



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances Twenty-sixth session

### Summary record of the 476th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 21 February 2024, at 10 a.m.

*Chair:* Mr. de Frouville

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties to the Convention** *(continued)*

*Additional information submitted by Burkina Faso under article 29 (4) of the Convention (continued)* (CED/C/BFA/AI/1)

1. *At the invitation of the Chair, the delegation of Burkina Faso joined the meeting.*
2. **The Chair** invited the Committee members to continue with their consideration of the additional information submitted by Burkina Faso under article 29 (4) of the Convention (CED/C/BFA/AI/1).
3. **Mr. Albán-Alencastro** (Country Rapporteur), recalling that, under article 24 of the Convention, the term “victim” meant not only the disappeared person but also any individual who had suffered harm as the direct result of an enforced disappearance, said that the Committee would like to know what measures the State party had taken to ensure the differentiated treatment of victims, taking account of specific needs arising from their age, sex, sexual orientation, gender identity, disability status, health status and social, cultural and family situations. He wished to know what institutions of the State were responsible for providing assistance to victims, what human and financial resources they had at their disposal and how the State party ensured that the needs of all victims were addressed.
4. He would be interested to know whether the State party had adopted a general policy on the protection of victims’ rights under the Convention. What measures were in place to provide financial, legal and social support to wives and children, in particular, and to ensure that women and girls who were family members of disappeared persons could enjoy all the rights to which they were entitled under article 24?
5. He would welcome information on the legal and institutional arrangements for ensuring that victims received reparation, any statistics available on the reparation awarded to victims and examples of specific types of reparations that had been provided. Was there a policy on reparations? If not, did the State party plan to adopt one? He would appreciate hearing more about the measures in place to ensure that victims had effective access to information and documentation on investigations and searches, the identification of remains and the processing of reparations.
6. The Committee would be interested to hear more about the role of the National Human Rights Commission in supporting victims and whether the recent increases in its human and financial resources were sufficient to enable the Commission to discharge its mandate in relation to enforced disappearance. To what extent did other State bodies take account of the Commission’s recommendations in cases of enforced disappearance or act on its requests to be involved in dealing with such cases?
7. He would like to hear about the protection afforded to human rights defenders and associations, particularly those involved in cases of enforced disappearance and victim support. He would be interested to learn about any obstacles the State party had encountered in its efforts to implement Act No. 039-2017/AN of 27 June 2017 on the protection of human rights defenders. He would also like to know what protection from threats and reprisals the State offered to individuals or associations that provided information to the Committee and other United Nations bodies, journalists covering cases of enforced disappearance and family members and others involved in searches and investigations. In particular, he would be interested to hear about examples of the kind of protection provided and about the number of people who had benefited from such protection measures. He would like to know which State bodies were responsible for assessing potential threats to those involved in searches and investigations and how such risk assessments were conducted. What human and financial resources were available to the bodies responsible for conducting risk assessments and implementing protection measures?
8. In the light of the information provided the previous day to the effect that many members of the security forces had disappeared following clashes with non-State actors and terrorist groups, he would like to know whether, in the State party’s view, such disappearances reflected a systematic or widespread practice within the meaning of article 5 of the Convention and should accordingly be treated as a crime against humanity.

9. He was concerned at the fact that Act No. 002-2020/AN of 21 January 2020 placed no restrictions on recruitment by the volunteer defence force, and he would therefore welcome more information in that regard.

10. Lastly, he wished to know whether, once a preliminary judicial declaration of absence had been issued because a year had passed since a person's whereabouts had been known or once a final declaration of that sort had been issued after 10 years had passed, the search and investigation procedures were suspended or whether they continued.

11. **Mr. Diop** (Country Rapporteur) said that the Committee welcomed the State party's definition of enforced disappearance as a specific offence in the Criminal Code. He would appreciate clarification of a clause in the article establishing the penalties for enforced disappearance, however. After having set forth the various penalties, the text stated that a penalty of life imprisonment would be imposed if the person abducted, arrested, detained or kidnapped had disappeared: he would like to know what the meaning of "disappeared" (*disparaitre*) could be in that context, given that the penalties applied to the offence of enforced disappearance.

12. He was concerned at certain provisions of Act No. 026-2018/AN of 1 June 2018, on general regulations on intelligence operations in Burkina Faso, whereby intelligence agents who committed offences in the course of their official duties, either because they were absolutely necessary to the mission or for safety reasons, were exempt from penalties. Similarly, it appeared that, under decree No. 2021-0481/PRES/PM/MDNAC of 2 June 2021, on the status of members of the special forces, members of those forces could not be prosecuted for any action taken as part of their official duties. He would welcome the delegation's comments on those provisions, which appeared to grant complete immunity to the officials involved.

