

Walrus, 201  
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## 1. How did you first hear about Thomas Sankara and what prompted you to get involved in the campaign for justice?

Thanks for giving us this opportunity. We salute the resistance of the people of Burkina Faso, particularly the progressive forces and those engaged youth of Burkina, who shouted '*Sankara lives*', while overthrowing the regime of Compaore. And we especially honour all the martyrs of the past 30 years..

Our organisation GRILA was launched in 1984, almost as a twin of the Burkinabe revolution and share the same spirit on self reliance, panafricanism, women condition, internationalism etc.. We have a long list of martyrs stretching back to the dawn of African decolonization ... Ben Barka, Mondlane, Moumié, Um Nyobé, Rwagasoré, Lumumba, and Olympio, Machel, Dulcie September, Chris Hani ...just to name a few who died for these values in total impunity. So we were eager to stop that phenomenon,,

Thomas Sankara knew the risks he ran, for he respected and was conscious of the long line of martyrs. ... It is said that behind every great man is a great woman. In the case of Thomas Sankara, that woman is Mariam Serme. The courage and resistance of this woman in the face of adversity is an example of resilience for all of Africa. As a First Lady, she remained humble and undertook her professional obligations as a true woman of the people. Until today, she remains convinced that social progress cannot occur without a radical change in the status of women. On the death of her husband and friend in the company of his unfortunate comrades, she proved a model of dignified resistance, which she sustained until the end of the ten-year ban. She also held faith with CIJS the International Committee for Justice for Sankara, when we dared to file a complaint dealing with Sankara's death.

## 2. What were your/GRILA's specific goals when the campaign was launched?

Basically parallel to our struggle to end Apartheid in South Africa, it was to stop the cycle of impunity. The fight against impunity means taking a holistic approach. Today impunity is enthroned in every facet of African life. That includes human, civil and political rights, as well as economic, social, cultural, gender or ecological rights.

Twenty years ago, the Group for Research and Initiative for the Liberation of Africa (GRILA, a Panafricanist group to which I belong) answered the call for justice by creating an international campaign with a two-pronged strategy that was both political and legal. It has been my privilege to co-ordinate a team of 22 lawyers defending Mariam and her sons, who put together a case for a full investigation into the murder of President Sankara and a dozen of his colleagues.<sup>1</sup>

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<sup>1</sup> Aziz Salmone Fall, Postface, Ndongo Samba Sylla, Redécouvrir Sankara, Martyr de la liberté, Africavenir, Douala, Berlin, 2012

In doing so, the CIJS created a precedent against impunity. All Africa owes much to the Committee for the struggle against impunity including the defense of our martyrs and independence. Much ground has been lost during the thirty years that followed Thomas Sankara's assassination. While there is impunity and imperialist protection for it, treason will never end.

*"Impunity, either in life or in the law, is defined by what is missing. That can mean the absence of prosecutorial provisions against violators of human rights or those who neglect their civil, administrative or disciplinary responsibilities. It may also mean the absence of a properly constituted investigatory system that might lead to charges, arrest, trial, and, if parties are found guilty, conviction and appropriate punishment, up to and including compensation for the victims for having suffered prejudicial acts".<sup>2</sup>*

From 1997 to 2001, the CIJS exhausted all of the legal recourses available to it in Burkina and was shamefully blocked at the level of the Supreme Court by a judiciary controlled by the Compaore régime. The government of Burkina Faso, under the presidency of Blaise Compaoré, along with a highly compromised judicial system, blocked all efforts by the Campaign to bring the case to court locally. The absence of a public inquiry and legal proceedings to determine the identity and civil and criminal responsibilities of Thomas Sankara's assassins, and the failure to rectify his death certificate constitute a serious denial of justice. The failure to establish the competence of the military courts and to charge us an abnormally high deposit was to obstruct the examination of our complaint. The case was then dismissed for the non-payment of a symbolic deposit, that the one of plaignant Auguste Sankara a minor should have been exempted from paying under the legislation in force.

