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HUMAN RIGHTS REPORT

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Prison

Europe's top human rights watchdog said some French prisons were in a "disastrous" state on Wednesday in a damning report on the country's criminal justice system that fuelled a mounting sense of crisis.

French courts were overworked and underfunded, police operated with a sense of impunity and defence lawyers needed better access to their clients, said the report by the 46-nation Council of Europe based in Strasbourg in eastern France. "Conditions in some holding facilities are disastrous and totally at odds with a modern society's requirements," the council's Human Rights Commissioner Alvaro Gil-Robles wrote.

He recommended some 70 improvements, adding to the intense debate over the French justice system triggered by the recent Outreau child sex scandal, which has traumatised the nation. Thirteen innocent people spent 1-3 years in jail on fake paedophile allegations before being cleared on appeal, provoking a wave of national soul-searching over how justice is dispensed in a country that sees itself as the home of human rights.

The Council of Europe report is symptomatic of a wider malaise in France, which is also investigating allegations police tortured terrorism suspects during a spate of bomb attacks in 1995. "In the 23 years I have been in France, this is the most severe (judicial) crisis I have seen," said Mark Hunter, a professor at the INSEAD business school near Paris and writer on French legal system. "But it's part of a generalised crisis of the French elites."

In his 100-page report, Gil-Robles said France spends more on culture each year than its courts system, some of whose run-down premises "seem a throwback to another era". After visiting two prisons in Marseille and Paris, he said: "...inmates' living conditions are on the borderline of the acceptable, and on the borderline of human dignity."

Almost 21,000 of the total 58,000 inmates in French jails on Nov. 1 2005 were awaiting trial or in preventive detention. The Spaniard also called for France to allow defence lawyers greater access to their clients, especially during police custody and when signing statements, including in major drug and terrorism cases.

The French government responded by saying it was tackling overcrowding with a prison-building programme and had increased the Justice Ministry's budget to 6 billion euros at a time when spending was frozen at most departments.

Traumatised

The Outreau scandal has traumatised France, President Jacques Chirac calling it an unprecedented judicial disaster and Justice Minister Pascal Clement apologising for the way the case was handled. Some 5 million watched televised testimony by the young investigating magistrate Fabrice Burgaud, whose mishandling of the case has led to calls for France to adopt a U.S.-style approach where prosecution lawyers and police face off against defence attorneys.

"The French criminal code must move towards the adversarial system, without falling into the excesses of the Anglo-Saxons," Jean-Francois Burgelin, a former prosecutor in the Paris appeals court, said in a recent interview.

In France, investigating magistrates -- not police -- lead criminal investigations, can request suspects be held in preventive detention and send cases for trial.

Andre Vallini, who heads the Outreau parliamentary probe which will report later this year, said only experienced magistrates should be able to become investigating magistrates. Hunter said the danger was politicians would hijack the reform movement to clip the wings of investigating magistrates, who have spearheaded 15 years of corruption

probes which have fuelled public disenchantment with political leaders. "The terrible mistakes of Judge Burgaud may be used to dismantle the power of his peers," Hunter said.

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