13. He noted that the discussions in the State party on recognition of the Committee's competence under articles 31 and 32 of the Convention had been going on for a number of years, and he wondered whether such a lengthy debate was necessary. He would like to know what progress had been made in those discussions.

14. **Ms. Villa Quintana** said that she would like to know whether the decree of June 2021 referred to by Mr. Diop had been repealed. She would also be interested to know what steps the State party was taking to honour the commitment it had made in the course of the universal periodic review of Burkina Faso in November 2023 to put a stop to human rights violations, particularly enforced disappearance, involving members of the special counter-terrorism forces and intelligence officers.

15. Based on the information provided by the delegation at the previous meeting, she understood that cases of enforced disappearance were investigated and prosecuted by the military justice system rather than the ordinary justice system; she wondered whether she had understood correctly, as she did not see why that would be the case, since enforced disappearance was not a military crime. In that context, she sought clarification of the concepts of "competent court" and "natural judge" in the State party's legal order. She would like to know what safeguards were in place to guarantee the independence and impartiality of military courts.

*The meeting was suspended at 10.35 a.m. and resumed at 10.55 a.m.*

16. **A representative of Burkina Faso** said that the regime governing cases of missing persons was set forth in the Personal and Family Code. Proceedings could be initiated by any individual or by the prosecutor. In cases involving a suspected enforced disappearance, the competent court was the *tribunal de grande instance* (court of major jurisdiction). If, after an investigation into the circumstances of a disappearance, the court established that the victim had died, it could issue a declaration of death that set the date of death as the date of disappearance. That declaration took the place of a death certificate and was duly registered at the civil registry office, thereby paving the way for settlement of the estate and permitting the relatives to apply for any compensation to which they might be entitled. That procedure, unlike the procedure for a declaration of absence, which had been discussed the previous day, was marked by its simplicity and brevity.

17. The beneficiaries of disappeared persons who had been declared deceased were entitled to compensation of 10 million CFA francs (CFAF) if the deceased persons had been members of the defence and security forces or public officials or to compensation of CFAF 3 million if they had been members of the volunteer defence force. The beneficiaries of civilians who had been declared deceased following their enforced disappearance or torture were also entitled to compensation from the State, regardless of whether any criminal case had been initiated or not. Victims or their beneficiaries could file a request for compensation from the State; if no response was received within two months, they could take their case to the local administrative court. Under article 261 of the Code of Criminal Procedure, witnesses and victims could give evidence anonymously in order to protect them from reprisals. Protective mechanisms were also in place for the families of disappeared persons. Victims could also file civil cases.

18. **A representative of Burkina Faso** said that, since terrorism was the main challenge in terms of the protection of human rights in her country and was having an impact on each and every member of the population, measures and policies were aimed at providing support to all victims of terrorism, rather than focusing specifically on victims of enforced disappearance. The institutions involved in providing that support included the National Human Rights Commission, the Ministry of Health, the Ministry of Defence, the Ministry of Security, the Ministry of Justice and many others. The International Day of Remembrance and Tribute to the Victims of Terrorism had been marked since 2021, and in 2022 a road map had been drafted for a strategy for providing more effective support for victims of terrorism. While work proceeded on operationalizing that strategy, the families of victims were being provided with assistance in the areas of education, health care and accommodation, psychological support and legal assistance regarding, among other matters, social welfare and property rights. Specific examples of concrete measures taken to support victims included the provision of vocational training to 150 women and girls, the relocation of 16 displaced persons in Ouagadougou and the rehousing of over 300 people who had been living in the streets.

19. **A representative of Burkina Faso** said that, under article 512 of the Criminal Code, compensation was provided to victims of enforced disappearance, torture or acts of a similar gravity, either following criminal or administrative proceedings or in the absence of such proceedings, depending on the circumstances. In addition, the Code of Criminal Procedure provided for recognition of victims' standing as parties to civil proceedings, which could be brought concurrently with public action. That status was recognized in proceedings regarding material, bodily and moral damages sustained by victims.

20. The status of ward of the State had been established by law in 2022. Wards of the State were the beneficiary children of any person who had died following an incident in which the national interest had been at stake. They were provided with health care, education and public transport free of charge and received financial support and vocational training. The same law also governed the status of martyrs of the nation, who were persons who given up their lives in service to the nation, and the benefits accruing to veterans with disabilities. Minor children who became wards of the State and all other beneficiaries received psychological and social support. Burial costs were also covered.

