



**“JUST WHAT  
WERE THEY  
THINKING WHEN  
THEY SHOT AT  
PEOPLE?”**

**CRACKDOWN ON ANTI-  
GOVERNMENT PROTESTS  
IN BURKINA FASO**

**AMNESTY  
INTERNATIONAL**



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# SUMMARY

This report presents the findings of Amnesty International’s research into the deaths and injuries that occurred during the protests in Burkina Faso between 30 October and 2 November 2014.

The protests were part of a popular uprising in opposition to former president Blaise Compaoré’s attempts, not for the first time, to amend the constitution, allowing him to extend his Presidential tenure. The main protests took place in Ouagadougou, though there were smaller protests in other cities and towns, and in the Ouagadougou Prison (Maison d’Arrêt et de Correction de Ouagadougou, MACO).

During the protests, the gendarmerie (military police), the national army including the Presidential Security Regiment (Régiment de Sécurité Présidentielle, RSP), and the police were deployed. Though the majority of protests were peaceful there was some unrest, with some government buildings and private properties looted and set on fire. There were reports of hundreds of wounded protestors and several deaths.

Amnesty International conducted over 70 individual interviews in Ouagadougou in November and December 2014. Interviews were conducted with victims of violations, relatives of victims, and relevant current and former state officials. Amnesty International also met with individuals who were caught up in the protests, including journalists, human rights defenders and medical professionals who treated those wounded, sometimes fatally, during the protests. Where possible, evidence was researched further using video footage taken by media and others present.

Amnesty International also obtained testimonies during one-to-one, confidential, interviews with 27 detainees in the MACO prison.

Pending the appointment of a transitional government on 23 November 2014, Amnesty International met with the Secretaries General of the Ministries of Territorial Administration and Justice and Defence, the Prosecutor of Faso<sup>1</sup> (Procureur du Faso) and the Regional Director of the Guard for Penitentiary Security (Garde Sécuritaire Pénitentaire), who is also the director of the MACO. Amnesty International requested meetings with the interim Prime Minister and the Minister for Justice and Human Rights, but these meetings were not possible.

Amnesty International is grateful to everyone who met with their delegation during its visit, for their time and for their openness. Amnesty International would particularly like to thank the victims of violations and relatives of protestors who were killed during the unrest for so courageously sharing their testimony.

The key findings emerging from Amnesty International’s research are as follows:

- **Military and gendarmes (military police), hereinafter referred to as security forces**, fired live ammunition at protestors, resulting in many injuries and at least ten deaths. There is also

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evidence that the security forces beat protestors and some bystanders with batons and cords (cordelette, a fine rope cord).

- Many of the injuries and incidents involving the use, by security forces, of live ammunition documented by Amnesty International occurred as protestors were on the way to the Kosyam Palace (the Presidential residence) and near the residence of François Compaoré (the President’s brother and advisor) in Ouagadougou.
- There is evidence that security forces gave little or no warning before using deadly force, and in some cases shots were fired at protestors who raised their arms in an attempt to reassure the security forces that they were unarmed. Based on the evidence gathered by Amnesty International no alternative non-violent methods were tried by the security forces before resorting to opening fire on protestors. Nor is it clear that the security forces had legitimate reasons for the use of force. The events recorded by Amnesty International represent the most violent repression by security forces witnessed in the country in several decades.
- All of the protestors, journalists and human rights defenders interviewed by Amnesty International during this mission confirm that police forces were present during the protests, near the National Assembly in Ouagadougou, but did not have firearms and did not shoot at protestors.
- The deliberate use of lethal force against individuals who were clearly posing no threat to anyone is arbitrary and abusive use of force, which must be treated as a criminal offence.
- Amnesty International is also concerned that batons and cords were used as a means to punish and indiscriminately beat protestors, including children, often for merely exercising their right to peacefully demonstrate. On at least one occasion soldiers beat a journalist as he attempted to cover events.
- Under Burkinabé law, the national army, the RSP and the gendarmerie are not authorised to intervene in the realm of law enforcement, except under very specific conditions.<sup>2</sup> Amnesty International found evidence that these conditions were not met during the recent unrest.
- In the MACO, evidence obtained by Amnesty International, and confirmed by the Prosecutor of Faso, indicates that three prisoners were shot dead following unrest and an escape attempt on the evening of 30 October. Two other prisoners died, probably as a result of dehydration and a lack of ventilation, in the cell where they were held during a lockdown following the unrest.
- The testimonies recorded by Amnesty International show that prison guards, and members of the gendarmerie called as reinforcements appear to have used excessive, and clearly sometimes lethal, force against unarmed detainees. The prisoners were also beaten and ill-treated by prison guards at the MACO on the evening of 30 October as punishment for involvement in the unrest and the escape attempt. Some prisoners were subsequently locked in their cells for several days and were denied sufficient water during this period.

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Based on these findings, Amnesty International calls upon the Burkinabé authorities to take the following urgent action:

- Respect the right to demonstrate peacefully and ensure that the use of excessive, arbitrary, unjustified and abusive force against protestors is not repeated.
- Respect and protect the right of journalists to carry out their profession, free from fear of intimidation and threats. All acts of intimidation and abuse must be investigated and perpetrators held to account.
- Establish an independent and impartial commission of inquiry to investigate the human rights violations alleged to have been committed by members of the army, law enforcement and prison officials. The findings of this investigation should be made public. Where evidence is found that the security forces have violated human rights and/or committed crimes action must be taken to hold those responsible to account.
- Investigate in the deaths that occurred at the MACO and the allegations that prisoners were beaten and detained in dangerous conditions; those responsible must be held to account.
- Guarantee the rights to truth, justice and reparation of all victims of human rights violations and their families, and take steps to guarantee non-repetition of such acts in the future.
- Extend an open and standing invitation to all UN and African Commission Special Rapporteurs and experts, who can provide expert advice on particular areas of concern raised by these events.

# 1. INTRODUCTION

This report presents the findings of Amnesty International's research into the injuries and deaths that occurred during the unrest and popular uprising that took place in Burkina Faso between 30 October and 2 November 2014. Based on the findings of this research, Amnesty International makes a range of recommendations to the Burkinabé authorities.

## SUMMARY OF EVENTS LEADING UP TO THE PROTESTS

(Please refer to Section 2 for a more detailed account of the background to these recent events.)

For the first time in more than 45 years a civilian is now President in Burkina Faso, after a popular uprising in October 2014 forced the former President and ex-army captain Blaise Compaoré<sup>3</sup> to resign on 31 October 2014. Blaise Compaoré had been President since 1987, when he took power in a *coup d'etat*.

Continued popular protests also forced military officers, who took power following Blaise Compaoré's resignation, to hand over governance to a civilian President. Michel Kafando is now interim President of a transitional government, entrusted with seeing the country through to Presidential and parliamentary elections in 2015.

