

PRISON CONDITIONS IN ZAIRE

**Human Rights Watch/Africa Watch
Human Rights Watch/Prison Project**

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An Africa Watch/Prison Project Report

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Africa Watch is a nongovernmental organization which was established in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Chair is William Carmichael; its Vice-Chair is Alice Brown. The executive director of Africa Watch is Abdullahi An-Na'im. Its research associates are Janet Fleischman and Karen Sorensen; Ben Penglase and Kim are associates.

The Prison Project, established in 1988, cuts across the five regional divisions of Human Rights Watch to focus on a single issue: prison conditions worldwide. The Prison Project has investigated conditions for sentenced prisoners, pre-trial detainees and those held in police lockups. It examines prison conditions for all prisoners, not just political prisoners. The work of the Prison Project is guided by the Prison Advisory Committee, whose chairman is Herman Schwartz. Other members are: Nan Aron, Vivian Berger, Haywood Burns, Alejandro Garro, William Hellerstein, Edward Koren, Sheldon Krantz, Benjamin Malcolm, Diane Orentlicher, Norman Rosenberg, David Rothman and Clarence Sundram. The director of the Project is Joanna Weschler.

Human Rights Watch is composed of five divisions: Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch.

PREFACE

This report is based primarily on research conducted by Human Rights Watch consultant Peter Rosenblum in Zaire from March 22 to April 5, 1993. Mr. Rosenblum visited four prisons: the central prison of Makala in Kinshasa, the Luzumu detention camp in Bas Zaire, Kasapa Central Prison in Lubumbashi and Buluo detention camp near Likasi. He also visited six police lock-ups in the Kinshasa area, and interviewed prison officials as well as more than twenty current and former detainees. The report was written by Peter Rosenblum and edited by Cynthia Brown and Joanna Weschler.

In the context of the near-total breakdown of the Zairian state, which is discussed in the report's introduction, seeking official permission to visit prisons was practically unthinkable. During the period leading up to our mission and throughout the time we were in Zaire, there was effectively no functioning government. (Two months before the mission, President Mobutu "dismissed" Etienne Tshisekedi, the Prime Minister, in violation of the agreement which he had reached with the National Conference the previous August. Although the interim parliament refused to recognize the dismissal, the Tshisekedi government lost any direct control over ministries.) The ministries were under the putative control of Secretaries General appointed by Mobutu in defiance of the government named by the National Conference. In any event, most staff members at the ministry of Justice, like other ministries, were no longer working consistently both because of strikes and because they had not been paid for several months.

Nevertheless, many individual prison and judicial officials did cooperate with our investigation, and without that assistance, this report would not have been possible. Because their cooperation with Human Rights Watch was offered at personal risk, their names, and frequently their positions, are not identified in the report. Moreover, our research benefited from the active collaboration of several Zairian human rights groups, including the Ligue des Droits de l'Homme (Zaire), the Association Zairoise pour les Droits de l'Homme (AZADHO), the Voix des Sans Voix pour les Droits de l'Homme, Les Toges Noires, The Prison Fellowship and the Association des Cadres Pénitentiaires du Zaire. The first three groups, the Ligue, AZADHO and the Voix des Sans Voix are non-governmental human rights advocacy and education organizations. All of them have been actively involved in researching and reporting human rights problems in the country. AZADHO has produced a number of useful reports on prison conditions in Kinshasa. As indicated in the discussion of prison visits, the Ligue and the Voix des Sans Voix offered us valuable research assistance, particularly in the Kinshasa area. The Ligue also has a large branch in Shaba whose members collaborated with Human Rights Watch during its research in that region. The Togues Noires is an impressive young organization composed of young lawyers and magistrates in the Kinshasa area who are engaged in human rights activities. Their knowledge of and experience with Zairian justice system contributed significantly to our research and understanding.

All of these groups have continued to perform exceptional work in spite of what appear to be overwhelming hardships and serious personal risks. The last two organizations are specifically targeted to improving the conditions of prisons and prisoners. The Prison Fellowship is a loose association of primarily religious figures, many of whom are former prisoners. The Association des Cadres Penitentiaires is a non-governmental organization composed entirely of trained prison professionals. The Association was particularly helpful in the research for this report; in particular, the professional experience of its members contributed greatly to our research in both Shaba and the Kinshasa region. In addition the group has produced a small number of very valuable reports on prison conditions in the country.

Finally, Human Rights Watch is grateful to a number of people whose identity cannot be disclosed without putting them at exceptional risk. It is only with their support and assistance that we can know what is happening within the prisons of Zaire.

INTRODUCTION

This is a report about prisons under conditions of acute crisis. It concerns not only decayed facilities, poor sanitation, and overcrowding, but also prisons facing the economic and political disintegration of the state. Since 1990, a pattern of neglect and corruption has given way to complete abandonment. Prisons are left to their own devices and prisoners left to live or die according to whim and chance. In the past year, only the intervention of humanitarian and religious associations has prevented mass starvation. Even so, the high rate of death and disease dwarfs any of the other problems faced by the prison population.

Legal and Historical Background

Seventy-five years of Belgian colonialism, followed by five years of chaos and twenty-eight years of Mobutu dictatorship laid the foundation for the current crisis. The barbarism of King Leopold in the "Congo Free State" had already created a scandal at the turn of the century. Later, the Belgians built prisons as well as schools, roads and clinics, but their racist and paternalist policies did little to lay the groundwork for respect for human rights at independence. After their hasty departure in 1960, the new state quickly descended into chaos with the United States and Belgium, among other nations, playing an interested role. Over the course of the next five years, thousands lost their lives and thousands of others were imprisoned in struggles for control over the country and its vast resources.

In November 1965, Joseph Desiré Mobutu took power in a military coup. It was the second time he had done so, but this time the takeover was definitive. Mobutu declared the advent of the "Second Republic" under the banner of the Popular Movement for the Revolution (or "MPR" as it is known by its French initials), the single party of his creating. Its ideology was "Mobutism", never more than a reflection of the thoughts and utterances of the "Founding President" himself. The Constitution of the rebaptized "Party-State" of Zaire gave *de jure* approval to the President's nearly absolute power over all aspects of life – social, economic and political.

Human rights suffered correspondingly. In addition to co-opting major political adversaries, the president relied on massive and continuous repression to maintain his rule. Despite severe restrictions on the flow of information, Western human rights organizations began to receive reports of summary executions, torture, internal banishment, political arrest and long term detention without trial. Prison conditions were a primary focus of the international criticism that began to emerge at the beginning of the 1980s. In a series of reports issued primarily between 1980 and 1983, Amnesty International attacked the widespread use of torture, banishment and incommunicado detention of political prisoners in Zaire as well as the privations associated with routine detention.¹

These criticisms irked the President, who liked to portray himself as the great ally of the West. "People are fond of attacking us in matters of human rights by referring to the prison conditions in Zaire,"

¹Amnesty International, *Human Rights Violations in Zaire* (London:1980); *Memorandum to the Head of State concerning Amnesty International's mission to Zaire in July 1981* (London:1981); *Political Imprisonment in Zaire* (London:1983).

President Mobutu said in his opening speech to the Third Ordinary Congress of the MPR in December 1982. "Some have made this issue of prisoners in Zaire a real battle horse and have even made it one of the key issues of their country's or political party's program of action."² But, in fact, the President said, "We have a completely clear conscience in this regard and have nothing to hide In Zaire, freedom is the rule and detention is the exception."³

Mobutu responded to the attacks with a series of carrots and sticks. He invited Amnesty International into the country, vaunted his openness to the world and then excoriated Amnesty and "dis-invited" them when their conclusions remained unchanged.⁴ He played the same game with the International Committee of the Red Cross, inviting them to establish an regional office in 1982 and then refusing to give them access to significant detention centers.⁵ On several occasions, ICRC prisons visits were cut off entirely. Church workers and humanitarian aid organizations, as well, were barred from the prisons whenever they were suspected of leaking information about the conditions inside. A group of nuns who provided vital aid to the poorest prisoners at Makala prison in Kinshasa were barred from the prison in 1984 when news of a cholera epidemic there was released in Europe.

Throughout the 1980s, President Mobutu announced reforms that never took place, non-existent refurbishing programs and vast sums of money that never reached the prisoners. "Jail facilities aimed at improving the conditions of the detainees are continually being provided and since 1978 large-scale extension work has been undertaken, particularly in the main prisons and in the very congested detention camps," the President said at the end of 1982. "Every year, the Executive Council spends about 28,000,000 Zaires⁶ on food, agricultural equipment and other items, such as bedding. I mean to say 28,000,000 good Zaires, that is over half of the money

²President Mobutu's Speech at Third Ordinary Congress of the MPR; Kinshasa December 7, 1982, Zaire Press Agency; December 8, 1982, translated and reprinted in *BBC Summary of World Broadcasts*, December 11, 1982.

³Id.

⁴Zaire invited Amnesty International to send a mission in 1981 with the understanding that a second mission would follow. After the first mission in July 1981, AI submitted a memorandum to the President. Seti Yale, the security advisor to Mobutu, wrote to Amnesty in December 1981, saying "Since your delegates have not been disposed to understanding us, we don't see the use in receiving them again in our country as envoys of Amnesty International." Reprinted in Amnesty International, *Zaire: Dossier sur l'emprisonnement politique et commentaires des autorités* (London:1983), p. 83. Throughout 1982, AI sought without success to gain approval for another mission. AI, *Political Imprisonment in Zaire*, p. 1.

⁵See ICRC annual reports for 1982 through 1989.

⁶The Zaire in 1982 was valued at six to the U.S. dollar.

allocated to the Department of Justice ... per annum. ... That is the truth about the conditions of prisoners in Zaire. What more has to be done?"⁷

In fact, none of this was occurring. Prison facilities decayed from the absence of maintenance and the weight of overcrowding. Equipment in prison workshops was diverted by prison officials and sold, vehicles were converted to private use. By the end of the 1980s, most of the country's prisons had been reduced to mere shells -- cells and group pavilions without water, sanitary or medical facilities. Food was primarily provided by families or by church organizations. Medical care depended on the ability of the individual or his family to pay. Seventy-five percent of the prison budget for 1989 was spent (or at least allocated) in a vain effort to make the central Makala prison publicly presentable.⁸

The Security Forces and the "Informal Prisons"

President Mobutu prided himself on the claim that he had built no new prisons.⁹ To some extent this was true. All of the acknowledged prisons under the authority of the Ministry of Justice were built by the Belgians. On the other hand, secret prisons and interrogation facilities proliferated in the major cities and the interior. It has never been possible to document fully the number of such facilities; as one gains public repute, another quickly supercedes it.

