



Q10645. Researched and compiled by the Refugee Documentation Centre of Ireland on 13 August 2009

Information on whether prison escapes are commonplace in the Democratic Republic of Congo.

In a section titled “Possibility to bribe prison guards” a country of origin information seminar report published by the *Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)* states:

“Given that virtually everything is on sale in the DRC and that also people can be bought and sold off just like a commodity, one can of course bribe one’s way out of detention centres and prisons. The possibility to bribe oneself out of there in many cases depends on the question of security risks. For a high category prisoner it may be a lot more difficult to buy his way out of prison, especially in the case of CPRK in Kinshasa. There one is likely to be guarded by Zimbabwean soldiers, and it may be a lot more difficult to bribe both the Congolese and the Zimbabwean soldiers, not least because the Zimbabwean soldiers are better paid. Therefore they may have less interest in accepting a bribe or even may be a lot more difficult to approach in the first place as they speak English, not French or Lingala. Generally speaking, however, it is possible to bribe one’s way out of custody, including in some cases military custody.” (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (28 November 2002) *8th European Country of Origin Information Seminar Vienna, 28 - 29 June 2002: Final Report – Democratic Republic of the Congo*, p.93)

This report refers to the possibility of escaping from a prison in the Democratic Republic of Congo (DRC) as follows:

“It is also possible to escape from a military detention centre like the GLM in Kinshasa e.g. after a riot or a fight with the guards. Another way of coming free would be by having friends who are highly placed within the ministry and who might help a prisoner to escape. There was the case of Jean-Pierre Bora Kamwanya, an army major who was arrested by the Kabila regime and then able to escape. He might have been helped to leave the country for Nigeria. In Nigeria he decided that he was going to try and cross over to Nairobi. What he either did not know or ignored was that the flight he was taking was going to make a stop in Kinshasa. So when he arrived at Kinshasa airport the security services inspecting the plane were rather surprised that Bora Kamwanya had brought himself back. He was arrested at the airport on this Nigerian Airlines flight and re-detained. Somehow he managed to re-escape and flee the country.” (ibid, pp.93-94)

In a section titled "Prison escapes" (paragraph 55) a *United Nations Human Rights Council* report states:

"The very low rate of enforcement of court decisions is compounded by the high rate of prison escapes, mainly due to the dilapidated state of the prisons. Efforts to bring the perpetrators of human rights violations to justice are invalidated by these all too frequent escapes, which contribute to immunity. According to MONUC figures, at least 429 detainees, including some convicted of serious human rights violations, escaped from places of detention throughout the country in the second half of 2006." (United Nations Human Rights Council (11 April 2008) *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy: addendum: mission to the Democratic Republic of the Congo*, p.15)

In a section titled "Prison and Detention Center Conditions" the *US Department of State* country report on the DRC adds:

"Escapes from Kisangani Central Prison were problematic. The red brick infrastructure crumbled easily by touch or by a blunt tool. According to MONUC, fewer than 90 of the country's 230 prisons actually held prisoners; while there were no reports of the government officially closing prisons during the year, dozens of prisons that had not functioned for years remained closed. In some cases security personnel who were detained or convicted for serious crimes were released from prison by military associates or by bribing unpaid guards. Most prisons were dilapidated or seriously neglected. Prisoners routinely escaped from prisons in all provinces. On April 1, 46 inmates escaped from Isiro Central Prison in Orientale Province after breaking down the main door in the absence of PNC guards. The escape reportedly was in protest of the unresponsiveness towards the prisoners' grievances, including lack of food, inadequate sanitary conditions, and prolonged pretrial detention. None of the escapees had been recaptured by year's end." (US Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*)

A *United Nations News Service* report states:

"As MONUC presses for more wardens to be employed in the country's prisons, it says that the lack of skilled staff and training and the decrepit state of penitentiaries contributes to escapes and fuels the violence in the prisons located in the most populated areas." (United Nations News Service (22 July 2009) *Senior UN peacekeeping official assesses DR Congo's prisons*)

