



# Conference of the States Parties to the United Nations Convention against Corruption

Distr.: General  
26 July 2016  
English  
Original: French

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## Implementation Review Group

### Reconvened seventh session

Vienna, 14-16 November 2016

Agenda item 2

### Review of implementation of the United Nations Convention against Corruption

## Executive summary

### Note by the Secretariat

### Addendum

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\* Second reissue for technical reasons (8 September 2016).



## II. Executive summary

### Burkina Faso

#### 1. Introduction: Overview of the legal and institutional framework of Burkina Faso in the context of implementation of the United Nations Convention against Corruption

Burkina Faso signed the United Nations Convention against Corruption on 10 December 2003 and ratified it on 10 October 2006.

Burkina Faso is a republic. The President of the Republic is the Head of State and of the Executive. The Prime Minister is the Head of Government. He presides over the Council of Ministers under the conditions provided for in the Constitution. Legislative power is exercised by the National Assembly. However, at the time of the country visit, legislative power was exercised by the National Transitional Council (NTC) and executive power was exercised by a Transitional Government.

Burkina Faso has a civil law system based on the Constitution, which is the supreme rule of law. Treaties or agreements duly ratified and published may be directly applied so long as they are sufficient in themselves. Article 5 of the Criminal Code provides that these treaties are binding on domestic criminal provisions.

In criminal proceedings, it is the prosecutor's responsibility to conduct prosecutions and bring charges before the courts and tribunals. There are also investigating judges who conduct investigations to find both incriminating and exculpatory evidence.

The main institution in the fight against corruption is the Higher State Supervisory Authority (ASCE), established in 2007 by Act No. 032-2007/AN.<sup>1</sup> Since March 2015, the main legislative provisions to combat corruption appear in Act No. 004-2015/CNT on preventing and combating corruption in Burkina Faso (hereinafter the Anti-Corruption Act). It should be noted that this new Anti-Corruption Act is almost an exact copy of the provisions on criminalization and law enforcement in chapter III of the Convention.

Burkina Faso also has Act No. 026-2006/AN on combating money-laundering (hereinafter the Money-Laundering Act).

#### 2. Chapter III: Criminalization and law enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Active bribery is governed by the first indent of article 42 of the Anti-Corruption Act, while passive bribery is governed by the second indent of the same article. The definition of public official is given in article 3, subparagraph (a) of the Anti-Corruption Act.

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<sup>1</sup> After the country visit, ASCE was incorporated in the Constitution and renamed the Higher Authority for State Control and the Fight against Corruption (ASCE-LC). The new Organic Law No. 082-2015/CNT of 24 November 2015, promulgated by Decree No. 2016-016/PRES of 17 February 2016, regulates the powers, composition, organization and operation of ASCE-LC.

Active and passive bribery of foreign officials and officials of international organizations is established as a criminal offence in article 48 of the Anti-Corruption Act. The persons concerned are defined in subparagraph (b) (foreign public officials) and subparagraph (k) (officials of international organizations) of article 3 of this Act. All these provisions directly correspond to articles 15, 16 and 2 (a), (b) and (c), respectively, of the Convention.

Active and passive trading in influence constitutes a criminal offence under article 53 of the Anti-Corruption Act.

Bribery in the private sector, addressed in article 21 of the Convention, is established as a criminal offence in its active and passive form in article 70 of the Anti-Corruption Act. The article concerns all persons managing a private sector entity or working for such an entity in whatever capacity.

#### *Money-laundering, concealment (arts. 23 and 24)*

Money-laundering, established as a criminal offence in articles 2 and 3 of the Money-Laundering Act, constitutes a separate offence, which directly corresponds to article 23, paragraph 1, subparagraphs (a) and (b) of the Convention.

Under article 73 of the Anti-Corruption Act, the Money-Laundering Act is applicable to corruption offences; therefore, the laundering of proceeds of crimes covered by the Anti-Corruption Act is punished with the same penalties as those provided for under the Money-Laundering Act.

Under article 2 of the Money-Laundering Act, money-laundering takes place even if the acts that occasion the acquisition, possession and transfer of property to be laundered were committed in the territory of another State. The perpetrator of the offence charged may also be the perpetrator of the predicate crime since the Money-Laundering Act contains no exception for persons who committed the predicate offence.