Each of the major security and intelligence units has or has had its own detention facility or facilities. This includes, for example, the civilian and military intelligence units, the intelligence unit of the police, the regular army and individual units like the Special Presidential Division. But less likely organs have also maintained their own detention facilities, for example, the security unit of the single party's youth wing, *Corps des Activistes pour la Défense de la Révolution (CADER)*. The military prisons have also served as detention centers for political detainees, and a series of detention camps have served as sites for internal banishment of dissidents.

One characteristic of these prisons has been the absence of any governmental or non-governmental oversight. Each security force operates with wide autonomy under a leader accountable only to the President himself. In response to international criticism, Mobutu continuously announced reforms intended -- theoretically -- to control the rampant power of the security forces to arrest and detain. First there was the famous "Eye of the People", announced by Mobutu in 1977. This was to be a sort of ombudsman located in the Office of the President with authority to investigate citizen complaints. For years human rights groups sought without success to confirm its existence. Then, in February 1980, Mobutu announced the creation of a "Joint Commission" of the Justice Ministry and the civilian intelligence force to exercise control over security forces in matters of arrest and detention.¹⁰

⁷President Mobutu's Speech at Third Ordinary Congress of the MPR; Kinshasa December 7, 1982, Zaire Press Agency; December 8, 1982, translated and reprinted in *BBC Summary of World Broadcasts*, December 11, 1982.

⁸Interview by Peter Rosenblum and Makau Mutua with Nsinga Udjuu, then Minister of Justice ("President of the Judicial Council"), August 1989.

⁹Zaire Press Agency, "Mobutu Sese Seko's Review of Zaire's Problems", June 24, 1980, reprinted in *BBC Summary of World Broadcasts*, June 26, 1980.

¹⁰See Makau Mutua & Peter Rosenblum, Lawyers Committee for Human Rights, *Repression as Policy*, (New York:1990),

Neither of these ever came into existence. By 1987, the Zairian government reported to the Human Rights Committee of the United Nations that practical difficulties, "mainly in respect of transport", had prevented the Commission from achieving any concrete results.¹¹

The idea of a human rights ombudsman was recycled by the President in 1986 after another bout of international criticism; at that time he announced the creation of the Department of Citizens' Rights and Liberties. With great fanfare, the Department concluded a series of "protocols" with the security forces which established elaborate procedures for regular visits to detention facilities and emergency intervention in the case of arbitrary arrest. But the Department was never more than a propaganda organ for the Mobutu regime and the protocols remained without force or effect.¹²

Law of arrest and detention

As a legal matter, the security-force prisons have no justified purpose, except for *garde à vue*, or forty-eight hours police detention. Under Zairian law, anyone arrested must be brought before a magistrate, usually a prosecutor, within forty-eight hours.¹³ The prosecutor can order investigative detention for up to five days, at which point a judge may issue an order for pre-trial detention. The order must be renewed after fifteen days, and every thirty days thereafter.

During the first forty-eight hours, detainees can be held in police lock-ups under the control of Officers of the Judicial Police (OPJs). One problem is the plethora of officials with OPJ status and their power vis-à-vis judicial authorities. For example, all of the territorial officials are OPJs, as are members of the intelligence forces. In the hierarchy of the single party and the state, regional officials and intelligence agents exercise far more authority than judicial officials. In the late 1980s, despite what appeared to be sincere efforts by the Ministry of Justice and even the Central Committee of the MPR -- supposedly the highest organ of the Party and the State -- to curb and control the arrest authority of "statutory" OPJs, nothing changed. Although required by law, it was -- and remains -- unthinkable for a civilian court to order the transfer or release of a detainee illegally held by a governor or a local security-force chief.

Although a 1961 decree permitted administrative detention by the civilian intelligence force, the provisions of the decree were never put into effect.¹⁴ In any event, Zairian officials told international organizations on a number of occasions during the 1980s that administrative detention was illegal and that all security forces were bound "in exactly the same way by the legal provisions regarding arrest and

pp. 167 ff.

¹¹Id, p. 167.

¹²In a 1989 interview, the head of territorial security essentially mocked the highly touted protocols as meaningless. Interview by Peter Rosenblum and Makau Mutua with Gen. Singa Boyenge, August 1989.

¹³Art. 73, Ordinance Law 78-289 of July 3, 1978.

¹⁴Decree-law No. 1 of 1961 relative to state security.

detention of persons."¹⁵.

It was thus difficult to explain the continuing practice. In 1989, when a number of Zairian opposition members disappeared after meeting a delegation from the Lawyers Committee for Human Rights, an official of the Department of Citizens' Rights and Liberties eventually responded by stating that they were detained in accordance with the authority of the civilian intelligence service. The Department refused to say anything more. They were released several months later without ever having contact with the judicial system.

Finally, in 1990, the government implicitly recognized the illegal practice when the National Security Council announced that administrative detention would end and that all detention centers would be placed under the control of the Ministry of Justice, except for the period prior to formal charge.¹⁶ Despite a modicum of improvement, this most recent promise has also gone unfulfilled.

The Current Crisis

The pattern of disregard for the law and neglect of prisons and prisoners took on even more dire characteristics after 1990. The cause of this change lies in the three year-old political stalemate enforced by President Mobutu and his armed forces. On April 24, 1990, Mobutu announced an end to the one-party state that he had created and a return to multi-party rule. Few people believed that the long-time dictator would willingly cede power. Nevertheless, the President's announcement unleashed a massive campaign for change. Almost overnight, twenty-five years of self-censorship disappeared and political debate emerged into the open.¹⁷ Mobutu's government was unprepared for the surge, but could do little to stop it. The President first attempted to stanch the flow of change with a "corrective" speech on May 3; since then his security forces have engaged in a consistent campaign of public intimidation, including periodically bombing newspapers, but without any real impact on the movement for change. Long-time allies broke ranks with the President, political exiles returned home and dissident politicians took center stage in the debate over the future of Zaire.

On the other hand, President Mobutu, whose term of office expired on December 4, 1991, has remained able and willing to block any fundamental changes. In a repeating pattern punctuated by military rampages, President Mobutu has negotiated and appeared to compromise with the opposition, only to violate the compromise and reassert power with the support of his loyal military following.

The process began on April 24, 1990, when the President announced a return to multi-party democracy. After months without any progress, in September 1991, soldiers rampaged in Kinshasa, getting

¹⁵Report of Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1989/33, Addendum, Visit by the Special Rapporteur to Zaire, Commission on Human Rights, Forty-sixth Session, Item 10(a) of the agenda, United Nations, E/CN.4/1990/17/Add.1 Feb. 2, 1990.

¹⁶Decision of the National Security Council of May 22, 1990.

¹⁷See Africa Watch, "Zaire: Two Years without Transition", *News from Africa Watch*, Volume 4, Issue 9 (New York: Human Rights Watch, July 7, 1992).

off a spree of looting that eventually caused more than one billion dollars worth of damage, hundreds of deaths and the departure of most of the expatriate community. The rampages were followed by a series of bad-faith negotiations with the opposition, and the appointment of Nguz Karl-i-Bond, a politician known for his shifting allegiances, as prime minister. Only a march by almost one million people in Kinshasa on February 16, 1992, in which more than thirty people were killed by soldiers, convinced Mobutu to grant the major demand of the opposition, a National Conference authorized to decide the terms of the transition to democracy.

The National Conference met in relative peace from April through August 1992 when, following a signed agreement with President Mobutu, it named opposition leader Etienne Tshisekedi as prime minister of a transition government. But Mobutu refused to cede control over the central bank and the printing of money. After a series of struggles over the governor of the bank and the issuance of a new five-million-Zaire note, on February 5, 1993, Mobutu "dismissed" Tshisekedi. Soon afterwards, soldiers seized the interim parliament and attacked the residence of Bishop Laurent Monsengwo, president of the parliament. Mobutu then circumvented the interim parliament and his agreement with the National Conference altogether and appointed his own choice for prime minister, Faustin Birindwa, a former member of the opposition.

The effect on Zairian society has been devastating. With the appointment of the Birindwa Government, Zaire had two governments in name, and none in function. The modern economic sector has broken down almost entirely; hyperinflation has eaten up the value of the currency and forced a large proportion of the population out of the cash economy. Meanwhile, foreign donors have suspended all significant aid programs, and public institutions have effectively ceased functioning.

The Impact on Prisons

The prisons reflect and magnify the general devastation of Zairian society. The corrupt system of the past depended on a flow of money to keep prisons running and prisoners alive. That money is no longer forthcoming. It is not only that official subsidies and salaries have stopped arriving -- these were never sufficient - but, now, family members are no longer in a position to pay off guards and feed prisoners, and the decayed prison facilities can no longer produce maintenance income from workshops and farming, as had been the custom.

The words in the annual report of one facility apply equally to the country's other prisons and detention centers:

The year 1992 was one of black misery for the detainees at the Buluo detention camp who are mostly in a precarious state of health and who were abandoned to their sad fate.¹⁸

The full scale of the current crisis is detailed in the body of this report. But a revealing index of the extent of that crisis is the rate of death and disease. In 1991, the last year for which general statistics were collected, 2,229 prisoners, or nearly 7.5 percent of the prison population, died.¹⁹ They died almost entirely

¹⁸Buluo Prison, *Annual Report for 1992* p. 6.

¹⁹Association des Cadres Pénitentiaires; see Appendix A.

from banal causes related to malnutrition and poor health care. Since then, there is no reason to believe that the figures have diminished for most parts of the country. For the first three months of 1993, for example, twenty-seven prisoners had died at Kasapa prison in Lubumbashi -- mostly from "diarrhea" -- and 173 out of 350 were sick.²⁰ Fewer have died recently in the Kinshasa area, largely because of an intensive nutrition effort undertaken by the International Committee of the Red Cross.

