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Translated from French

Permanent Mission of Burkina Faso

New York, 28 March 2022

The Permanent Mission of Burkina Faso to the United Nations presents its compliments to the United Nations Office of Legal Affairs and, in reference to its note verbale LA/COD/59/1 dated 10 January 2022, by which it invited Member States to submit information or observations

of universal jurisdiction
in the honour to convey the following:

The Burkina Faso legislator has, through Act No. 040-2019/AN of 29 May 2019 concerning the Code of Criminal Procedure, established the power of courts to

Internal provisions establishing the power of the courts of Burkina Faso to exercise universal jurisdiction

I- Relevant provisions of Act No. 040-2019/AN of 29 May 2019 concerning the Code of Criminal Procedure

Article 519-6:

When Burkina Faso refuses to extradite, it shall refer the case to the competent authorities for judicial proceedings to be undertaken if necessary. The referral to the competent authorities shall be notified to the requesting State.

Chapter 4: Felonies and misdemeanours committed abroad

Article 524-1:

The courts of Burkina Faso shall have jurisdiction to hear cases involving offences committed under the conditions set out in articles 113-1 and 113-2 of the Criminal Code.

Article 524-2:

Any person who, in the territory of Burkina Faso, is an accomplice to a felony or misdemeanour committed abroad may be prosecuted and tried by the courts of Burkina Faso if the act is punishable under both the laws of a foreign country and the laws of Burkina Faso, provided that the act classified as a felony or a misdemeanour has been so deemed in a final judgment of the foreign court.

Article 524-3:

In the case of an offence committed abroad against an individual, criminal proceedings may only be instituted at the request of the prosecution service; the proceedings must be preceded by a complaint from the victim or an official report to the Burkina

The criminal proceedings shall cease if the person proves that a final judgment has been issued in his or her case abroad for the same acts, and in case of conviction, when the sentence has been served or is time-barred.

The criminal law of Burkina Faso shall also apply to offences committed on board aircraft registered in Burkina Faso, or aircraft leased without a crew and commissioned by persons fulfilling the conditions of ownership of an aircraft in Burkina Faso, or against persons on board such aircraft. It shall only apply to offences committed on board Burkinabe military aircraft, or against persons on board such aircraft.

It shall also apply to offences committed on board a vessel registered in accordance with the laws of Burkina Faso or in respect of which a permit or identification number has been issued in accordance with said law, or on board a vessel registered abroad and belonging to the State of Burkina Faso or against persons on board such vessels.

For the application of the present article, the courts of Burkina Faso shall have jurisdiction.

Article 113-2:

When the authorities of Burkina Faso refuse to extradite, expel or return a person to a State where the person runs the risk of being subjected to torture or similar practices, the courts of Burkina Faso shall have jurisdiction to try the person if the acts for which surrender is requested are contemplated in and punishable under the laws in force in Burkina Faso, or if they constitute an international crime.