

Cote d'Ivoire

1. FAIR JUSTICE

1.1 Judicial System capability.

In the government-controlled south, deficiencies in the judicial system, such as widespread corruption and lack of independence from the executive branch, pose a significant impediment to victims seeking justice and to rebuilding respect for the rule of law. Those unable to bribe judges and other officials are routinely denied justice. Some criminal trials are held by corrupt judges for people who are socially and economically affluent, but most of the time, those matters are strictly muffled and filed away for ever. As far as poor people are concerned, the criminal trials are rigorously done on account of the lack of money.^[i]

1.2 Legal assistance to persons living in poverty.

Most of the time, the very poor do not have a lawyer to defend their cause. Corruption has reached its highest point in our prisons. Magistrates have their go-betweens. Their task is to take money from prisoners on the behalf of the magistrates. Once the money is given to the go-between by a prisoner, the magistrate will then accept to bring him to trial. Those who have no money are most of the time forgotten.^[ii]

1.3 Justice for women and juveniles.

The law prohibits rape and provides for prison terms of five to 10 years for such an offense; however, the government did not enforce this law in practice. Claims were most frequently brought against child rapists. A life sentence can be imposed in cases of gang rape if the rapists are related to or hold positions of authority over the victim or if the victim is under 15 years of age. The law does not specifically penalize spousal rape. Since January 2007, for example, the Court of Abidjan has received an average of 16 cases of child rape per month.³

The law does not specifically outlaw domestic violence, which continues to be a serious problem throughout the country. However, penalties for assault provided for prison terms of one to 20 years, depending on the extent of the offense. Government enforcement of domestic violence complaints remained minimal, however, partially because the courts and police viewed domestic violence as a problem to be addressed within the family.³

The country was a source and destination for trafficking in women and children. Women and children were trafficked from Nigeria, Niger, Mali, Burkina Faso, Ghana, Togo, Benin, Guinea-Bissau, and Mauritania for the purposes of sexual exploitation and forced commercial, agricultural, and domestic servitude. Women and children were also trafficked from the country to other African, European, and Middle Eastern countries for sexual exploitation and agricultural and domestic labor.³

Prison conditions for women were particularly difficult, and health-care facilities were inadequate. There were continued reports that female prisoners engaged in sexual relations with wardens to get food and privileges. Pregnant prisoners went to hospitals to give birth, and their children often lived with them in prison. The penitentiary accepted no responsibility for the care or feeding of the infants, although inmate mothers received help from local nongovernmental organizations (NGOs).³

Teenagers about 18 years old, are regarded as adults according to the criminal justice system.²

1.4 Unfair treatment by discrimination.

There is no discrimination in the system involving race, ethnic origin, nationality, color, sex, age, language, religion, political views, economic status, physical or mental disability, gender, or sexual orientation. Every body receives the same treatment. Only some advantages (favours) are granted to the ones who are socially and economically well-off.²

1.5 Arbitrary or severe penalties.

There were several reports that the government or its agents committed arbitrary or unlawful killings. Security forces continued to commit extrajudicial killings with impunity, and pro-government militia groups were responsible for killings, disappearances, and harassment. These crimes often went unreported or underreported due to fear of reprisals.^[iii]

The death penalty no longer exists in Cote d'Ivoire. It was abolished. There is no "unofficial" execution practice.²

Those condemned to 20 or 10 years of sentence, and others who have spent half of their sentence with good behaviour during the period of penalty, are discharged. That decision is the duty of the Minister of justice.²

2. PRISON SYSTEMS BASICS.

2.2 Physical space and separations.

Prisons cells are overcrowded; we may find up to 50 people in cells for 15 people. Many prisoners die of suffocation or contamination.²

Conditions were poor and in some cases life-threatening in the country's 33 prisons. In the 22 prisons, which also served as detention centers, located in the area under government control, this situation was primarily due to inadequate budgets and overcrowding. For example, the country's main prison, the Abidjan Correctional Facility and Penitentiary (MACA), was built for 1,500 persons but held more than 5,000 detainees. Conditions in MACA were notoriously bad, especially for the poor. Some wealthier prisoners reportedly could "buy" extra cell space, food, and even staff to wash and iron their clothes.³

Male minors were held separately from adult men, but the physical barriers at MACA were inadequate to enforce complete separation. At year's end fewer minors were detained with adults than in the past. Pretrial detainees were held with convicted prisoners.³

In most of the prisons, children are not separated from adults. That increases juvenile delinquency.²

There is no special juvenile prison because they are gathered in the same prisons all-over the country. The only difference is that the juveniles and the adults are not in the same cell. As far as possible, prisoners can be separated by: -division of condemned, -division of the accused, -division of juvenile. However age is not taken into account.²