But the crisis extends to, and affects, all aspects of prison life:

- All of the officially-recognized prisons were built during the colonial era, and of the four visited by Human Rights Watch, none evidenced any significant rebuilding or upkeep.
- Water and sanitary facilities range from insufficient to non-existent. No repairs had been undertaken except by and at the expense of religious groups or humanitarian organizations.
- None of the prisons visited by Human Rights Watch had the means of feeding its prisoners or maintaining its facilities.
- All of the subsidies received by the two major prisons in Shaba for 1992 together were equivalent to the cost of thirty-two sacks of Casava flour. No subsidies had been received by any prison for 1993.
- Although all of the prisons we visited have land for crops, either the tools and seeds had been diverted to the profit of the prison staff, or the production had been privatized to the benefit of the prison staff or prisoners (as in the case of Makala prison).
- Missionaries are the only dependable source of food for many of the prisons. At Kasapa prison in Lubumbashi, for example, Catholic and Protestant missionaries have taken responsibility for feeding the prisoners four days a week. The prison tries to feed the prisoners two days a week out of the profits from a small saw mill. On the remaining day, Saturday, the director told us, "We just pray."

²⁰Interview with director of Kasapa Prison, Mr. Kasongo, April 1, 1993.

Meanwhile, the prison staffs are severely reduced and prisoners themselves have taken over much of the management of prison life. None of the prison staffs had been paid in the four months prior to our visit in March 1993. Most have simply stopped coming to work:

- At Buluo detention camp, near Likasi, the only remaining staff consists of the prison director and three uniformed guards, "who sleep at the gate" (as the prison director told us).
- At Kasapa Central Prison in Lubumbashi, there are three staff members who regularly work in addition to the director and one other person who comes twice a week.

Other staff members have become calloused about the situation of the prisoners. As one official at Makala prison told us, "As long as we aren't paid, the prisoners don't eat."

In addition, except for Makala prison, none of the prisons we visited had regular visits by a doctor. At Luzumu detention camp, there had been no doctor since August 1990 and no nurse for the eight months prior to our visit.

One of the other effects is the rise of a powerful and frequently abusive inmate hierarchy at some prisons. No prison director would approach the prisoners without passing through the "Capita Général" or chief of staff, and no prisoner would defy the "governor" of his pavilion. Inmate officials, chosen primarily by the prisoners themselves, are paid off in food and other benefits. At Makala prison, prisoners essentially have life-and-death power over other prisoners: they prepare and distribute the food -- determining who will eat and how much; they also tend the sick, adjudicate disputes, organize the day and mete out most penalties. Prison officials and guards are almost never seen outside the administrative offices.

Another way prison officials have controlled prisoners in the current crisis has been by restricting their movements and activities and by resort to draconian measures like chaining.

- One hundred ten of the 350 prisoners at the Kasapa prison were being held in three large rooms, in order to prevent escapes.
- The practice of using welded leg-chains to restrict the movement of prisoners, which was dying out except in the extreme interior of the country, is now increasingly visible at major prisons. Three prisoners at Luzumu detention camp had been held in welded leg-chains for four months by the time that we saw them at the beginning of April 1993.

The only bright spots in the otherwise bleak picture are the few prison staffers, human rights activists and missionaries who are seeking to prevent the system from collapsing entirely. A prison director who actually cares about his inmates must employ substantial entrepreneurial skill each day in order to keep his prisoners alive. At two of the four prisons visited by Human Rights Watch, directors demonstrated at least some measure of that skill. But all four prisons were near major urban areas and had the advantage of regular contact with missionaries and humanitarian groups capable of providing at least some food and supplies. It is increasingly difficult to know what is happening in the interior of the country cut off from the major cities. In any event, it is clear that the "black misery" described by the director of Buluo detention camp shows no sign of abating in the near future.

I. THE SYSTEM

The prisons of Zaire are governed, in theory, by a law adopted months before President Mobutu took power in 1965, *Ordonnance no. 344 du 17 septembre 1965* relative to the Prison Regime. The law establishes a single national standard for prisons which was to settle the confusion and eliminate the divisions which had emerged during the five years of separatist conflicts following independence. The law demonstrates an admirable desire to ensure basic rights to prisoners and separate them among appropriate categories. There are detailed provisions regarding, for example, food, medical care, housing and discipline. The law also establishes a system for oversight and control, involving detailed provisions for record-keeping and inspection.

In practice, the substantive guarantees of the law have become largely meaningless. The law is only applied by ordinary prisons under the control of the Justice Ministry and then, primarily in respect to administrative procedures.

There are 210 ordinary civilian prisons on record, although it is becoming increasingly difficult to determine how many are actually functioning. At least two of those prisons had closed down -- the prisons in Goma and Mbanza Ngungu -- at the time of our visit to Zaire in 1993; there are likely many others. The data that exist for these prisons are outdated, the Directorate of Prisons at the Ministry of Justice in Kinshasa itself has stopped functioning, and communications with the interior, which have always been difficult, have broken down entirely in some cases. Human Rights Watch viewed a number of recent reports by prison directors, and we were assured by employees of the Justice Ministry that no one had looked at them. What is perhaps more surprising is that many prisons do continue reporting.

In general, each region of the country has one detention camp for long-term detainees and one central prison in the major city. Where there is another large city in the region, there may be a second urban prison. Each region is then divided into sub-regions with a sub-regional prison and smaller prisons in each "zone" (Zairian cities are divided administratively into "zones"). The zone prisons may hold as few as a dozen to twenty prisoners. The sub-regional prisons may hold more than one hundred. All of the prisons are combinations of what the law refers to as "prisons" and "detention centers" (*maisons d'arrêt*). In other words, they combine prisoners serving a definitive sentence with pre-trial detainees and detainees in the process of appeal.

There are nine detention camps, eleven central prisons, five urban prisons, twenty-five sub-regional prisons and 158 zone prisons.²¹ On the basis of observation and incomplete statistics, Human Rights Watch estimates that there has been an average of about 30,000 prisoners in all of these prisons for each of 1989, 1990 and 1991, the last year for which any collected statistics are available.²² The ratio of

²¹See Appendix B for detailed list.

²²Our estimate is primarily based on the statistics collected by the Association des Cadres Pénitentiaires on the basis of Justice Ministry files (see Appendix A), as compared with our observations of particular regions where we have direct information. This estimate does not take full account of the turnover population which, according to the statistics collected by the Association, is very substantial. Nevertheless, it is unlikely that the total prison population is much more than 30,000 judging from our observations and past estimates.

prisoners to population in Zaire is thus eighty-eight per 100,000, which is lower than the world average that, according to estimates by HRW stands at about 106.²³ But, as shown below, these numbers do not tell the whole story.

The current number of detainees is much less than that recorded for 1991, judging from the prisons in Kinshasa and Lubumbashi area. These urban areas have felt the full effects of recent economic collapse and political turmoil. Transportation is difficult and the justice system has not been fully functional. There has also been a conscious effort by magistrates and prison officials in those areas to avoid overburdening the prisons and to release sick detainees who, if held in prison, would inevitably die. It is impossible to know the extent to which the same thing is occurring in other parts of the country.

Zaire's prisons have always experienced large numbers of escapes each year, although recently the number appears to have increased. Between 1989 and 1991, the number of escapes increased from 1,934 to 5,110. There appear to be two main reasons for the increase. Each time that the military has launched a pillaging campaign, a number of prisons have been emptied. 1991 was the beginning of a period of such pillaging that spread through the country and continues intermittently. The other reason is the lack of food. As one prison official told us, "After three days without food, the prisoners begin to chant, 'hungry! hungry!', and then they just leave."

The prisons that do not fall under the Justice Ministry control include police lock-ups, special detention facilities belonging to the various security forces, interrogation cells, military prisons and rural detention camps. In contrast to the Justice Ministry Prisons, far less is known about this other category of prisons. The exact number of prisons is unknown, as is the number of prisoners. There are vast numbers of police lock-ups, usually little more than concrete cells attached to neighborhood police stations. There are at least sixty-one in the city of Kinshasa. There are two major military prisons in the country, the Ndolo prison in Kinshasa and the Angenga prison in Equateur, as well as another one, Shinkakasa, that is reportedly near Boma in Bas-Zaire. Ndolo prison alone has held more than 400 prisoners at one time. Many other military camps have, at various times, also been used to hold political detainees.²⁴

The following specialized forces, among others, maintain separate prison facilities:

- The Civil Guard: an elite force composed of about 10,000 soldiers under the command of Kpama Baramoto, a relative of the President. In the Kinshasa area, the Civil Guard has a prison attached to its headquarters that holds between fifty and sixty prisoners, and detention cells in the Kasavubu neighborhood.
- Special Presidential Division: an elite force of about 7,000 soldiers under the command of General Nzimbi Ngbale, a long-time supporter of President Mobutu. The DSP has prison cells at its Camp Tshatshi headquarters. It also appears to be responsible for the prison known as OAU2 or "Deuxième Cité de l'OUA". The prison has underground and ground-floor cells located near the Camp Tshatshi military base where President Mobutu had maintained a Kinshasa residence.

²³See Human Rights Watch, *Human Rights Watch Global Report on Prisons* (New York:1993), p. 127.

²⁴Amnesty International, *Human Rights Violations in Zaire* (London:1980), p. 17. (Hereafter "Amnesty International 1980 report.")

Previously, OAU2 was thought to be under the control of the civilian intelligence force.

- **National Service for Intelligence and Protection (SNIP):** the most recent name for the civilian intelligence service, known as the National Documentation Agency (AND) between 1982 and 1990. The AND maintained a prison at its headquarters on the Avenue des Trois "Z" in the central Gombe area of Kinshasa, which frequently held up to about one hundred prisoners. Until 1990, Avenue des Trois "Z" was a necessary stopping point for all major political detainees in Kinshasa and also many businessmen held for ransom. From 1990 until 1993, when SNIP was placed under the control of Gen. Likulia Bolongo, the prison on the Avenue des Trois "Z" was largely unused. General Likulia was replaced Adm. Mavua Mundende in 1993, however, and, beginning in March, the SNIP prison was again put to use to hold political detainees. There are also SNIP detention cells at other SNIP headquarters around the country.
- **Service for Military Action and Intelligence (SARM):** the military intelligence unit. SARM has detention facilities at its headquarters in Kintambo and at other locations in Kinshasa and around the country.
- **Brigade Spéciale de Recherches et de Surveillance (BSRS):** the security and intelligence branch of the National Gendarmerie, the militarized police force. The BSRS has a major prison in Kinshasa, known as "Circo" (for "Circoscription Militaire") and detention facilities in other cities around the country.