The protests were triggered by Blaise Compaoré's attempt in October of this year to amend Article 37<sup>4</sup> of the Constitution to allow him to run for re-election in 2015. This was the third time in his presidency that Blaise Compaoré had tried to modify presidential tenure.<sup>5</sup> This attempt was deeply unpopular with large swathes of the population, and met with widespread anti-government protests.<sup>6</sup> An estimated one million people, according to opposition figures, took to the streets to express their discontent.<sup>7</sup> The main protests took place in Ouagadougou; however, the unrest spread across the country to other cities and towns. It also affected the MACO Prison, with some disturbances occurring amongst prisoners. The proposed bill to amend the constitution was eventually withdrawn on 30 October. However, this retraction was not deemed sufficient by many people, and crowds continued to protest, refusing to leave until Blaise Compaoré left office. He resigned on 31 October 2014 and, assisted by France<sup>8</sup>, fled to Côte d'Ivoire with his family. **They then went to Morocco before returning once more to Côte d'Ivoire in mid-December 2014.**



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During the protests, the gendarmerie (military police), the RSP, other sectors of the national army and the police were deployed at various times and at different locations. Although the protests calling for the resignation of the President were largely peaceful, there was some unrest, which resulted in some government buildings being looted and set on fire.<sup>9</sup> Amnesty International research and official figures confirm that hundreds of protestors were wounded and at least ten people were killed after being shot during the protests that took place in Burkina Faso from 30 October to 2 November 2014.<sup>10</sup>

An ad-hoc committee (with a limited mandate<sup>11</sup>) was established by the interim authorities to investigate what had happened during the protests. The Committee found that at least 19 people were killed and 500 wounded in the protests and the violence that ensued.<sup>12</sup> This official government report states that the estimated 500 wounded people were injured by either bullets or sharp objects, complications due to inhaled tear gas, suffered asphyxiation or had varying degrees of burns from fires.<sup>13</sup> The committee made four recommendations including that the Truth, Justice and Reconciliation Commission<sup>14</sup> consider the committee's findings.<sup>15</sup>

On 4 December 2014, a coalition of Burkinabé human rights organisations<sup>16</sup> that investigated the deaths resulting from the popular uprising gave higher figures of deaths to those of the ad-hoc official Committee.<sup>17</sup> The organisations found evidence of 33 deaths connected to the unrest in different cities around the country.<sup>18</sup>

**On 15 December, the transitional government suspended the activities of two main political parties and one civil society association<sup>19</sup> that had supported former President Compaoré's initiative to amend the constitution.<sup>20</sup> This suspension could last for up to three months.<sup>21</sup>**

#### AMNESTY INTERNATIONAL'S RESEARCH METHODOLOGY

Amnesty International visited Burkina Faso in November and December 2014, and conducted over 70 individual interviews in Ouagadougou, the capital city, in connection with reported human rights violations during the unrest. Interviews were conducted with victims of violations, relatives of victims killed, and relevant current and former state officials. In addition, Amnesty International met with individuals who were not at the forefront but were caught up in the protests. Amnesty International delegates also interviewed journalists who covered the marches, human rights defenders and medical professionals who treated those who were wounded, at times fatally, during the protests.

Amnesty International delegates conducted one-to-one interviews with protestors, human rights defenders and journalists who were either subjected to or directly witnessed the excessive, and, at times, lethal, force used by security forces, including the RSP<sup>22</sup>. The delegation also met with the family members of those who died as a consequence of the security forces firing live ammunition during the protests.

Pending the appointment of a transitional government on 23 November 2014, Amnesty International delegates met with the Secretaries General of the Ministries of Territorial

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Administration, Justice and Defence, the Prosecutor of Faso and the Prison Director of the MACO, and raised their concerns about the excessive use of force by security forces in the marches and in Ouagadougou prison. The organisation requested a meeting with interim Prime Minister, Lieutenant-Colonel Isaac Zida, and the Minister for Justice and Human Rights. Their cabinet told Amnesty International that they were not available for a meeting. Amnesty International is grateful to the state officials that were able to meet with the delegation during their visit and for their openness during those meetings. Amnesty International would also like to particularly thank the victims of violations and relatives of protestors who were killed during the unrest, for taking the time to meet and for so courageously sharing their testimony with the delegation.

## STRUCTURE OF THIS REPORT

Section 2 of this report gives a more detailed account of the background to the events discussed in the report, and Section 3 provides more detail about the recent protests. Sections 4 and 6 of the report present Amnesty International’s findings regarding human rights violations in the street protests and in the MACO prison respectively. Sections 5 and 7 discuss Burkina Faso’s international obligations and human rights standards. Section 8 describes the response of the Burkinabé Government to Amnesty International’s concerns. Section 9 presents Amnesty International’s conclusions and makes recommendations to the Burkinabé authorities.

## 2. BACKGROUND

Frustration and anger have been growing over the past few years in Burkina Faso. Before the recent mass demonstrations, the most serious wave of unrest to challenge President Compaoré's government occurred in 2011. Violent protests broke out throughout the country; students protested the death of a peer, Justin Zongo, after he was beaten in police custody and soldiers took to the streets in protest against prison sentences imposed on five military officers. This was not a united movement but the upheaval did last several months<sup>23</sup>.

Such widespread protests have not been seen in Burkina Faso since the murder of journalist Norbert Zongo<sup>24</sup> and three others in 1998. Norbert Zongo had been investigating the murder of the driver of Francois Compaoré. In March 2014, this case was brought before the African Court on Human and Peoples' Rights (African Court), which ruled that the Burkinabé government had failed to protect freedom of expression and did not diligently investigate these murders.<sup>25</sup> It remains a very sensitive issue in Burkinabé society as seen recently when a Minister submitted his resignation only two days after his appointment, following public protests. In 2006, he was Prosecutor of Faso and had recommended that the case against those suspected of these murders be dismissed. The investigating judge followed his counsel and no prosecution was made.<sup>26</sup>

In 2012, political opposition parties, human rights activists and civil society organizations again voiced their lack of faith in the judiciary and criticised the law passed by the National Assembly in June of that year<sup>27</sup> granting a "full and complete amnesty to the Heads of State of Burkina Faso for the period from 1960 to the date of adoption these provisions".<sup>28</sup>

In 2013 political opposition parties and civil society organisations organised protests against the government's plan to introduce a Senate as it was feared that this would be an avenue through which Blaise Compaoré could modify Article 37 of the constitution. In May 2013, the government showed indifference to the outcry, and went ahead and adopted a law to create the Senate.<sup>29</sup>

The protest movement in October and November 2014 was different from previous demonstrations in scale and in terms of the type of people who attended.<sup>30</sup> It brought together a large number of people driven by a desire for change, from all segments of society. Many of them had never participated in any form of political protest before. Several protestors interviewed by Amnesty International said they were not even members of political parties. These protests, which lasted for an unprecedented period of time in Burkina Faso, also spread to other parts of the country outside of the capital. Demonstrators held brooms, a

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symbol of their desire to “sweep away” the political leaders in power.<sup>31</sup>

Blaise Compaoré’s move to extend his stay in power despite two terms of seven years each (1992-2005) and two further terms of five years each, the last of which was nearly served out in full (2005-2015) sparked anger on a national level. As early as the beginning 2014, a group of independent figures, including religious figures, began work towards the reconciliation of political parties. They also recognised what they termed as a “political crisis”<sup>32</sup> following the statement made by President Compaoré, in December 2013, indicating the possible referendum for the amendment of Article 37 of the constitution. The group made proposals to end the crisis, including that the President agree to depart from office at the end of his term in November 2015, that he respect the constitution and that he avoid organising a referendum.<sup>33</sup> Blaise Compaoré’s decision also drew international criticism from countries that had been allies in his mediation work in the West Africa region, including the United States (US) and France.<sup>34</sup> France also called upon Blaise Compaoré to respect the African Union (AU) rules preventing constitutional changes to allow leaders to stay in power.<sup>35</sup> In October, the US also made a public statement that urged respect for democratic institutions and rules.

