



## COI QUERY

Country of Origin

**DEMOCRATIC REPUBLIC OF THE CONGO**

Title

**Prison conditions in Kinshasa**

Reference period

January 2022 to 5 March 2024

Topic(s)

1. [Overview](#)
2. [Overcrowding](#)
3. [Prison administration](#)

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# COI QUERY RESPONSE – Democratic Republic of the Congo

## Prison conditions in Kinshasa

### 1. Overview

Sources indicated that the conditions in most prisons throughout the country were ‘harsh,’<sup>1</sup> ‘life threatening,’<sup>2</sup> and ‘poor.’<sup>3</sup> Amnesty International’s annual report for 2022 also noted that the state of prisons in the country deteriorated ‘at an alarming rate,’ and that ‘thousands of detainees were held in inhumane conditions’.<sup>4</sup>

Issues concerning prison conditions in DRC, as reported by sources, included overcrowding,<sup>5</sup> the ‘dilapidation’ of prison facilities,<sup>6</sup> inadequate sanitary conditions and healthcare services,<sup>7</sup> and violence.<sup>8</sup> Lack of basic goods and services, such as potable water,<sup>9</sup> food,<sup>10</sup> electricity and medicine was also reported.<sup>11</sup> Amnesty International indicated that due to prison conditions, ‘thousands’ of inmates have experienced starvation and physical and mental health issues.<sup>12</sup>

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<sup>1</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 7

<sup>2</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 7; Germany, BAMF, Briefing Notes Summary: Democratic Republic of the Congo – July to December 2022, 1 January 2023, [url](#), p. 7

<sup>3</sup> Germany, BAMF, Briefing Notes Summary: Democratic Republic of the Congo – July to December 2022, 1 January 2023, [url](#), p. 7

<sup>4</sup> AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#)

<sup>5</sup> ASF, Combating prison overcrowding and illegal detentions in the Democratic Republic of Congo, 20 September 2023, [url](#); AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#); USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 7; UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 20 March 2023, [url](#), para. 60

<sup>6</sup> AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#); Radio Okapi, Rose Mutombo reconnaît les mauvaises conditions carcérales en RDC, 16 November 2022, [url](#)

<sup>7</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 7 – 9; Germany, BAMF, Briefing Notes Summary: Democratic Republic of the Congo – July to December 2022, 1 January 2023, [url](#), pp. 7, 12

<sup>8</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 7

<sup>9</sup> AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#); USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 7

<sup>10</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 7; RFI, RDC: près de 70 détenus sont morts à la prison de Makala depuis janvier, selon une ONG, 1 March 2023, [url](#)

<sup>11</sup> AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#)

<sup>12</sup> AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#)



Sources reported on the deaths of inmates in DRC prisons due to malnutrition,<sup>13</sup> illnesses,<sup>14</sup> or ill-treatment.<sup>15</sup> A January 2023 briefing note by the German Federal Office for Migration and Refugees (BAMF) on DRC noted that, according to NGOs, '[d]etainees are forced to sleep standing up, on the floor or in sanitary facilities. Meals provided in detention centres are one-sided and of poor quality, with some detainees not even having access to such food.'<sup>16</sup>

The BAMF report indicated that, following a visit to the Makala Central Prison, the Minister of Justice noted 'several irregularities,' including 'cases of arbitrary detention, prolonged pre-trial detention and missing detention records.'<sup>17</sup> Radio Okapi, a local news source, reported that in the same visit,, the Minister of Justice found more than 120 inmates who had already served their sentence and were remaining imprisoned.<sup>18</sup> According to the same source, the Minister of Justice also ordered the conditional release of 131 inmates and provided 1 000 mattresses to the Makala Central Prison.<sup>19</sup>

## 2. Overcrowding

Furthermore, USDOS noted that central prison facilities were 'severely overcrowded'.<sup>20</sup> Sources reported overcrowding at Makala Central Prison in Kinshasa,<sup>21</sup> the largest prison in the country.<sup>22</sup> Sources described detention conditions in Makala Central Prison as 'precarious.'<sup>23</sup> This prison, with a capacity of 1,500 inmates, 'held as many as 9,652 inmates simultaneously' during 2022, according to the US Department of State (USDOS).<sup>24</sup> The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

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<sup>13</sup> UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 30 November 2022, [url](#), para. 51; Germany, BAMF, Briefing Notes Summary: Democratic Republic of the Congo – July to December 2022, 1 January 2023, [url](#), p. 12

<sup>14</sup> UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 21 March 2022, [url](#), para. 48; Germany, BAMF, Briefing Notes Summary: Democratic Republic of the Congo – July to December 2022, 1 January 2023, [url](#), p. 12

<sup>15</sup> AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#); USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 8

<sup>16</sup> Germany, BAMF, Briefing Notes Summary: Democratic Republic of the Congo – July to December 2022, 1 January 2023, [url](#), p. 7