Concealment constitutes a criminal offence under article 30 of the Anti-Corruption Act.

#### *Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Embezzlement is governed by articles 49 (embezzlement of property by a public official), 50 (unlawful and improper use and retention of public property by a public official) and 59 (misappropriation of public property) of the Anti-Corruption Act.

Article 19 of the Convention is implemented through article 54 of the Anti-Corruption Act.

The Anti-Corruption Act provides for the criminalization of illicit enrichment in article 63 (offence of *apparence* — where a person possesses wealth or leads a lifestyle that cannot be justified by his or her lawful income). However, the threshold set out in this article has yet to be defined in an implementing decree.<sup>2</sup> In addition, the declaration of assets provided for in part II, chapters 2-6 of the Act must be implemented.

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<sup>2</sup> After the country visit, the implementing decrees relating to the offence of *apparence* and to gifts were adopted. For the offence of *apparence*, an unjustified increase of more than 5 per cent of lawful income is required. For gifts, the amount stipulated is 35,000 CFAF.

The embezzlement of property in the private sector is established as a criminal offence under article 72 of the Anti-Corruption Act.

*Obstruction of justice (art. 25)*

Article 25 of the Convention is implemented through article 75 of the Anti-Corruption Act. This provision encompasses all means of obstruction of justice and all purposes listed in the Convention.

*Liability of legal persons (art. 26)*

Burkina Faso regulates the criminal liability of legal persons in article 85 of the Anti-Corruption Act (which refers to the Criminal Code), and article 40 of the Money-Laundering Act. Under article 64 of the Criminal Code, “any legal entity, whether or not having a civil, commercial, industrial or financial purpose, in whose interest the act of commission or omission that constitutes an offence has been wilfully perpetrated by its organs shall also be considered to have committed that offence or to be a party thereto”.

Administrative liability is provided for in article 40 of the Criminal Code, which provides for mandatory exclusion of companies from public procurement.

*Participation and attempt (art. 27)*

Paragraph 1 of article 27 of the Convention is implemented by article 84 of the Anti-Corruption Act, which refers to articles 64 to 69 of the Criminal Code. Accomplices to offences are generally punished in the same way as the perpetrators. Under the second paragraph of article 84 of the Anti-Corruption Act, the attempt to commit the offences provided for by this Act is punishable by the same penalties as those prescribed for the completed offence. The act preparatory to the commission of an offence does not constitute an offence unless otherwise provided by law (article 61 of the Criminal Code). The preparation for a corruption offence is not established as a criminal offence.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

Sanctions for corruption offences in Burkina Faso range from simple fines to lengthy terms of imprisonment.

The immunities of members of Parliament are enshrined in article 96 of the Constitution of 2 June 1991. The procedures to lift these immunities are governed by article 96 of the Constitution and article 81 of resolution No. 003-2014/CNT establishing the rules of the National Transitional Council. The lifting of immunity requires a minimum of one third of the members.

Furthermore, the President of the Republic and members of Government enjoy exemption from jurisdiction. Under article 138 of the Constitution of 2 June 1991, the High Court of Justice has jurisdiction to try the President of the Republic and members of Government in cases specified by the Constitution, while article 139 of the Constitution states that the President of Burkina Faso may be indicted upon a four-fifths majority vote of the deputies of the Assembly, and for members of Government a two-thirds majority vote.

Prosecutions are not mandatory. However, the prosecutor is obliged to initiate criminal proceedings in case of known facts revealed in the reports of ASCE (art. 98 of the Anti-Corruption Act).

The Code of Criminal Procedure contains regulations on pretrial detention (art. 136 et seq.) and on early release or parole (art. 689 et seq.).

Articles 141 et seq. of Act No. 013-98 of 28 April 1998 on the civil service empowers the competent authority to suspend and/or relocate the official who is the subject of criminal proceedings.

In case of conviction for a corruption offence, the court may prohibit the official from performing his or her duties or holding public office for a period not exceeding five years (art. 82 of the Anti-Corruption Act). Disciplinary proceedings and criminal proceedings are separate.

The draft priority action plan for 2014-2016 includes a chapter on the educational and socio-professional reintegration of convicted prisoners, which aims to promote the socio-professional reintegration of these prisoners.

Burkina Faso has implemented article 37 of the Convention through article 81 of the Anti-Corruption Act, which provides for the exemption from or mitigation of punishment for persons who cooperate with law enforcement authorities.

