

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>551</b>
Land:	Den Demokratiske Republik Congo
Kilde:	Refugee Documentation Centre (Ireland)
Titel:	DRC - Treatment of prisoners
Udgivet:	24. juni 2019
Optaget på baggrundsmaterialet:	15. august 2019



## **DRC - Researched and compiled by the Refugee Documentation Centre of Ireland on Monday 24 June 2019**

### **Treatment of prisoners**

A publication issued in November 2018 by *Freedom from Torture* notes the following case where:

“People arrested by the military were detained in military and other types of detention facility, including unofficial detention sites, prisons, police stations and intelligence facilities. Six of those arrested by the military were transferred to several facilities run by different authorities during their detention. All but one reported being tortured in each of these detention sites” (*Freedom from Torture* (November 2018) *A Tool to Silence: Torture to Crush Dissent in the Democratic Republic of the Congo*, p.41).

In 2019 *Freedom House* released a report reviewing events of the preceding year including noting that:

“Prison conditions are life threatening, and torture of detainees is common” (*Freedom House* (2019) *Freedom in the World 2019, Congo, Democratic Republic of (Kinshasa)*, p.7).

A report issued in March 2019 by the *United States Department of State* reviewing events of 2018 notes that:

“The law criminalizes torture, but there were credible reports that the SSF continued to torture civilians, particularly detainees and prisoners” (*United States Department of State* (13 March 2019) *2018 Country Reports on Human Rights Practices: Congo, Democratic Republic of the*, p.4).

This document also states that:

“Authorities often arbitrarily beat or tortured detainees” (*ibid*, p.5).

In March 2019 the *United Nations Human Rights Council* notes that:

“The Committee was...concerned about reports that a worrying percentage of the deaths recorded in places of detention were due to acts of torture or ill-treatment inflicted by State agents” (*United Nations Human Rights Council* (4 March 2019) *Compilation on the Democratic Republic of the Congo, Report of the Office of the United Nations High Commissioner for Human Rights*, p.4).

A report published in March 2019 by *Freedom from Torture* states that:

“Torture is expressly banned in domestic legislation yet torture, including rape, is endemic in the detention system in the DRC, irrespective of the detaining authority or type of detention facility. Most of those who are detained, men and women, are raped, on multiple occasions and by multiple perpetrators, and with absolute impunity. Different branches of state security – police, military and intelligence agencies – are involved in the perpetration of torture and other human rights

violations from the point of arrest and at both official and unofficial detention sites. People are arbitrarily detained, and held in appalling conditions that breach all accepted norms. They are detained without charge or any other of their due process rights in official and unofficial detention sites that operate under systems of complete lawlessness” (Freedom from Torture (22 March 2019) *Submission to the UN Committee against Torture (On the use of torture by the government of the Democratic Republic of Congo)*, p.6).

In April 2019 the *World Organisation Against Torture* states that:

“Preventing torture and ill-treatment remains an important challenge in DRC, in both the legislative and institutional spheres. There are numerous legal obstacles to the prevention of torture, particularly in secret places of detention” (World Organisation Against Torture (19 April 2019) *Torture in the Democratic Republic of Congo: An open secret?*, p.2).

In April 2019 the *United Nations Committee against Torture* points out that:

“Torture was most practiced in prisons; detainees were victims of torture and cruel and degrading treatment, not only at the hands of prison guards but by other detainees as well” (United Nations Committee against Torture (25 April 2019) *Committee against Torture examines the situation in the Democratic Republic of the Congo*, p.1).

*Voice of America* in May 2019 states that:

“A U.N. watchdog group is demanding an end to the widespread practice of torture and other cruel punishments in the Democratic Republic of Congo. The DRC is one of six countries examined by the U.N. Committee Against Torture, which monitors the implementation by States of the Convention Against Torture” (Voice of America (19 May 2019) *Torture Thrives in Climate of Impunity in DR Congo*).

This document also states that:

“...the Committee notes that arbitrary detention is widespread. It finds secret detention centers continue to exist in which the majority of detainees there are victims of torture, and cruel and degrading treatment. Those most at risk of abuse, it says include human rights defenders, journalists and political dissidents” (ibid).

## References

Freedom from Torture (22 March 2019) *Submission to the UN Committee against Torture (On the use of torture by the government of the Democratic Republic of Congo)*

<http://www.ein.org.uk/members/country-report/submission-un-committee-against-torture-use-torture-government-democratic>

This is a subscription database  
Accessed Monday 24 June 2019

Freedom from Torture (November 2018) *A Tool to Silence: Torture to Crush Dissent in the Democratic Republic of the Congo*

[https://www.freedomfromtorture.org/sites/default/files/2019-03/a\\_tool\\_to\\_silence\\_-\\_drc\\_report\\_english\\_full\\_version.pdf](https://www.freedomfromtorture.org/sites/default/files/2019-03/a_tool_to_silence_-_drc_report_english_full_version.pdf)

Accessed Monday 24 June 2019

Freedom House (2019) *Freedom in the World 2019, Congo, Democratic Republic of (Kinshasa)*

<https://freedomhouse.org/report/freedom-world/2019/congo-democratic-republic-kinshasa>

Accessed Monday 24 June 2019

United Nations Committee against Torture (25 April 2019) *Committee against Torture examines the situation in the Democratic Republic of the Congo*

<https://reliefweb.int/report/democratic-republic-congo/committee-against-torture-examines-situation-democratic-republic>

Accessed Monday 24 June 2019

United Nations Human Rights Council (4 March 2019) *Compilation on the Democratic Republic of the Congo, Report of the Office of the United Nations High Commissioner for Human Rights*

[https://www.ecoi.net/en/file/local/2007119/a\\_hrc\\_wg.6\\_33\\_cod\\_2\\_E.pdf](https://www.ecoi.net/en/file/local/2007119/a_hrc_wg.6_33_cod_2_E.pdf)

Accessed Monday 24 June 2019

United States Department of State (13 March 2019) *2018 Country Reports on Human Rights Practices: Congo, Democratic Republic of the*

<https://www.ein.org.uk/print/members/country-report/2018-country-reports-human-rights-practices-congo-democratic-republic>

This is a subscription database

Accessed Monday 24 June 2019

Voice of America (19 May 2019) *Torture Thrives in Climate of Impunity in DR Congo*

<https://www.voanews.com/africa/torture-thrives-climate-impunity-dr-congo>

Accessed Monday 24 June 2019

World Organisation Against Torture (19 April 2019) *Torture in the Democratic Republic of Congo: An open secret?*

<http://www.ein.org.uk/members/country-report/torture-democratic-republic-congo-open-secret>

This is a subscription database

Accessed Monday 24 June 2019

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.

### **Sources Consulted**

Amnesty International

BBC News/Monitoring

Electronic Immigration Network

European Country of Origin Information Network

Freedom House  
Google  
Human Rights Watch  
Immigration and Refugee Board of Canada  
Internal Displacement Monitoring Centre  
International Crisis Group  
IRIN News  
Lexis Nexis  
Minority Rights Group International  
Online Newspapers  
Refugee Documentation Centre E-Library  
Refugee Documentation Centre Query Database  
Reliefweb  
Reuters  
United Kingdom Home Office  
United States Department of State  
UNHCR Refworld