21. **A representative of Burkina Faso** said that a legal assistance fund had helped more than 4,000 persons to access legal services, including in cases related to enforced disappearance. A patriotic support fund that had entered into operation in 2023 provided compensation to the beneficiaries of members of the volunteer defence force who had been subjected to enforced disappearance. The swift execution of judgments that implicated the State was overseen by the corresponding judicial officer.

22. A secretariat for national reconciliation and coexistence had been established in March 2023. It was responsible for ensuring the provision of reparation and compensation to victims. An interministerial committee set up by that secretariat determined eligibility for compensation and the amounts and types of reparation to be awarded.

23. The psychological support and vocational training provided to victims and their beneficiaries equipped them with the tools they might need to live peacefully with members of other communities and in different places. Widows and orphans of members of the defence

or security forces who were martyrs of the nation received financial support, as well as vocational training which was provided by any of four different education and social support centres.

24. **A representative of Burkina Faso** said that the Government was well aware of the contribution made by human rights defenders to the protection and promotion of human rights. Even in the midst of the difficult security situation in the country, the legal and institutional framework to protect human rights defenders had been strengthened through Act No. 039-2017/AN of 27 June 2017, which established that the State was responsible for their protection. A protective mechanism was activated every time that the State became aware of threats against a human rights defender; that mechanism had thus far been activated twice, once in 2020 and once in 2023. The National Human Rights Commission had a procedural handbook covering the various protective mechanisms for human rights defenders. The Ministry for Human Rights and the Promotion of Civic Values had a department devoted to partnerships with human rights organizations, and the Government provided capacity-building opportunities for human rights defenders and financial support for activities aimed at promoting and protecting human rights. Civil society organizations were systematically involved in national human rights initiatives and in monitoring the implementation of legal instruments; they were members of the interministerial committee responsible for drafting reports submitted to the human rights treaty bodies and monitoring the follow-up to the treaty bodies' recommendations.

25. **A representative of Burkina Faso** said that the terrorist attacks, including those involving the crime of enforced disappearance, being committed in Burkina Faso were considered ordinary offences subject to national law, not crimes against humanity. Acts of terrorism were dealt with effectively at the judicial and legal levels through the Counter-Terrorism Division of the court system and the special unit devoted to counter-terrorism investigations. In 2023, the Counter-Terrorism Division had held 30 sessions during which terror suspects had stood trial. If it were to come to pass that acts of terror were committed that constituted crimes against humanity, the required legal provisions would be in place, since the Rome Statute of the International Criminal Court had been incorporated into the country's legal order. The national courts of Burkina Faso therefore had the competence to investigate and put on trial persons suspected of perpetrating crimes against humanity.

26. Article 16 of Act No. 026-2018/AN of 1 June 2018 provided that the superior officer of an intelligence agent who had committed an offence in the course of his or her duties should provide a written opinion prior to the initiation of prosecution. Article 17 dealt with offences unrelated to intelligence work and subject to criminal proceedings. In that case, it was simply a matter of providing information. Article 18 covered cases in which intelligence agents had been obliged to commit offences in the course of their duties as a matter of necessity or legitimate defence. In those cases, intelligence agents had to demonstrate that they had been in just such a situation in order for immunity from prosecution to be granted.

27. **A representative of Burkina Faso** said that, in addition to the wide range of judicial institutions that existed for dealing with cases of enforced disappearance, a number of non-judicial mechanisms provided protection from reprisals for the families of disappeared persons, including mechanisms put in place by the National Human Rights Commission and the advisory centres run by the Ministry for Human Rights and the Promotion of Civic Values in each region. The Ministry's advisory centres were authorized to receive complaints of human rights violations and provide legal advice on obtaining reparation from the State. In addition, an interministerial working group had been established to monitor and address complaints of human rights violations related to the fight against terrorism. The working group facilitated and monitored the investigation and follow-up of reported cases by the relevant bodies and made recommendations on reparation. A framework was in place for consultation with the country office of the Office of the United Nations High Commissioner for Human Rights on the verification of allegations and on reparation.

28. **A representative of Burkina Faso** said that there was no difference between a person who chose to serve on the volunteer defence force and a person who was ordered to serve in the national armed forces, since both were fulfilling their constitutional duty to engage in the patriotic act of defending the country.