### 3. Who were the Canadian lawyers who were involved in the case?

Canadians Attorneys among the 21 were Milton James Fernandes, May Chiu, Charles Roach, Vincent Valai, Catherine Gauvreau, William Sloan, John Philpot, Kimon Kling, Patricia Harewood

### 4. Tell me about the precedent-setting UN Human Rights Committee ruling in 2006. What happened as a result?

After exhausting all possible legal recourses within the country, the Campaign brought the case before the UNHRC. The UNHRC decided in favour of the International Justice for Sankara Campaign, and demanded that the government of Burkina Faso take action to shed light on the circumstances of Thomas Sankara's death. (Communication No. 1159/2003, UN Doc. CCPR/C/86/D/1159/2003 2006).

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<sup>2</sup> ENSEMBLE DE PRINCIPES POUR LA PROTECTION ET LA PROMOTION  
DES DROITS DE L'HOMME PAR LA LUTTE CONTRE L'IMPUNITE  
<http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/3beb2ad845c6874c8025666a003d41e2?Opendocument>

The UN Human Rights Committee, seized by the CIJS, considered that : following judgment No 46 of the Supreme Court of Burkina Faso of June 19, 2001, rendering definitive decision No. 14 of the Court of Appeal, declaring the jurisdictions of common law incompetent, the authorities of Burkina Faso refused to send the case to jurisdictions of the Ministry of Defense in order to begin judicial proceedings before the military tribunals, as provided by article 71(1) and (3) of the Code of Military Justice; and that the prosecutor wrongfully stopped the procedure we had begun. The Committee stated the following :

« The family of Thomas Sankara has the right to know the circumstances of his death...The Committee considers that the refusal to conduct an investigation regarding the death of Thomas Sankara, the official non-recognition of the location of his remains and the non-rectification of his death certificate, constitute inhumane treatment regarding Mrs. Sankara and her sons, contrary to article seven of the Pact.

With respect to paragraph 3(1) of article 2 of the Pact, the State party is required to ensure a useful and effective remedy for Mrs. Sankara and her sons, consistent, notably, with the official recognition of the location of his burial site and damages for the pain and anguish that the family has undergone.

The State party cannot explain the delays at issue and on this point, the Committee considers that, contrary to the arguments of the State, no ban can invalidate the action before the military tribunal, and from this point, the decision regarding non-denunciation of the matter before the Minister of Defense returns to the prosecutor, who has the sole authority to do so. The Compaore regime proposed different non-contentious recourses : the College of Elders, the Commission of national reconciliation, the Fund for the compensation of victims of political violence, the Mediator of Faso. However, these recourses were not binding. In the face of the complacency of certain UN experts, the Compaoré régime found itself confronted instead with the determination of our lawyers. We demanded the designation of an expert, or that an independent and respected forensic laboratory proceed with the identification of the DNA.

But the Human Rights Committee did not retain the right to demand an enquiry, nor did it demand compensation or recognition of Sankara's burial place. Paradoxically, Burkina Faso has not provided any evidence to prove the authenticity of the burial site. The compensation offered to the family came to 43,445 FCFA – around €66,231 or US\$65,000. Some experts estimate that the sum was more generous despite an obvious typo on the zero in the amount (\$650,000/434 450 FCFA) and that the State made an effort by crossing out the word 'natural' on the odious death certificate, which claimed that Sankara had died of natural causes. Despite the amendment of the figure by our lawyers and the fact that Sankara pilgrims to a grave in the cemetery are not proof that he is actually buried there, the Human Rights Committee declared in April 2008 that it was satisfied with its findings and had no intention of taking the matter any further. But the CIJS pursued the fight against impunity, especially as Burkina Faso continued to rack up other prosecutable violations.

## 5. I understand around that time you received death threats. Were they investigated? What came of that?

Bribe and death threats are very common against human right activists. I'm grateful to have received protection from RCMP and Quebec police for a while. We know the bad guys are still around, but they also know that we are not scared and determined to achieve our struggle.