In a section headed "The Military Justice System Remains Weak" a *Human Rights Watch* report continues:

"Congo's prisons are notoriously dysfunctional, and there have been many cases of convicted criminals escaping. For example, seven FARDC soldiers escaped prison after they were convicted of crimes of sexual violence in 2006 in Songo Mboyo, Equateur province. The above-mentioned colonel in North Kivu, accused of having ordered the rape of four girls, was arrested, but

escaped from detention in early May 2009.” (Human Rights Watch (16 July 2009) *Soldiers Who Rape, Commanders Who Condone Sexual Violence and Military Reform in the Democratic Republic of Congo*, p.49)

An *Institute for War and Peace Reporting* article on conditions in North Kivu prisons reports:

“Escape is common from these buildings with their gaping windows and crumbling walls. The United Nations Mission in the Democratic Republic of Congo, MONUC, helped renovate the Vouvi prison near Beni but soon after around 100 inmates broke out and disappeared. And conditions are little better at jails elsewhere in the country.” (Institute for War and Peace Reporting (30 November 2007) *Congo Prison Hell* Clifford, Lisa & Ntiricya, Charles)

An *IRIN News* report on a mass escape from a prison in South Kivu states:

“The escape took place on 1 August while guards tried to calm the rioting prisoners and return them to their cells. Nsala said only 35 of the 130 prisoners remained inside after the incident. The others overpowered the guards, taking their guns. Nsala said some of the arms seized by escapees were later found outside the prison, which is in a state of disrepair. The building is old, with cracked walls, unsanitary cells without locks and broken toilets, he said, adding, however, that security measures were being reinforced in the prison with extra police guards. According to Nsala, this is the first prison break from Uvira, but escapes have been common in other DRC prisons.” (IRIN News (6 August 2007) *DRC: Starving detainees escape South Kivu prison*)

An *Institute for War and Peace Reporting* article describing the experiences of a journalist incarcerated in a Lubumbashi military prison states:

“The appalling conditions in the Lubumbashi prisons are repeated around the Congo, prompting detainees - as the only way to avoid this misery and possible death - to organise frequent escapes with all risks entailed.” (Institute for War and Peace Reporting (20 April 2009) *Journalist Recalls Disturbing Prison Ordeal*)

A *United Nations Mission in the Democratic Republic of Congo* (MONUC) report on a workshop on the restructuring of the DRC prison system states:

“It is rare for prisons to have a maintenance and operational budget for the prisoners; prison buildings are dilapidated and often unfit for use, the personnel are insufficient, and many are not even qualified; there are escapes and mutinies, and illness and death are commonplace. Often, men, women and children are put together in the same cell.” (United Nations Mission in the Democratic Republic of Congo (MONUC) (25 June 2009) *MONUC supports the government in prison system reform*)

This report continues:

“The Kinshasa workshop takes place in the context of a recent mutiny followed by a particularly violent escape bid at Muzenze central prison in Goma, North Kivu province. During the incident, a group of prisoner mutineers succeeded in getting into the women’s section of the prison, where approximately 20 women were raped and held hostage, and several people were killed and wounded.” (ibid)

See also an *Institute for War & Peace Reporting* article on the rape of women prisoners during the attempted escape from Muzenze prison which states:

“The victims were attacked in their cells after a group of fellow prisoners armed with hand grenades, hand guns and AK47s broke through the wall separating men and women. A policeman and a prisoner were killed and a dozen others injured during the attempted escape.” (Institute for War & Peace Reporting (1 July 2009) *Congo-Kinshasa: Prison Rape Victims Recount Ordeal - Women Violated in Failed Prison Breakout That Sparks Worldwide Concern* Ntiricya, Charles. Nsimire, Sarah and Kahorha, Jacques)

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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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Google
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Institute for War and Peace Reporting
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UK Home Office
UNHCR Refworld
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