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LEGAL AID BOARD

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Information on condition of prisons.

A report by the *United States Department of State* under the heading 'Prison and Detention Center Conditions' states:

"Conditions in most prisons remained harsh and life-threatening.

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.

Temporary holding cells in some prisons were extremely small for the number of prisoners they held. Many had no windows, lights, electricity, running water, or toilet facilities.

According to the UNJHRO, on January 17, inmates took the director of Kalemie Central Prison in Katanga Province hostage in protest against the chronic food shortage in the prison. The inmates had not eaten for three days. They released him the same day.

During the year many prisoners died due to neglect. For example, the UNJHRO reported in February that over a two-month period, 21 prisoners died from malnutrition or dysentery in prisons in Uvira, Bunia, and Mbuji-Mayi." (*United States Department of State (25 February 2009) 2008 Human Rights Report: Democratic Republic of the Congo*)

It also states:

"On April 17, local judicial authorities visiting Bunia Central Prison in Orientale Province observed that three prisoners had died that month due to malnutrition.

Between June 21 and 25, five inmates died of malnutrition in Mbuji-Mayi Central Prison in Kasai Oriental Province. The UNJHRO stated 12 other inmates were in critical condition.

The results of a public prosecutor's investigation into the October 2007 death of an illegally detained man in Lodja, Kasai Oriental Province, were not known.

The penal system continued to suffer from severe underfunding, and most prisons suffered from overcrowding, poor maintenance, and a lack of sanitation facilities. According to the UNJHRO, almost 80 percent of inmates were pretrial detainees. 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. In August 2007 the UN Human Rights Council's independent expert on human rights in the DRC recommended that the parliament adopt a law to reform the prison system. However, as of year's end, neither the government nor the parliament had responded." (ibid)

It also states:

"Larger prisons sometimes had separate facilities for women and juveniles, but others generally did not. Male prisoners raped other prisoners, including men, women, and children. Prison officials held pretrial detainees together with convicted prisoners and treated both groups the same. They generally held individuals detained on state security grounds in special sections. Government security services often clandestinely transferred such prisoners to secret prisons. Civilian and military prisons and detention facilities held both soldiers and civilians.

On June 12, foreign diplomats visited the CPRK, which had a capacity of 1,500 but held 4,400 detainees and prisoners, almost 400 more than a year earlier. Pretrial detainees accounted for 65 percent of the CPRK's population. Of the 4,400, 1,864 were military prisoners. The women's wing housed 130 women and their infant children, who shared four toilets. The women suffered from frequent skin and vaginal infections and typhoid. In addition to the infants in the women's wing, the CPRK housed 64 juveniles. Access to the women's and children's wings was self-regulated and not secure.

The Kisangani Central Prison, originally built in 1927, was in a state of disrepair when foreign diplomats visited on December 4. Two wings of the interior of the prison appeared uninhabitable due to a collapsed roof and the absence of doors. Originally built for a capacity of 1,500 prisoners, the prison could only support a few hundred at the time of the visit. Of the 282 men being held, only 20 had been convicted; the rest were awaiting trial." (ibid)

It also states:

"Not all the prison staff were being paid. The prison received very sporadic financial assistance. The prisoners received only three meals per week, largely through the Catholic Church; most days the prisoners either had to wait for handouts from relatives, if any lived nearby, or they did not eat.

