

**Prisons**  
**In the**  
**Democratic Republic of Congo**

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**Part I:**

**Prisons Conditions in Kinshasa**

**Voix des Sans Voix**

## **Prison Conditions in Kinshasa**

### **Voix des Sans Voix**

Throughout the city of Kinshasa, the capital of the Democratic Republic of Congo (DRC), there are several prisons, some of which are specifically under the authority of the Courts and Tribunals, others of which are not. These places of detention can be classified in the categories set out below:

- Prison cells under the authority of the Courts and Tribunals
- The lock-ups of the Armed Congolese Forces (FAC) and Congolese National Police (PNC)
- The private prisons of certain authorities, both civil and military
- Prisons of the Civil and Military Police Forces

#### **A) Prisons under the Authority of Courts and Tribunals**

Most of these places of detention are official, and are the responsibility of the Minister for Justice. Both sentenced prisoners and prisoners on remand can be found there.

Currently, in Kinshasa, the Kinshasa Penitentiary and Re-education Centre (CPRK, the Central Prison of Makala), located on the Avenue of the Liberation (formerly 24<sup>th</sup> November Avenue), Selembao Commune, is the only official detention centre under the authority of the courts and tribunals.

Since the Alliance of Democratic Forces for the Liberation of the Congo (AFDL) came to power on the 17<sup>th</sup> May 1997, CPRK accommodates within its walls hundreds of military and civilian prisoners mixed together.

The mix of these two categories of prisoner, although not conforming to the norm in prison terms, follows the closure of the military prison at Ndolo, in the commune of Barumbu. This had accommodated soldiers and police officers, during the time of President Mobutu, until the arrival of the AFDL soldiers on the 17<sup>th</sup> May 1997. Since then, promises of rehabilitation for inmates from this latter prison by the Congolese government have never been seen through.

CPRK is currently under the supervision of both the Minister for Justice and the Minister for National Defence, since there is a presence of military and police officer prisoners. It is managed by Mr. Dido Kitungwa Kelly, and accommodates several inmates- both sentenced and on remand, both civilian and military, split between several wings (about ten). One wing is reserved exclusively for adolescents (see below), and another for women (see below).

Initially intended to hold more or less one thousand civilian inmates, CPRK currently holds a prison population estimated in December 2001 to be two thousand two hundred and eighty-five (2,285) civilian and military prisoners. Three quarters of the prisoners are soldiers from the Congolese Armed Forces or police officers being investigated by the Military Court (COM).

Out of some 15 wings, CPRK currently has 10 wings in working order, as well as an administrative building, a medical centre and premises that accommodate employees. With regards to the prison system, and the judicial administration of the files of those held in CPRK, the situation is chaotic, and is generally a cause for concern.

Official visits to the detainees, with the exception of those on Wing 1, are allowed every Wednesday, Friday and Sunday, between 10 a.m. and 4 p.m. Family members are allowed to leave food any non-visiting day, although they will not be allowed more than 10 minutes contact with the prisoner.

Exclusively with regards to Wing 1, visits are only allowed every Sunday between 12 midday and 3 p.m. Family members are allowed to leave food on any other day, but may not come into contact with those held on Wing 1 for more than 2 minutes- just enough time to greet each other and hand the food over to the detainees.

Wing 1 of CPRK is completely isolated from the other wings by a main entrance, which is separated from the entrances to the other wings by a sheet metal fence. It accommodates several dozen people held on remand (about 84 persons, both male and female, both military and civilian, mixed together) by the Commission of Inquiry into

the Assassination of the President, Laurent Désiré Kabila<sup>1</sup>. These extra-ordinary prisoners, while waiting for their cases to begin, are held under a strong guard of heavily armed soldiers from the Zimbabwean army. These soldiers also look after the daily administration of the wing, allowing responsibility for the wing to transfer from the hands of the prison governor.

The inmates of Wing 1 are subject to a stricter prison regime, which includes the prohibition for inmates to leave the wing outside of visiting hours. The Commission of Inquiry feeds those held on remand here. Their food consists of a patty of manioc (cassava), or rice with salted fish, or *chincard*<sup>2</sup> commonly known as “Mpiodi.”

Visitors who are allowed access into Wing 1 on the only visiting day are split into groups of ten, and are only allowed contact with the person they are visiting after a thorough search. They are only allowed a half-hour chat. Lawyers are prohibited from entering the wing. Cutlery, canned foods, bottles, hard dried fruits and any sharp metallic objects etc. are not allowed on the wing. In cases of illness, the inmates are cared for in the Medical Centre in CPRK, and, if need be, they are taken to another hospital under a heavy guard of Zimbabwean soldiers. Before they leave, prisoners are handcuffed, their hands and feet tied and their face covered.

In the rest of the prison, the living conditions of the inmates, the food, the condition of their cells, the prison regime and the health conditions, the overpopulation of certain wings, the intermingling of all inmates and the absence of any political re-education makes the situation of the inmates of CPRK a catastrophe. Every wing is above ground level, except for Wing 9, and is subdivided into single and dormitory cells, and each wing is provided with a sanitation bloc.