<sup>17</sup> Germany, BAMF, Briefing Notes, 11 April 2022, [url](#), p. 3; Radio Okapi, Kinshasa : 120 détenus ayant déjà purgé leurs peines trainent encore dans la prison de Makala, 9 April 2023, [url](#)

<sup>18</sup> Radio Okapi, Kinshasa : 120 détenus ayant déjà purgé leurs peines trainent encore dans la prison de Makala, 9 April 2023, [url](#)

<sup>19</sup> Radio Okapi, Kinshasa : 120 détenus ayant déjà purgé leurs peines trainent encore dans la prison de Makala, 9 April 2023, [url](#)

<sup>20</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 8

<sup>21</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#); USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 8

<sup>22</sup> Germany, BAMF, Briefing Notes, 22 January 2024, [url](#), p. 4; Jeune Afrique, Makala, l'enfer à Kinshasa, 27 December 2023, [url](#)

<sup>23</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>24</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 8



(MONUSCO) reported in March 2023 that Makala Central Prison's population was 11 450.<sup>25</sup> According to Deutsche Welle (DW), the prison was accommodating 'around 13,600 inmates.'<sup>26</sup> Sources also indicated that the Ndolo military prison, Kinshasa, with a capacity of 500 inmates, is reportedly accommodating more than 2 000.<sup>27</sup>

Sources reported on the death of inmates in Makala Central Prison,<sup>28</sup> which were attributed to overcrowding conditions,<sup>29</sup> including lack of medical care and sanitation,<sup>30</sup> and the general conditions of detention.<sup>31</sup> For instance, between 7 June to 31 August 2022, MONUSCO recorded 28 deaths in Makala Central Prison mainly attributed to overcrowding, malnutrition and tuberculosis.<sup>32</sup> In an article published in December 2023, Jeune Afrique cited an activist, president and coordinator of a local NGO as indicating that 505 inmates died in Makala Central Prison from 1 January 2023 to 5 December 2023 due to [informal translation] 'deplorable sanitary and detention conditions', among other reasons.<sup>33</sup> According to an article published in December 2023, Radio France Internationale (RFI) reported that, according to the prison authorities, 'only around 300 deaths - from suffocation, chronic illness and other causes' have occurred in Malaka Central Prison, and that the dead also included inmates transferred by various security services 'who often arrive in a critical condition'.<sup>34</sup> Jeune Afrique reported that, according to a study, the 'notorious' practice of "suffocation" is a 'common penalty in the [Makala Central] prison, [...] some prisoners are sent to an "overcrowded dormitory where [they] sit on the floor, lined up in a line, unable to lie down to sleep," sometimes without the possibility of receiving food. Not everyone survives.'<sup>35</sup>

Factors reported to affect prisons' overcrowding included 'abusive use' of preventive detention,<sup>36</sup> prolonged pretrial detention,<sup>37</sup> challenges faced by the judicial system,<sup>38</sup> long

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<sup>25</sup> UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 20 March 2023, [url](#), para. 61

<sup>26</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>27</sup> HumAngle, A Prisoner Dies Every Two Days In DR Congo, 1 December 2022, [url](#); VOA, Des ONG déplorent surpopulation carcérale et détentions irrégulières en RDC, 24 August 2022, [url](#)

<sup>28</sup> UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 20 March 2023, [url](#), para. 61; Le Monde, RDC : 66 détenus morts en deux mois dans la prison de Makala à Kinshasa, 27 February 2023, [url](#); Germany, BAMF, Briefing Notes, 2 May 2022, [url](#), p. 3

<sup>29</sup> UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 20 March 2023, [url](#), para. 61; Germany, BAMF, Briefing Notes, 2 May 2022, [url](#), p. 3

<sup>30</sup> Germany, BAMF, Briefing Notes, 2 May 2022, [url](#), p. 3

<sup>31</sup> Le Monde, RDC : 66 détenus morts en deux mois dans la prison de Makala à Kinshasa, 27 February 2023, [url](#)

<sup>32</sup> UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 22 September 2022, [url](#), para. 53

<sup>33</sup> Jeune Afrique, Makala, l'enfer à Kinshasa, 27 December 2023, [url](#)

<sup>34</sup> RFI, RDC: plus de 500 détenus sont morts à la prison de Makala en 2023, 27 December 2023, [url](#)

<sup>35</sup> Jeune Afrique, Makala, l'enfer à Kinshasa, 27 December 2023, [url](#)

<sup>36</sup> ASF, Combating prison overcrowding and illegal detentions in the Democratic Republic of Congo, 20 September 2023, [url](#); AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#)

<sup>37</sup> AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#)

<sup>38</sup> ASF, Combating prison overcrowding and illegal detentions in the Democratic Republic of Congo, 20 September 2023, [url](#); AI, Amnesty International Report 2022/23 – Democratic Republic Of The Congo 2022, 27 March 2023, [url](#)



judicial proceedings,<sup>39</sup> and large number of prisoners in pretrial detention.<sup>40</sup> DW cited the Director of Penitentiary Services at the Ministry of Justice as indicating that, at Makala Central Prison, over 60 % of inmates are on pretrial detention.<sup>41</sup>