29. **A representative of Burkina Faso** said that the military courts had jurisdiction to prosecute acts of enforced disappearance only when those acts had been committed by members of the armed forces in the performance of their duties. All other cases of enforced disappearance were heard by a court of major jurisdiction. The military courts were empowered to try military personnel who had committed ordinary offences in the exercise of their duties under the Criminal Code, and there was therefore no need for a specific provision on enforced disappearance in the Code of Military Justice, which was applicable only in the event that military personnel had committed an act defined as an actual military offence.

30. Article 50 of the Code of Military Justice provided for the applicability of the Code of Criminal Procedure to the military courts. The Military Prosecutor had full discretion to decide whether or not to bring proceedings. Defence before the military courts was provided by lawyers who were members of the Bar of Burkina Faso. Military judges received the same professional training and attended the same academy as civilian judges. They were supported in their adjudication of cases by civilian judges both in the trial chamber and in the appeals chamber, which was presided over entirely by civilian judges. Decisions handed down by the military courts could be appealed before the Court of Cassation, which was the country's highest court and was composed solely of civilian judges.

31. **Mr. Albán-Alencastro** said that many of the victim support mechanisms described by the delegation had been established to support victims of terrorism in general. He would thus appreciate clarification as to whether the State party had created a specific mechanism to support the family members of disappeared persons. It would also be helpful to know whether family members of disappeared persons had been among the 150 women and girls who had participated in the agricultural training programmes mentioned previously. He would be grateful for a response to his earlier question regarding the human, financial and material resources allocated to bodies working to protect victims of terrorism.

32. The delegation's responses to the questions regarding reparations had focused on economic compensation, but article 24 of the Convention provided for a much broader range of reparations. Accordingly, he wished to know whether any legal provisions or specific mechanisms had been established to provide moral reparations, guarantees of non-repetition and medical, psychological and occupational rehabilitation for victims.

33. The delegation might wish to clarify the reasons for the activation, on two occasions, of the mechanism for the protection of human rights defenders. What specific protective measures had been put in place on those occasions?

34. In view of the delegation's comments that there was no difference between individuals who had been called up to serve the State party in the fight against terrorism and those who had chosen to join the volunteer defence force, he wished to know why the Government had deemed it necessary to establish a voluntary armed group if it already had the power to recruit any citizen to fight. The Committee would appreciate an explanation of the appointment process for military judges and the steps that had been taken to guarantee the impartiality and independence of those judges, given that they would be trying their peers.

35. He would appreciate a response to his earlier question about whether the Government knew of any mass graves in the State party and, if so, what steps it had taken to recover the remains in order to identify the victims and return those remains to the victims' families.

36. **Mr. Diop** said that he wished to reiterate his question concerning article 10 of the decree of 2 June 2021 on the status of members of the special forces. While the State party had mentioned the concept of legitimate defence as justification for other articles of that decree, that argument was not applicable to article 10, which established that members of the special forces could not be prosecuted for any acts committed as part of their duties. He wondered what justification there could be for such a provision.

37. The delegation might wish to explain why the Government had yet to recognize the competence of the Committee to consider individual and State party communications. It was his understanding that consultations on that matter had been held several years ago; he would like to know what the outcome of those consultations had been.

38. He would appreciate an explanation of the delegation's interpretation of the verb "disappeared" (*disparaitre*) in the provision in the Criminal Code on the penalties for the

offence of enforced disappearance, as it was unclear in French whether the delegation had been referring to an individual's disappearance or to his or her death.

39. It would be helpful to learn who was responsible for providing reparations in cases of enforced disappearance in which the perpetrator was known and had been tried and convicted. In cases in which the perpetrator was a State agent, he wondered whether the Government was required to assume the obligation to provide reparations, particularly since the perpetrator was unlikely to be in a position to repair the significant damage done to the victim's family.

40. He would welcome an explanation of the reasons for the Government's reluctance to classify acts of enforced disappearance as crimes against humanity.

41. **Mr. Ravenna** said that it was his understanding that the economic compensation described by the delegation was awarded to members of the defence and security forces and the volunteer defence force who had been disappeared by non-State actors. Such cases of disappearance, however, constituted ordinary crimes rather than crimes of enforced disappearance entailing a right to compensation under article 24 of the Convention. Accordingly, he would like to know whether the State party had formulated policies and laws to provide a comprehensive range of reparations specifically to victims of enforced disappearance.

