGOU

OUAGADOUGOU, 07 APRIL 2022

The *International Campaign for Justice for Sankara* (ICJS), coordinated since 1997 by GRILA (Research and Initiative Group for the Liberation of Africa), takes note of the decision pronounced by the Honourable Judge Urbain Meda of the Military Court of Ouagadougou, on 6 April 2022. This judgment is the first of its kind in the history of the continent, and marks a precedent in the history of law. For most of the past 25 years, ICJS lawyers have been trying to get the law heard against the state, and then before a military court. They have always stood up against impunity. ICJS is grateful for all the pan-African and international mobilisation that has assisted it over the past 25 years. It salutes the memory of the victims and of all those who paid with their lives or gave their blood to bring this historic day to pass.

Thanks to the courageous mobilisation of the people that drove out the *Françafrique* regime of Compaoré, the Honourable Judge Yameogo has re-launched the proceedings, in accordance with Burkinabe law and the rights obtained for the widow Sankara and her children before the UN Human Rights Committee in 2006.

Between March 6, 2015 and October 7, 2020, there was a successful inquiry in several stages and the trial reopened on October 11, 2021. Since France was slow to provide declassified documents, which it unfortunately only finally provided in a selective and incomplete manner, the trial resumed, disjointed from its international component.

Having refused our request to film and record its hearings for posterity, the court nevertheless held, in a specially requisitioned venue, a trial that will go down as a landmark in the legal history of Burkina Faso and Africa. The normal progress of the trial was disrupted for a time by a coup d'état, which put the constitutional legitimacy of the process in question. The permanence of the functions of the state allowed the trial to resume, and in full knowledge of the facts, the pleadings of the civil parties and the defense as well as dozens of witnesses were heard. Some defendants were convicted and others acquitted, as described in the attached opening statement. Large parts of the truth about the assassination of President Sankara and his comrades were revealed, despite the silence and denials of several of the accused. Whether they were running away or hiding, the last of the masterminds and assassins have seen their subterfuges publicly revealed and they are now facing their own conscience and history. We call on Côte d'Ivoire and France to hand over the culprits and to participate in the elucidation that would bring closure to this case.

The ICJS salutes the fighting spirit and courage of Mariam Sankara, the dignity of her family and the tireless work carried out by three teams of lawyers over the past 25 years. It has recommended vigilance and firmness for the respect of justice and a full investigation into the international plot. The ICJS salutes the mobilisation of pan-Africanists and internationalists who supported it in achieving this result. The civil parties will appear in court on 13 April. ICJS hopes that peace and serenity will prevail now that the guilty parties have been convicted. It expects that the people of Burkina, confronted with jihadism and destabilisation, will become reconciled and will recover their sovereignty as well as the momentum that has made them worthy of their title of the *land of the upright people*.

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INTRODUCTORY STATEMENT

Ladies and Gentlemen
Fellow journalists

On behalf of my colleagues, I would like to acknowledge the work of the national and international press, which has been often at our side and at the side of the families of President Thomas SANKARA and his companions over the past twenty-five (25) years of legal proceedings. These proceedings followed the complaint of the widow Mariam SANKARA and her children Auguste and Philippe lodged on 29 September 1997 and the order of the examining Dean of magistrates dated 9 October 1997.

Allow me also to salute all the efforts of GRILA and CIJS, International Campaign for Justice for Thomas SANKARA and Professor Aziz FALL as well as the efforts of all those who, in the shadows as well as in broad daylight, have fought the same battle as we have for transparency and truth in the wake of the ignoble and odious assassination of President Thomas SANKARA and of 12 of his companions, which was followed by the massacre of many others. These included those tortured in Koudougou, wounded or forced into exile and others who suffered the consequences of the attack on 15 October 1987.

Ladies and Gentlemen of the media,

The lawyer is an auxiliary of justice who contributes to upholding the truth. The mission of the lawyer is not to trick the law, nor to deceive judges or try to mislead them. The lawyers' mission is to defend their client's interests to the best of their ability in accordance with the law, their ethics and their oath.