USDOS reported that in certain cases, prison authorities released individuals detained on minor charges aiming to decongest prisons.<sup>42</sup> For instance, sources reported that in February 2023, about 501 inmates of the Makala Central Prison were granted conditional release by the Minister of Justice,<sup>43</sup> as they already served more than a quarter of their sentences.<sup>44</sup> An article published by Le Monde noted that during the period between the 1 January 2023 and 27 February 2023, 653 inmates of Makala Central Prison were granted parole by judicial authorities to decongest prisons.<sup>45</sup> It was also reported in December 2023 that at least 53 prisoners from Makala Central Prison were transferred to the Luzumu detention camp, Kongo-Central, to decongest that prison.<sup>46</sup> Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

### 3. Prison administration

USDOS noted that, in prisons throughout DRC, men and women were generally accommodated in separate areas, but also that authorities ‘often held juveniles with adults, especially women with girls.’<sup>47</sup> The same source reported that pretrial detainees were rarely separated from convicted prisoners.<sup>48</sup> DW reported that the Makala Central Prison has pavilions for men, women and minors.<sup>49</sup> The same source indicated that some women are detained with children up to the age of five, including newborn babies.<sup>50</sup> Jeune Afrique reported that the 11 pavilions of Makala Central Prison were [informal translation] ‘very poorly maintained.’<sup>51</sup> According to DW, pregnant women inmates, after giving birth, faced difficulties to secure enough food for them or their babies, and that the lack of supplies, such as diapers, was also reported.<sup>52</sup> DW also noted that [informal translation] ‘[t]hose not housed in the "VIP pavilions" are sometimes crammed 250 to a room of less than 20 square meters, with no air

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<sup>39</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>40</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>41</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>42</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 8

<sup>43</sup> UNSC, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General, 20 March 2023, [url](#), para. 61; Radio Okapi, Prison centrale de Makala : 501 détenus libérés, 13 February 2023, [url](#)

<sup>44</sup> Radio Okapi, Prison centrale de Makala : 501 détenus libérés, 13 February 2023, [url](#)

<sup>45</sup> Le Monde, RDC : 66 détenus morts en deux mois dans la prison de Makala à Kinshasa, 27 February 2023, [url](#)

<sup>46</sup> Radio Okapi, RDC: plus de 50 prisonniers transférés de la prison centrale de Makala à Luzumu, 7 December 2023, [url](#)

<sup>47</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 8

<sup>48</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 8

<sup>49</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>50</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>51</sup> Jeune Afrique, Makala, l'enfer à Kinshasa, 27 December 2023, [url](#)

<sup>52</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)



conditioning or fans.<sup>53</sup> Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

The USDOS report noted that, according to human rights observers, in certain prisons in DRC ‘prisoners themselves were sometimes given the responsibility to maintain order and mistreated others,’ which led to violence.<sup>54</sup> DW reported that at Makala Central Prison, inmates are supervised ‘in pairs by the prison administration and the inmates themselves. This is known as the "liso likolo ya liso" system, which in Lingala means "one eye supervising another"’.<sup>55</sup> Jeune Afrique also reported that inmates were maintaining order in Makala prison.<sup>56</sup> Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

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<sup>53</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>54</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 9

<sup>55</sup> DW, Kinshasa : près de 10 fois plus de détenus à Makala, 17 January 2024, [url](#)

<sup>56</sup> Jeune Afrique, Makala, l’enfer à Kinshasa, 27 December 2023, [url](#)

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## **ADDITIONAL SOURCES CONSULTED**

Africa Center for Strategic Studies (ACSS); Africa News; Assessment Capacities Project (ACAPS); Australia – Department of Foreign Affairs and Trade (DFAT); Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD); Belgium – Centre for Documentation and Research (CEDOCA); Bertelsmann Stiftung; Cable News Network (CNN); Canada – Immigration and Refugee Board (IRB); Denmark – Danish Immigration Service (DIS); Digital Congo; ECOL.net; European Union – EUAA COI Portal; France 24; France – Office for the Protection of Refugees and Stateless Persons (OFPRA); Freedom House; Friedrich-Ebert-Stiftung (FES); Global Centre for the Responsibility to Protect (GSR2P); Human Rights Watch (HRW); International Center for Not-for-Profit Law (ICNL); International Crisis Group; International Federation for Human Rights (FIDH); Insecurity Insight; Minority Rights Group International (MRG); Netherlands – Ministry of Foreign Affairs; Norway – Landinfo; Prison Insider; Reporters Sans Frontières (RSF); United Nations – Human Rights Council, Office of the High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), Refworld; World Health Organization (WHO); World Organisation Against Torture (OMCT)