



Français	Home	Contact Us	Help	Search	canada.gc.ca
--------------------------	----------------------	----------------------------	----------------------	------------------------	------------------------------

[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

The Board		31 March 2010
About the Board	COD103415.FE	
Biographies		
Organization Chart	Democratic Republic of the Congo: The treatment of prisoners and prison conditions in Kinshasa	
Employment	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Legal and Policy		
References		
Publications		
Tribunal		
Refugee Protection Division		
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics	Temporary detention centres	
Research		
Research Program		
National Documentation Packages		
Issue Papers and Country Fact Sheets		
Responses to Information Requests		
Recent Research		
Media Centre		
News		
Information Sheets		
Media Relations		
Transparency		
Completed Access to Information Requests		

During a 15 February 2010 telephone interview with the Research Directorate, a representative of Voice of the Voiceless for the Defence of Human Rights (La Voix des sans voix pour les droits de l'homme, VSV), a human rights non-governmental organization (NGO) dedicated to defending human rights in the Democratic Republic of the Congo (DRC) (VSV n.d.), stated that in the city of Kinshasa, there is an official prison called the Kinshasa Penitentiary and Reeducation Centre (Centre pénitentiaire et de rééducation de Kinshasa, CPRK), formerly known as the Makala Central Prison (Prison centrale de Makala), and several other unofficial prisons known as temporary detention centres. According to the VSV Representative, prisoners are poorly treated at both the temporary detention centres and the CPRK (15 Feb. 2010).

Also known as [translation] "dungeons" (*cachots*), the temporary detention centres serve as lock-ups for suspects taken in by police and for preventive detention of individuals awaiting trial by the public prosecutor's offices (IPS 11 Jan. 2010). An article published on 11 January 2010 by the Inter Press Service (IPS) indicates that, according to reports from NGOs and the United Nations (UN) Joint Human Rights Office (UNJHRO), [translation] "in Kinshasa, as in most provinces of the Democratic Republic of the Congo (DRC), the temporary detention centres serve as public torture institutions." Several sources reported cases of people who were [translation] "tortured" in the Kinshasa dungeons (OMCT 15 June 2009; *La Libre Belgique* 11 Mar. 2009; PANA 20 Nov. 2008). An article published on 11 March 2009 by the Brussels daily *La Libre Belgique* indicates that three Belgians arrested in South Kivu were [translation] "tortured" in the dungeons of the National Intelligence Agency (Agence nationale de renseignements, ANR) in Kinshasa. According to *La Libre Belgique*, [translation] "the abuse inflicted on the three Belgians and on 40 of their fellow detainees incited a mutiny . . . that required extreme violence to put down" (11 Mar. 2009). Moreover, a PANAPress (PANA) article published on 20 November 2008 indicates that, in addition to denouncing the prolonged and illegal detention of 625 people, the African Association for the Defence of Human Rights (Association africaine de défense des droits de l'homme, ASADHO), affiliated with the International Federation for Human Rights (Fédération internationale des ligues des droits de l'homme, FIDH) (FIDH n.d.), demanded that the DRC government close the dungeons [translation] "where torture and other

Proactive Disclosure

forms of inhumane treatment are practised" and that it respect the international and regional agreements regarding the protection of human rights that it has signed. According to the same article, the VSV reported that a human rights activist and a press official with the Congolese Department of Human Rights had been detained [translation] "'without visitation rights'" in the Kin/Mazière dungeon in Kinshasa because they were [translation] "'caught in the act of discussing their views on the political situation'" (PANA 20 Nov. 2008).

As for the living conditions in the dungeons and in other detention centres in Kinshasa, a lawyer who is a senior manager of the Association of Prison Friends (Association des amis de la prison), an NGO that defends the rights of prisoners in Kinshasa, described them as follows:

[translation]

Unkempt buildings, overcrowded and unsanitary cells; detainees deprived of food and all medical treatment; unpaid guards who steal the few possessions that detainees have or that friends and family members bring for detainees when they visit. . . . (IPS 11 Jan. 2010).

Also, according to *Country Reports on Human Rights Practices for 2008* from the United States (US) Department of State, the DRC government has not provided food at any of the prisons, except at the CPRK, for several years (US 25 Feb. 2009, Sec. 1c).

Kinshasa Penitentiary and Reeducation Centre (CPRK)

Two sources reported cases of [translation] "torture" of some CPRK detainees (Radio Okapi 30 Jan. 2010; FIDH 21 Jan. 2010). An article published on 21 January 2010 by the FIDH indicates that a lawyer, a member of the Kisangani bar detained at the CPRK in relation to a matter of [translation] "an arms shipment and an attempt to organize an insurrectionist movement in Kisangani," was deprived of food and drink for several days. Moreover, according to an article published on 30 January 2010 by Radio Okapi, a partner of the UN Organization Mission in the Democratic Republic of the Congo (Mission de l'Organisation des Nations Unies en République démocratique du Congo MONUC) and the Hironnelle Foundation (Radio Okapi n.d.), the Committee of Human Rights Observers (Comité des observateurs des droits de l'homme, CODHO) reported the [translation] "torture" of 14 people from the province of Équateur who were imprisoned at the CPRK without cause.