This is why we are unwavering in our commitment to a fair trial in which the rights of the defence, the presumption of innocence and the principle of adversarial proceedings are respected, which are always, whether one is a plaintiff or a defendant, an indisputable prerequisite of our profession, in order that the law is carried out in all its rigour, whatever the jurisdiction happens to be.

By definition the trial is the place where the rules and forms lead to a valid decision by the judge from the moment of referral. This is why we willingly lent ourselves to this unusually long exercise. Six months of trial is a long time, just as the wait to reach a trial was long. But to paraphrase our late colleague Dieudonné Nkounkou, *no matter how long the night is, the day will eventually come.*

Also, drawing the lessons of President Thomas SANKARA who said that "Where discouragement falls, there rises the victory of the persevering" we have persevered in spite of adversity and multiple difficulties for twenty five (25) years, during which time we have conducted all kinds of proceedings both at national and international level, before both civil and military courts.

Steadfastly, simply guided by our mission to obtain the truth and nothing but the truth, the trial against Blaise COMPAORE, known as Jubal, and others, prosecuted for attacks on state security, assassinations, complicity in assassinations, mishandling of corpses, and forgery of public documents, finally saw the light of day, despite all the vicissitudes and twists and turns that one can imagine. The trial, which finally opened on 11 October 2021, reached its epilogue on 6 April 2022 with the following decision, rendered after almost six (6) years of investigation (from 6 March 2015 to 7 October 2020, i.e. five (05) years and seven (07) months) and six (06) months of pleadings:

"Ruling publicly, in absentia with regard to COMPAORE Blaise and KAFANDO Tousma Yacinthe, and against BELEMLILGA Albert Pascal Sibidi, DEME Djakalia, DIEBRE Alidou, Jean Christophe DIENDERE Gilbert, KAFANDO Hamado, ILBOUDO Yamba Elysée, OUEDRAOGO Nabonssouindé, OUEDRAOGO Tibo, PALM Mori Aldiouma Jean-Pierre, SAWADOGO Idrissa, TONDE Ninda dit Pascal and TRAORE Bossobè, in criminal matters and at first instance :

Declares, the public action extinguished because of prescription;
in the case of forgery of public documents reproached to the accused DIEBRE Alidou Jean-Christophe, KAFANDO Hamado and the facts of concealment of corpses reproached to the accused COMPAORE Blaise and DIENDERE Gilbert,

Acquits the accused TRAORE Bossobè of the charges of complicity in an attack on State security and complicity in murder for unproven offences;

Acquits the accused DIENDERE Gilbert of the charge of subordination of a witness for an offence not established;

Declares the accused TONDE Ninda, known as Pascal, alias Mang-Naaba, guilty of the charge of subordination of a witness

Declares the accused BELEMLILGA Albert Pascal Sibidi, DEME Djakalia, OUEDRAOGO Tibo, PALM Mori Aldiouma Jean-Pierre, ILBOUDO Yamba Elysée, SAWADOGO Idrissa and OUEDRAOGO Nabonssoundé, guilty of the acts of complicity in the attack on State security for which they are accused;

Declares the accused KAFANDO Tousma Yacinthe, ILBOUDO Yamba Elysée, SAWADOGO Idrissa and OUEDRAOGO Nabonssoundé, guilty of the acts of murder with which they are charged;

Declares the accused COMPAORE Blaise, DIENDERE Gilbert and KAFANDO Tousma Yacinthe guilty of the acts of attack on State security for which they are accused;

Declares the accused COMPAORE Blaise and DIENDERE Gilbert, guilty of the acts of complicity in murder for which they are accused;

As a consequence, condemns :

