Arusha, Tanzania
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JUDGMENT SUMMARY

M'BA JEAN ROGER

V.

BURKINA FASO

APPLICATION NO. 015/2019

JUDGMENT ON
JURISDICTION AND ADMISSIBILITY

13 NOVEMBER 2026

A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Arusha, 13 November 2026: The African Court on Human and Peoples' Rights (the Court) has rendered a judgment in the case of *Jean Roger M'BA v. Burkina Faso.*

On 23 April 2019, Jean Roger M'BA (the Applicant) filed an Application with the Court against Burkina Faso (the Respondent State) alleging violation of his rights in connection with proceedings before Burkinabe courts.

On reparations, the Applicant prayed the Court to order the Respondent State to grant him a presidential pardon; commute to a prison sentence his death sentence and the sentences of all other persons sentenced to the same penalty; grant him parole; arrange for his transfer to his country of origin; an amnesty; an out-of-court settlement; and financial compensation for the harm suffered as a result of the 'unjust' judicial decisions handed down against him.

For its part, the Respondent State did not make any prayers.

Having established that the requirements under Rule 63(1) of the Rules were met, the Court decided to render a judgment in default.

No objection was raised to the Court's jurisdiction as the Respondent State defaulted. The Respondent State's default notwithstanding, the Court satisfied itself that all requirements were met in respect of the material, personal, temporal and territorial aspects of its jurisdiction, and consequently declared that it has jurisdiction to hear the Application.

No objection was raised to the admissibility of the Application as the Respondent State defaulted. Nonetheless, the Court satisfied itself that all admissibility requirements were met. With specific regard to the requirement to submit an application within a reasonable time, the Court recalled that it takes into account certain factors, notably whether or not the applicant is literate, whether he was assisted by a lawyer, and whether he was incarcerated so that his movement was restricted and his access to information limited. The court also reiterated that it is for the applicant to prove that the time it took him to file his application was reasonable, and clarified that the fact of being incarcerated does not constitute a justification in this regard.

The Court found that the Applicant did not justify why it took him six years, two months and 29 days after local remedies were exhausted to file the present Application. The Court also emphasised that there was nothing in the record to suggest that he is illiterate, indigent or unaware of the Court's existence. It therefore held that the aforementioned period was not reasonable in the light of its jurisprudence.

Having found that the Application did not satisfy the requirement under Rule 50(2)(f) of the Rules, and given that the admissibility requirements are cumulative, the Court considered that there was no need to rule on compliance with the other admissibility requirements. The Court therefore declared the Application inadmissible for not being filed within a reasonable time.

The Court decided that each Party should bear its own costs.

Further Information

Further information on this case, including the full text of the African Court's judgment, is available on the website https://ajudata.african-court.org/fr/details-case/0152019.

For any further enquiries, please contact the Registry by email at registrar@african-court.org .

The African Court on Human and Peoples' Rights is a continental court established by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction to hear all cases and disputes brought before it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For further information, please visit our website at www.african-court.org.