



Burkina Faso – Researched and compiled by the Refugee Documentation Centre of Ireland on 7 March 2011

How widespread is the practice of arresting, detaining and imprisoning of citizens without any formal charges or trial system in Burkina Faso? How are prisoners treated in Ouagadougou (MACO) prison and correctional facility?

The 2009 *Freedom House* annual report on Burkina Faso states:

“Human rights advocates in Burkina Faso have repeatedly criticized the military and police for acting with impunity. Police often use excessive force and disregard pretrial detention limits. Prison conditions are harsh.” (Freedom House (16 July 2009) *Freedom in the World 2009 - Burkina Faso*)

The 2010 *US Department of State* country report on Burkina Faso, in a section titled “Arrest Procedures and Treatment While in Detention”, states:

“The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period; however, police rarely observed these restrictions. The average time of detention without charge (preventive detention) was one week; however, the law permits judges to impose an unlimited number of six-month preventive detention periods, and defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. Government officials estimated that 23 percent of prisoners nationwide were in pretrial status. In some cases detainees were held without charge or trial for longer periods than the maximum sentence they would have received if convicted of the alleged offense. There was a pretrial release (release on bail) system; however, the extent of its use was unknown.” (US Department of State (11 March 2010) *2009 Human Rights Report: Burkina Faso*)

In a section titled “Prison and Detention Center Conditions” this report states:

“Prison conditions were harsh and could be life threatening. Prisons were overcrowded, and medical care and sanitation were poor. Prison diet was inadequate, and inmates often relied on supplemental food from relatives. Pretrial detainees were usually held with convicted prisoners. Deaths from prison conditions or neglect occurred, according to human rights organizations. According to medical reports, 17 prisoners died of natural causes during the year, and human rights activists suspected that most of these deaths were due to harsh prison conditions.” (Ibid)

An *IRIN News* report on the arrest of demonstrators in 2008 states:

“Some 184 people have been imprisoned in Burkina Faso over the last fortnight, among them Thibault Nana, the leader of a small opposition party who is accused of masterminding a demonstration in the capital Ouagadougou in late February. ‘There

are reports that some [detainees] have been tortured, and some have been sent to jail without being heard by an investigative judge,' Phillippe Ouédraogo, the leader of the 'G14' coalition of opposition political groups told IRIN." (IRIN News (4 March 2008) *Human rights concerns in wake of mass arrests*)

An *Agence France Presse* report on the deaths of two people in prison states:

"Two people jailed for joining a protest against spiralling inflation, branded illegal by the government, have died in detention, but 41 others have been released, an official said Wednesday. 'Unfortunately we lost two people who were detained after the demonstrations against the high costs of living,' Leger Kinda, director in the justice ministry's prison administration department, told a press conference. Kinda did not give the cause of their death nor did he say when they died." (Agence France Presse (21 January 2009) *Two die in prison, others freed after 'illegal' protests in Burkina Faso*)

A *Xinhua General News Service* report on a failed jailbreak at the Ouagadougou Correctional Center (MACO) refers to the inmates grievances as follows:

"They complained about the living conditions, the slow speed of handling their cases, need for softening prison regulations and a review of the new law on organized crime." (Xinhua General News Service (18 February 2011) *Jailbreak attempt thwarted by Burkina Faso security forces*)

This response was prepared after researching publicly accessible information found among English language sources currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

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