- BELEMLILGA Albert Pascal Sibidi and DEME Djakalia to five (05) years' imprisonment, each suspended;
- TONDE Ninda dit Pascal alias Mang-Naaba to three (03) years imprisonment;
- OUEDRAOGO Tibo and PALM Mori Aldiouma Jean-Pierre to ten (10) years imprisonment each;
- ILBOUDO Yamba Elysée to eleven (11) years' imprisonment;
- SAWADOGO Idrissa and OUEDRAOGO Nabonssoundé each to twenty (20) years imprisonment;
- COMPAORE Blaise, DIENDERE Gilbert and KAFANDO Tousma Yacinthe each to life imprisonment;

Orders the forfeiture of all titles or decorations of all the convicted defendants;

Declares that the present judgement is an order of detention for the defendants sentenced to a custodial sentence not covered by pre-trial detention in accordance with the provisions of Article 315-14 of Law N°040-2019/AN of 29 May 2019 on the Code of Criminal Procedure;

Issues, a warrant of detention against TONDE Ninda dit Pascal alias Mang-Naaba in accordance with the provisions of Article 315-14 of Law N°040-2019/AN of 29 May 2019 on the Code of Criminal Procedure;

Declares that the arrest warrants issued against COMPAORE Blaise and KAFANDO Tousma Yacinthe are maintained in accordance with the provisions of Article 261-128 paragraph 4 of Law N°040-2019/AN of 29 May 2019 of the Code of Criminal Procedure;

The President warned the parties that they had a non-negotiable period of fifteen (15) clear days from the delivery of this judgment to appeal, in accordance with the provisions of Article 317-9 of the Code of Criminal Procedure;
Orders the costs to be borne by the convicted defendants».

Indeed, the chamber of judgement of the Military Tribunal of Ouagadougou has just inscribed in gold letters, for posterity, the name of Judge Urbain MEDA and that of all the members of the chamber in the judicial history of Burkina Faso. They have courageously spoken the law and rendered justice in the name of the Burkinabe people.

This decision, if it is a victory, is firstly due to the merit of our main client, Mrs Mariam SANKARA, whose courage, bravery and self-sacrifice deserve to be saluted. Secondly, it is the fruit of the struggle of all women and men who cherish justice, truth, peace and freedom as cardinal values of human dignity.

Finally, this victory must be dedicated to the media, whose role was decisive in the search for and the manifestation of the truth around the assassination of President Thomas SANKARA and his companions.

Allow me then, on behalf of the families and my colleagues, to express to all the media our deep gratitude for this constant support in the name of freedom and justice.

Ladies and Gentlemen of the media,

On the basis of the above, we, the lawyers for the civil party, acting on behalf of Mariam SANKARA, her children and the family of Thomas SANKARA, take note of the decision handed down on 6 April 2022 by the Trial Chamber of the Ouagadougou Military Court.

We are pleased with the results we have achieved thanks to the methodical teamwork and commitment of the lawyers, who saw in the Thomas SANKARA trial the defence of a cause beyond family interests: that of African freedom and the fight against impunity.

It is true that there are still many grey areas, particularly in terms of international complicity. We will continue our quest for truth on this subject by immediately reactivating the Ouagadougou Military Tribunal, in order to find out the status of the investigations on the international aspect left to the investigation by the disjunction pronounced by Judge Yaméogo more than a year ago.

It is also true that the authors and masterminds of these crimes, Blaise COMPAORE and Yacinthe KAFANDO, may have fled their country in an attempt to evade justice, but the essential aspiration of the Burkinabe and African people and of public opinion in general has been achieved in the sense that the truth has come to light.

"No matter how long the night is, the day will eventually come".

It is therefore without prejudice to the possible appeals of the defendants that we appreciate this decision, strictly from the point of view of the law, that has been stated and the justice that has been rendered in a fair trial that complies with international standards. We also take note of the sanctions that have been pronounced against some of the accused, which are commensurate with the gravity of the crimes they committed. I thank you.

Me Bénéwende Sankara

On behalf of the Collective of Lawyers of the *International Campaign Justice for Sankara*