At the time of Blaise Compaoré’s departure it was unclear whether a civilian or military government would lead the transition. There was further confusion when two military officers made separate statements saying that they would lead the transition. The Chief of Staff of the Burkinabé Army, General Honoré Traoré proclaimed himself leader but was supplanted by Lieutenant Colonel Isaac Zida, a member of the Presidential Guard, when the army publicly declared its support for him as interim leader<sup>36</sup>. On 31 October 2014 the constitution was suspended<sup>37</sup> and on Sunday 2 November, protests continued, outside the state Television headquarters in Ouagadougou, this time demanding civilian rule. The events are described more fully in the next section of this report.

On Monday 3 November, the AU declared that the Burkinabé army had acted unconstitutionally and imposed a two-week deadline to return power to a civilian government.<sup>38</sup> On Wednesday 5 November, the Economic Community of West African States (ECOWAS) sent a three-man delegation of Heads of State and Government - including John Mahama of Ghana, the current Chairman of the ECOWAS Authority of Heads of State and Government - to facilitate the resolution of the crisis.

Representatives of political opposition parties, members of civil society organisations, defence and security forces, and religious and traditional leaders began drafting a transitional charter on 1 November 2014.<sup>39</sup> The charter -the principal aim of which is to provide a “political, democratic, civil, peaceful and inclusive transition” was ratified by political, military and civil society representatives and religious and traditional leaders on 16 November.<sup>40</sup> The charter prescribes that the interim President must be a civilian and someone who did not support the contentious bill to modify the constitution. Indeed, to be eligible to be part of the transition an individual must not have supported this bill. Under the terms of the charter the interim Prime Minister is also tasked with putting in place a National Reconciliation and Reform Commission. The length of the transition must not exceed 12 months, dating from the day the interim is President inaugurated. Finally, the interim President and interim ministers are not eligible to run in the 2015 presidential and legislative elections that will bring the transition period to an end.<sup>41</sup>

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On 17 November, Michel Kafando, a former foreign minister and ambassador to the United Nations (UN), was chosen to serve as interim President by an electoral college composed of religious, military, political, civil and traditional leaders. During his inauguration speech Michel Kafando announced that the excesses of the Compaoré regime, marked by "injustice", "chaos" and "corruption" would be punished.<sup>42</sup> The interim President then appointed Lieutenant Colonel Zida as Prime Minister and established a transitional government on 23 November. Interim President Kafando also took over the post of Minister of Foreign Affairs and Prime Minister Zida that of Minister of Defence. Military officers now occupy six out of 26 posts in the transitional government.

### 3. "THE STREETS WERE FILLED WITH PEOPLE": PROTESTS AROUND THE NATIONAL ASSEMBLY

Following the announcement, on Tuesday 28 October, that the government was submitting a bill to the National Assembly to amend Article 37 of the Constitution, people - including members of civil society and some opposition parties - began to occupy the streets.<sup>43</sup> The protests culminated on 30 October 2014, the day the bill was to be reviewed. The main roads of the city were already occupied the night before and protestors camped out in front of the National Assembly. At this time, traffic on the streets of Ouagadougou was blocked and several people interviewed by Amnesty International said that "the streets were filled with people."<sup>44</sup>

On the morning of 30 October 2014 some protestors burned tyres on the main streets and barricades were removed by some dozens of other protestors who entered the chamber of the National Assembly in Ouagadougou to prevent the revision of the constitution by members of the Parliament<sup>45</sup>. This protest descended into acts of violence; notably some protestors set fire to government buildings and committed acts of vandalism.

A number of the protestors interviewed by the Amnesty International delegation said that when they were marching towards the National Assembly, the army which had been deployed and was blocking the way, retreated.<sup>46</sup> Amnesty International delegates were shown a video of the protestors marching towards the National Assembly. It showed that following the retreat of the soldiers stationed there, some protestors then looted and set fire to this government building. Protestors also set fire to other government buildings and the houses of members of the ruling party in Ouahigouya and Bobo Dioulasso.<sup>47</sup>

In other interviews conducted by Amnesty International witnesses said that in some instances protestors threw stones at the security forces.<sup>48</sup> The Secretary General of the Ministry of Defence told Amnesty International he had not received any reports of soldiers or members of the police injured during these protests.<sup>49</sup>

## 4: VIOLENT REPRESSION OF PEACEFUL PROTESTS AROUND THE KOYSAM PALACE AND FRANCOIS COMPAORE’S RESIDENCE

Whilst the protest at the National Assembly descended into acts of vandalism, protests in other parts of the capital city, and a second wave of protests, - the marches on 30 and 31 October heading to the Koyasam Palace (the residence of the then President) and to the home of his brother, François Compaoré - were reported to be peaceful.<sup>50</sup>

Independent journalists and human rights defenders present at these marches - stressed to Amnesty International delegates that the people marching had their hands up to show that they were not carrying weapons, and were marching peacefully.<sup>51</sup>

Witnesses reported that there were armed soldiers wearing army uniforms and snipers on top of some buildings leading to the Presidential Palace and that they had been shot at as they demonstrated.<sup>52</sup> The security forces, including the RSP, were not acting in self-defence when they shot at these protestors. There was no warning given, nor other means employed to negotiate with the protestors or disperse the crowds using less lethal, arbitrary and abusive methods. The deliberate use of lethal force against individuals who were clearly posing no threat to anyone is arbitrary and abusive use of force, which must be treated as a criminal offence. In particular, the resulting deaths were unlawful killings, for which both the individual soldiers and their commanding officers bear responsibility<sup>53</sup>.

The information gathered by Amnesty International indicates that it was mainly members of the RSP, a security unit directly under the control of Blaise Compaoré, shot at protestors on the roads leading to the Presidential Palace and in front of the residence of François Compaoré.<sup>54</sup>

As one protestor told Amnesty International:

"I was on my way to Koyasam when we heard shots and all of a sudden someone wearing a yellow and orange T shirt fell. It was strange; it was like they had picked him out. People tried to lift him up, it was too late. He died right there on the spot."<sup>55</sup>

Amnesty International delegates saw a video of this scene that confirmed the account of the witness of the shooting; the video shows the protestor falling down, but it does not confirm

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his death.