2.4 Standards.

The statutory or written prison standards are not always respected; for instance, the prison of Abidjan is over crowded. Normally, it was constructed for 1500 prisoners, but today, we have more than 6,000 prisoners. And what is striking is that there no longer exists an independent agency to monitor prisons or jails. Even if it exists in name, it does not act.²

3. PROTECTION OF INCARCERATED PERSONS

3.1 Grievances.

Each prison has its rules and regulations governing prisoner behaviour. It is forbidden to have blades, swords, knives, dangerous drugs, and so-on. In return, the prisoner has the right to make complaints to the central prison authority. Whenever he wants, he can write.²

Most of time, the authority pays particular attention to prisoners complaints. The authorities analyze and give an answer to those socially and economically well-off. It is not the same concerning the ones of low income. Security is not guaranteed inside the prisons. In fact, prisons are led by prisoners themselves because jailers or prison warders are not enough. This situation encourages abuses.²

3.2 Prisoner Abuse.

Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by the constitution and law; however, security forces and FN soldiers and police beat and abused detainees and prisoners to punish them, extract confessions, or extort payments with near-total impunity. Police officers forced detainees to perform degrading tasks under threat of physical harm and continued to harass and extort bribes from persons of northern origin or with northern names.³

Collective punishment no longer exists. Most punishment is individual and cannot exceed 10 days in a disciplinary cell. However, on December, 16th 2008, all the prisoners of Abidjan experienced collective punishment. They were stark naked, juveniles as well as adults, more than 6,000 prisoners, by turns in every building of the division. All of them were led to be beaten by armed forces after an uprising. Many were injured. This kind of treatment is very rare.²

3.3 Sexual Security.

Women prisoners are protected in all locations. Male prisoners are forbidden to be there. There is no protection for men. Paedophilia is rampant because of overcrowded conditions and lack of food.²

4. HEALTH SERVICES FOR INCARCERATED PERSONS

4.1 Health Care.

All the prisoners cannot get care because of the huge lack of medication. Out of 33 prisons, only the one of Abidjan is composed of 2 doctors and 7 nurses. So the 32 other prisons receive only a nurse's visit each week. The visits are not enough because of the lack of adequate sanitary facilities.²

The government provided inadequate daily food rations, which were insufficient to prevent cases of severe malnutrition in prisoners whose families did not bring them additional food. As of September 30, 161 prisoners had died in the country's 22 government-controlled prisons, mostly due to malnutrition and disease. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations.³

Food is practically non-existent in prisons. Prisoners eat once a day and don't eat their fill. The meals provided are of poor quality and only good for animals.²

As far as health is concerned, some facilities exist. We also have drugs for prisoners. Unfortunately doctors and nurses prefer to take care of rich prisoners and neglect poor ones.²

Nothing is done for prisoners who suffer from AIDS. They are completely forgotten. The only thing the government does is the distribution of condoms in prison and pieces of advice to prisoners who are about to be liberated. Apart from that, nothing else is done as far as the treatment of the HIV positive or sick prisoners is concerned. So each sick HIV prisoner is obliged to call their relatives in order to have any help for their treatment. But there is a problem because we have to point out that most of the prisoners are rejected by their families or have extremely poor parents. Most of the time, sick HIV prisoners are evacuated to the hospital in a very bad state. Plenty of them die out of unbearable suffering.²

4.2 Women-Care.

In all domains women have access to all services. They are the ones who receive good treatment such as gynaecological and paediatric care, before, during and after giving birth. Following the prescriptions is the duty of women prisoners.²

4.3 Mental Illness.

The emotionally disturbed and mentally ill are well cared for in a psychiatric centre. Once there, they are mixed in with the other patients. However once healed, they have to go back to prison.²

5. RESTORATIVE PRACTICES

5.1 Rehabilitation Programs.

This system does not exist. However there are local voluntary organizations which are trying to work in that way. But the aim is not reached because of limited means. There is earlier release.²

5.2 Reentry Programs.

They have some programs for pre-release and reintegration into society. The system is called half freedom, which is for prisoners who are almost to be in freedom and have good behaviour. These prisoners are authorized to go out every morning and then go back in the evening. It is a way for the prison managers to reinstate them in the society. But, it is important to clarify that, most of the time, the prisoners who take advantage of this opportunity are those who pay their money or those who have parents who know the prison managers.²

There is neither training for most prisoners before their release nor help for their reinstatement. All formerly incarcerated are left to themselves for their reinstatement within the society.²

6. SOCIAL RIGHTS OF INCARCERATED PERSONS

6.1 Voting.

The prisoners have no right to vote but once released, they can take part in elections.²

6.2 Visitation.

Any prisoner has the right to be visited by his own family according to dates and hours indicated by the prison rules and regulations. There are letters, but not phone services for the family.²