On the prison diet, prisoners are confronted by acute malnutrition, due, principally, to the lack of basic supplies from the Congolese government.

Because of a lack of an adequate and balanced diet, some weakened detainees, whose families cannot bear the cost [of providing food], have lost several pounds and show pronounced signs of weight loss, such as skin tightened around their bones so that

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<sup>1</sup> Kabila was killed Tuesday 16<sup>th</sup> January 2001 at his official residence, The Marble Palace in Kinshasa/ Ngaeliema, Ma Campagne region.

<sup>2</sup> A type of sea fish popular in Kinshasa

they appear skeletal. Some of them suffer from kwashiorkor<sup>3</sup> or tuberculosis. Meals, generally consisting of 300 grams of mixed beans, with some paltry grains of corn, all cooked in palm oil, and commonly referred to as “*Mvougouré*” by the inmates, are served once per day in the afternoon or later in the evening.

For the vulnerable, particularly the sick, dying, children etc., a measure of corn gruel is also provided in the morning with dry bread.

In exceptional circumstances a special meal of a patty of manioc, or a small amount of mixed rice, or a piece of *chinchard* or salted fish is sometimes served to the inmates.

CPRK currently finds itself with a general lack of food since the contract for aid for the inmates of CPRK from the International Red Cross (ICRC) expired.

In its medical programme, the medical dispensary of CPRK, although staffed with a small team of around six male nurses, does not have pharmaceutical products at its disposal. For every type of illness, the only medical prescription available is *novalgine*<sup>4</sup>.

The lack of basic medical products is such that inmates have nicknamed the dispensary “*Je Mourrai*” (I will die). Family members are also obliged to take charge of the purchase of medicines for the sick. In cases where a patient’s state of health is such that they require hospitalisation outside of CPRK, the family is required to bear the cost of food for the sick and for the police who stand guard and the cost of medical treatment for the sick. Cases of death through illness and starvation are regular occurrences. The mortal remains are transported to the morgue in Kinshasa General Hospital, and the prisoners make the coffin in woodworking workshops in CPRK themselves. If a hearse or some other form of transportation is not available, sometimes the corpse is taken to the hospital in Makala (formerly the Makala Sanatorium). Because of an absence of air-conditioning in the morgue, some bodies are found with their eyes, nose, ears or fingers eaten away by mice or cats. Some unrecognisable corpses have required swift burial without their families’ knowledge. The family has the right to bury the body of an inmate. Where appropriate, the social services of CPRK will arrange the funeral. Even if the responsibility for the death

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<sup>3</sup> A disease caused by lack of protein

<sup>4</sup> Paracetamol

clearly lies with the Congolese government, the family of the victim is never compensated.

Half of the cells in the operational wings are equipped with beds and mattresses, except in those wings which accommodate dangerous inmates, where there is a concern in relation to escape. The overpopulation of some of the wings means that some categories of prisoners are left without beds, and are obliged to sleep on mats, cardboard or even the ground. In most cases this applies to criminals, armed robbers, those sentenced to capital punishment, and others who have broken the law, who are usually imprisoned on Wings 2,4,6 and 7. These prisoners have used, on occasion, their beds as ladders to help them escape through the air vents above their cells.

Water flows normally in every sanitation bloc on the wings, and in the showers. Electric lighting is guaranteed, and the toilets are functional.

Sick inmates who look skeletal, commonly called “*Morris*”<sup>5</sup>, meaning “Dying”, are forbidden from leaving their cells during the permitted visiting days, and are kept on wings 2,4 and 5, to hide their emaciated state from visitors.

Wings with too many detainees have extreme hygiene problems owing to poor air circulation, poor cleanliness, unworkable hygiene facilities etc. Promiscuity is also a problem [in the prison]. Cells, of about 2m by 2.5m are filled with about 6 people. Inmates chosen by the prison guards (the *Kapita*) to maintain and clean the wings and the toilets suffer from various infections and irritations contracted from the toilet blocs of their respective wings (fungal infections, rashes etc). Even they do not receive any funding from CPRK for their required medications.

Women and babies are kept in Wing 9, whereas adolescents and children are in Wing 10. The costs for these groups are partially shared by charitable institutions and religious orders. This humanitarian intervention alleviates greatly the living conditions of these young and vulnerable people.

The major problem behind the overpopulation of the CPRK is the breakdown of the judicial system in the DRC, and the impunity enjoyed by the magistrate of the COM,

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<sup>5</sup> A truncated form of *Moribund*

Lt-Col. Charles Alamba Mongako, who is infamous for his arbitrary arrests and prolonged illegal detentions.

In a prison population of more than two thousand people, three quarters of inmates are being held on remand. Those held by the COM constitutes three quarters of those being held on remand in CPRK. Among this group, some are held on remand without any official judicial papers, others have spent more than two years on remand without having come before a judge. There are some whose cases have been decided by the tribunal, but who remain imprisoned for several more months without appropriate action being taken, others held on remand are victims of score-settling by certain magistrates etc.