Tibo Kabré, protestor shot dead during the anti-government protests. © Amnesty International

Tibo Kabré, a 46 year-old motorbike washer and father of three children working in Patte d'Oie, not far from the Presidential palace, was also shot dead on his way to Kosyam Palace. He was shot near the Nigerian Embassy in the area of the Ouagadougou known as "Ouaga 2000"<sup>56</sup> whilst peacefully protesting. Witnesses told Amnesty International that Tibo Kabré and other demonstrators posed no threat to the soldiers when they opened fire.<sup>57</sup> There was no warning. A witness said:

"Protestors removed the roadblocks on the way towards the Kosyam Palace. Then when we got closer to where the soldiers were, we raised our hands to show that we were not armed and we started singing the national anthem, some shouted 'Blaise out!' Suddenly, the soldiers began shooting at us, there was a stampede, and we were running in all directions, people fell down in front of me. Tibo Kabré was one of the seriously injured and was taken to the Yalgado hospital, he died shortly after. He was shot in the stomach. We couldn't stay there; everyone was trying to get away."<sup>58</sup>

Tibo Kabré's family told Amnesty International that he died on 30 October and that, according to doctors, there were three bullets in his chest and stomach.<sup>59</sup>

A doctor and human rights defender witnessed the death of another protestor, this time on the protest that towards the home of François Compaoré's house:

"I was on my motorbike in the protests; a friend was with me. When we arrived at Bonsiaré, which is a street parallel to the main the road to François Compaoré's house, two vehicles with soldiers onboard were chasing people to stop them reaching the house. They were firing at people from the moving vehicles. A man with dreadlocks was shot; he fell. We ran away and when we came back, he was already dead. His face was covered with a cloth."<sup>60</sup>



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The witness also drew a small map of the place to show the Amnesty International delegation where the person died.

Another human rights defender interviewed by Amnesty International delegates stated that soldiers on motorbikes were also shooting at people between the Palace and Laico Hotels, not far from the Presidential palace.<sup>61</sup>

## “I would like to ask the soldiers, just what were they thinking when they shot at people?”<sup>62</sup>

Others who were peacefully marching on 30 October and 2 November were also shot and wounded. In these instances, security forces used excessive force; their actions were not required to protect life nor were they in self-defence. In these cases, based on witness testimony, no warning was given and there was no attempt to use other, less lethal, methods first.<sup>63</sup>

An artist who was shot in the abdomen and arm, and whose hand was in plaster at the time of this interview with Amnesty International, said:

“When we arrived at François Compaoré’s house we had our hands in the air; the military threatened us and at one point they started shooting at us, people fell in front of me. I was hit in the abdomen and arm. I fell on the road. My friends ran off but came back for me after. They broke down a wooden bench and carried me on the wooden planks. I would like to ask the soldiers, just what were they thinking when they shot at people like this?”<sup>64</sup>

## “A person who was running in front of me was shot in the back.”<sup>65</sup>

Protestors trying to get away from the shooting said that they had left behind many people who were shot. Others said that men in army uniforms did not hesitate to shoot demonstrators in the back as they ran away to seek safety.<sup>66</sup> One of the demonstrators told Amnesty International:

“At the roundabout, four vehicles dropped off soldiers and left to pick up more

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reinforcements. We raised our arms while singing. I heard shots. People around said we could not go any further. They ran. I saw people fall in front me. A person who was running was shot in the back. He ran past me, I could not help him."<sup>67</sup>

People not participating in the protests were also hit by stray bullets. This was the case for a manual worker who was shot near François Compaoré's residence. He had a bullet wound on his right foot and had to be treated in hospital for nearly a month<sup>68</sup>. He told Amnesty International:

"I work in sand collection [ramassage de sable], not far from François Compaoré's house. The day of the protests, when the military went onto the road to crack down on the protests, they shot at ground level and a bullet hit me while I was sitting at my workplace. The soldiers were aboard two vehicles."<sup>69</sup>

The majority of the protestors, human rights defenders and independent journalists interviewed by Amnesty International mentioned that on no occasion did the security forces give warning that they would fire.<sup>70</sup> One witness said:

"When they started firing real bullets, we tried to change direction and the soldiers shot at us again. When we got up to the two hotels near the Presidential residence, the military continued to fire, they wouldn't stop! One of the protestors I met while walking was shot and fell into my arms. He wasn't breathing, he was fatally injured. I ran away and took refuge in a gutter. The soldiers continued to fire at the demonstrators. The demonstrator was taken to the Blaise Compaoré Hospital."<sup>71</sup>

Another witness said, "If security forces had fired warning shots we would have left."

The Burkinabé Code of Conduct requires members of defence and security forces to warn people before using force, giving realistic time to leave the area:

"This warning is repeated three times in a loud voice or by loudspeaker" and protestors are invited to withdraw as "we will use force" (Article 35)<sup>72</sup>. The same text indicates that the security forces "can directly use force if violence or assault is perpetrated against [them]; if security forces cannot otherwise defend the terrain that they occupy or persons and the positions they guarding" (Article 36)<sup>73</sup>. In all cases, warnings must be given.

The Burkinabé forces are also required to respect all international standards set forth in UN principles when using force.

## “Two of them took turns beating me with batons”<sup>74</sup>

In addition to firing on protestors, soldiers also physically assaulted both protestors and bystanders. Four people interviewed separately told the Amnesty International delegation that, on 30 October 2014, on the road leading to the Presidential Palace, a girl, believed to be aged between 15 and 16 years old, who was not taking part in the protest but watching it from the side, was beaten several times by soldiers with cords and belts<sup>75</sup>.

One unemployed person who was marching towards the Koysam Palace told Amnesty International:

“At the Hotel Libia, the soldiers stopped us moving forward, they managed to get us to move back, but we managed to move forward again. A girl, aged 15 to 16 years old, who was watching the protest on the pavement, was targeted by the soldiers who beat her with belts and cords, other protestors were also beaten in the same way.”<sup>76</sup>

A journalist who was heading to the Palace to attend a press conference described to Amnesty International how he was beaten by soldiers:

“Around 10pm, I was heading to the Presidential Palace, after passing through the roadblocks put up by security forces; I was stopped at another one. I showed my press card to the Presidential Security members. They asked me to get out of my car and told me to lie down. Two of them took turns beating me with batons all over my body.”<sup>77</sup>

The Amnesty International delegation met with a medical professional and the director of a hospital in Ouagadougou during the mission.<sup>78</sup> Delegates were shown the medical register of patients received during the period of the protests in October and November and confirmed the injuries and deaths of protestors with these medical professionals. In addition, the Amnesty International delegation was given a provisional list of people by the hospital director confirming the deaths and indicating the nature of the injuries from gun shots, some of the injured had gun shots wounds in the thorax and the arms.<sup>79</sup> The delegation was also shown the death certificate of one protestor, Tondé Jacob, who died from a gun shot wound in the abdomen.<sup>80</sup>

During this meeting the Amnesty International delegation was also told that two people were registered at the hospital on Sunday 2 November and stated to the medical staff that they had been beaten by soldiers during a protest at the state television headquarters in Ouagadougou. One female bystander in her thirties had stopped to look at what was happening out of curiosity and alleged she was beaten with a baton.<sup>81</sup> Another man received care for wounds on the head and face where he had been hit with cords. Another man had an oedema (swelling) on his face where he said he had been struck and his left eye was swollen shut.<sup>82</sup> On that same day, hospital staff also received the body of a dead protestor who had a bullet in his clavicle.<sup>83</sup> Amnesty International has also received testimony from protestors and family members of the victim about this death. Amnesty International raised this case with the Prosecutor of Faso who said that he has opened an inquiry to determine the circumstances of this death.<sup>84</sup>

## 5. BURKINA FASO'S INTERNATIONAL LEGAL OBLIGATIONS AND HUMAN RIGHTS STANDARDS

Article 21 of the UN International Covenant on Civil and Political Rights (ICCPR), to which Burkina Faso is party, obligates the state to protect the right to life, as set out in Article 6.1 of the treaty. It also sets out the "right to peaceful assembly".<sup>85</sup>

