

Firm Achieves Significant Judgment in Landmark Free Speech Case at the African Court on Human and Peoples' Rights

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On Friday, 3 June 2016, the firm's [international arbitration and litigation practice](#) obtained another significant judgment from the African Court of Human and People's Rights in *Konaté v. Burkina Faso*—the first freedom of expression case in the Court's history. Wilmer Cutler Pickering Hale and Dorr represented Lohé Issa Konaté, a journalist who was imprisoned for a year, and whose newspaper was closed for making allegations of corruption against a prosecutor in Burkina Faso.

In a landmark decision in December 2014, the Court held that Mr. Konaté's imprisonment for defamation violated the right to freedom of expression in Article 9 of the African Charter on Human and Peoples' Rights, Article 19 of the International Covenant on Civil and Political Rights (ICCPR), and Article 66(2)(c) of the Economic Community of West African States Treaty (ECOWAS Treaty), ordering Burkina Faso to revise its law to be consistent with the Charter, and to pay compensation to Mr. Konaté. The exact amount of compensation owed to Mr. Konaté was deferred to a second phase, which was decided on Friday.

In its judgment on reparations of 3 June 2016, the Court ordered Burkina Faso to pay CFA35 million (US \$70,000) in pecuniary and non-pecuniary damages. This is the largest individual award the Court has made to date. In addition, the Court ordered Burkina Faso to publish a summary of the judgment in the national gazette and on the national website within six months. The National Transitional Council of Burkina Faso revised its laws in September 2015.

"This ruling is not only an important victory for Mr. Konaté personally, but also marks another significant step toward recognizing that a journalist exercising the right to freedom of expression should not be subject to criminal sanction except in very limited circumstances," said Partner [Steven Finizio](#), counsel for Mr. Konaté.

Mr. Konaté was represented by Nani Jansen of the Media Legal Defence Initiative (MLDI), and Mr. Finizio. John Jones QC of Doughty Street Chambers also represented Mr. Konaté during the first phase. In addition to Mr. Finizio, [Victoria Narancio](#), Maria Banda, [Kay Weinberg](#), Matthew Kennedy and other members of the firm's International Arbitration Practice worked on the case.

MLDI is a non-governmental organization which helps journalists, bloggers and independent media

outlets around the world defend their rights. Wilmer Cutler Pickering Hale and Dorr is a pro bono partner of the organization, and [Gary Born](#) is a member of the Board of Trustees.

Visit <http://www.mediadefence.org/> to learn more about the case.