Among the convicted prisoners, it is possible to find those who should have benefited from special circumstances, or pardons from the President or the Congolese government, but who have never obtained a release.

Hard labour, chores, physical punishment and other physical tortures are not practised in CPRK. Inmates who show a bad attitude are punished by being forbidden to leave their cell, and are guarded for several days in a holding cell set aside for this purpose.

### **B) The Prisons of the Civil and Military Police Forces**

Most of the prisons of the police forces, both civil and military, do not rely on the Courts or Tribunals. One should note particularly the prisons run:

- Under dual supervision, of the Military Investigators of Unpatriotic Activities (DEMIAP), for the outlying districts, and for the Central Districts, a military police force.
- Under the supervision of the National Intelligence Agency (ANR), a civil police force reporting to the President of the Republic.
- The camps and garrisons of the police and the Congolese Armed Forces (FAC).
- By the State Security Committee (CSE), an office of the President.

Since the 8<sup>th</sup> March 2001, the head of state, Joseph Kabila, took the important step of closing the jails of the Presidential Services, which were located in the Litho Moboti Group (GLM) building. This measure equally applied to the closure of all jails



throughout the entire DRC that did not come under the control of the prosecuting authorities.

In Kinshasa, this policy started to come into effect with the closure of prisons of both civilian and military police forces. It applied principally to:

- The prison of the Presidential Police Forces, located in the Litho Moboti Group (GLM) Building in Kinshasa/Gombe
- The two prisons of the Central district and Outlying districts branches of DEMIAP located in Kinshasa/Kintambo (formerly the Military Intelligence and Action Service, SARM) and in Kinshasa/Gombe (formerly SICOTRA Beach).
- The many jails of the Civil Police Force of the ANR
- The prisons of the CSE and so on

Notwithstanding the immediate closure of the GLM prison, infamous for the acts of torture and other cruel, inhuman and degrading treatments practised on its inmates, the other places of detention listed paid no heed to the policy of the head of state, and, several days later, they resumed their activities of detaining both civilians and military persons, outside of the judicial process.

These different places of detention share the common principle of the prohibition of any kind of visit, even those of close family members, lawyers, doctors, human rights defenders, humanitarian organisations etc, so that acts of torture and other inhuman, cruel and degrading punishments can be inflicted on the inmates, outside the control of the courts and tribunals.

As an example, this report will focus on the running of the prison of DEMIAP/Central District, concerning the treatment of inmates, which, with some exceptions, is similar to what occurs in the other prisons that do not report to the courts or tribunals.

Located in Kintambo Commune, the prison of DEMIAP/Central district consists essentially of two jails, called respectively “Ouagadougou” and “Memling.”

Memling prison accommodates important personalities, notably public authorities, the military hierarchy and other high-ranking figures of the country. The inmates of this prison spend the night on the foam rubber mattresses or sleeping bags that they could bring with them from their homes. They are also permitted to wash and make their

ablutions with as much time as required in the sanitation bloc, where hygiene conditions are more or less acceptable. Air-conditioning, lighting etc are guaranteed. Food brought by members of the family, who are prohibited from entering the DEMIAP compound, is left with the guards. Usually for a bribe of between 100 and 500 Congolese Francs, the prison guards will take the food to the inmate, without any possibility of the family seeing the victim.

The policy of the prohibition of visits can last for the entire period of detention for the DEMIAP detainee. Detainees can be found who have spent about 10 months in detention there.

The more dreaded prison of DEMIAP/Central District is the infamous prison called "Ouagadougou." It consists of an unfinished storied building, in which the ground floor comprises a corridor, around which there are three narrow cells, each measuring 4.5 square meters.

In these cells, the inmates are kept in inhuman, cruel and degrading conditions. The inmates sleep on the ground, in a narrow overpopulated cell, which is neither aerated nor lit, and which emits a sickening smell of urine and stagnant water, which comes from a badly maintained, very dilapidated toilet that is located at the end of the corridor. Inmates are kept in overwhelming heat, and are subject to mosquito bites. There is damp on the walls caused by the seepage of rainwater. Those detained are forced to undress completely before entering this oppressive atmosphere. There is a policy of prohibiting visits. Money is also extracted by the military guard from those who bring the inmates food for the handling of food and the return of crockery (about 200 Congolese Francs).

At 30<sup>th</sup> January 2002, Ouagadougou jail accommodated in its walls more or less one hundred prisoners, who have certainly spent many weeks in detention without having come into contact with either a lawyer or a magistrate.

Family members remain without news of their relatives held in detention by DEMIAP/Central District in Ouagadougou jail throughout the term of their imprisonment.

A derisory diet is provided for the military guards and the supplementary staff of the services. It consists of only the basics- a hundred grams of rice, a small piece of *chinchard*. This is sometimes also served to the inmates of DEMIAP/Central District. There is a medical centre, deprived of all medications. The centre is sometimes opened to accommodate sick inmates or mothers with babies.