All of these prisons served, throughout the 1980s, as detention centers both for political detainees and other civilians. In 1980, Amnesty International estimated that the number of political detainees frequently exceeded 1,000.²⁵ The ICRC typically saw more than 300 security detainees in a given year, despite restrictions on access to detention centers.²⁶ After Mobutu's 1990 speech announcing a return to democracy, almost all political detainees were released. The battle shifted instead to the streets where political meetings were suppressed, the homes of opposition politicians destroyed and press offices blown up. SNIP stopped arresting altogether, at least in the Kinshasa area. This left BSRS as the principal informal detention center for civilians. Since March 1993, however, as noted above, political arrests have recommenced and in Kinshasa the civilian intelligence service has put the famous prison at the Avenue des trois "Z" back into service.

²⁵Amnesty International 1980 report, p. 12.

²⁶See ICRC annual reports, 1982 through 1989.

II. CONDITIONS IN POLICE LOCK-UPS AND SECURITY-FORCE PRISONS

The police lock-ups and security-force prisons were not, for the most part, built for long-term detention, though they have all served that purpose at one time or another in the recent past. They are largely holding cells or interrogation cells, without additional facilities or outdoor space. Overcrowding has been a severe problem in Kinshasa's security-force prisons, where, in the view of Amnesty International, there were times that prisoners were deliberately crowded together to deprive them of comforts including the possibility of sleep. In general, most serious reports of torture also arise out of treatment at the security-force prisons.

Police Lock-ups

Since 1990, at least in the major cities, there has been little interference with the authority of the *parquet* or office of the prosecutor, to oversee arrest and detention in police lock-ups. Nevertheless, it has been impossible to stop illegally-prolonged detentions. The main problem is apparently a logistical one. As one magistrate explained:

Each parquet prints a list of magistrates with the police lock-ups they are assigned to oversee. In principle, we are each supposed to go out twice a week to insure that the registries are well kept and that no one is held beyond forty-eight hours. But we are expected to do it at our own expense. The office doesn't even have paper or pens to record our findings, not to mention transportation.

At the time of this interview, no magistrates had been paid in four months. Had he been paid, this magistrate, Magistrat Ndolo Tshivungila, would have earned a salary of sixty million Zaires per month at a time when transportation to and from his office cost eight million Zaires each day.

The same penury of transportation and salaries is perhaps the main reason why police do not bring detainees to the parquet after forty-eight hours. Nevertheless, according to magistrates in the Kinshasa area, it is rare in the central areas of Kinshasa to find detainees in police lock-up who have been held longer than one week.

Human Rights Watch made unannounced visits to a number of police lock-ups in Kinshasa, accompanied by a magistrate and lawyer and a member of the human rights group La Voix des Sans Voix. The lock-ups were chosen at random within the jurisdiction of the parquet of Ndjili and included Camp Badaia Gendarmerie, Kingasani II Gendarmerie and Gendarmerie Pascal Mbua Mabe. Despite some skeptical comments from the gendarmes, the officials respected the right of the magistrate to review the records and interview each detainee. The delegation was able to walk around inside the cells and even to take pictures. Following

the visit, however, the magistrate was called in by his superiors and ordered to provide a written justification for his actions.²⁷

The condition of the detention cells in each location was deplorable. At the Gendarmerie Pascal Mbua Mabe, the commanding officer himself, made a strong plea to shut down the lock-up facility since they were unable to maintain decent standards. In each case, the cell consisted of small enclosed concrete space attached to a neighborhood police station. At Kingasani II and Pascal Mbua Mabe, there were no windows and no artificial light. There were no sanitary facilities at any of the lock-ups. As we arrived at Camp Badaia, gendarmes quickly dumped a soldier's helmet full of urine. At the other two locations, detainees used one wall of the cell for all bodily needs. The smell of urine was so intense that it burned the eyes within moments of entering. There were no beds or mattresses.

Of the nineteen prisoners whose records were reviewed at the three named lock-ups, six had been held longer than forty-eight hours and no one had been held longer than one week, although Camp Badaia had no updated register. No food was provided by the gendarmes, nor any exercise or diversion. Many of the detainees were weak or in bad health. At Kingasani II, one prisoner who had apparently been beaten by the crowd when caught during a theft had a seriously injured foot with open and infected sores. The gendarmes were openly violent with the detainees. At one point, in our presence, a gendarme struck one of the detainees who was arguing about the cause of his detention.

The same conditions have been observed by the human rights group Association Zairoise pour les Droits de L'Homme (AZADHO), during visits to police lock-ups during July and August 1992.²⁸ AZADHO noted the general filth, the high incidence of illegal detention, and the absence of any hygienic facilities. The lock-ups visited were primarily in central locations, the central market, the headquarters for the National Gendarmerie (known as "B2"), the Palace of Justice and the territorial brigade in the central neighborhood of Gombe. According to AZADHO, "These cells were overcrowded and inhumanly filthy. They are without any sanitary infrastructure: neither toilets nor showers: a bucket placed in the middle of the cell took the place of any WC." According to AZADHO, the lock-up at the central market was used by gendarmes to extract money.²⁹

At all the lock-ups visited by Human Rights Watch, the detainees were male, although some were minors who were housed in the same cell with adults. AZADHO visited the central zone lock-ups for the Kinshasa neighborhoods of Kalamu, Lemba, Matete and Ngaba. At Ngaba and Kalamu, men, women and children were put in the same cell, without light or sanitary facilities. On July 11, 1992, according to AZADHO, the Kalamu lock-up facility, measuring

²⁷Although the magistrate was threatened with further sanctions, we were told in July 1993 that no action had been taken against him.

²⁸AZADHO, *Rapport sur les Conditions Carcérales au Zaïre*, (Kinshasa), September 30, 1992.

²⁹*Id.* p. 3.

about eight square meters (eighty-seven square feet) held fifteen detainees including civilians, soldiers, men, women and children, some of whom were sick.³⁰

Security-Force Prisons

The security-force prisons suffer from many of the same problems as the police lock-ups. However, these prisons also tend to be the site of illegal detention, torture and severe physical abuse. Information about these sites has come primarily from political prisoners who were held there in the past. Since 1990, there have been far fewer political prisoners and some of the prisons have, at least temporarily, stopped functioning.

On the other hand, there have always been a large number of non-political prisoners held in the same prisons. For the most part, they enter the prisons and are released without ever passing through the normal justice system. "Whenever they do send me a file -- which is rare -- I order release immediately," said one prosecutor, referring to prisoners initially held by the *Brigade spéciale de recherches et de surveillance* (Special Brigade of the Gendarmerie known as the "BSRS"). "Those guys are always seriously beaten up before they get to us -- legs broken, body destroyed. Whatever they are accused of, I end up releasing them."

During the early 1980s, Amnesty International documented hundreds of cases of political detention and torture at the security-force prisons. Some of harshest conditions and most consistent reports of torture came from prisoners held at OAU2 prison near Camp Tshashi and the SNIP prison on the Avenue des Trois "Z". "Prisoners are known to have been tortured and killed in both places," Amnesty reported in 1980. Many long term political detainees were sent to distant detention camps, primarily in the north of the country.

At the SNIP prison, ten to twenty prisoners were held together in cells measuring about 6x2 meters (20x6.5 feet). In the cramped conditions that were maintained through the 1980s, the prison held up to about one hundred prisoners. "A barrel in the corner of the cell serves as a toilet." According to Amnesty, writing in 1980, "Some inmates are held for months on end in these cells, often with little or no idea why they have been detained. Others are interrogated and subjected to beatings and torture, including application of electric shocks."³¹

By the end of the 1980s, as the Lawyers Committee for Human Rights confirmed, reports of "sophisticated" forms of torture at the SNIP prison had largely diminished.³² They had been replaced with beatings, systematic upon entry and frequently continuing during interrogation. Gauthiers de Villiers, a Belgian sociologist teaching in Kisangani, was arrested by the civilian intelligence (the then "AND") in February 1989. He described the reception that he got when he arrived at the prison on the Avenue des Trois "Z":

³⁰ *Id.* p. 2.

³¹ Amnesty International 1980 report, p. 18.

³² Testimonies collected by Peter Rosenblum and Makau Mutua for the Lawyers Committee for Human Rights. See *Repression as Policy*, Chapter 5: "Torture and cruel, inhuman or degrading treatment."

The committee "welcomes" all prisoners by beating them quite thoroughly. About twenty agents pounded me with their fists repeatedly, while calling me things like "dirty Belgian".³³

Dozens of other political detainees, ranging from student protestors to minor and major political dissidents had similar stories to tell about their passages through the prison. The illegal opposition tried to maintain contact with the prison and bring food to political detainees. Aubert Mukendi, formerly head of the national airlines, was one of the opposition members in charge of these efforts. "It was an expensive proposition," he said.³⁴ Mr. Mukendi himself was held at the SNIP prison for two weeks in 1988. "I had to bribe the guards for everything -- to let my family know where I was and, especially, to bring food."

As in the other security-force prisons, however, not all the prisoners were political dissidents. Mr. Mukendi was "thrown into a small airless room with eight young men who had been caught trying to leave the country hidden in boats." Along with others -- mostly businessmen caught up in conflicts with people in power³⁵ -- they remained until they obtained the money to pay off the right officials.

Conditions were similar at OAU2 near Camp Tshatshi and the Civil Guard Prison. According to Amnesty, OAU2 has several underground cells measuring approximately 2x3 meters (6.5x10 feet) and five ground-floor cells. As they wrote in 1980, "Torture is apparently inflicted regularly in this interrogation centre and some of the prisoners have died after their bodies had been mutilated."³⁶ More recently, soldiers held at Camp Tshatshi following what appeared to be a takeover attempt at the state radio, testified that they had been stripped and beaten with whips and guns and then cut with bayonets. One soldier reported that he and his companions were raped by soldiers of the Special Presidential Division.³⁷

In 1989, Aubert Mukendi was arrested and held by the Civil Guard for six weeks at their headquarters prison in Kinshasa. He was the only political prisoner held there at the time. One night, together with other prisoners, he overheard members of the Civil Guard beating two new prisoners:

First we heard the prisoners screaming and then, at a certain point, the guards began to panic. One of them said, "Let's take him to the morgue at Mama Yemo Hospital." They had killed one of the prisoners and were going to report that they found the cadaver on the streets. They brought the other prisoner into our cell. But every time he tried to stand, he collapsed. So we called the guards; we weren't going to let them blame us for having beaten him. They took him away and we heard later that they dumped him in the *cité* la densely populated area of Kinshasa. He couldn't have lived long.

