



**Democratic Republic of Congo - Researched and compiled by the
Refugee Documentation Centre of Ireland on 22 March 2010**

**Information on prison conditions and conditions for those detained in
police stations.**

Section 1c of the March 2010 *United States Department of State* annual human rights report for the Democratic Republic of the Congo, under the heading 'Prison and Detention Centre Conditions', states:

"Conditions in most prisons remained severe and life-threatening. The UN high commissioner for human rights (UNHCHR), Navi Pillay, reported that, between March 2008 and March 2009, at least 65 prisoners died in prisons and concluded that confinement in a Congolese prison in itself often amounted to cruel, inhumane, or degrading treatment.

In June a detainee died in her prison cell as a result of severe beatings.

On June 20, during an attempted prison escape and subsequent riot at the Central Prison in Goma, North Kivu, 24 military detainees raped 23 women prisoners. PNC officers shot and killed one perpetrator. At year's end, the other 23 perpetrators were awaiting transfer to other prisons. UN secretary-general Ban Ki-moon condemned the incident, describing it as "a grim example of both the prison conditions and the level of sexual violence that plagues the DRC." Following the incident, MONUC officials asked the government to urgently improve prison conditions and enhance security in prisons, particularly to protect women inmates from sexual violence and "to avoid a repeat of the [Goma prison] tragedy."

In all prisons except the Kinshasa Penitentiary and Reeducation Center (CPRK), the government had not provided food for many years; prisoners' friends and families provided the only available food and necessities. Malnutrition was widespread. Some prisoners starved to death. Prison staff often forced family members of prisoners to pay bribes for the right to bring food to prisoners. According to ASADHO's April report, Rule of Law Put to the Test, medical equipment and medicines were absent in virtually all the prisons and detention centers. Deaths of detainees were common due to deplorable living conditions, malnutrition, and lack of medical care.

During the year many prisoners died due to neglect, often from malnutrition or illness. For example, the UNJHRO reported in March that over a two-month period several prisoners died from malnutrition or dysentery in the Bunia Central Prison. Health care and medical attention remained grossly inadequate, and infectious diseases rampant. In rare cases, prison doctors provided care; however, they often lacked medicines and supplies. According to a nurse at the prison, many prisoners were in desperate need of a transfer to the hospital for medical care but were often denied. A local NGO, Me Lonjiringa, reported in July that the physical and hygienic conditions of Bunia

prison were so bad that being detained there was "a death sentence." The UNJHRO reported in July that prisoners were dying in Bunia prison, including from malnutrition and tuberculosis." (United States Department of State (11 March 2010) *2009 Country Reports on Human Rights Practices - Democratic Republic of the Congo*)

Paragraph 68 of Section III of a December 2009 *UN Security Council* report under the heading 'Rule of law', notes:

"In cooperation with the country's Attorney-General, MONUC began preparations for an inspection mission aimed at reducing prison overcrowding caused by excessive pretrial detention. The Mission supported training for guards at eight major provincial prisons, rehabilitated six incarceration facilities and implemented a number of smaller-scale projects aimed at creating infirmaries, improving security and providing electric power and clean water to prisons. MONUC also assisted in the establishment or expansion of prison gardens and farms in several facilities, in Katanga, Equateur and North Kivu provinces. In addition, MONUC actively engaged national authorities to promptly deploy judicial and corrections personnel in North Kivu, South Kivu and Ituri. Nonetheless, riots, escapes and deaths due to starvation and dire prison conditions remained commonplace, and the absence of a functioning State prison system continued to affect security across the country." (UN Security Council (4 December 2009) *Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, p.14-15)

The annual *Freedom House* Freedom in the World report for the Democratic Republic of the Congo states:

"Despite guarantees of independence, the judiciary remains subject to corruption and manipulation, and the judicial system lacks both trained personnel and resources. Prison conditions are often abysmal, and long periods of pretrial detention are common.