Torture and inhuman, cruel and degrading treatment are a very current practice used by DEMIAP, as well as the other military police forces, in order to force confessions out of the detainees.

Iron bars, batons, thin cords, metal chains, cattle prods, mechanical clips and other slicing and cutting instruments are used as objects of torture.

Some detainees leave with their arms and legs broken by iron balls or bars, badly treated wounds, scars and other traumas caused by cruel treatment and torture at the hands of DEMIAP. Cases of death by torture have also been reported.

### **Case studies**

These case studies illustrate the conditions of detention in Kinshasa, and represent those held in CPRK and in DEMIAP/Central District. These cases are generally the norm. There are hundreds of other similar cases in the different wings of CPRK and the prisons of the Civilian and Military Police Forces, and in the lock-ups of the police and the Congolese Armed Forces (FAC).

### **Pierre Ngbutene Gbende<sup>6</sup>**

Pierre Ngbutene Gbende, a resident of No 7 Luozi Avenue, Menanga neighbourhood, in the Commune of Ngaliema/Ozone Barré, was arrested on the night of Sunday 15<sup>th</sup>

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<sup>6</sup> See United Nations 31/08/2001 A/56/327 “Situation of Human Rights in the Democratic Republic of the Congo, Note by the Secretary General” para. 58

April 2001, at around 10 p.m., after a cache of weapons and ammunition was discovered in his home.

He was taken the same night to DEMIAP/Central District, Mr. Pierre Ngbutene Gbende was made a subject of torture and other terrible treatment by the authorities of the security services (The ANR and DEMIAP) during his interrogation. ON this occasion, blows were aimed at his head and the upper parts of this body, and his head bashed against a wall. This torture continued until the death of the victim at around two in the morning.

### **Adrien Kiambu Mbulu**<sup>7</sup>

A young student arrested on 30<sup>th</sup> October 2000 at the Kokolo camp where he took his studies. Transferred to DEMIAP in March 2001, he was then sent to CPRK, where he is still in detention. He has still never been to court.

### **Jean-Claude Mputu Ingole**<sup>8 9</sup>

A student in Bangui for 7 years, he returned to Gbadolité, where he was contacted by rebel forces (MLC- FLC) who asked him to work for them as legal advisor and head of staff in their Press Information Office- an offer that he rejected. Returning to Bangui at the end of a family visit, he told his story to the Ambassador of the DRC, and to the UNHCR. Threatened with death in Bangui, he was repatriated at his request by the UNHCR to Kinshasa. He was arrested at the beach on 19<sup>th</sup> May 2001. He was beaten, tortured and robbed of all his possessions, including his qualification diplomas. He was held by DEMIAP/Central District for one week, before being transferred to CPRK by the COM, where he is still being held without judgement.

### **Hassan Alfani, Peter Mandungu and Emmanuel Magabo**<sup>10 11</sup>

Arrested by DEMIAP at the end of October 2000 for having written and photocopied a newspaper article which described of the destabilisation of the Kabila regime by the Americans, and the “murder” of Archbishop Kataliko.<sup>12</sup>

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<sup>7</sup> Voix des Sans Voix , Press Communiqué No.014/RDC/VSV/CD/2002

<sup>8</sup> ibid.

<sup>9</sup> Voix des Sans Voix, Press Communiqué No.048/RDC/VSV/CD/2001

<sup>10</sup> Voix des Sans Voix , Press Communiqué No.014/RDC/VSV/CD/2002

<sup>11</sup> The Headlight, Kinshasa, 18/2/2002, *OCDH denounces actions against civilians by the COM*

None of the above have ever come before a magistrate. The prisoners were promised their release, but this has not happened. Instead they have been moved between several prisons and jails. They are currently held in CPRK.

**Freddy Libeba Baongoli**<sup>13</sup>

A lively young executive in the AFDL, he was arrested and tortured because of his history. He had been a political commissioner within the ranks of the MLC, but had deviated from the movement. He was granted an amnesty on 19<sup>th</sup> February 2000, and he freely contacted the Congolese authorities in Uganda. He was repatriated to Kinshasa, and was arrested by the ANR upon his arrival on 18<sup>th</sup> June 2000, and detained under house arrest in the former Intercontinental Hotel for 2 months (in room 517). He was again arrested on 10<sup>th</sup> September on charges of espionage, and was moved from prison to prison, finally arriving in CPRK on 16<sup>th</sup> October 2000, where he is currently kept in detention without trial.

**Lancey Traoré**<sup>14</sup>

This is a Guinean citizen and young shopkeeper, complying with our laws. He purchased a motorcycle in May 2000. Two days later, the Regional Authority of the Kinshasa Police (IPK, formerly Circo) seized the motorcycle on the grounds that it was a stolen vehicle. Feeling wronged, he took his complaint to the COM. To his great surprise, he was arrested in August 2000, and his merchandise seized. He is currently in detention in CPRK.