#### *Protection of witnesses and reporting persons (arts. 32 and 33)*

The protection of witnesses, experts, reporting persons and victims is implemented by articles 76, 77, 91, 92 and 93 of the Anti-Corruption Act. Article 77 of the Anti-Corruption Act does not provide for the relocation of witnesses, as suggested in article 32, paragraph 2, subparagraph (a) of the Convention. However, information on the identity and address of witnesses is protected in accordance with articles 91, 92 and 93 of the Anti-Corruption Act. The provisions also apply to victims insofar as they are witnesses. Any person who claims to have been harmed by an offence, may, in making a complaint, file an action with the investigating judge for criminal damages (art. 84 of the Code of Criminal Procedure).

There is also a police helpline that is used to report acts of corruption. The anonymity of reporting persons can be ensured.

#### *Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

In the event of conviction for offences covered by the Anti-Corruption Act, the court shall order, in accordance with article 83 and without prejudice to cases of return of assets or rights of bona fide third parties, the confiscation of income and illicit property for the benefit of the Treasury.

Article 39 of the Money-Laundering Act regulates confiscation following a conviction for money-laundering.

Burkina Faso has, in article 93 of the Code of Criminal Procedure and article 34 of the Money-Laundering Act, basic regulations on the administration of seized assets, but an institutional structure has yet to be established. The administration of frozen, seized or confiscated property is carried out by the judicial authorities.

Under article 55 of the Criminal Code, confiscation pertains to the thing that was used or intended for the commission of the offence and to the thing that is the proceeds thereof. However, if such proceeds of crime have been transformed or converted, in part or in full, into other property, it does not appear that such property can be subject to the measures referred to in this article in place of the proceeds. Similarly, if such proceeds of crime have been intermingled with property acquired from legitimate sources, it does not appear that such property shall be liable to confiscation up to the assessed value of the intermingled proceeds.

The legislation of Burkina Faso has implemented article 31 (8) of the Convention through article 63 of the Anti-Corruption Act (offence of *apparence*).

The rights of bona fide third parties are protected under article 83 of the Anti-Corruption Act.

Bank secrecy cannot be invoked against ASCE (art. 25 of Decree No. 2008-160 on ASCE). The investigating judge may also require banks operating in the country to respond; they cannot invoke professional secrecy in response to requests of the investigating judge (arts. 59; 76-83 of the Code of Criminal Procedure).

*Statute of limitations; criminal record (arts. 29 and 41)*

The limitation period for misdemeanours is three years. The offences provided for by the Anti-Corruption Act are all misdemeanours. The period is counted from the day of commission of the offence. However, certain offences, such as illicit enrichment, are considered as continuous offences. The statute of limitations is interrupted by certain investigative actions and the commencement of criminal proceedings.

Notwithstanding the provisions of the Code of Criminal Procedure, criminal proceedings and punishments relating to offences under the Anti-Corruption Act are not subject to limitation where the proceeds of the crime are transferred outside the national territory.

Burkina Faso has not implemented article 41 of the Convention on criminal record.

*Jurisdiction (art. 42)*

Burkina Faso has established its jurisdiction over offences committed in its territory (art. 4 of the Criminal Code), without however including vessels or aircraft.

Jurisdiction has also been established for misdemeanours committed by or against a citizen of Burkina Faso (art. 4 of the Criminal Code). That includes jurisdiction to prosecute citizens in lieu of extraditing them. Furthermore, article 44 of the Money-Laundering Act establishes jurisdiction over offences covered by this Act, committed by any natural or legal person, regardless of their nationality or the location of their headquarters, even outside the national territory, provided that the place of commission is located in one of the member States of the West African Economic and Monetary Union.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

Under article 87 of the Anti-Corruption Act, any contract, transaction, license, concession or authorization brought about by the commission of an offence

provided for by this Act may be declared null and void by the court without prejudice to the rights of bona fide third parties. With regard to public procurement, Decree No. 2008-173 contains sanctions in Chapter IV: Irregularities and sanctions (art. 155 et seq.).

Under article 97 of the Anti-Corruption Act, a civil action to seek compensation for harm caused by any offence under this Act may be brought by associations working in the fields of good governance and human rights, in addition to by persons referred to in article 2, subparagraph 1 of the Code of Criminal Procedure.