An article published on 4 July 2009 by Radio Okapi indicates that the detention conditions at the CPRK [translation] "are the most deplorable." The majority of detainees at the CPRK suffer from malnutrition and are deprived of medical care and legal services (VSV 15 Feb. 2010; ASADHO 16 Feb. 2010). During a 16 February 2010 telephone interview, a representative of ASADHO stated that, because of the difficult conditions, prisoners become sick and some die (ASADHO 16 Feb. 2010). For example, an article published on 22 July 2008 by the Brussels daily *Le Soir* indicates that, according to UN representatives, at least 26 prisoners had died of starvation at an unnamed prison in Kinshasa since the beginning of 2008. Additional information on this subject could not be found among the sources consulted by the Research Directorate.

Some sources consulted by the Research Directorate indicated that the CPRK is overcrowded (*Le Phare* 22 Feb. 2010; VSV 15 Feb. 2010; *Le Potentiel* 26 June 2009). The CPRK was originally built to accommodate 1,500 people, but, according to various sources, it housed from 4,400 and 5,200 detainees between 2008 and 2009 (US 25 Feb. 2009, Sec. 1c; *Le Potentiel* 26 June 2009; Radio Okapi 4 July 2009). In correspondence sent to the Research Directorate on 22 February 2010 explaining that the situation of prisoners in Kinshasa was a reflection of the [translation] "malfunction" of the Congolese legal apparatus, the manager of the

newspaper *Le Phare*, a Kinshasa daily, stated that the prisons were overcrowded because [translation] "too many people are imprisoned without being convicted." *Country Reports for 2008* indicates that pre-trial detainees accounted for 65 percent of the CPRK's population and almost half of them were military prisoners (US 25 Feb. 2009, Sec. 1c). There were also cases of illegal detention at the CPRK (Radio Okapi 28 Sept. 2009; US 25 Feb. 2009, Sec. 1d; AI 2009). During a visit to the CPRK, the DRC's attorney general noted that 60 percent of inmates were being detained illegally (Radio Okapi 28 Sept. 2009). According to the attorney general, the situation is due to a lack of coordination among the CPRK and the courts and the judiciary, and especially due to many prisoners' files not being regularized (ibid.). According to a lawyer who asked the DRC Justice Minister in July 2009 to create a commission that would verify the file of each detainee, [translation] "there are people who have spent five years in prison for nothing and others who have never been convicted" (ibid.). However, in July 2008, the Congolese authorities ordered the release of 258 CPRK prisoners, several of whom had been illegally detained (AI 2009; Human Rights Watch Jan. 2009).

Help offered to CPRK prisoners

An article published on 26 June 2009 by *Le Potentiel*, a Kinshasa daily, indicates that 60 lawyers from Kinshasa bar associations had offered free consultations to some CPRK detainees. A group of nuns also offered assistance to CPRK detainees in the form of food, medical care and support in following up on their files (RSCJ international n.d.).

At the end of November 2009, the UNJHRO organized a four-day training sessions for officers working at the CPRK that dealt mainly with the prisoners' fundamental rights and the prohibition of torture and other forms of ill treatment (AllAfrica.com 4 Dec. 2009).

In an article published on 23 February 2010, MONUC announced that it would support the Congolese prison system reform project, whose main objectives are to implement measures to tighten prison security; monitor prison sentences, which would allow for conditional releases, for example; reconstruct certain prisons; ensure food self-sufficiency; offer training activities for detainees and provide prison equipment (UN 23 Feb. 2010). Additional information on the reform project could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

AllAfrica.com. 4 December 2009. "Congo-Kinshasa : Le BNUDH recommande l'applicabilité des matières acquises."
<<http://fr.allafrica.com/stories/200912040502.html>> [Accessed 16 Feb. 2010]

Amnesty International (AI). 2009. "République démocratique du Congo." *Amnesty International Rapport 2009*.
<<http://thereport.amnesty.org/fr/regions/africa/democratic-republic-congo>> [Accessed 4 Mar. 2010]

Association africaine de défense des droits de l'homme (ASADHO). 16 February 2010. Telephone interview with a representative.

Fédération internationale des ligues des droits de l'homme (FIDH). 21 January 2010. "RDC : poursuite de la détention arbitraire de M. Firmin Yangambi." (COD 002/0110/OBS 011). <<http://www.fidh.org/RDC-Poursuite-de-la-detention->

arbitraire-de-M,7418> [Accessed 17 Feb. 2010]

_____. N.d. "Association africaine des droits de l'homme." <<http://www.fidh.org/-ASSOCIATION-AFRICAINE-DES-DROITS-DE-L-HOMME->> [Accessed 10 Mar. 2010]

Human Rights Watch. January 2009. "Democratic Republic of Congo (DRC)." *World Report 2009: Events of 2008*. <<http://www.hrw.org/en/node/79181>> [Accessed 4 Mar. 2010]