**Isaac Isenge Kamondo**

This young soldier was picked up by one of his friends, Kahasha Mulako, while hitchhiking, on board a taxi from the Victory Circle in Kinshasa/Kalamu. Arriving at Ozone, Ngaliema district, they were both arrested and accused of stealing a handgun. Kahasha admitted his guilt and named his accomplices. Mr. Isenge is believed to be innocent [by VSV]. They were sent before the COM, and placed in CPRK. Since then, they have not been allowed any visitors, and have had no contact with a lawyer.

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<sup>12</sup> IRIN, Weekly Round up 6/10/00, Archbishop Kataliko died of a heart attack in Rome, 3/10/00.

Nevertheless, Banyamulenge were accused of having killed the Archbishop of Bukavu.

<sup>13</sup> Voix des Sans Voix, Press Communiqué No.048/RDC/VSV/CD/2001

<sup>14</sup> The Headlight, Kinshasa, 18/2/2002, *OCDH denounces actions against civilians by the COM*

**Charles Bongo Kay**<sup>15</sup>

A young private in the Special Reaction Force (FIS) of the Congolese Armed Forces, he was accused by one of his neighbours of having stolen crockery, a charge which he has always denied. There is no evidence against him. He was sent before COM in May 2001, then transferred to CPRK, where he hasn't been heard of again. His wife has had no contact with him since then.

**Muzaliwa and associates**

Sentenced to death for misappropriating petrol intended for the military, which is a common practice used to supplement monthly wages. They were granted an amnesty on 19<sup>th</sup> February 2000, and a Presidential Pardon in July 2000. While others have been released, they are currently still in detention.

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<sup>15</sup> Voix des Sans Voix , Press Communiqué No.014/RDC/VSV/CD/2002  
Refugee Documentation Centre  
Congolese-Irish Partnership  
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**Part II:**

**Prison Conditions in Kasapa**

**CPDH**

**Centre de Promotion des Droits de l'Homme**

## **Report on Conditions in the Central Prison of Kasapa**

### **CPDH**

#### **Introduction**

Katanga province in the DRC has seven known main prisons:

- Buluwo (about 100km from Lubumbashi)
- Kasapa (about 6 km from Lubumbashi)
- Likasi (about 120 km from Lubumbashi)
- Dilala (about 300 km from Lubumbashi)
- Kamina (about 600 km from Lubumbashi)
- Kalemie (more than 700 km from Lubumbashi)
- Kongolo (more than 900 km from Lubumbashi)

Of these, the first five are under the remit of the central government in Kinshasa, while rebel forces run the last two.

This report will focus on the conditions of detention in the largest prison, Kasapa.

Kasapa prison was built with a capacity of around 600 inmates split between 15 male dormitories, two cellblocks and a women's area. However, since December 2000, the number of detainees admitted has risen. Currently, it accommodates 1544 inmates, of which 473 are military detainees and the rest civilian.

CPDH has noted that the inmates of this prison are poorly fed, and treated with such little consequence that several more deaths were registered throughout 2001.

Several inmates (some adults and some children) have been detained for several months without being brought before a court of judgement.

In addition, the Military Court in Lubumbashi has thrown many people into jail on remand for many months without case papers.



## **Prison Conditions**

### **A) Diet and Hygiene**

Since January 2001, the situation in the prison has significantly deteriorated. This followed a massive influx of temporary military inmates, who have created a desperate overpopulation of the prison.

Serious consequences have been recorded on many levels:

- The sewerage system is not sufficient to cope following the transfer of large numbers of inmates to blocs which are not provided with water, and there has been a deterioration of sanitary conditions (There is an insufficient number of toilets and many are unusable or destroyed.)
- The appearance of a cholera epidemic (Choleric diarrhea which is symptomatic of a general decline in hygiene conditions)
- A proliferation of parasites, causing the spread of disease
- The general state of health of the prison population has been poorly affected by dehydration (and malnutrition caused by gastro-intestinal illness and a poor diet)

Previously, the International Red Cross had begun an emergency construction project, and built twenty latrines to allow the removal of sewage in an acceptable manner. Cleaning and disinfectant material was provided for their maintenance. Several barrels and buckets were provided to the management to hold water for the prison blocs.

Supported by the International Red Cross in terms of materials and equipment, the Congolese Red Cross undertook a parasite disinfection program in each of blocs and gathering place inside the prison.

A medical information leaflet about cholera was widely distributed during the massive influx [of military prisoners]. This was complemented by emergency medical assistance provided to the prison dispensary to work against the epidemic which had exploded following the influx. These preventative measures, as well as the rapid provision of much needed assistance, allowed the epidemic to be controlled, and limited the deaths that were registered during 2000.

From February 2001, the situation in the prison has become extremely worrying, especially with regards to food. This situation has forced the International Red Cross to begin a new emergency intervention to help the inmates on all levels since the public authorities show total indifference.

Towards the last two weeks of February, the International Red Cross again intervened to treat some hundreds of inmates who presented signs of very advanced malnutrition and who were incapable of ingesting normal food. In this way, a nutritional supplement of porridge made of Soya was introduced and distributed for about two weeks, in parallel with the resumption of the classic diet of beans.