Civilian authorities do not maintain effective control of the security forces. Soldiers and police regularly commit serious human rights abuses, including rape. Low pay and inadequate provisions commonly lead soldiers to seize goods from civilians, and demobilized combatants have not been successfully integrated into the civilian economy. The integration of former rebel soldiers into the military has resulted in competing chains of command and factional conflicts, with many fighters answering to former commanders and political leaders rather than formal superiors. Numerous civilians who were victims of war crimes committed by these soldiers are being threatened not to seek justice. Societal discrimination based on ethnicity is practiced widely among the country's 200 ethnic groups, particularly against the various indigenous Pygmy tribes and the Congolese Banyamulenge Tutsis. The ongoing fighting in the eastern Kivu region is driven in part by ethnic rivalries." (Freedom House (16 July 2009) *Freedom in the World 2009 - Democratic Republic of Congo*)

A July 2009 *UN News Service* report notes:

"Long-term international support is needed to overhaul the prison system in the Democratic Republic of the Congo (DRC), where inmates routinely have

to sleep in disease-ridden hallways and men, women and children incarcerated together, a senior United Nations peacekeeping official says.

Wrapping up a six-day visit to the DRC, Dmitri Titov, Assistant Secretary-General for the Rule of Law and Security Institutions, told journalists in Kinshasa on Friday that drastic changes are necessary to fix the state of the Congolese prisons.

"I've visited many African countries in a post-conflict situation and Goma prison is one of the most terrible prisons that I have seen," Mr. Titov said, referring to the jail in the capital of North Kivu province in the country's far east.

"It houses 850 inmates for an original capacity of 150, of which 650 are in pre-trial detention, and they have not yet been before a judge."

Mr. Titov said the conditions inside the prisons were "inhumane" [and] a human rights, humanitarian and security risk," with prisoners sleeping in septic conditions and no separation of prisoners, whether male or female, adult and child, or military and civilian." (UN News Service (27 July 2009) *'Inhumane' Congolese prisons need urgent overhaul, UN official says*)

A June 2009 *IRIN News* report states:

"Kasangandjo said Goma prison was overcrowded, with very bad living conditions, and currently held at least 600 prisoners, way beyond its design capacity of 150.

At least 90 percent of inmates had been detained on rape and other serious offences, according to Kasangandjo.

The rape of detainees is frequent in the DRC, according to a human rights group, l'Association africaine de défense des droits de l'homme (ASADHO).

"Women are frequently raped in Congolese prisons," said Jean Keba, an ASADHO official. "We have registered a case of a woman who was raped in prison. Such things are sometimes organized in cahoots with the prison authorities. Sometimes the men, especially new inmates, are sodomized by prison gangs." (IRIN News (24 June 2009) *DRC: Mass rape in Goma prison*)

A July 2008 *IRIN News* report states:

"Twenty-six detainees have starved to death in a Democratic Republic of Congo (DRC) prison since the start of 2008, according to the UN Mission in the country (MONUC).

"Four prisoners died on Sunday 13 [in Mbuji Mayi's central prison, in Kasai Oriental province] due to severe malnutrition," said MONUC spokeswoman Sylvie van Wildenberg.

Van Wildenberg said the prisoners had been neglected and had not received the food MONUC had been giving the prison, she said.

“Our biggest worry is that many of the dead were on remand, and therefore enjoyed a presumption of innocence as they had yet to be tried due to the slowness of the legal process,” said Assiongbon Tettekpoe, a MONUC human rights official, said.

“We have already sounded the alarm several times but nothing has changed; people in the prison are living skeletons, because of hunger they are just skin and bone,” Floribet Chebeya, an official of Voice of the Voiceless, an NGO, told IRIN.

The prison is also overcrowded, holding at least 425 prisoners. It was initially built for 200 in the 1960s.” (IRIN News (22 July 2008) *DRC: Prisoners dying of hunger in Kasai Oriental*)

A *BBC News* report from the same period states:

“The United Nations says it is alarmed by the number of deaths in a prison in the Democratic Republic of Congo.

At least 26 inmates have died from acute malnutrition at the main prison in the city of Mbuji Mayi in Kasai Oriental province since February.

Four inmates died of hunger last week alone. The UN says it is particularly concerned because no measures are being taken to improve living conditions.

It says many of the inmates have not yet been convicted of any crime. “ (BBC News (22 July 2008) *Congo prisoners 'starve to death'*)

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This response was prepared after researching publicly accessible information 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.

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