



Fédération internationale de l'Action des chrétiens pour l'abolition de la Torture
International Federation of Action by Christians for the Abolition of Torture
Federación Internacional de la Acción de los Cristianos para la Abolición de la Tortura



**Statement by FIACAT and ACAT Burkina¹
of concerns over torture and maltreatment in Burkina Faso**

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Over the last few years, Burkina Faso has made progress in the promotion and protection of human rights.

Major contributing factors have been the creation of state institutions such as the Ministry for the Promotion of Human Rights, the National Human Rights Commission and the active and ever-increasing involvement of human rights defence organisations in the protection and promotion of human rights in Burkina Faso.

Nevertheless, grave violations of human rights are still being committed. Cruel, inhuman and degrading treatment and torture still occur frequently in detention centres and prisons; FIACAT and ACAT Burkina are very concerned about this situation.

1. Remand and police custody

Under Burkinabe law, crime suspects can be held in custody for up to 72 hours, during which time they do not have the right to a solicitor; yet this is the very time when the suspect is questioned. In most cases, they are held in custody for more than 72 hours, often for more than a month, without the right to a solicitor.

It is only when defendants appear before a judge that their solicitor can intervene. They are then either freed, or kept on remand awaiting sentencing, and this only on the basis of information obtained during questioning. Moreover those arrested in connection with

¹ ACAT Burkina was formed in 1992 and has been affiliated to FIACAT since 1993. It has offices in Ouagadougou, Koudougou, Reo, Bobo Dioulasso and Bokin and is a member of several human rights defence networks such as RENLAC [National Anti-Corruption Network], RASALAO [West Africa Action Network on Small Arms] and WANEP [West Africa Network for Peace-Building].

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common crimes are sometimes subjected to violence and the information obtained during questioning is then used as evidence.

2. Conditions in detention

By organising workshops, visits and seminars in detention centres in Burkina Faso and also through various actions on behalf of prisoners and those on remand there, ACAT Burkina has discovered the real situation in the country's prisons. This paragraph seeks to present the failures of Burkina Faso's prison system, using as an example the Prison and Correction Centre in Ouagadougou (known as MACO) and of Ouargaye district in the Eastern borders.

- **The principal feature of detention centres and prisons in Burkina Faso is overcrowding.**

Burkina Faso runs thirteen prisons and correction centres today with deplorable living conditions. One of the reasons for overcrowding in prisons is the complete lack of separation of convicted from unconvicted prisoners.

Around 48% of prisoners in MACO are on remand. Moreover, there is no provision for compensating detainees for damages where their cases are subsequently dismissed.

MACO is divided into four wings: men, women, minors and the Education Unit.

The men's wing is in a building in poor condition, unhygienic and grossly overcrowded. Built to hold 400 prisoners, it currently houses over 1300. Cells measuring 12 m² hold 12-17 people.

In the women's wing, two cells measuring 10m² hold around 20 prisoners.

In the Ouargaye district, the police have only two cramped buildings in which to detain suspects, despite widespread insecurity and banditry in that part of the country. Suspects are kept in custody for very long periods as the road from Ouargaye to the Courts in Tenkodogo is in poor condition. Moreover, the forces of law and order do not have a working vehicle, making it difficult to transfer detainees to Tenkodogo to be tried.

- **Food rations**

At MACO, food supplies are limited to 600 kg a day for over 1300 detainees; this means each detainee gets a meal of less than 450 g a day. Staple foods are millet and maize.

In Ouargaye district, unconvicted prisoners only occasionally receive food parcels from their families. Consequently, when they run out of rations because of overcrowding, the police and prison staff try to supplement the rations from their own supplies.

- **Sanitary conditions**

A notorious lack of hygiene, coupled with poor and insufficient nutrition, are major contributors to the poor health of prisoners; they become targets for recurring illnesses such as malaria, scabies and other skin conditions or infections. Prisoners do not have access to medical care because of a shortage of qualified staff and basic first aid provisions.

- **Prisoner security**

The shortage of prison staff gives cause for concern over prison security. At MACO in Ouagadougou, the average ratio is of 30 detainees to one prison officer.

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This means violent incidents and escapes are more frequent.

3. The death penalty

On 18 December 2007, Burkina Faso voted in favour of the Resolution of the UN General Assembly calling for a universal moratorium on executions. ACAT Burkina commends and urges the burkinabe State to resolve to abolish the death penalty by commuting those death sentences already pronounced and passing a law to abolish the death penalty in all circumstances.

4. The survival of private militias

Public protests in March and April 2008 against the “high cost of living” revealed the presence of private militias in Burkina Faso. In some townships such as Signoghin and Nongremassom, armed personnel went into the streets attacking and beating up ordinary people, without reference to the forces of law and order.

Many casualties were transferred to MACO in Ouagadougou, including one person seriously hurt by a bullet whom ACAT Burkina did not get to see when they visited 184 people detained there following the incident.

Apart from the loss of human life and the physical and mental injury to individuals, there was also much serious damage to public and private property.

Such militias are a threat to public safety and compromise the efforts of various parties to create a culture of peace in Burkina Faso.

ACAT Burkina would remind the State of its commitment to be watch over and ensure the security of people and property and consequently recommends that the burkinabe authorities work tirelessly to do away with militias completely in Burkina Faso.

ACAT Burkina is intrigued by the coexistence of such militias with the forces of law and order in a State of law.

RECOMMENDATIONS

FIACAT and ACAT Burkina invite the Burkinabe Government:

- to adopt practices conforming to the Standard Minimum Rules for the Treatment of Prisoners. Far-reaching policies should be put in place immediately to improve conditions in prisons and other detention centres where living conditions continue to deteriorate;
- to take the necessary measure to ensure that detainees have access to basic medical care and are properly fed;
- to ratify the Optional Protocol to the UN Convention Against Torture (OPCAT) and promptly put in place a programme of visits to detention centres in line with the obligations set out in the Protocol;
- to improve legal procedures to guarantee the rights of those in custody. To guarantee them access to legal help, free of charge to those with no income;
- to abolish the death penalty in all circumstances and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

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