The UN Code of Conduct for Law Enforcement Officials states in Article 2 that "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."<sup>86</sup> Further, Article 3 states that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."<sup>87</sup> The Code emphasizes that force should only be employed in the most extreme of circumstances and when employed, the force should be proportional to the situation, for example that which is strictly necessary to prevent a crime from being committed or to detain the individual. No force should be employed beyond this extremely limited set of circumstances. The use of firearms must be used only in the most extreme of circumstances. The commentary to this article also states that the use of firearms is considered an extreme measure, and points out that, "[all] should be done to exclude the use of firearms, in particular against children."<sup>88</sup>

Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury... and only when less extreme means are insufficient to achieve these objectives."<sup>89</sup>

The same principle also states that: "intentional lethal use of firearms may only be made [by Law enforcement officials] when strictly unavoidable in order to protect life."<sup>90</sup>

Principle 7 also states that arbitrary use of force must be punished a crime, "Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law"<sup>91</sup>

The Burkinabé Constitution, whilst supporting the provisions of the Universal Declaration of Human Rights (UDHR) on the right to freedom of expression and the right to freedom of peaceful assembly<sup>92</sup>, also explicitly guarantees in its Article 7, "the freedom of assembly [...], freedom of procession and of demonstration [...] subject to compliance with the law, public

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order, morality and the human person.”<sup>93</sup>

Article 6 the African Charter of Human and Peoples’ Rights (ACHPR) also reinforces the right to liberty and security of person.<sup>94</sup>

## 6. REPRISALS AFTER A RIOT AND ATTEMPTED ESCAPE FROM THE MACO PRISON IN OUAGADOUGOU

On the night of Thursday 30 October, while protests continued in the city centre and on the roads leading to the Presidential Palace, five prisoners at the MACO are confirmed to have died. Amnesty International investigated the circumstances of their deaths.

The Amnesty International delegation visited the MACO more than three times, interviewed 27 prisoners and met with the Director of the MACO.

The prisoners were following the marches taking place in the city on television and radio and, according to the evidence collected by Amnesty International, there was great excitement in the prison. The Prison Director and his deputy and the testimonies of inmates agree on the fact that, on the evening of 30 October, prisoners broke the padlocks on cell doors and at least 15 inmates tried to escape from the prison and managed to reach the yard.<sup>95</sup>

The Prison Guards, supported by the gendarmerie (military police), intervened to restore order firstly by using warning shots.<sup>96</sup> According to the Prison Director, at least 15 prisoners who were in the courtyards returned to their cells either, "willingly or by force,"<sup>97</sup> three detainees were shot dead by the prison guards and the gendarmerie.<sup>98</sup> The Prosecutor of Faso, who has since opened an inquiry into these events, told Amnesty International that these three prisoners who were trying to escape were killed, but could not confirm as yet the circumstances of their deaths as the investigation is ongoing.<sup>99</sup> The men who were shot were unarmed.<sup>100</sup> A prisoner who had witnessed the death of a fellow prisoner told Amnesty International:

"On the day of 30 October, I was following the events on television and Blaise's departure was announced. At night we heard noises, the door of the corridor leading to four of our cells was broken by inmates. We were told to go down to the prison yard [by the inmates who had opened the doors], we took the stairs. When I got outside, there was shooting not far from the walls, which were lit up. However, I didn't see the people who were shooting, I was lying on the grass, one of the prisoners was shot and he wasn't moving. He was dead. I was terrified. I lay on the grass near the dead body until they came to find me a few hours later."<sup>101</sup>

Amnesty International interviewed 11 detainees suspected of trying to escape, some of whom were in the courtyard of the MACO on the evening of 30 October. They described to the delegation how they had been locked in a transport vehicle on the night of 30 to 31 October and how they were beaten and ill-treated on three different occasions before they returned to

their cells. **Amnesty International is concerned that these prisoners, who were suspected of trying to escape, were subjected to torture and ill-treatment.**

One of the detainees told the organization:

“Lights were on when I came out [from the prison wing to the yard] and warning shots were fired. I raised my hands in the air. The prison guards, who found us in the yard, put me in handcuffs and I was ordered to crawl on the grass. While I crawled I was beaten all over the body, they even hit me with cords. I couldn't tell you how many times they hit me. Then they locked me in a vehicle, one that is used to transport prisoners. There were other prisoners in handcuffs in that vehicle, parked in the courtyard. After a few hours, they took us out one by one, we were still handcuffed. They asked us to lie on our stomachs on the ground and they beat us on our backs. While they beat us, they accused us of organizing an escape. Then we got back in the vehicle and, before returning to our cells, they beat us again with belts and cords all over the body including our heads.”<sup>102</sup>

Another detainee told the delegation:

“When the corridor door was broken [by inmates], I went out. I didn't get very far and was stopped at the staircase. I was handcuffed and taken outside. Before locking me in a transport vehicle, I was beaten. They beat me two other times after and accused me of setting fire to a wing of the prison.”<sup>103</sup>

In addition to the 11 detainees who were beaten and ill treated in the yard, several other detainees said that they were beaten when they got back to their cells on the evening of 30 October and, during the following days; the prisoners were not allowed out of their cells. One of the detainees interviewed by Amnesty International stated:

“We were not allowed out of our cells from the night of Thursday to Friday. We went out on Saturday for a few minutes. In our cell (cell 4: A'2) we did not have water for at least four days and when we were confined to our cell, we did not have enough water or air. On Sunday, around 4pm, one of the detainees, Bertrand Bouda, fainted. We knocked on the door to inform the officers that he was not in good shape. They came and threatened to beat us if we knocked on the door again. Barely an hour after they had left, Bertrand died. He was dizzy and he fell down.”<sup>104</sup>

Another prisoner, Rasmané Kouanda, died the next day. A witness told Amnesty International:

“From Sunday to Thursday, we did not have enough air or water to drink. Our cell is also at the back of the building where it's very hot. Around 2 am, Rasmané also had seizures. I was his neighbour; we again knocked on the door. The guards came. I took him on my shoulder to the infirmary. Shortly after, they came to tell us that he had died in hospital. In the cell, we don't have enough space, not enough air and especially no water.”<sup>105</sup>

**Rasmané Kouanda and Bertrand Bouda were detained in the same cell. 14 prisoners were held in this cell, which was originally designed for a maximum of four prisoners.**

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Amnesty International expressed concerns to the Prison director and his deputy that prisoners' human rights had been violated and that international standards as well as national prison rules, known as the "Kiti", that govern the use of firearms,<sup>106</sup> had been breached during these incidents. Article 90 of the "Kiti", states that "except in case of self-defence, when firearms are used they must always be directed at the legs."<sup>107</sup> Responding to Amnesty International's questions the Prison Director replied that it was difficult to respect this when prisoners are running.<sup>108</sup>

The prison officials acknowledged the killings, adding that the detainees were unarmed and describing how they had used doors that they had removed from prison buildings as shields.<sup>109</sup> The officials said that they were "forced to shoot at the prisoners who wanted to escape at all costs" and confirmed that in their opinions they had followed "all of the rules in this area as otherwise it would have been a massacre."<sup>110</sup> The Prison Director also contended that as the corridor door was damaged after the riot and so the prisoners were not permitted to go out of their cells for security reasons. He added that overcrowding was indeed a reality at the MACO, hence the decision to transfer at least two hundred prisoners to the Loumbila high security prison the morning after the riot. He also said that the Inspector-General for Public Service would investigate and that the officers who were on duty during the events were to be interviewed.<sup>111</sup> Amnesty International delegates stressed that there should not be any reprisals against the detainees interviewed by the organisation; the Prison Director gave his word that there would not be any.