42. In addition, he was concerned by the fact that family members of disappeared persons were required to provide a declaration of death in order to initiate the compensation process. While he understood that the declaration of death opened the way for the disappeared person's property and belongings to be passed to his or her successor, it also meant that the investigation into the disappearance would be ended. The requirement for a declaration of death thus ran counter to article 24 (6) of the Convention, which established that compensation processes should have no impact on investigations and that investigations should continue until the fate of the disappeared person was known.

43. He wished to remind the delegation that the Committee generally recommended that military courts should only hear cases in which military personnel had violated the armed forces' disciplinary rules; all police officers and members of the armed forces who had committed human rights violations, including enforced disappearance, should be tried before the ordinary courts.

44. **Ms. Villa Quintana** said that she would like to know whether the State party followed the Committee's Guiding Principles for the Search for Disappeared Persons and what it had done to ensure that the particular vulnerability of women and girls was taken into account in search and reparation processes.

45. The delegation might wish to clarify the State party's interpretation of the term "disappeared person"; she would be interested to hear whether the relevant authorities were able to easily distinguish between the different types of disappearance. She would like to know exactly what acts were deemed to be necessary to combat terrorism and could thus be committed by the intelligence services. Was enforced disappearance considered a necessary act in that context? It would be useful to learn whether factors such as necessity, proportionality and appropriateness were considered prior to the commission of such acts and what was meant by the phrase "legitimate defence".

46. She would welcome clarification of the structure and composition of the military courts and would appreciate the delegation's comments on the independence of military judges who tried military personnel for acts that constituted serious crimes under the Criminal Code.

47. **Mr. Ayat** said that he, too, would appreciate clarification of what was meant by the term "*disparaître*" in the context discussed earlier. He was concerned by the insertion of the phrase "in conditions that" before "place such persons outside the law" in the State party's definition of enforced disappearance, as the words "in conditions that" implied that being placed outside the protection of the law was a constituent element of that crime. He was of the view that those words weakened the State party's definition, made the work of judges trying cases of enforced disappearance more difficult and raised questions about who had discretion to determine what those conditions were. The State party had a duty to carry out a

case-by-case assessment of whether an act was necessary and constituted legitimate defence. Article 1 of the Convention established that no one should be subjected to enforced disappearance; it was essential for the State party to incorporate that provision into its legal framework and ensure that it was put into practice on a daily basis by actors working to protect the State party's citizens.

48. **A representative of Burkina Faso** said that articles 16, 17 and 18 of Act No. 026-2018/AN of 1 June 2018 did not afford members of the intelligence services personal immunity for the commission of acts of enforced disappearance. Intelligence personnel could be in possession of sensitive information, and it was therefore normal practice internationally to consult their superior officers prior to prosecuting them for actions committed in the line of duty or to inform their superior officers prior to prosecuting them for actions unrelated to their duties. Intelligence agents could not automatically invoke necessity in the line of duty or legitimate self-defence to justify such actions; they were required to defend their actions in court.

49. Citizens of Burkina Faso who served in the volunteer defence force were fulfilling a constitutional obligation. Persons who believed that they had been called up for service in the armed forces in contravention of their rights were entitled to appeal their call-up before a court. Such appeals had in some cases resulted in judges suspending the enforcement of call-ups.

50. **A representative of Burkina Faso** said that the independence of military courts was ensured by Act No. 043-2017/AN of 4 July 2017, which provided for public proceedings to be brought by the Military Prosecutor in the name of the Minister of Defence, and Act No. 013-99/AN of 7 April 1999, enacting regulations governing the personnel of the military courts. Judges existed outside of the administrative hierarchy of the Ministry of Defence and could not be subject to any obligations incompatible with their functions. All rulings handed down by military courts could be appealed before the Court of Cassation, which was the highest court in the land and had jurisdiction to rule on all cases.

51. **A representative of Burkina Faso** said that the military justice system in Burkina Faso was designed to balance the specific requirements of the military with individual rights. Military courts of first instance were presided over by a combination of military judges and civilian judges who were independently appointed. The decisions of those courts could be appealed before the appeals courts, whose decisions could be appealed before the Court of Cassation, both of which were presided over only by civilian judges.

52. If a government official was prosecuted for harmful actions committed in the line of duty, then the State would be civilly liable for paying any reparations. It could appeal any decisions made in that regard if it suspected that the official concerned had committed such actions deliberately.