³³ Lawyers Committee for Human Rights, *Repression as Policy*, p. 73.

³⁴ Interview with Aubert Mukendi, July 28, 1993. All subsequent quotations from Mr. Mukendi are from the same interview.

³⁵ See for example, Lawyers Committee for Human Rights, *Repression as Policy*, p. 71.

³⁶ Amnesty International 1980 report, p. 18.

³⁷ Africa Watch, "Zaire: Two Years without Transition," p. 13.

The BSRS prison known as "Circo" is one that has continued to detain civilians illegally since 1990. Circo is located across from the "People's Palace" at the office of the military commander for the city of Kinshasa ("Military Circumscription"). For many years, Circo was the private domain of the then-military commander of the city, Gen. Bolozi Gbudu Kpani, married to Mobutu's older sister. It is one of the best known of the detention centers that operate outside the legal provisions on arrest and detention. Built for about fifty prisoners, the prison holds on average about 150 prisoners (169 on July 5, 1992; 130 at the end of March 1993) in unlighted cells most of which measure about eight square meters with semi-functional sanitary facilities.

It is difficult to determine why certain prisoners are held at Circo rather than other routine detention facilities. According to interviews with magistrates and former prisoners, it appears based on money and the whim of General Bolozi. Ninety percent of prisoners are held without any warrant or police report.³⁸ According to AZADHO and The Prison Fellowship of Zaire, most of the prisoners held at Circo in recent months have been military (70 percent according to AZADHO). The remainder come from all sectors and include men, women and children. But the BSRS appears to concern itself primarily with wealthier prisoners who have crossed influential Zairians or who have been involved in some suspect commercial affairs. According to both AZADHO and the Prison Fellowship, a substantial number of prisoners (twenty-five out of 156 when AZADHO visited in July 1992) are baited by BSRS officers selling stolen goods; that is, BSRS officers deliberately induct these individuals into selling goods, which they know are stolen, and then arrest them in the act. Most prisoners are released after days or weeks, or in some cases, years, without ever having contact with the judicial system.

³⁸AZADHO, *Rapport sur les Conditions Carcérales au Zaire*, p. 6.

III. THE CRISIS OF BASIC NEEDS

Article 61 of the 1965 Prison Law gives detainees the right to "meals which must have sufficient value to maintain the detainee in perfect physical condition." The law even dictates that the meals "correspond as much as possible" to what detainees would normally eat. Each month, an officially appointed doctor is supposed to visit the prison, in part to ensure that the food is "healthy and sufficient" and that the "hygienic conditions" are satisfactory.³⁹ This includes basic sanitary facilities and clothing that is appropriate to the climate and is not "degrading or humiliating".⁴⁰ Nurses and doctors are meant to assure their daily health care and in cases where the prison medical facilities are insufficient, prisoners are to be transferred to the nearest health facility.⁴¹

In contrast to the provisions of the law, Zaire's prisoners live without regular meals, without sufficient clothing or bedding, and without meaningful medical care in conditions which facilitate the epidemic spread of disease. In itself this is not new. Cases of starvation and epidemic disease have been reported in Zaire's prisons for many years. In 1978, forty prisoners starved to death at Kinshasa's Makala prison.⁴² Prisoners at Luzumu and Buluo were reported to live on small rations of manioc.

Nevertheless, even if widespread, these cases were treated as aberrations when they became public. After the 1978 incident, for example, the Minister of Justice (then known as the State Commissioner for Justice) Mampuyu Kanunka was convicted to fifteen years' imprisonment for embezzling the funds intended to buy food for the prison. In other cases, near-starvation conditions were maintained as a policy in order to punish political prisoners.

Prison Deaths

More recently, however, starvation conditions have become widespread and generalized. In 1989, there were 1,448 officially recorded prison deaths. By 1991, the last year for which collected statistics are available, the number of officially-recognized deaths in prison reached 2,229 or more than 7.5 percent of the prison population.⁴³ (In contrast, one quarter of 1 percent of prisoners died in the U.S. in 1989, the last year for which data were available.) Since then, there are anecdotal reports from around the country that suggest that the rate is undiminished. The underlying causes are severe malnutrition and the absence of any significant medical care. Large numbers of prisoners are dying from causes that are easily treated, such as "severe diarrhea" or dysentery. The number of deaths at Makala prison in Kinshasa reached two to three per day until the International Committee of the Red Cross intervened in the summer of 1991. At Kasapa prison in Lubumbashi, an average of nine prisoners a month have died since beginning of 1993 (out of a total prison population of 350).

³⁹Ordonnance no. 344 du 17 septembre 1965, "Régime Pénitentiaire & Libération Conditionnelle," ("Prison Law") Art. 27.

⁴⁰ /d Art. 51-52.

⁴¹ /d Art. 54-60.

⁴²Amnesty International, Human Rights Violations in Zaire (1980) at 15.

⁴³Association des Cadres Pénitentiaires statistics.

Disintegration of Prison Infrastructure

It is easy to understand the cause of the current desperation. Since independence there has been no noticeable investment in prison maintenance and upkeep by the state. The basic infrastructures were allowed to decay, and workshops, which were often a source of income for the prisons, were diverted to the profit of prison staff and run into the ground. Notwithstanding the rare prosecutions, a large proportion of the funds intended for the prisons – like other public funds in Zaire – were diverted to the accounts of government officials. By 1989, 75 percent of the prison budget was allocated to Makala prison, and even so, Makala did not benefit in any noticeable way.⁴⁴

The inconsistent flow of funds to the prisons slowed to a trickle in 1992 and effectively ended in 1993. This was true both for salaries and for necessary subsidies. In 1993, no salaries have been paid to prison staff and only minimal subsidies have reached the prisons for food and upkeep. As one prison official unabashedly stated, "As long as we aren't paid, the prisoners aren't fed."⁴⁵

The same dire conditions exist with respect to medical care and sanitary installations. None of the prisons visited by Human Rights Watch had adequate facilities for drinking water or waste disposal. Neither were prisoners adequately clothed or housed. Malnutrition and unhygienic living conditions contribute to an extremely high rate of disease. The director of Kasapa prison in Lubumbashi reported that 173 of 350 prisoners were sick.

Because of a lack of salaries and transportation, doctors are an increasing rarity at the prisons. But the absence of medicine is even more severe, making it practically impossible to treat any significant disease. Finally, it is often impossible to transfer severe cases to hospitals because of transportation costs and hospital expenses. While visiting Buluo prison, Human Rights Watch investigators witnessed one patient thought to be suffering from appendicitis writhing in pain in the courtyard of the cell section. The hospitals themselves require patients to provide the necessary drugs and payment in advance, further complicating hospital care. As a result, almost nothing is left of the guarantees provided by the 1965 Prison Law.

The only significant food and medical care that has reached the prisons over the past two years has come from foreign missionaries, local benevolent associations and international humanitarian groups. The bulk of the responsibility for prisons has been taken over by the diminished foreign missionary community.⁴⁶ In many prisons throughout the country, the missionaries provide the only certain meals served each week. In order to maintain access to the prisons, missionaries are required to

⁴⁴See memorandum of Association des Cadres Pénitentiaires to the Sovereign National Conference, August 6, 1992.

⁴⁵ Interview with senior prison official Makala prison, March 26, 1993.

⁴⁶Most of the missionaries in the country were evacuated in the fall of 1991 following violent rampages by soldiers. Many, though far from all, have returned since then.

operate discreetly. Ten years ago, missionary nuns were banned from Makala prison for several months when news was leaked of a cholera epidemic inside the prison. The missionary community is still sensitive to such a threat; nevertheless, it is a sign of the prevailing desperation that prison officials have openly courted their assistance during the current times.

IV. PHYSICAL CONDITIONS

The country's prisons are in an accelerating state of decay. All of the prisons in the country were built before 1960. In the prisons we visited, there was little sign of any basic upkeep, not to speak of new construction. There were more signs the opposite -- the active deconstruction of the prisons: equipment in prison workshops had been sold off, furniture had disappeared, and at Buluo prison, the wooden doors to unused cells were being ripped off to build coffins.

A number of prisons had crumbled beyond use in recent years. The prison in Luebo "collapsed" in November 1991. The prison in Mbanza-Ngungu was closed in 1992. And according to the Association des Cadres Pénitentiaires, five other prisons had recently "sounded the alarm" to indicate that they couldn't last much longer.⁴⁷

In its submission to the National Conference, the Association des Cadres Pénitentiaires put the situation as follows:

[Our prisons] are today in a state of such total decay that they represent a permanent danger for the detainees who are held there. [T]hese establishments are nothing more than dormitories in which detainees are piled up, the privileged sleeping on mats, the rest on the ground.⁴⁸

Conditions of Living Quarters

Most of the cells visited by Human Rights Watch at least contained some kind of mat, usually a collection of old food sacks. Only more privileged prisoners had raised cots. If there were mats in the cells, there were few other amenities -- no tables, chairs or artificial light. Ceilings were in very bad repair at many of the prisons. Some cells showed clear evidence of recent inundation. The women's pavilion at Makala prison, for example, was flooded whenever there was rain.

Conditions of Sanitary Facilities

The sanitary facilities we inspected ranged from semi-functional to completely non-functional. Where there are some functioning facilities it is usually because of a special effort undertaken by an outside organization. Prisoners at Makala prison said that they had never seen a repairmen enter the premises except when paid for by the ICRC or a religious order. When water stopped running at Makala prison, nothing was done for more than two months until the ICRC had the facility repaired. At Luzumu detention camp a Belgian Jesuit, Guy

⁴⁷Memorandum of the Association des Cadre Pénitentiaires to the Sovereign National Conference.

⁴⁸ *Id*

Verhaegen, acquired a pump and installed water pipes, though drinking water must still be sought from the source.

The same is true of waste-disposal facilities. Toilets are cleaned out by hand at many of the prisons. At Makala prison, this is a task assigned to new prisoners. At Luzumu, fecal matter is cleaned out by hand and dumped into an open hold in the middle of the court yard. Not surprisingly the stench pervades the area. At Buluo, the director has been working for three years to try to rebuild a septic tank, a project for which he has gotten some recent support from Médecins sans Frontières.

Allocation of Living Quarters

Title V of the Prison Law regulates the distribution of detainees in the prisons and detention centers. Article 39 states the general rule that detainees should be housed in group pavilions and that women and minors should be housed separately.⁴⁹ Article 44 provides that unconvicted prisoners should be housed separately from convicted prisoners; it also provides for the separation among categories of convicted prisoners whose conviction is still subject to appeal. All of these separations are, however, contingent upon the capacities of the facilities.