## 6. What are you hoping for at this point?

The truth must be known so that the Burkinabe can move on from an era of impunity. Following up on the UN decision, CIJS waited years for the authorities to prove that the supposed tomb of Sankara is indeed his. On 15 October 2009, the legal committee of the CIJS, represented by Me Nzeppa, filed a request for a subpoena and order for the DNA of the corpse in the sepulchre, erected by the Burkina Faso government, to be compared with that of Sankara's children. A procedural calendar was established on February 9, 2011. On March 11, 2011, the State of Burkina Faso raised an objection, noting that the Tribunal de Grande Instance de Ougadougou lacked the jurisdiction to proceed, that the demand was inadmissible. Then, the presumed tomb of Thomas Sankara was vandalized June 20, 2011.. Only two years and four months later, the presumed tomb was once again vandalized and liquid was spilled all over it, in spite of the presence of police in front of the main door of the cemetery. By judgement, dated April 30, 2015, the complaint of the CIJS regarding DNA identification, was rejected due to the alleged lack of jurisdiction of the Tribunal.

At the time, Blaise Compaore was also President of the Superior Court of the Magistrature. The magistrature was so infected by impunity that it was excluded from the process of transition. Only a judiciary with integrity can ensure that the struggle against impunity is effective, with courts and tribunals that are impartial and vigilant regarding the protection of collective and individual rights.

There were high hopes that after the 2014 popular uprising, a constitutional assembly could correct the distortions of the judicial system and its dependence on the executive as well as reforming the army. Meanwhile, taking note of the courageous determination of the new regime to investigate Sankara's graves, our lawyers advised that this process be undertaken with forensic scrutiny and according to law, so that no evidence would be overlooked.

Therefore, we required forensic expertise and counter forensic expertise. However, the judge never retained the international lab that we recommended for the expertise. The results revealed that the two analyses on the bodies of the victims were negative. We were surprised that the sample of genetic material from the remains of about ten of the victims of October 15<sup>th</sup> 1987 had decomposed to the point that nothing could be identified. The legal-medical investigation in Burkina is technically limited and appears to offer little recourse. The scene of the crime was never really sealed off after October 15<sup>th</sup> 1987 and we cannot confirm the quality of the process of sterilization that followed the exhumation of the bodies.

The state undertook to supervise, recuperate and examine the presumed remains of the president (including his clothes and personal effects). Me Benwende Sankara requested a bailiff during the second act of vandalism of the tomb of the president when the liquids were spilled everywhere. We were not able to obtain any samples of the contaminated soil in order to determine if the liquid had a corrosive property. In that case, could a corrosive liquid have been poured on all of the tombs? At this stage, the identification of a degraded DNA and the negative results cannot be allowed to prejudice the proceeding.

## 7. What work still needs to be done?

The political and constitutional crisis in Burkina has unleashed an explosion of international indignation. While Compaore has been chased out of power in October 2014 by the popular uprising after 27 years of misrule, he has still left behind his right-hand guards, the RSP, and some rogue terrorists from the Niger-Mali-Lybia compact. After repeatedly disrupting the political transition, the RSP has attempted to obstruct the political transition sought by the people of Burkina Faso. They have failed for now, although they are still trying to undermine the army and judicial reforms. *The Islamist terrorist cells allied to Compaoré are still active in the whole sub-region and there is ongoing political blackmail behind the militarised management of the continent.*

On Tuesday September 29<sup>th</sup>, 2015 the regular army surrounded the camp of RSP. Gunfire was heard near the presidential palaces and the RSP barracks. Around 300 of the presidential guard's estimated 1,200 soldiers had surrendered at a second camp in the capital. Regular army troops had taken control of strategic locations previously occupied by the renegades. Many of these soldiers and their supporters have dispersed into the countryside. Their reputation as death squads and their refusal to surrender have fueled fears in the population. The government ordered an inquiry of the coup, and on Saturday September 26<sup>th</sup> the state prosecutor froze the accounts of Diendéré and 13 others suspected officers linked to the coup.