When asked by the Amnesty International delegation about the two prisoners who died following extended confinement, deprived of water and in poorly ventilated cells, the Prison Director promised to open an investigation into these allegations to establish the facts. He said that if the allegations were shown to be true the prison officials would accept their responsibilities<sup>112</sup>. He also added that the "inadequacy"<sup>113</sup> and poor conditions of the annex part of the prison – which is where the prisoners who died were held - would have undoubtedly worsened the conditions of confinement.<sup>114</sup> .

The Prosecutor of Faso told the Amnesty International delegation that he had personally gone to the prison, and has since opened an inquiry.<sup>115</sup>



## 7. THE HUMAN RIGHTS OF PRISONERS AND THE LEGAL OBLIGATIONS OF BURKINA FASO

Burkina Faso is obligated under several human rights treaties, including the UN Convention against Torture and other cruel treatment, inhuman or Punishment (Convention against torture), the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR)<sup>116</sup> to eradicate, investigate and punish acts of torture, cruel, inhuman and degrading treatment and punishment. Article 3 of the Burkinabé law on torture, adopted in May 2014, also states that acts of torture and similar practices can never be justified under any circumstances.<sup>117</sup> Customary international law also clearly prohibits torture and other ill-treatment.

Article 31 of the UN Standard Minimum Rules for the Treatment of Prisoners provides:

“Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.”<sup>118</sup>

In addition, Article 44 of the national prison rules known as the “Kiti” prohibits, “[...] engaging in acts of violence against prisoners.”<sup>119</sup>

More generally, as Article 10 of the International Covenant on Civil and Political Rights requires, persons “deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”<sup>120</sup> The UN Standard Minimum Rules and other international standards spell out in detail the kinds of steps that authorities should take to meet the state’s obligation under Article 10.

## 8. REACTION OF THE BURKINABÉ AUTHORITIES

The Amnesty International delegation had meetings with the Secretary General of the Ministries of Justice, Territorial Administration and Security, and Defence. These authorities have since handed power over to a new transitional government. In these meetings, Amnesty International repeatedly expressed concern about the cases of excessive use of force and the urgent need to provide an effective response to all of human rights violations that occurred between 30 October and 2 November 2014, including the deaths in the MACO.<sup>121</sup>

None of the Secretaries General responded to Amnesty International's concerns on excessive use of force when the protestors were killed and wounded.<sup>122</sup> When Amnesty International delegates asked which particular army units were stationed in front of François Compaoré's house and on route leading to the residence of the Head of State, the officials did not give a response. The Secretary General of the Ministry of Defence said that nobody from his department went to the scene to investigate; therefore he could not confirm to the Amnesty International delegation what exactly happened. All of the Secretaries General of the abovementioned ministries added that they had not received any requisition orders indicating that the army and gendarmerie were requested or requisitioned to maintain order. However, they also added that the Prime Minister could also have called upon the support of the gendarmerie and the army<sup>123</sup> without their knowledge and that they did not have any record of such a request.<sup>124</sup> Under national law, such a request must be signed and validated the appropriate administrative authority, in this case the Prime Minister.<sup>125</sup>

Regarding police forces, the Directorate General of the National Police with whom the Amnesty International delegation met stated that at no time was the order given to fire on demonstrators. The police officers said that conventional means had been used and that police officers were not armed on the day of the protests.<sup>126</sup>

All the Secretaries General interviewed indicated that an ad hoc committee had been set up to assess the human rights violations committed following the "popular uprising" but that the commission was not responsible for conducting investigations and that it was for the new transitional authorities to decide whether or not to establish a commission of inquiry to investigate the facts and violations perpetrated.<sup>127</sup>

The Prosecutor of Faso stated that complaints had been filed by some of the relatives of the victims and that judicial investigations had been opened. He added that it was difficult, even

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impossible, for the moment to perform autopsies as, whilst Burkina Faso has coroners and appropriate facilities, equipment to perform the autopsies was not available.<sup>128</sup> An official at the Yalgado Hospital in Ouagadougou stated that as a general rule medical professionals carried out body exams (examen de corps) and not autopsies.<sup>129</sup> He added that the government had covered the cost of medical care for those injured during the protests and that anonymous donors had also made financial donations for that purpose.<sup>130</sup>

## 9. CONCLUSIONS AND RECOMMENDATIONS

In the context of protests that took place in Burkina Faso between 30 October and 2 November 2014, the armed forces and police violated the right to life, the right to freedom from torture, cruel, inhuman and degrading treatment and punishment, the right to peaceful assembly, and the right to freedom of expression, among other human rights. The testimonies and evidence gathered by Amnesty International indicate that security forces arbitrarily used lethal force on peaceful protestors, resulting in at least ten deaths and hundreds of injuries. Prison guards and the gendarmerie also cracked down on a prison riot with excessive force and subjected inmates to ill-treatment, leading to five deaths. In their response to the protests and the prison riot, security forces violated Burkinabé law as well as regional and international human rights law and standards.

It is now the responsibility of the interim government to thoroughly investigate all violations and ensure that those responsible are held to account. During meetings with those injured in the protests and with the families of those killed, all expressed their wish to the Amnesty International delegation that the crimes committed by security forces not go unpunished. The newly-appointed Burkinabé authorities have committed to change, including on the issue of impunity for human rights violations. Amnesty International asks that they use this opportunity to send a strong signal to the security forces that they must respect human rights.

Therefore, Amnesty International calls upon the Burkinabé interim authorities to take the following urgent actions:

- Establish an independent and impartial commission of inquiry, consisting of experts in criminal law and other specialists known for their impartiality and integrity, who would be responsible for conducting investigations into the human rights violations alleged to have been committed by members of the army, law enforcement and prison officials. Investigators should have the resources and means necessary to accomplish their task, being able to contact witnesses without restriction, including those who may be members of the Burkinabé defence and security forces. They should also have full access to essential evidence. The findings of this investigation should be made public. Investigations must include any senior officials who may have ordered or facilitated excessive, arbitrary, unjustified and or abusive force, as well as those who carried out such acts. Where evidence is found of crimes having been committed, steps must be taken to bring those responsible to justice; those responsible for breaches of law or standards not amounting to crimes should also be held to account.
- Ensure a full investigation into the events at the MACO prison, including the deaths of prisoners and the allegations of beatings. Where evidence is found of crimes having

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been committed, steps must be taken to bring those responsible to justice; those responsible for breaches of law or standards not amounting to crimes should also be held to account.

- Respect the right to demonstrate peacefully and to prohibit the use of excessive, arbitrary, unjustified and abusive force against protestors;
- Respect and protect the right of journalists to carry out their profession, free from fear of intimidation and threats. All acts of intimidation and abuse must be investigated and perpetrators held to account;
- Ensure that the rights of all victims of human rights violations, and their families, to truth, justice and reparation are guaranteed. Steps must be taken to guarantee non-repetition of such acts in the future, including identifying reforms of the army, police and prison procedures and address any other contributing factors that lead to people being injured and killed;
- Extend an open and standing invitation to the UN and African Commission Special Rapporteurs and experts, who can provide expert advice on particular areas of concerns.