These rules of separation are not generally respected, except to some degree with regard to women and minors. Dangerous prisoners and prisoners convicted of serious offenses tend to be housed in separate pavilions. However, there is no separation of prisoners awaiting trial or prisoners who have not been served with a definitive judgment. The women's pavilion at Makala prison is fully separated from the men's living quarters. However, minors, including boys as young as thirteen, are housed in the same area with adult men.

At most prisons, new prisoners are put in cells rather than dormitories when they first arrive. At Luzumu, they are actually put into the lock-up cells, which are slightly smaller than regular cells, and are shut off from other detainees. They are only allowed out of the cells for about one and a half hours each day. At Makala prison, in contrast, new detainees are placed in group quarters, in Pavilion 5.

Overcrowding

Crowding, which has been a problem in the past, is not severe at the current time, at least in those prisons visited by Human Rights Watch. The crowding which has been reported lately results from the effect of recent political and economic turmoil on the prisons. In a number of prisons, reduced staff and damaged facilities have forced prison directors to consolidate inmates in a number of prisons. In Kasapa prison, for example, 110 prisoners are living in three rooms, 8x5 meters each. It is only because of the reduced number of people held in detention that the prison system in Zaire has managed to avoid an even more massive crisis. Once the numbers begin to increase again, as they will inevitably do, the strain on the prisons will become overwhelming.

Activities and Work

⁴⁹Minors are not to be housed in prisons at all unless there is no separate facility.

One of the many sad chapters in the recent history of Zaire's prisons is the destruction of prison workshops. The major prisons were equipped with substantial workshops for carpentry, blacksmithing, sewing, printing, baking and other crafts. They provided activities to prisoners, as well as training and income to the prison.⁵⁰ The carpentry shop at Makala prison was once one of the best training grounds for carpenters, according to Zairians who worked in the prison. In the absence of consistent funding they were also the major means of assuring the solvency of the prison. In 1978, the government established the Direction de Production Pénitentiaire, under what was then the equivalent of the Ministry of Justice, to "rehabilitate prison production in order to insure the self-sufficiency of prisons".⁵¹ The office was shut down in 1982 without substantial explanation.

Today, very few of the workshops are functional. Most usable equipment has been sold off for the benefit of prison officials. A continuous effort by aid workers at Makala prison keeps the printing shop semi-functional (it still prints release papers), but other workshops have ceased operating. At Buluo detention camp, when we visited in March, the director was seeking to reclaim a saw that was reportedly sold to a local businessman by the past director. At Kasapa prison, the functioning saw-mill is the main source of income for the prison.

The essential prison regime appeared to leave prisoners with substantial unallocated time and little to do. Prisoners were locked-down in the cells or rooms in the evening and allowed out in the morning. There is a morning and an evening roll-call. During the course of the day, prisoners are generally free within their courtyard or other common space. There are some major exceptions to this general situation. At some prisons in the interior of the country, like the prison in Mbanza Ngungu, prisoners were forced to sit all day long in a circle around the courtyard, because the lack of adequate personnel made it impossible to control escapes. Last year, however, this prison was shut down.

Conditions at Each of the Prisons Visited

Human Rights Watch visited four prisons -- two central prisons and two detention camps -- and interviewed aid workers and prison staff from several other prisons. The visits were arranged informally with the approval of prison officials and, in the case of Makala with the approval of the prisoners themselves. The Zairian human rights groups, Les Toges Noires, La Voix des Sans Voix, L'Association des Cadres Pénitentiaires and the Shaba chapter of La Ligue des Droits de L'Homme were all involved at one point or another in arranging or carrying out the visits. At Makala prison and Luzumu detention camp, the delegation had free access throughout the prison without any officials present. At Kasapa prison and Buluo detention camp, the delegation was accompanied by the prison director. In general, the prisons directors were extremely forthcoming. As one of them commented, "We used to do everything possible to keep outsiders from knowing what was going on. Now, we invite them in. Without their help, the prisoners would die." In contrast, we had to be more discreet in our conversations with prisoners. In light of the strict control that dominant prisoners exert over their fellow inmates, prisoners were hesitant to discuss some sensitive issues relevant to conditions at the prison.

⁵⁰Prisoners were apparently never paid for their labors, since the money was contributed directly to the budget of the prison. See Association des Cadres Pénitentiaires, submission to the National Conference, p. 11.

⁵¹*Id*

Makala Prison

Makala Prison is the central prison for the Kinshasa region, housing all categories of detainees -- men, women, minors, long- and short-term detainees and detainees awaiting trial. It is located in the zone of Selembao in the south of the city, about twenty minutes by car from the central Gombe area of Kinshasa. It was originally built during colonial times. Prison officials told Human Rights Watch that it was originally built to house about 500 prisoners.⁵² In the 1980s the prison population ranged between 2,000 and 3,000.

As in most of the major prisons in Zaire, prisoners are housed in pavilions divided into either individual cells (*quartier cellulaire*) or large dormitory rooms (*quartier communautaire*). The cells measure 3x2 meters in two of the pavilions and 3.5x3 meters in one pavilion. The remaining pavilions are divided into larger rooms that measure 13x6.5 meters. The women's pavilion is one vast room with a high ceiling resembling a small airplane hangar.

There are six pavilions in the men's section along a single walkway which leads to the main courtyard. In the men's section of the prison, convicted prisoners and detainees awaiting trial are mixed together. There is some effort to divide prisoners according to their crimes, and to place younger prisoners -- or prisoners who are physically smaller -- in a separate pavilion. From the courtyard, there are separate entries to the women's section, the dispensary, the administrative buildings and the section for privileged detainees. Privileged detainees -- usually wealthy or politically important prisoners -- live in well-tended individual cells on what was once death row, where they are served by other prisoners.

On March 24, 1993, there were 511 prisoners of whom 75 percent were awaiting trial.⁵³ When we visited, twenty-one of the prisoners were women. Thirteen were housed in the section for privileged prisoners, including a number of high-ranking security-force and political officials convicted for their involvement in the so-called Lubumbashi massacre of 1990.⁵⁴

According to the Association des Cadres Pénitentiaires, there were 263 deaths at Makala Prison in 1989, 287 in 1990 and 436 in 1991. In July 1991, the International Committee of the Red Cross took the extraordinary measure of instituting a nutrition program inside Makala prison. Initially, the program was directed to minors and ill prisoners. But when they realized the extent of malnutrition, the ICRC extended the program to treat up to 200 severely malnourished inmates each day on the basis of height/weight statistics. The ICRC also repaired broken water pipes and provided medical assistance and basic necessities such as soap.

⁵²Amnesty International reported in 1980 that the prison was designed to hold 900 prisoners.

⁵³In recent surveys by the Association des Cadres Pénitentiaires and the Prison Fellowship, prisoners at Makala were found to have waited up to eight years before trial. See below, "Pre-trial Prisoners".

⁵⁴On May 11-12, commandos attacked students on the campus of the University of Lubumbashi in Shaba, killing an unknown number, and traumatizing the inhabitants of the city. The government's version of the attack was that two rival groups of students clashed and that one student died, but it soon became clear that local security force chiefs had been involved. Eventually, a number of local government and security force leaders from Shaba were prosecuted, without implicating the central government. See Africa Watch, "Zaire: Two Years without Transition".

The ICRC program corresponded with the complete collapse of basic services at the prison. According to Bossassi Epole, one of the elite prisoners who has been detained since 1989, conditions began to decay in 1990. If the quality of the food was poor in 1989, the quantities were at least sufficient. In any event, many family members provided food to prisoners. When the author visited Makala prison in 1989, for example, the courtyard in front of the prison resembled a market place with a constant stream of food passing into the prison; the inside courtyard was dotted with people preparing their own meals. In 1993, the outside courtyard was abandoned, even on official visiting days, and there was no sign of visitors or food being prepared inside the prison.

What food exists is prepared in a communal pot in the courtyard. First the *fufu* or manioc, is prepared. "I saw a fight one day in the courtyard," an aid worker told Human Rights Watch. "When I saw what it was they were fighting over, I didn't know whether to laugh or to cry: it was the charred remains from the bottom of the *fufu* pot. I saw the same thing happen on another day for a banana peel." After the manioc is distributed, the same pot is used to heat up some beans. Prisoners usually get the beans an hour or two after the manioc is served.

According to the deputy director of the prison, Mr. Mirambo, interviewed on March 26, 1993, there had been no regular supply of provisions to the prison since October 1992. Truly dire conditions set in by the month of December. Staff had not been paid since then and very few bothered to come to work. Those who did, rarely stayed more than a couple of hours a day. The prison's transportation vehicle had broken down in May 1992 and had never been repaired.

By the end of February 1993, all effort to feed the prisoners came to an end. "There was nothing left," the prisoner Mr. Bossassi told Human Rights Watch. The ICRC found itself in a vicious cycle where detainees released from their feeding program in good health returned severely malnourished soon afterwards. Eventually, the ICRC determined that it could not go on fulfilling the role of the state. After many warnings, the organization brought its program to an end at the beginning of April 1993.

Besides the ICRC feeding program, food has come from missionaries and, now, from a program instituted by the prisoners themselves. Elite prisoners, including Bossassi and the former Shaba governor Koyagialo Ngbasse te Keregbo travel around Kinshasa accompanied by a prison guard, soliciting donations of food for the prisoners. Although a number of people expressed skepticism about their altruism, at least some food has been collected for the prisoners in this manner.

The same conditions of crisis affect health care at the prison. There is usually a doctor at Makala each day, in contrast to the other prisons visited by Human Rights Watch. But there are few drugs and no materials left in the laboratory. When the Association des Cadres Pénitentiaires visited in March 1992, the entire pharmacy consisted of little more than two boxes of anti-malaria medication. The prisoners have suffered from severe problems related to general malnutrition, tuberculosis, diarrhea and skin diseases. According to Mr. Bossassi there were five deaths during February and March resulting from what was termed "simple diarrhea". Many of the basic skin problems were eliminated when the ICRC distributed soap to prisoners. However, they had begun to return by the time Human Rights Watch visited the prison in March 1993.

Beginning in 1992, the Justice Ministry instituted a policy to release sick prisoners who were awaiting trial. This has resulted in a substantial drop in the population of the prison. While it appears that the genuinely sick were released, the policy provided an occasion for apparent profiteering by prison officials (see discussion of corruption, below).