#### *Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

The law enforcement authorities responsible for investigating corruption are the police, gendarmerie and ASCE. The police and gendarmerie investigate corruption offences. In the event of a conflict of jurisdiction, it is the prosecution service which decides. ASCE does not have the authority to prosecute. The prosecution service falls under the Ministry of Justice. According to ASCE, corruption cases are often obstructed at the prosecution stage.

ASCE is currently attached to the Office of the Prime Minister.<sup>3</sup> Its financial autonomy is guaranteed by a dedicated budget. According to an ASCE planned reform, this institution would change its name to the Higher Authority for State Control and Anti-Corruption (ASCE-LC).<sup>4</sup> The changes aim to provide ASCE with better legislation for proper organization, efficient operation and greater effectiveness in the fight against corruption and similar offences. The protection of reporting persons is guaranteed. Among other measures, the allocation of a minimum level of budgetary resources to ASCE-LC should guarantee its independence.

The National Financial Information Processing Unit (CENTIF) is the financial intelligence unit of Burkina Faso. CENTIF is an administrative body and has operational independence. It has the power to freeze transactions for 48 hours.

The independence of law enforcement authorities is not yet fully enshrined in legislation.

Cooperation between national authorities in the fight against corruption is hampered by lack of access to information on cases pending before the courts.

## **2.2. Successes and good practices**

The following successes and good practices are highlighted:

- For several years, ASCE has regularly monitored the cases it has brought before the courts. This has revealed a deficit in the prosecution of corruption cases by the prosecution service;

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<sup>3</sup> According to the new Organic Law No. 082-2015/CNT of 24 November 2015, ASCE-LC has become an institution of the Republic. It is therefore administratively independent and no longer attached to the Office of the Prime Minister.

<sup>4</sup> The new Organic Law No. 082-2015/CNT of 24 November 2015 provided for this name, as well as for the other reforms mentioned to ensure the independence and effectiveness of the institution.

- ASCE invited its counterparts from Niger and Senegal, including the High Authority against Corruption and Similar Offences (HALCIA) of Niger and the National Office for the Fight against Fraud and Corruption (OFNAC) of Senegal, to undertake a peer review of the institution with the support of the United Nations Office on Drugs and Crime (UNODC) and the United Nations Development Programme (UNDP). The resulting assessment and discussions enabled ASCE to propose the granting of constitutional status to the institution and the drafting of a new organic law providing it with more autonomy;
- Civil society, including the National Anti-Corruption Network (REN-LAC) of Burkina Faso, has contributed to the drafting and adoption of Bill No. 004-2015/CNT on preventing and combating corruption in Burkina Faso. This legislation is innovative and brings the domestic law largely in line with the Convention;
- Burkina Faso's country review was conducted with the full participation of civil society and the private sector along with representatives of public institutions.

### **2.3. Challenges in implementation**

It is recommended that Burkina Faso:

*General part*

- Establish a criminal justice chain specializing in economic and financial affairs, as well as a framework for coordination among all actors involved in the fight against corruption, including the justice system, and designate focal points within the prosecution service in order to monitor the cases of supervisory authorities;
- Adopt and enact without delay bills on the status of judges, the Higher Council of the Judiciary and the organization of ASCE;<sup>5</sup> incorporate the Economic Community of West African States (ECOWAS) directive on money-laundering;<sup>6</sup>

*Criminalization and law enforcement*

- Adopt the implementation decree to fix the threshold set out in article 63 of the Anti-Corruption Act;<sup>7</sup> in addition, adopt legislation to implement the declaration of assets provided for in part II, chapters 2-6 of the Anti-Corruption Act (art. 20);
- Oblige the prosecution service to effectively prosecute cases referred by CENTIF (art. 23);
- Establish a longer limitation period and/or, in the case of corruption offences, provide that the limitation period begins only at the time the offence is discovered (art. 29);

<sup>5</sup> After the country visit, these three bills were adopted and enacted.

<sup>6</sup> After the country visit, a bill to incorporate the ECOWAS directive was adopted by the Council of Ministers and transmitted to the National Assembly.

<sup>7</sup> After the country visit, the threshold was set at 5 per cent of lawful income.