Diendéré never accepted being dismissed from the leadership of the RSP, and like his sponsors, has not digested the decision to ban representatives of the old regime from presidential candidacy. The coup, lead by General Diendéré, occurred just hours before the scheduled hearing of the investigating judge in the Sankara case. The judge had convened attorneys of the *CIJS International Campaign Justice for Sankara* on September 17 to share the results of the ballistics and DNA testing. It is very likely that findings from those tests might have helped to incriminate General Diendéré. Diendéré is a notorious member of the death squad that put a bloody end to the Burkina Faso revolution in 1987.

His coup aimed to redistribute the cards and change the balance of power.

## 8. Why does Thomas Sankara matter now - 30 years after his death?

Thomas Sankara embodied the hope for change that was based primarily on the efforts of

the people of his country, his fellow citizens. It was the last African revolution, interrupted by the bloodshed of 1987, just as it was starting to bear promising fruit. At 37, like Che Guevara, Sankara joined the pantheon of revolutionaries. Thomas Sankara, among other priorities, focused on agriculture and farmers to stimulate national revival. He sought to create an internal market for a variety of consumer goods accessible to the masses and meet the greatest number of basic needs. He promoted social justice, women's emancipation and changes in men's attitudes toward women...Since the Sankarist alternative remains relevant in addressing issues about development and sovereignty in Africa, and locally the Sankarist movement, despite numerous factions, is more organized, and that in many African countries as well as in the Diaspora, Sankarist clubs and associations are mushrooming, 'He incarnates panafricanism, a process of acquiring a political and historic awareness of the collective autonomy of the continent. By breaking away discerningly from the dominant capitalism, it favours the control of accumulation and equitable redistribution. It promotes the revaluing of key values of our traditions and ways of being in solidarity. It is a socio-cultural renewal that potentially enables Africa to make an active contribution to our age. Moreover, because of his legacy, the conditions for the revolutionary awakening are becoming clearer: the global financial crisis; the closure of islands of prosperity to our disillusioned youth wishing to emigrate; the combination of the exasperation that is now affecting not only the poorest classes with the despair that narrows horizons that are clouded by the autumn of senile, predatory capitalist models. Finally, there is a ray of hope, glimpses of dawn that enable us to see the revolutionary advances that have started, with Sankara timidly, here and there on the continent.

## 9. Why does he matter to Canadians?

Canadian businessmen unfortunately have benefited from the era of Compaore. With the structural adjustments policies, sovereign spaces were dismantled, downsizing of the state allowed juniors transnationals to access our wealth. Author Yves Engler has shown how Canada benefited from that period. Canadian who defend human rights and social justice would have denounced that along with Sankara. They would denounce the actual militarisation of Africa. Sankara was a dedicated organic intellectual of the masses and a leading figure of the so-called Third World or Global south. He inspires the Bandung and Panafricanist spirit of the 21<sup>st</sup> century - the formation and crystallisation of intellectuals who are organic to the interests of the masses and the working class, the victims of imperialism. Intellectuals like Sankara may find a role in a revolutionary moment, not necessarily as farsighted leaders, but alongside those who struggle for democratic power. In my film *Africom Go Home: foreign bases out of Africa*<sup>3</sup> the issue of getting all foreign military bases out of Africa is front and centre as in Sankara's struggle, particularly AFRICOM, the French occupation, and now Japanese, Chinese or German military facilities. The documentary follows Nkrumah's and Sankara's footsteps, exploring how the US AFRICOM came into existence and what it means. It also provides a way of interpreting imperialist rivalries and

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<sup>3</sup> <http://www.youtube.com/watch?v=2Wu8vC9MLoU>

ambitions on the continent, including why they spy on each other and exposes the contradictions that have surfaced in the “fight against terrorism”.

The film gives voice to disbelief in claims of humanitarian goals by those who established AFRICOM for Africa, with the help of surrogate forces like the Compaoré regime, after building a whole network of bases stretching as far as Germany. It explores contradictions that have also arisen between Africans and within African organizations as they try to defend themselves within a context of conflicts tied to the looting of their resources and the appropriation of their ancestral land. I trust a lot of Canadians will continue supporting our struggle.

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