Luzumu Detention Camp

Luzumu detention camp, built between 1955 and 1957, is located in the region of Bas Zaire about seventy-five kilometers from the city of Kinshasa. The prison has a coffee plantation of 3.5 hectares and a palm oil plantation of fourteen hectares which have been largely untended for thirty years. The situation is similar with respect to fish ponds that were abandoned and twenty-five pigs which reportedly died in a diarrhea epidemic. None of the workshops is functional.

Luzumu prison serves the regions of Bas Zaire and Kinshasa. It was intended only to receive prisoners sentenced to serve more than two years. Since the recent breakdown of the regional prison in Mbanza-Ngungu, 150 kilometers away, however, many prisoners awaiting trial have been transferred there. The last thirteen kilometers to the prison cannot be traversed except on foot or by private four wheel vehicle. The prison was built in the 1950s. There were seventy-one prisoners at Luzumu in March 1993 and sixty-nine in March 1992. In the past, the number of prisoners averaged about 400 and reached as high as 700.

The prison consists of sixteen dormitories, one hundred full size single cells and nineteen small detention cells. At Luzumu, the cells form a prison within a prison. In the quartier cellulaire, full-size cells of about six square meters (65 square feet) line a courtyard with a communal building in the center. The gate to the rest of the prison grounds is permanently locked and guarded. The smaller, detention cells line the far wall of the courtyard. More than half of the prisoners, including all of the unconvicted detainees, currently live in cells, usually two prisoners to a cell. In the past, as many as 400 prisoners were housed in the dormitory-cell section.

Luzumu prison has been without electricity since 1990. The director told Human Rights Watch that he had received no subsidies since June 1992 and only one food delivery in 1993, which was sufficient for one month. No staff have been paid since November 1989. They have no vehicle and no means of communication with the outside world.

Despite the facility's agricultural surroundings and 18.5 hectares of land for cultivating manioc, corn, peanuts and soy, prisoners are not able to produce sufficient food to feed themselves. The director told Human Rights Watch that the soil was not of good enough quality. He also complained about the lack of equipment (though we learned later that humanitarian groups had donated machetes on a number of occasions; these had quickly disappeared).

The general appearance of prisoners, especially those in the quartier cellulaire, is even worse than Makala. Everyone except the "governor" (see below, on inmate hierarchy) appeared emaciated and without spare flesh. Many were incapable of walking unassisted. When we visited, prisoners in the cell section of the prison were receiving only a minimal supply of manioc and manioc leaves. There was no oil, no salt, no beans and certainly no fish or other source of protein. The Association des Cadres Pénitentiaires estimated the total food consumption of detainees at between 100 and 120 grams of food per day. Prisoners were marched several kilometers to the river to collect drinking water in pots they carried on their heads.

The dispensary at Luzumu is a huge abandoned building on the prison grounds without beds or

other materials. There has been no doctor at the prison since August 1990 and no nurse for the eight months prior to our visit. In 1992, the Association des Cadres Pénitentiaires determined that 90 percent of the detainees were in precarious health. At the time of their visit in March 1992, the pharmacy consisted of 120 aspirin tablets, four bottles of penicillin and one bottle of mecurichrome.

Kasapa Prison

Kasapa prison is the central prison for the city of Lubumbashi, the major city of Shaba province in the southeast of the country. It is located outside the city, past the university campus, on roads that are largely impassable for the last several kilometers. Like the other prisons, it was built shortly before the end of the colonial era; it began functioning in 1958. The prison has thirty-two dormitories and twenty-two cells. In the 1980s the prison population ranged between 600 and 1,000 inmates. The population dropped to 350 by March 1993, 85 percent of whom were awaiting trial. Because of decayed facilities and absent staff members, 110 of the prisoners had been moved into three rooms of 8x5 meters each.

The number of recent deaths has been very high at the prison. Twenty-seven prisoners died between January and the end of March 1993, primarily from an epidemic of dysentery. There has been no doctor at the prison for some time, and the medical assistant who comes four to five days a week is largely ineffectual. According to the records of the director, 173 of the 350 detainees were ill at the time of our visit, primarily with dysentery or severe malnutrition.

For food, the prison depends entirely on missionaries and the precarious income from a small functioning sawmill. The prison received subsidies on three occasions during 1992. Together, all of the money received during the year was sufficient to purchase about twenty sacks of flour (and nothing else). No subsidies had been received for 1993 by the time that Human Rights Watch arrived at the prison.

The director of the prison, Mr. Kasongo, described his strategy for feeding the prisoners: Catholic and Protestant missionaries bring food to the prison four days a week. Two days a week, Monday and Wednesday, the prison tries to feed itself. But there is frequently no income from the sawmill -- particularly when it rains. "Yesterday," the director told us when we visited on a Thursday, "the prisoners did not eat." In any event, the prison has given up trying to find food for the prisoners seven days a week. "On Saturday," the director said, "we just pray."

Buluo Detention Camp

Buluo Detention camp is located about ten kilometers south of Likasi on the main road to Lubumbashi. Like Luzumu, it was built to hold convicts under long-term sentences. At one time, prisoners were sent there from all over Zaire to serve their terms. The layout out of the prison resembles Luzumu, where the small-cell section is in the form of a prison within a prison. During the 1980s the prison held on average between 200 and 300 prisoners. There are currently 124 prisoners, of whom thirty-six are in cells. Only the "governor" has electricity.

Buluo suffers from the same problems as the other prisons with regard to food and health care. The doctor refuses to come to the camp except when requisitioned, and the hospitals resist taking inmates without payment in advance. In addition, the situation at the prison has been complicated by regional

violence intended to expell residents who originally come from the neighboring region of Kasai.⁵⁵ The city of Likasi, where more than 60,000 Kasaiens have been expelled from their homes, was one of the first major cities affected by the violence. This has put additional pressures on the prison and its administration. The camp director, Eduard Kalenga Jamba, and his assistant -- the only staff that remained at the prison beside three gendarmes "who sleep at the gate" (as he told us) -- are both originally from Kasai. When we visited in March, the assistant was living at the train station with tens of thousands of other Kasaiens, awaiting his evacuation to Kasai. The director had been attacked on several occasions. "I'm at the end of my rope," he told us when we first met with him. "There is nothing more I can do. It's the end."

In the prison's annual report to the Ministry of Justice, Director Kalenga conveyed his sense of despair, calling 1992 a year "of black misery for the detainees at the Buluo detention camp" and noting that "the critical political situation in the city of Likasi as well as the instability of the government has only contributed to their misery."⁵⁶ Like Kasapa, Buluo received three installments of government subsidies during the course of 1992, which together equalled the cost of twelve sacks of flour at the time the subsidies were received. In both cases, the bulk of the money was delivered during the short term of the opposition Prime Minister, Etienne Tshisekedi.

In his report, the prison director notes that he sought and received help from the missionaries and humanitarian groups but that no assistance was provided by the local authorities. In addition, the prisoners were able to produce some food locally from seeds which were donated. "If it weren't for the humanitarian groups that have assisted me," he told us, "I would have one hundred dead prisoners."

⁵⁵See Africa Watch, "Zaire: Inciting Hatred -- Violence against Kasaiens in Shaba," *News from Africa Watch*, Vol. 5, No. 10 (New York:Human Rights Watch, June 1993).

⁵⁶Buluo Prison, *Annual Report for 1992*, (unpublished) p. 6.

V. CATEGORIES OF PRISONERS

Pre-trial Prisoners and Illegally Held Detainees

The vast majority of the prison population is composed of prisoners awaiting trial. This figure has remained relatively constant since the 1980s when Amnesty International reported that about 80 percent of prisoners were awaiting trial. From 1989 to 1992, the figure was closer to eighty-five.

The primary problems with pre-trial detainees concern the length of detention and the legal status of the detention. According to The Prison Fellowship, some of the prisoners awaiting trial at Makala prison have been there for as many as eight years. This is the case for Mr. Mpale in Pavilion 1; others identified by the Prison Fellowship have been detained four, six and seven years.⁵⁷ The Association des Cadres Pénitentiaires reached a similar conclusion.⁵⁸

Many of the pre-trial detainees throughout the country are being held illegally because their detention orders have not been renewed every thirty days as required by law. All of the pre-trial detainees at Luzumu prison, for example, had gone several months without coming before a judge. Two of the detainees had been held for nine months. The prison director told Human Rights Watch that a judge had promised on several occasions to come from Mbanza Ngungu, but that he had not been able to secure transportation.

Largely because of the efforts of a few activist prosecutors and a team of devoted religious aid workers, the extent of illegal long-term detention at Makala appears to have diminished in recent years. In many cases observed by Human Rights Watch, the aid workers filled the role normally played by lawyers, bringing lost cases to the attention of the parquet and ensuring that files were not ignored over long periods of time. According to magistrates, the aid workers' efforts have led to the release of many prisoners in the recent past. Nevertheless, the assistant director at Makala prison acknowledged that many prisoners were illegally detained, but that the law did not permit him to release them.

The problem is primarily one of transportation, difficulties in communication and the general collapse of the justice system. At Makala prison, for example, the court holds its sessions at the prison. But, as one prosecutor told us, "The judge doesn't go unless we take him. He says, 'Why should I pay for the transportation when nobody is paying me?'" As a result, the court often fails to hold sessions, and hearings are delayed.

Another problem results from inactivity at the Justice Ministry and the breakdown of communication with Kinshasa. None of the prisons acknowledged receiving a copy of the amnesty order issued by President Mobutu in December 1992 that should have affected a large proportion of the prison population. Although we have doubts with regard to Luzumu, it seems likely that the Shaba prisons did not receive the order. If this is the case, it is almost certain that prisons in other regions of the country also did not receive the order. The same lack of communication affects provisional releases. The director of the

⁵⁷Papers compiled by the Prison Fellowship in 1992.

⁵⁸Association des Cadres Pénitentiaires du Zaïre, *Rapport des Visites dans les Prisons et EGEE Kinshasa:1992*, p. 7.

prison prepares a list of prisoners whom he considers entitled to provisional release, but the list must be approved by authorities in the Ministry. The director of Buluo Prison told us that Kinshasa had failed to respond to his requests for provisional release despite several communications from him over a period of months.