The authorities were then forced to provide a quantity of food (consisting of cornstarch and beans), which allowed the provisional stabilization of the situation.

Unfortunately, this supply wasn't regular enough to sufficiently maintain the health of the prison population. As a result, more deaths through malnutrition were recorded. (See Annex A: List of recorded deaths)

It should also be noted that the supplementary diet, provided by the International Red Cross and distributed through religious organizations, was destined only for the 330 most vulnerable inmates, because there was not enough for general distribution throughout the prison.

Since March 2001, the situation has again deteriorated on all these points, most notably in the areas of sewerage extraction, diet and medical care, despite the International Red Cross having provided material assistance to the appropriate authorities with little effect.

None of the twenty latrines built are maintained any longer, and, as a result, they no longer function.

These places are no longer disinfected since there is no more disinfecting or cleaning supplies. There is no longer a monitoring system in place for the cholera epidemic, and so it has risen sharply to a new level.

## **B) Medical Care**

Medical assistance is only provided by the International Red Cross through religious groups since January 2002, although they only provide provisional care to the inmates.

Since March 2001, there has been a noticeable and rapid deterioration in the state of the health of the inmates, aggravated by lack of food. The distribution of medicine alone cannot improve the state of health unless it is accompanied by the delivery a daily meal of good quality.

Despite the appeal<sup>16</sup> that the International Red Cross sent out to the appropriate authorities about improving the prison conditions for the inmates, nothing has been done.

The prison employees have to make do with providing practically useless care to a lucky few sick inmates with the means that they have; other sick inmates can't be cared for due to lack of medication, and die as a result. (See Annex A: List of Recorded Deaths) Those who die are buried in such secrecy that members of their family are not informed and cannot attend the burial.

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<sup>16</sup> Letter No. LUU 2001/2000/ANB/ARX/JEG, 12/6/2001

## **II) Arbitrary Detention**

By providing several free consultations at the Central Penitentiary and Re-education Centre at Kasapa, CPDH has recorded the gross violations of human rights, most notably illegal and arbitrary detention.

Judicial procedure and the national laws are made a nonsense of by the judgements and arrests made by the judiciary, and especially by the special judiciaries (the military court and the Court of National Security), against certain inmates.

These violations in law call into question not only the justice system of the DRC, but also provide evidence of non-compliance with the international human rights standards to which the DRC has subscribed.

In this way, it should be noted that most of the inmates are placed in an irregular detention- some have no court records (See Annex B), and children (see Annex C) are placed in the same blocs as adults without ever having been brought to court in the prescribed timeframe (See Annex D).

### **Conclusion**

The conditions of the prison at Kasapa are very worrying, and it is necessary that more projects be undertaken to improve the situation for inmates.

Evaluation reports by the CPDH throughout 2001 show that registered deaths were largely due to poor diet and lack of medical care.

The civil and military courts sentence more and more people, including minors to prison. Adults and children share the same blocs.

Detainees are deprived of contact with the external world, with the result that they do not know the laws that could be exercised on their behalf before the courts against arbitrary detention.

**Annex A: A List of Recorded Deaths in Detention**

This list may not be exhaustive.

<b>Name</b>	<b>Date of Death</b>	<b>Civilian or Military inmate</b>
1) Matangwa Ngilo	01/04/01	Military
2) Mala Bopela	01/04/01	Military
3) Lwaba wa Lwaba	02/04/01	Military
4) Henri Kadi	05/04/01	Military
5) Lumu Tenga	05/04/01	Military
6) Iloye Diko	06/04/01	Military
7) Henri Kanoie	06/04/01	Military
8) Ngoie Yakito	07/04/01	Civilian
9) Toussin	07/04/01	Military
10) Seraphin Muteba	08/04/01	Military
11) Asani Mboa	08/04/01	Military
12) Kitenge Ngoie	09/04/01	Civilian
13) Ngoza	09/04/01	Military
14) Luye Ngongo	09/04/01	Military
15) Yav Kayombo	09/04/01	Military
16) Eduard Tshinyama	10/04/01	Civilian
17) Tshombe	10/04/01	Military
18) Vika Kambo	10/04/01	Military
19) Mukalay Kisimba	11/04/01	Military
20) Meba Mulenge	11/04/01	Military
21) Ilufwe	12/04/01	Military
22) Kapend Fukwe	12/04/01	Military
23) Tshama Mafya	12/04/01	Military
24) Kasongo Ilunga	13/04/01	Military
25) Amundala Nudke	14/04/01	Military
26) Musongela Nudke	14/04/01	Military
27) Matumona Makese	14/04/01	Military
28) Olembe Makanisi	15/04/01	Military
29) Ilunga Tumba	16/04/01	Military