Inter Press Service (IPS). 11 January 2010. Emmanuel Chaco. "RD Congo : les lieux de détention provisoire sont-ils devenus des structures torture?" <http://www.ipsinternational.org/fr/_note.asp?idnews=5647> [Accessed 17 Feb. 2010]

La Libre Belgique [Brussels]. 11 March 2009. Marie-France Cros. "Trois Belges détenus à Kinshasa ont-ils été torturés?" <<http://www.lalibre.be/actu/international/article/487671/trois-belges-detenus-a-kinshasa-ont-ils-ete-tortures.html>> [Accessed 17 Feb. 2010]

Organisation mondiale contre la torture (OMCT). 15 June 2009. " Crainte pour la santé de M. Norbert Luyeye Binzunga, détenu au CPRK à Kinshasa." (COD 150609) <<http://www.omct.org/index.php?id=APP&lang=fr&articleSet=Appeal&articleId=8588>> [Accessed 16 Feb. 2010]

PANApress (PANA). 22 November 2008. "L'ASADHO demande la fermeture à Kinshasa des cachots." (Afrique en ligne) <<http://www.afriquejet.com/afrique-centrale/rd-congo/l'asadho-demande-la-fermeture-a-kinshasa-des-cachots-2008112016460.html>> [Accessed 26 Feb. 2010]

Le Phare [Kinshasa]. 22 February 2010. Correspondence sent to the Research Directorate from the manager.

Le Potentiel [Kinshasa]. 26 June 2009. "CPRK, soixante avocats des barreaux de Kinshasa consultent gratuitement trois cents détenus." (DigitalCongo.net) <<http://www.digitalcongo.net/article/59133>> [Accessed 17 Feb. 2010]

Radio Okapi. 30 January 2010. "Prison centrale de Makala : l'ONG Codho dénonce un mauvais traitement contre 14 ressortissants de l'Équateur." <<http://www.radiookapi.net/index.php?i=53&ig=&of=0&m=1&r=all&a=26246>> [Accessed 17 Feb. 2010]

_____. 28 September 2009. "Kinshasa : 60% de détenus irréguliers au CPRK." <<http://www.radiookapi.net/index.php?i=53&l=0&c=0&a=24890&of=0&m=2&sc=0>> [Accessed 17 Feb. 2010]

_____. 4 July 2009. "Kinshasa : plus 5 000 prisonniers vivent dans des conditions exécrales au CPRK." <<http://www.radiookapi.net/index.php?i=53&l=0&c=0&a=23879&of=3&m=2&sc=0>> [Accessed 16 Feb. 2010]

_____. N.d. "À propos." <<http://radiookapi.net/a-propos/>> [Accessed 15 Mar. 2010]

Religieuses du Sacré-Cœur de Jésus (RSCJ) international. N.d. María Nuría Sánchez de Ocaña. "Zoom : Service social dans la prison de Kinshasa." <<http://www.rscjinternational.org/fr/edchalls-notshown-4/131-content/170-focus-social-services-in-kinshasa-prison.html>> [Accessed 17 Feb. 2010]

Le Soir [Brussels]. 22 July 2008. "Détenus morts de faim dans une prison de Kinshasa." <http://archives.lesoir.be/detenus-morts-de-faim-dans-une-prison-de-kinshasa_t-20080722-00H2J8.html> [Accessed 17 Feb. 2010]

United Nations (UN). 23 February 2010. UN Organization Mission in the Democratic Republic of the Congo (MONUC). "La MONUC appuie la réforme du système pénitentiaire congolais." <<http://monuc.unmissions.org/Default.aspx?tabid=1069&ctl=Details&mid=1143&ItemID=7856>> [Accessed 26 Feb. 2010]

United States (US). 25 February 2009. Department of State. "Democratic Republic of the Congo." *Country Reports on Human Rights Practices for 2008*. <<http://www.state.gov/g/drl/rls/hrrpt/2008/af/118995.htm>> [Accessed 16 Feb. 2010]

La Voix des sans voix pour les droits de l'homme (VSV). 15 February 2010. Telephone interview with a representative.

_____. N.d. "Présentation de l'organisme." <<http://www.vsv-rdc.com/>> [Accessed 17 Mar. 2010]

Additional Sources Consulted

Oral sources: Attempts to contact the UN Organization Mission in the Democratic Republic of the Congo (MONUC) and a professor at the University of Antwerp in Belgium who specializes in Congolese matters were unsuccessful.

Internet sites, including: Africa Action, Africa Governance Monitoring and Advocacy Project (AfriMAP), Afrik.com, British Broadcasting Corporation (BBC), *La Conscience* [Kinshasa], *Le Devoir* [Montréal], Freedom House, International Crisis Group, Organisation internationale de francophonie (OIF), *Jeune Afrique*, Radio France internationale (RFI), Reporters sans frontières (RSF), Réseau des médias francophones (MEDI AF), Sociétécivile.cd, Syfia Grands Lacs, United Nations (UN) Development Programme (UNDP).

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.

 [Top of Page](#)

[Important Notices](#)