- Consider simplifying the procedure to lift the immunity of members of Parliament and to indict ministers and the Head of State (art. 30 (2));
- Strengthen the independence of prosecutors and investigating judges by prohibiting the Ministry of Justice from giving oral instructions to prosecutors; avoid the misuse of transfers “for the requirements of the service”; strengthen the independence of the Higher Council of the Judiciary, in particular by excluding the President of the Republic and the Minister of Justice from its membership (art. 30 (3));
- Amend the legislation on freezing, seizure and confiscation in order to bring it into compliance with paragraphs 4, 5 and 6 of article 31 of the Convention;
- Strengthen the physical protection of witnesses in accordance with article 32 of the Convention;
- Strengthen ASCE by enshrining its independence and ensure the security of tenure of the heads of ASCE and CENTIF; grant powers of the criminal police and prosecution to ASCE or at least set up a focal point within the public prosecution service for ASCE and CENTIF (art. 36);
- Establish a framework for coordination between national authorities in the fight against corruption (art. 38);
- Include vessels and aircraft in the territorial jurisdiction (art. 42 (1)).

#### **2.4. Technical assistance needs identified to improve implementation of the Convention**

Burkina Faso has indicated the following technical assistance needs:

- Train new criminal police officers and specialist judges in ASCE, the police and the prosecution service in the fight against corruption, including in relation to financial investigations and special investigative techniques provided for by the Convention;
- Support the drafting of decrees implementing the Anti-Corruption Act and the draft organic law on the powers, composition, organization and operation of ASCE-LC, when adopted by the National Transitional Council;
- Support the establishment of a system for the collection and verification of asset declarations, including computerization of the system.

### **3. Chapter IV: International cooperation**

#### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

Extradition is regulated by the Economic Community of West African States Convention on Extradition of 1 August 1994; the Extradition Act of 1927 (hereinafter the 1927 Act); and Money-Laundering Act (art. 69 et seq.). In addition, Burkina Faso considers the Convention a legal basis for extradition.

Burkina Faso does not require a treaty in order to carry out extradition.

Under article 4 of the 1927 Act, dual criminality is always required. However, dual criminality is determined in a flexible manner, based on the underlying conduct. Although it is not regulated, accessory extradition is possible in practice.

Extradition shall not be granted for political crimes (art. 4 (1) of the ECOWAS Convention on Extradition). However, in accordance with article 4 (3) of that Convention, Burkina Faso does not consider any of the offences established in accordance with the present Convention to be a political offence.

Under article 4 of the 1927 Act, a minimum threshold of two years for the maximum penalty applies, which includes most, but not all, of the offences covered by the Convention. However, given that the Convention is considered as the legal basis, all offences covered by the Convention could be considered extraditable. The rule of speciality is enshrined in article 20 of the ECOWAS Convention on Extradition.

There is no provision for a simplified procedure. Pretrial detention is provided for in Section 7 of the Code of Criminal Procedure (art. 136 et seq.) and article 72 of the Money-Laundering Act.

Burkina Faso does not extradite its nationals. However, Burkina Faso has established the active personality principle in order to comply with the *aut dedere aut judicare* principle (art. 4 of the Criminal Code).

The enforcement of a sentence imposed under the domestic law of a requesting State is provided for in certain bilateral treaties.

Discrimination is a mandatory ground for refusal in accordance with articles 4 (2) and 5 of the ECOWAS Convention on Extradition. There is no written obligation to consult with the requesting State before refusing a request. Article 9 of the ECOWAS Convention on Extradition permits extradition for fiscal offences.

Burkina Faso has not concluded treaties on the transfer of sentenced persons.

With regard to the transfer of criminal proceedings, chapter IV of the ECOWAS Convention on Mutual Assistance in Criminal Matters and chapter II of the Money-Laundering Act apply.

#### *Mutual legal assistance (art. 46)*

Mutual legal assistance is governed by the ECOWAS Convention on Mutual Assistance in Criminal Matters of 1 July 1992, the Anti-Corruption Act (art. 99) and the Money-Laundering Act (art. 51 et seq.). In addition, Burkina Faso can apply the Convention directly. However, Burkina Faso does not require a treaty to provide mutual legal assistance.

Burkina Faso can provide assistance for all purposes provided for in the Convention, including within the framework of proceedings against legal persons, insofar as the required act is not contrary to domestic law (art. 2 of the ECOWAS Convention on Mutual Assistance in Criminal Matters and arts. 85 and 99 of the Anti-Corruption Act).