30) Mihali Banza	16/04/01	Military
31) Mingela Kembo	16/04/01	Military
32) Kaputa Wakiboya	17/04/01	Civilian
33) Mwila Mwenda	18/04/01	Military
34) Joseph Tshimwanga	18/04/01	Military
35) Mbo Ateba	18/04/01	Military
36) Katengo wa Katengo	18/04/01	Military
37) Ngaluva Ya Namwisi	18/04/01	Military
38) Tukumbi Tshimanga	19/04/01	Civilian
39) Bungu Kilema	20/04/01	Civilian
40) Bilombe Tena	20/04/01	Military
41) Mazonde Ilunga	20/04/01	Military
42) Nengazo	20/04/01	Military
43) Kibanda Mayamba	20/04/01	Military
44) Pipa	20/04/01	Military
45) Kibanza Kyangu	22/04/01	Civilian
46) Ngoy Banza	22/04/01	Military
47) Balusa Boleko	22/04/01	Military
48) Ngoy Ibadi	25/04/01	Military
49) Kazadi Ngoye	26/04/01	Civilian
50) Mateso Djafari	28/04/01	Military
51) Bernard Motomoto	29/04/01	Civilian
52) Kibinda Mwale	29/04/01	Civilian
53) Mpazi Mbala	29/04/01	Civilian
54) Idriss Mukongo	03/05/01	Military
55) Daba Mikaba	04/05/01	Military
56) Jean Pierre Kibwe	11/05/01	Military
57) Saka Kibambe	12/05/01	Military
58) Bubu Panzu	12/05/01	Military
59) Kyembe Kilufya	17/05/01	Civilian
60) Vidisa Ndongo	18/05/01	Military
61) Nakavunga Byamungu	19/05/01	Military
62) Kabemba wa Kabemba	22/05/01	Military

63) Malona Paluku	22/05/01	Military
64) Salabisala Ngufulu	22/05/01	Military
65) Lemba Matadi	24/05/01	Military
66) Mbaya Mulopwe	24/05/01	Military
67) Meki Bondo	25/05/01	Military
68) Jecho Mateso	25/05/01	Military
69) Lwawo Kasongo	26/05/01	Military
70) Miyale Mangwanda	26/05/01	Military
71) Sakama Matondo	26/05/01	Military
72) Kanushipi Ndwaya	26/05/01	Military
73) Kamba Mungamuni	26/05/01	Military
74) Kiose Musongela	26/05/01	Military
75) Mukata Sengi	26/05/01	Military
76) Diatezwa Tshilulu	26/05/01	Military
77) Sami Mukiadi	28/05/01	Military
78) Malikidogo Kambale	30/05/01	Military
79) Mwamba Katundu	01/06/01	Military
80) Majita (Samariata) Samaryata	01/06/01	Military
81) Martin Makumba	02/06/01	Military
82) Ngoy Tshansa	03/06/01	Military
83) Papa Otshanga	04/06/01	Military
84) Sami Changolo	04/06/01	Military
85) Beli Basele	04/06/01	Military
86) Kinvoli	05/06/01	Military
87) Kandolo Tshibangu	05/06/01	Military
88) Pablo Lindongi	05/06/01	Military
89) Mwamba Rachid	06/06/01	Military
90) Kibumbe Papy	06/06/01	Military
91) Kenda Ulama	07/06/01	Military
92) Sukisa Zeka	07/06/01	Military
93) Katende Ilunga	07/06/01	Military
94) Dikusa Kasa	08/06/01	Military
95) Ange Lobe	10/06/01	Military

96) Lukusa Tshamundele	10/06/01	Military
97) Dikusa Kaba	10/06/01	Military
98) Kawaya Bonone	10/06/01	Military
99) Jean Domaine Kasongo	10/06/01	Military
100) Diadongi Bagingi	10/06/01	Military
101) Songolo Amisi	10/06/01	Military
102) Biyala Eli	10/06/01	Military
103) Niko Benda	11/06/01	Military
104) Mwanza Kabulo	11/06/01	Military
105) Vunzi wa Vunzi	12/06/01	Military
106) Tshibambe Musole	12/06/01	Military
107) Andre Samba	12/06/01	Military
108) Ngoy Banza	13/06/01	Military
109) Ejangwa Kiambi	13/06/01	Military
110) Munyengo Ngoy	13/06/01	Military
111) Muluba Banza	14/06/01	Military
112) Kasonya Kakule	14/06/01	Military
113) Silivin Kalenga	16/06/01	Military
114) Musenge wa Musenge	17/06/01	Military
115) Eyengele Kitshetshe	18/06/01	Military
116) Shayi Kabo Mukenge	20/06/01	Military
117) Mukumbi Kialu	21/06/01	Military
118) Kishimba wa Kishimba	22/06/01	Military
119) Kampala Tendele	23/06/01	Military
120) Sungu Maonda	26/06/01	Military
121) Ebengo Mondulu	25/06/01	Military
122) Yav Mutindu	25/06/01	Military
123) Kasongo Punga	27/06/01	Military
124) Mukatsho Nono	28/06/01	Military
125) Justin Nyahu	29/06/01	Military
126) Kikoma Ilunga	01/07/01	Military
127) Leonard Kazembe	05/07/01	Military
128) Ndumba Masele	05/07/01	Military