## ENDNOTES

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<sup>1</sup> Prosecutor of Faso is a term used in Burkina Faso, which equates to Prosecutor of the Republic

<sup>2</sup> Decree No. 2005-025/PRES/PM/SECU/MATD/DEF/MJ regarding the organisation of security forces in Burkina Faso, Amnesty International has a copy of this decree on file.

<sup>3</sup> Blaise Compaoré retired from the army in 1991.

<sup>4</sup> "The President of Burkina Faso is elected for five years through direct, equal, secret and universal suffrage. He may be re-elected once", Article 37 of the Burkinabé Constitution.

<sup>5</sup> The 1991 constitution limited tenure to a once-renewable period of one term. In 1997, the constitution was amended to make the President eligible for office indefinitely. Three years later an article limiting the President's mandate to two five-year terms was established following a crisis after the death of a journalist. Controversy arose again in 2005 as, although former President Compaoré had served two seven-year terms, the Constitutional Council declared that he was eligible for re-election.

<sup>6</sup> Amnesty International interviews with human rights defenders and journalists, Ouagadougou, 18 November 2014.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Amnesty International interviews with protestors and witnesses, Ouagadougou, November 2014.

<sup>10</sup> Ibid.

<sup>11</sup> "The ad hoc committee is not mandated to investigate those responsible for abuses nor to define or consider sanctions resulting from these acts that have violated human rights," said Ms. Clarisse Merindol Ouoba in a public statement on 26 November 2014.

<sup>12</sup> "Provisional report of the Burkinabé ad-hoc committee on the human rights violations committed during the popular uprising from 30 to 31 October and on the days of 1 and 2 November 2014." This report is based on information supplied by the Ministry of Justice, the Ministry of Defence, the Ministry of Territorial Administration and security, the directors of the MACO Prison in Ouagadougou and on the basis of complaints submitted to the Burkinabé Public Prosecutor. Amnesty International has a copy of this report on file.

<sup>13</sup> Ibid. p11

<sup>14</sup> Created by the transitional charter adopted on 16 November 2014

<sup>15</sup> "Provisional report of the Burkinabé ad-hoc committee ", p52

<sup>16</sup> Mouvement burkinabè des droits de l'homme et des peuples (MBDHP), l'Union générale des étudiants du Burkina (UGEB) le Syndicat national des travailleurs de la santé humaine et animale (SYNTSHA), l'antenne Burkina Faso de Social Alert (ASAB)

<sup>17</sup> The Amnesty International delegation had a working session with these associations on 13 November 2014 in Ouagadougou.

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<sup>18</sup> Their investigation concluded that 19 people died in Ouagadougou, of whom 11 were shot dead by security forces in Ouagadougou, five were shot dead in Sebba and two people died in Ouahigouya, two in Bobo Dioulasso and one person in Léo, following the fires set by protestors. Three other people died in circumstances that have not yet been investigated. Amnesty International has a copy of this report on file.

<sup>19</sup> The political parties concerned are the Congress for Democracy and Progress (Congrès pour la démocratie et le progress, CDP), the Alliance for Democracy and the democratic rally-federation (Alliance pour la démocratie et la federation-Rassemblement démocratique, ADF-RDA) and the civil society association concerned is the Associative Federation for Peace and Progress with Blaise Compaoré (Fédération associative pour la paix et le progress avec Blaise Compaoré, Fedap-BC).

<sup>20</sup> Decree from the Minister of Territorial Administration and Security on 15 December 2014.

<sup>21</sup> Article 30 of Law N° 032-2001/AN regarding the charter of political parties and groups in Burkina Faso, available at, <http://www.matds.gov.bf/index.php/presse-publication/358-loi-nd-032-2001-an-pourtant-charte-des-partis-et-formationen-politiques-au-burkina-faso>, [last consulted: Decmeber2014].

<sup>22</sup> The Presidential Guard reports directly to the Head of State, a member of the Guard, Lieutenant-Colonel Isaac Zida, has since taken over the post of Prime Minister and Minister of Defence.

<sup>23</sup> Amnesty International interviews with human rights defenders and protestors in Ouagadougou, November2014.

<sup>24</sup> A journalist of no relation to the student, Justin Zongo.

<sup>25</sup> Amnesty International has a copy of the African Court's judgement (request no 013/2011) on file. Amnesty International also has a copy of the report written by the National Independent Commission of Enquiry, on 6 May 1999 (Decree n° 98-0490/PRES/PM/MEF/DEF/MJ-GS/MATS of 18 December 1998, modified by decree n° 99-001/PRES/PM/MEF/MJ-GS/MATS of 7 January 1999) on file.

<sup>26</sup> This was confirmed in two separate meetings held by the Amnesty international delegation in November 2014 with the founder member of the Mouvement burkinabè des droits de l'homme et des peuples and confirmed by a lawyer who is now a minister in the transitional government.

<sup>27</sup> Law No. 033 - 2012 / AN of 11 June 2012, Amnesty International has a copy of this law on file.

<sup>28</sup> Ibid.

<sup>29</sup> The introduction of the Senate is in the 2012 Constitution – Amnesty International has a copy on file.

<sup>30</sup> Amnesty International interviews with human rights defenders, journalist and protestors, November 2014.

<sup>31</sup> Ibid.

<sup>32</sup> Amnesty International has a copy of this group's document on file.

<sup>33</sup> Ibid.

<sup>34</sup> He acted as a mediator in the West Africa region, notably in crises in Guinea, Côte d'Ivoire and Mali, and was also a strong ally to France and the United States in helping combat terrorism in the Sahel.

<sup>35</sup> African Charter on Democracy, Elections, and Governance, available at

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[http://www.au.int/en/sites/default/files/AFRICAN\\_CHARTER\\_ON\\_DEMOCRACY\\_ELECTIONS\\_AND\\_GOVERNANCE.pdf](http://www.au.int/en/sites/default/files/AFRICAN_CHARTER_ON_DEMOCRACY_ELECTIONS_AND_GOVERNANCE.pdf), [last consulted: December 2014]. In particular, article 23.5, "State Parties agree that the use of, inter alia, the following illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the Union: Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government."

<sup>36</sup> Public statement aired on both international and national radio.

<sup>37</sup> This suspension of the constitution was subsequently lifted on 15 November 2014.

<sup>38</sup> Press article, available at, <http://www.reuters.com/article/2014/11/01/us-burkina-politics-afri-idUSKBN0IL32D20141101> [last consulted: December 2014].

<sup>39</sup> Amnesty International has a copy of this transition charter on file in which it is written that they intend this charter to supplement the June 1991 Burkinabé Constitution. The Amnesty International delegation has also checked the details of this charter, in several different interviews held in November and December 2014, with different members of the civil society and with a law professor who is now a minister in this transitional government.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> This inaugural speech was aired on national radio on Tuesday 18 November 2014.

<sup>43</sup> Amnesty International interviews with protestors and witnesses on 15 and 16 November 2014, Ouagadougou.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Though the Amnesty International did not visit these towns in Burkina Faso, these events were confirmed by trusted sources.