Burkina Faso can communicate and keep confidential information received without prior request, under articles 102 and 114 of the Anti-Corruption Act. It has not yet transmitted information without prior request.

In principle, mutual legal assistance in the absence of dual criminality may be afforded on the basis of the Convention.

Article 13 of the ECOWAS Convention on Mutual Assistance in Criminal Matters addresses the issue of the transfer of detained persons for purposes of identification or testimony. Furthermore, this article is implemented by virtue of the direct application of the Convention.

The Ministry of Justice is the central authority. Requests are received in French, English and Arabic through diplomatic channels. In urgent circumstances, requests may be received through the International Criminal Police Organization (INTERPOL), by fax or e-mail.

A request may be executed in accordance with the procedures specified in the request (art. 6 of the ECOWAS Convention on Mutual Assistance in Criminal Matters). On a legal level, nothing prevents a hearing by videoconference. However, technical resources are often lacking.

The principles of confidentiality and speciality are regulated by articles 8 and 9 of the ECOWAS Convention on Mutual Assistance in Criminal Matters.

Article 4 of the ECOWAS Convention on Mutual Assistance in Criminal Matters contains grounds for refusal of mutual legal assistance that are in line with the Convention. In accordance with paragraph 2, assistance shall not be refused solely on the grounds of bank secrecy or secrecy imposed on similar financial institutions. Reasons shall be given for any refusal or postponement of mutual assistance (art. 4 (5) of the ECOWAS Convention on Mutual Assistance in Criminal Matters). Before refusing a request, article 4 (4) requires Burkina Faso to consider whether assistance might be granted subject to certain conditions.

Safe conduct is guaranteed in article 15 of the ECOWAS Convention on Mutual Assistance in Criminal Matters for witnesses who provide evidence at the request of the requesting State.

Ordinary costs are borne by Burkina Faso (art. 34 of the ECOWAS Convention on Mutual Assistance in Criminal Matters). The provision of publicly available documents and other records is governed by article 16 of the ECOWAS Convention on Mutual Assistance in Criminal Matters.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

The national police and gendarmerie cooperate via INTERPOL and use the secured I-24/7 network. ASCE cooperates with other anti-corruption authorities, but has not entered into agreements with other authorities. It is a member of the Network of National Anti-Corruption Institutions in West Africa (NACIWA).

CENTIF exchanges information with other financial intelligence units. It has been a member of the Egmont Group since 2013 and uses the Egmont Secure Web. CENTIF has signed seven cooperation agreements with financial intelligence units in Belgium, France, Monaco, Ghana, Nigeria, Gabon and Morocco.

Joint investigative teams may be formed on the basis of the Convention. In fact, a joint operation to dismantle a fuel trafficking network was carried out on this basis by Burkina Faso and Niger in 2012.

Article 90 of the Anti-Corruption Act permits all special investigative techniques mentioned in the Convention, including controlled delivery. Evidence obtained through the use of such techniques shall be regarded as admissible in accordance with the regulations in force.

### **3.2. Successes and good practices**

- A joint operation to dismantle a network of fuel traffickers was carried out by Burkina Faso and Niger in 2012. It was a joint team with a single report. This joint investigation was carried out on the legal basis of the United Nations Convention against Corruption.

### **3.3. Challenges in implementation**

It is recommended that Burkina Faso:

- Continue its efforts to adopt comprehensive legislation on extradition and mutual legal assistance, ensuring that such new legislation incorporates all elements regulated in the Convention (arts. 44 and 46);
- Inform the Secretary-General that it considers the Convention a legal basis for extradition (art. 44, para. 6);
- Introduce a simplified procedure for cases where the person sought consents to extradition (art. 44, para. 9);
- Provide for consultations with the requesting State before extradition is refused (art. 44, para. 17);
- Consider entering into agreements on the transfer of sentenced persons (art. 45);
- Consider the possibility of transmitting information to other States parties without prior request (art. 46, para. 4);
- Execute mutual legal assistance requests as soon as possible and reduce the average time needed (art. 46, para. 24).

### **3.4. Technical assistance needs identified to improve implementation of the Convention**

Burkina Faso has indicated the following technical assistance needs:

- Support in terms of legal assistance to facilitate the identification and recovery of stolen assets abroad.