129)	Yalu Naja	06/07/01	Military
130)	Bongese Owele	07/07/01	Military
131)	Mwehu Kyungu	10/07/01	Military
132)	Bopa Mbayo	13/07/01	Military
133)	Ngoy Dodo Mwabe	13/07/01	Civilian
134)	Kakudji Ngoie	16/07/01	Civilian
135)	Ndala Numbi	19/07/01	Military
136)	Ndamuinda Mendayi	20/07/01	Military
137)	Muzwanda Masumbuko	20/07/01	Military
138)	Makalo Mushili	21/07/01	Civilian
139)	Matola Lenge	30/07/01	Civilian
140)	Tshomba Mwana	21/09/01	Civilian
141)	Tshilembi Escorpion Nashakala ""		Civilian
142)	Yvon Ngoyi	22/09/01	Civilian
143)	Henri Muilanbwe	28/09/01	Military
144)	Tambwe Ngoie	22/11/01	Civilian
145)	Gillbert Mwenge	30/11/01	Military

**Annex B: Those held without Case papers (by the Military Court)**

The following have already spent more than one year in detention. This list is not exhaustive.

- 1) Mulala Kapalu
- 2) Kinyoka Banza
- 3) Mboka Ngoy
- 4) Michel Mubikilay
- 5) Pascal Kiza
- 6) Kapungwe Kapangula
- 7) Ezele Ngoro
- 8) Tabu Kaniki
- 9) Kalenga Ngoy
- 10) Ponzo Mangongo
- 11) Salonon Sangwa
- 12) Luyenga Numbi
- 13) Konbe Mwelwa
- 14) Kasuta Mumbongo
- 15) Ngoie Ilunga
- 16) Mabimbi Mangotoma
- 17) Lenge Ilunga

**Annex C: A List of Minors held in CPR Kasapa in Lubumbashi**

<u>Name</u>	<u>Date of Arrest</u>	<u>Year of Birth</u>
1) Sadiki Kongolo	24/10/01	1988
2) Kinkunka Ndayi	24/10/01	1986
3) Mujinga Kazadi	24/10/01	1987
4) Fariala Idi	24/10/01	1986
5) Mapasa Luhindula	30/11/01	1986
6) Salva Tresor Alias	30/11/01	1986
7) Maurice Bea	30/11/01	1987
8) Masengo Katambwe	30/11/01	1987

**Annex D: List of Inmates serving Prolonged Detention without Trial**

<b>Name</b>	<b>Date of Arrest</b>	<b>Casefile number</b>
1) Tshindaya Mukuna	22/10/00	3134/PRO.21/FAB
2) Mbayo Mutombo	13/03/01	597/PRO.81/KAL
3) Kavul Mbayo	12/03/01	500/PRO.81/BLS
4) Fely Ngoy	02/09/01	2064/PRO.21/KIZ
5) Kabwika Mutshenga	17/05/00	1250/PRO.21/AZD
6) Nzaji Kaba	16/03/01	577/PRO.81/TM
7) Tshitaka Banza	15/04/01	1371/PRO.81/LK
8) Kitumaini Amani	14/06/01	1576/PRO.21/ITT/2
9) Tshibangu Ntumba	16/05/01	1350/PRO.21/AN
10) Kayombo Tshibamba	07/09/00	2893/PRO.81/BOB/2000
11) Lubamba Kibambe	18/12/00	3911/PRO.81/GNOM/2001
12) Mapola Muyembi	08/09/01	2570/PRO.21/DAN
13) Jean Kazadi Tshibanda	19/09/01	2685/PRO.21/AN
14) Antoine Kalenga Katonga	31/08/01	2450/PRO.21/LK
15) Kasongo Mukaza	17/06/01	1614/PRO.21/DAN
16) Lugele Mwamba	19/01/01	4136/PRO.81/NGOM
17) Kamukunga Kalembwe	10/10/01	2948/PRO.21/MB
18) Mwema Ilunga	20/06/00	2030/PRO.81/MMM
19) Kapafule Yumba	26/10/00	13196/PRO.21/BOB
20) Jean Pierre Monga	31/07/01	2033/PRO.21/FAB
21) Mukadi Kamunga	19/02/00	283/PRO.81/KAL
22) Freddy Tshivungila	05/12/00	3766/PRO.81/MKB
23) John Mukendi	27/08/01	2413/PRO.21/KAL
24) Kanynda Kumanda	20/07/00	2376/PRO.81/BOB/2000
25) Mbika Ngolo	09/04/01	836/PRO.21/TT
26) Kitambilo Mwamba	12/06/00	2046/LK
27) Labani Muzingi	27/10/99	55968/NGON
28) Ngandu Kipoka	19/10/00	3257/NGON
29) Yav Mbaya	25/08/00	55244/LK

30) Mwepu Kalonji	03/02/00	3734/MUK
31) Tshibengabu Kalambay	05/08/00	2484/MMM