<sup>48</sup> Amnesty International interviews with witnesses on 17 and 18 November 2014, Ouagadougou.

<sup>49</sup> Amnesty International interview with the Secretary General of the Ministry of Defence, 21 November 2014.

<sup>50</sup> Amnesty international interviews held with witnesses and victims' families in November 2014, Ouagadougou.

<sup>51</sup> Amnesty International interviews with journalists and human rights defenders on 17 and 18 November 2014, Ouagadougou.

<sup>52</sup> Amnesty International interviews with witnesses on 17 and 18 November 2014, Ouagadougou.

<sup>53</sup> UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 7; see generally principle 9.

<sup>54</sup> Amnesty International interviews with witnesses on 17 and 18 November 2014, Ouagadougou.



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- <sup>55</sup> Amnesty International interview with protestor, 19 November 2014, Ouagadougou.
- <sup>56</sup> A neighbourhood in Ouagadougou.
- <sup>57</sup> Amnesty International interviews with protestors on 16 and 17 November 2014, Ouagadougou.
- <sup>58</sup> Amnesty International interview with protestor on 17 November 2014.
- <sup>59</sup> Amnesty International interview with the victim's family on 22 November 2014.
- <sup>60</sup> Amnesty International interview with this doctor and human rights defender during the mission in November and December, Ouagadougou.
- <sup>61</sup> Amnesty International interview with Human Rights Defender, 20 November 2014.
- <sup>62</sup> Amnesty International interview with protestor Ouagadougou, 17 November 2014.
- <sup>63</sup> Amnesty International interviews with human rights defenders and journalists, Ouagadougou, 18 and 19 November 2014.
- <sup>64</sup> Amnesty International interview with protestor Ouagadougou, 17 November 2014.
- <sup>65</sup> Amnesty International interview with protestor Ouagadougou, 23 November 2014.
- <sup>66</sup> Amnesty International interview with protestors Ouagadougou, 17 to 23 November 2014.
- <sup>67</sup> Ibid.
- <sup>68</sup> Amnesty International telephone interview with the brother of the victim, Paris, 17 December 2014.
- <sup>69</sup> Amnesty International interview with eyewitness, Ouagadougou, 25 November 2014.
- <sup>70</sup> Amnesty International interviews with protestors, journalists and human rights defenders, Ouagadougou, in November 2014.
- <sup>71</sup> Amnesty International interview with eyewitness, Ouagadougou, 25 November 2014.
- <sup>72</sup> Amnesty International has a copy of this Code of Conduct on file.
- <sup>73</sup> Ibid.
- <sup>74</sup> Amnesty International interview with journalist, Ouagadougou, 17 November 2014.
- <sup>75</sup> Amnesty International interviews with protestors and bystanders, 18 and 19 November 2014.
- <sup>76</sup> Amnesty International interview with eyewitness, Ouagadougou, 25 November 2014.
- <sup>77</sup> Amnesty International interview with journalist, Ouagadougou, 17 November 2014.
- <sup>78</sup> Amnesty International interview with medical professionals Ouagadougou, 5 December 2014.
- <sup>79</sup> The patients had the following injuries; open trauma wound on the right leg (linear wound of left leg showing bone fragments), open trauma wound in the abdomen, open fracture in the hand, wound in the left groin, open trauma wound on the left arm, Amnesty International interview with a medical professional Ouagadougou, 5 December 2014.
- <sup>80</sup> Ibid.
- <sup>81</sup> Amnesty International interview with medical professionals Ouagadougou, 5 December 2014.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Amnesty International interview with the Prosecutor of Faso, Paris, 17 December 2014.

<sup>85</sup> International Covenant on Civil and Political Rights, available at, <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf> [last consulted: December 2014].

<sup>86</sup> UN of Conduct for Law Enforcement Officials, available at, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx> [last consulted: December 2014].

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, available at, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx> [last consulted: December 2014].

<sup>90</sup> Ibid.

<sup>91</sup> Ibid, principle 7

<sup>92</sup> The Universal Declaration of Human Rights (UDHR) guarantees the rights to freedom of opinion and expression (Article 19) and the right to freedom of peaceful assembly and association (Article 20) (The Universal Declaration of Human Rights, available at, <http://www.ohchr.org/en/udhr/pages/introduction.aspx> [last consulted: December 2014]. These rights are also codified Article 22 of the International Covenant on Civil and Political Rights (ICCPR) (International Covenant on Civil and Political Rights , available at, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [last consulted: December 2014].

<sup>93</sup> The Universal Declaration of Human Rights, <http://www.ohchr.org/en/udhr/pages/introduction.aspx>

<sup>94</sup> “Every individual shall have the right to liberty and to the security of his or her person. No one may be deprived of his or her freedom except for reasons and conditions previously laid down by law...” African Charter of Human Rights, available at, [http://www.achpr.org/files/instruments/achpr/banjul\\_charter.pdf](http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf) [last consulted: December 2014].

<sup>95</sup> Amnesty International meeting with Prison Director and his deputy for the MACO and interviews with prisoners, Ouagadougou, 26 November 2014. They gave the figure of 15.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Amnesty International interview with the Prosecutor of Faso, 21 November 2014.

<sup>100</sup> Ibid.

<sup>101</sup> Amnesty International interview with detainee at the MACO, Ouagadougou, 19 November 2014.

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<sup>102</sup> Ibid.

<sup>103</sup> Amnesty International interview with detainee at the MACO, Ouagadougou, 20 November 2014.

<sup>104</sup> Ibid

<sup>105</sup> Amnesty International interview with detainee at the MACO, Ouagadougou, 19 November 2014.

<sup>106</sup> Kiti No. ANVI-103 / FP / MIJ / organizing regime and regulation of penal institutions in Burkina Faso.

<sup>107</sup> This article states the cases in which firearms may be used.

<sup>108</sup> Amnesty International interviews the Prison Director for the MACO and his assistant, Ouagadougou, 26 November 2014.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Amnesty International interview with the Prosecutor of Faso, 21 November 2014.

<sup>116</sup> International Covenant on Civil and Political Rights, available at, <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf> [last consulted: December 2014].

<sup>117</sup> Law N° 0022-2014/AN, regarding the definition, repression and prevention of torture and similar practices. Amnesty International has a copy of this law on file. This law also states, in Article 5 and 6, that "[All] officials [...] guilty of torture or similar practices shall be punished by imprisonment of three to five years and by a fine..."

<sup>118</sup> UN Standard Minimum Rules for the Treatment of Prisoners, available at, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx> [last consulted: December 2014].

<sup>119</sup> Amnesty International has a copy of this law on file.

<sup>120</sup> ICCPR article 10.

<sup>121</sup> Amnesty International interview with the SGs of the ministries of Justice, Territorial Administration and Security, and Defence during the November and December mission in Ouagadougou. 2014.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Decree No. 2005-025/PRES/PM/SECU/MATD/DEF/MJ regarding the organisation of security forces in Burkina Faso, Amnesty International has a copy of this decree on file.

"Just what were they thinking when they shot at people?"

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<sup>126</sup> Amnesty International interview with the Director General of National Police, 21 November 2014, Ouagadougou.

<sup>127</sup> Ibid.

<sup>128</sup> Amnesty International interview with the Prosecutor of Faso, 21 November 2014, Ouagadougou.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.



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