A separate room, 20 feet by 15 feet, housed 31 military prisoners. As in the rest of the prison, there were no beds; prisoners had to sleep either on a grass mat or the bare concrete floor. Sanitary conditions were extremely poor, as there were only pit latrines and open sewer lines. There were no functioning showers. Rooms for civilian prisoners were more crowded, with 65-70 prisoners sleeping in rooms that were 15 feet by 30 feet. The medical unit was decrepit and austere with one box of medicine." (ibid)

A report by the *United Nations Security Council* under the heading 'Rule of law' states:

"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." (United Nations Security Council (4 December 2009) *Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo* - pg.14)

A report by the *Office of the United Nations High Commissioner for Human Rights (OHCHR)* under the heading 'Conditions in the penitentiary system, torture and ill-treatment in detention' states:

"During the period under review, the Government has made little progress towards developing a policy to make prisons more self-sufficient. The new Strategic Plan on Prison Reform being developed by the Ministry of Justice with the support of the MONUC Rule of Law Division is under discussion. The majority of prisons are characterized by crumbling facilities, starvation and sickness. These conditions amount to cruel, inhuman or degrading treatment for the detainees, and fail to comply with basic international standards for the humane and dignified treatment of prisoners. [8] Abysmal prison conditions lead to an extremely high death rate for those in detention. Forty-four persons reportedly died in detention at the Centre pénitentiaire et de ré-éducation de Kinshasa (Penitentiary and Reeducation Centre of Kinshasa – CPRK), between January and August 2009, mainly due to a lack of food and medicine.

Overpopulation, resulting mainly from the abuse of pretrial detention, continues to be a major problem affecting prisons throughout the country. Convicts and pretrial detainees, as well as minors and adults, are often detained in the same areas. However, the authorities have taken some steps to reduce overpopulation. For instance, to alleviate overcrowding in the CPRK, the authorities released inmates who had served at least one quarter of their sentence and had been well-behaved. However, there are concerns that perpetrators of rape, sexual violence and other human rights violations also benefited from this decision. Given the protest registered against the releases granted to perpetrators of sexual violence, the Minister of Justice announced, in October 2009, that a bill is being prepared, the purpose of which is to exclude the perpetrators of sexual abuse from receiving a conditional release." (Office of the United Nations High Commissioner for Human Rights (OHCHR) (28 Jan 2010) *Report of the United Nations High Commissioner for Human Rights on the situation of human rights*

and the activities of her Office in the Democratic Republic of the Congo - par. 10-11)

It also states:

“Due to lack of security, crumbling infrastructure, corruption and the slowness of judicial proceedings, pretrial detainees and convicted prisoners, including high-profile offenders, regularly escape. Between March and November 2009, 135 detainees escaped from the prison of Mahagi, Ituri District, Orientale Province. The frequency of escapes from Congolese prisons seriously undermines efforts to fight impunity. In some instances, actions were taken against officials accused of having facilitated escapes: the director of Mahagi prison was arrested on 3 July 2009, and the second in command of the Gwoknyeri police station (27 km from Mahagi) was arrested on 10 June 2009.” (ibid) (par 12)

A report by *Amnesty International* under the heading ‘Torture, other ill-treatment and arbitrary detention’ states:

“Conditions in most detention centres and prisons were poor and constituted cruel, inhuman or degrading treatment. Deaths of prisoners from malnutrition or treatable illnesses were regularly reported.” (Amnesty International (28 May 2009) *Amnesty International Report 2009 - DR Congo*)

A report by *United States State News* under the heading ‘Secretary-General Deeply Distressed By Deaths, Rape In Attempted Escape From Eastern Democratic Republic Of Congo Prison’ states:

“The following statement by UN Secretary-General Ban Ki-moon was issued today: I am deeply distressed by the rape and assault of about 20 female inmates during an attempted escape from Goma's central prison, in eastern Democratic Republic of the Congo. The incident also caused the death and wounding of several people. This is a grim example of both the prison conditions and the level of sexual violence that plagues the Democratic Republic of the Congo.” (US State News (24 June 2009) *Secretary-General Deeply Distressed By Deaths, Rape In Attempted Escape From Eastern Democratic Republic Of Congo Prison*)

It also states:

“I also urge the Government of the Democratic Republic of the Congo to initiate prison reform to ensure conformity with internationally recognized standards in the treatment of detainees, including strict separation of men and women. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) stands ready to assist in this regard.” (ibid)

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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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Freedom House

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