53. The delegation was unaware of the existence of any mass graves of civilians in which government officials had had any involvement. Terrorists often perpetrated attacks in large numbers and, if neutralized in counter-terrorism operations, were buried. The State acknowledged its responsibility and undertook to provide compensation following isolated incidents in which it had accidentally harmed civilians as a result of confusion caused by terrorists having disguised themselves as members of the public.

54. **A representative of Burkina Faso** said that, in 2023, a human rights defender had contacted the Government to report that he suspected that he was being followed and had gone to a safe location. The Ministry of Security had assessed the level of the threat and provided that person with appropriate protection. Once the threat had subsided, the person in question had visited the Ministry of Justice and Human Rights to thank the Government and report that he felt safe again. Protection was provided to such persons on a discreet basis following an evaluation by competent security personnel.

55. Provision for meeting the needs of victims of presumed cases of enforced disappearance formed part of the measures of comprehensive redress taken by the Government. Those measures were set out in the road map for a strategy for providing more effective support for victims of terrorism. Such support was tailored to meet individual needs based on the type of harm suffered and might include health care, psychological support,



educational assistance, support in attaining economic and social independence and the social and economic reintegration of displaced persons. Humanitarian actions were also taken, in particular to assist women and children who had been obliged to resort to begging. The Government had been working with the United Nations Office on Drugs and Crime to establish a database on victims of terrorism, including victims of enforced disappearance. In that connection, victim profiling was to be carried out in order to better identify the needs of different victims.

56. **A representative of Burkina Faso** said that articles 523-3 and 523-4 of the Criminal Code provided that torture was an aggravating circumstance of the crime of enforced disappearance which, if present, increased the punishment for the crime of enforced disappearance from 20–30 years' imprisonment and a fine of between CFAF 500,000 and CFAF 20 million to a life sentence and a fine of between CFAF 5 million and CFAF 10 million.

57. **A representative of Burkina Faso** said that consultations on recognition of the competence of the Committee to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention had been held in Ouagadougou on 9 August 2018, during which awareness-raising activities regarding the importance of according that recognition had been conducted. Such consultations continued to be held in an effort to achieve consensus on the matter.

58. **A representative of Burkina Faso** said that the Government had built up the operational capacity of the National Human Rights Commission by equipping it with vehicles and an appropriate building to serve as its headquarters. The number of officials employed at the Commission had been increased by 625 per cent, from 8 in 2018 to 59 in 2024. The administrative and financial autonomy of the Commission was guaranteed by articles 2 and 48 of Act No. 001-2016/AN of 24 March 2016. It had been assigned a section of its own in the State budget since 2022, and its budget had been increased from CFAF 12,000,000 in 2018 to CFAF 646,347,000 in January 2024, despite the austerity conditions existing in the country. Agreements signed with its partners were enabling the Commission to further strengthen its financial autonomy. Those measures had brought the Commission into compliance with the Paris Principles, and steps were being taken to secure its A status accreditation.

59. **A representative of Burkina Faso** said that perpetrators of acts of terrorism entailing acts of enforced disappearance were prosecuted for acts of terrorism rather than for crimes against humanity because the Criminal Code set forth the constitutive elements of acts of terrorism and punishments for them, and specialized courts had been established to prosecute them. Constitutive elements were not in place in a similar manner for crimes against humanity, which the national courts were otherwise competent to prosecute.

60. Special forces personnel who committed actions amounting to acts of enforced disappearance under the Convention were not automatically exempt from prosecution; rather, they were required to provide proof that the two conditions of necessity and legitimate self-defence had been fulfilled. It was not a matter of immunity or impunity, but such personnel needed to enjoy a minimum guarantee of protection when performing their often difficult and dangerous roles.

61. **A representative of Burkina Faso** said that, if claims for compensation in connection with a person who had been found to have been disappeared received no response from the State within a reasonable period of time, then claimants were entitled to appeal to the administrative courts. Such civil and administrative procedures had no bearing on the conduct of criminal investigations or proceedings in relation to such cases of disappearance, which involved much lengthier procedures.

62. **A representative of Burkina Faso** said that he wished to assure the Committee that his Government was profoundly committed to strengthening its cooperation with the Committee and to fulfilling its obligations under the Convention. In the light of the significant challenges to implementation of the Convention posed by the security and political situation in Burkina Faso, he wished to stress that his Government was in need of support from the international community to combat terrorism and strengthen protection for all individuals against enforced disappearance.

63. **The Chair** said that the Committee would remain in communication with the State party with the shared goal of ensuring the implementation of the Convention in Burkina Faso.

*The meeting rose at 12.55 p.m.*