Security or Political Prisoners

Almost all of the prisoners in the ordinary prisons are held for ordinary, "common-law" crimes. In fact, there have been few known political prisoners in any of the prisons over the past three years; and most have been held only a few days before release. In the 1980s, the ICRC typically saw more than 300 prisoners held for security offenses during any twelve-month period, even though their access to detention centers was severely restricted.⁵⁹ In 1989, the ICRC visited 341 security detainees in fifty-four places of detention; in 1993, forty-one security detainees in four places of detention.

In March 1993, however, the trend reversed itself again. A number of people in the opposition were arrested and detained illegally, either at the SNIP prison or elsewhere. On April 9, Joseph O lenghankoy, a young leader of the opposition, was arrested and sent to Makala prison. He had been instrumental in organizing several general strikes on behalf of the Sacred Union, the opposition to the Mobutu regime. He was released together with about a dozen other political detainees on July 6, 1993. Six other political detainees remained at the prison.

There are, on the other hand, a number of convicted prisoners whose conviction has a political component. Many are convicted of embezzlement, an omnipresent crime among Zairians in positions of power. "Essentially, anyone convicted of embezzlement was prosecuted for reasons unassociated with the crime itself," as one human rights activist told Human Rights Watch. This is certainly the case with respect to Bossassi Epolé at Makala prison. "I'm sure he was guilty," the same human rights activist said, "but that isn't why he was prosecuted." Bossassi was member of the opposition Union pour la Démocratie et le Progrès Social (UDPS), the most persistent opposition to Mobutu, soon after it was founded in the early 1980s. In addition, he sought to found the first human rights league in the country. In 1986, he "returned to the fold" of the single party and was rewarded with a position in one of the para-statal corporations. Soon afterwards, he was prosecuted for embezzlement together with his boss.

Women Prisoners

Of the four prisons we visited, only Makala prison held women detainees. On March 24, 1993, there were twenty-one women prisoners in a group pavilion separated from the men's quarters. Almost all of them were awaiting trial.⁶⁰ A number of nursing babies live with the women.⁶¹ We were told by magistrates

⁵⁹See ICRC annual reports for 1982 through 1989.

⁶⁰Nineteen out of the twenty-two who had been in the pavilion during a survey two days earlier were awaiting trial; only three were serving sentences.

⁶¹The Association des Cadres Pénitentiaires reported that nine nursing babies lived with twenty-five women in March 1992.

that babies could remain with their mothers until the age of one; the rule, if it exists, however, is not strictly enforced. Many older children – up to two or three years old -- have also remained with their mothers.

At Makala, the women generally appear to be in better health than the men and to live under better conditions. Although the women's pavilion clearly floods during heavy rains, it is immaculately kept, and when we visited there were sufficient numbers of cots or mattresses for all of the prisoners. According to aid workers in the prison, the women are well organized and tend to take care of themselves. Former prisoners told Human Rights Watch that there is a system of prostitution run by the women prisoners and that guards and male prisoners have "wives" among the women prisoners. We did not, however, have an opportunity to interview women prisoners in a setting that would insure their confidence.

The other prisons we visited have separate facilities for women; however, there were no women prisoners at the time of our visit. In police lock-ups and security-force prisoners, in contrast, there appears to be no effort to separate male and female detainees. This is definitely true of the police lock-ups in Kinshasa, the BSRS prison and the Civil Guard Prison. All of the visitors to these facilities and former security detainees report that women and men were held in the same cells. There is some testimony which suggests that at the security-force prisons, women have been deliberately put into cells with men in order to intimidate them.

VI. CONTACTS WITH THE OUTSIDE

Official prison rules usually permit visitors on two days during the week. These days prison directors tend to permit visits at any time, because they are a major source of food for the prisoners. However, because of the increasingly dire economic situation, the number of visits has dropped off precipitously in the past two years. This is apparent to anyone who has visited Makala prison during this time. In 1989, so many visitors passed through the doors that, to unfamiliar viewers, it was hard to determine who was a visitor and who a prisoner. The economic situation of family members has been exacerbated by the demands made on visitors by prison guards (see below, on corruption). Travel back and forth, even to the urban prisons, is extremely expensive and, because of increasing insecurity in Kinshasa, dangerous in the case of Makala Prison. Rural prisons, like Luzumu or Buluo, rarely receive any visitors. Luzumu, for example, had received only two during the first three months of 1993. Although access to the prisons appears relatively unrestricted, some prisoners complained that certain of their visitors were not allowed in for political reasons.

VII. INMATE HIERARCHY

One of the most striking aspects of prison life in Zaire is the powerful role played by the prisoners themselves. As prison staff disappears from the prisons, the role of the prisoners becomes even more important. Without their cooperation, the prisons could not function. As the director of Buluo detention camp acknowledged, the prisoners could simply leave if they chose to. "Just don't tell them," he said to us, only half-jokingly. The Buluo facility, for example, functions with one administrator and three uniformed guards. Kasapa has three staff members who work regularly in addition to the director and one who comes twice a week. Luzumu functions without many more. At Makala prison, the prison staff that does work is rarely seen outside the administrative offices.

The extent of prisoner involvement in running the institution varies from prison to prison. But in each of the prisons there exists a hierarchy of prisoners that is respected by both prison officials and inmates. No prison director would approach the inmates without passing through the "Capita Général" or chief of staff, and no prisoner would defy the "governor" of his pavilion.

The Capita Général is chosen with the agreement of the prison director, although this approval may be largely pro-forma; Kasapa's director told us, for example, that it would pointless for him to try to impose a Capita. The lesser inmate officials are chosen by the prisoners alone.

At Makala, the Capita Général typically comes from among the privileged prisoners. The current Capita is Mr. Ezati, detained since 1989 for embezzling government funds. His deputy is Koyagialo Ngbase te Keregbio the former governor of Shaba. Under the Capita comes an administrative and a security structure divided into "brigadiers" and "governors". Each pavilion has a governor and a commander in charge of exterior security. The passageways are patrolled by a team of brigadiers headed by the brigadier-in-chief. The kitchen staff is also under the control of the inmate hierarchy. Prisoners prepare and distribute the food. They tend the sick, adjudicate disputes, organize the day and mete out most penalties.

At other prisons the system of brigadiers seems to be less developed, but the administrative structure is equally strong. At Luzumu, in addition to the Capita Général and the governors, there is a central committee of prisoners, as well as prisoner sentinels called "Makwata".

Not surprisingly, though the system appears very efficient for prison directors, it can be abusive for the prisoners themselves, particularly where -- as in the case of Makala prison -- inmates have significant control over distribution of punishment, food, and other "favors".

Activities

At Makala, as a number of prisoners explained, all movement is carefully monitored by the inmate hierarchy. Before a prisoner can leave his pavilion he needs the permission of the "governor". He must also have permission before he can enter the main courtyard. There is little that prisoners can do, however. Periodically there are sports activities, but fewer and fewer. At Buluo they were banned because prisoners were too weak and too hungry after physical exertion. At Kasapa they were banned as punishment for a massive theft and escape effort. Essentially the only remaining activities at the prisons

are the religious services of different denominations, which are generally well attended.

The Prison Law permits a prison to assign work detail to all convicted prisoners. At Makala this entails primarily maintenance and upkeep. "Governors" assign work for the detainees in their pavilions. At prisons in the interior, convicted prisoners are sent to work in fields. However, as all four prison directors told us, the weak condition of prisoners meant that they could not be compelled to work very hard.

"Prison Economy"

Within Makala prison there is a thriving marketplace economy. According to detainees who were interviewed, everything must be paid for -- from the mat or blanket that prisoners sleep on to the pan in which they heat their beans and manioc. Senior prisoners control plots of land and pay other prisoners to work them. The plots, which are within the prison grounds and were originally planted with the assistance of missionary groups, are now bought and sold among prisoners. Prisoners can also earn money guarding and cleaning up for other prisoners and, reportedly, providing sexual services. There is also a thriving loan-shark market within the prison, and according to prisoners, a trade in marijuana.

This situation is reportedly typical of conditions throughout the prison system.

Disciplinary System within Inmate Hierarchy

At Makala, any dispute among prisoners is usually regulated by the inmate hierarchy. There are even "trials" which take place before the elite prisoners of Pavilion 8. While this "self-government" has its positive side under the conditions of general abdication of authority by much of the prison staff, it is also extremely repressive and dangerous. Wealth and physical strength give some prisoners inordinate power, which they use with impunity. Because the kitchen facilities and food distribution are controlled by the inmates, the dominant ones essentially decide who will live and how well. We saw one prisoner, who was clearly on the brink of starvation, abandoned by himself in a field. Prisoners told us that he had provoked an escape attempt which had resulted in the death of several prisoners and now he was being ostracized. Even the ICRC program apparently had trouble reaching him.

Each rank in the prison hierarchy merits an additional increment of food and other benefits, meaning that prisoner officials generally look well fed. One of the innovations of the ICRC in its feeding program at Makala was to sit the prisoners in a circle and ensure that each one received and ate his appropriate portion.

According to aid workers at Makala, the long-term convicts, particularly, those "hardened criminals" living in Pavilion 2, exercise a reign of terror over other prisoners. They are particularly known for sexually terrorizing younger prisoners. "At one point, we kept hearing about younger prisoners dying from diarrhea," an aid worker told us, "then we investigated one case and found a fifteen-year-old boy whose entire anus has been destroyed."

The elite prisoners tend to live under a separate regime. At Makala prison, a number of the elite prisoners leave the prison during the day. Others are apparently permitted to spend the night with their families and check in during the morning. Their daytime hours are similarly unstructured, and they move

freely among the various sections of the prison. In addition, particularly at the rural detention camps, some prisoners, after serving most of their sentence, are allowed to live and cultivate fields outside the prison walls.

VIII. DISCIPLINARY MEASURES AND PHYSICAL ABUSE

The Prison Law establishes the following scheme of punishments, to be ordered by the director of the prison and officially recorded:

- (1) deprivation of visits for at most two months, on condition that the detainee have the right to communication with his counsel;
- (2) deprivation of mail for at most two months on condition that the detainee have the right to correspond with his counsel and write to administrative and judicial authorities;
- (3) supplementary work of one hour per day for at most fifteen days;
- (4) handcuffs for at most seven days;
- (5) lock-up [*cachot*] for at most forty-five days.⁶²

The director of the prison has the right to establish internal rules subject to the approval of the territorial inspector (Art. 46). These rules are required to be written and posted. We saw no rules posted in the prisons we visited.

The severity of punishment at the prisons visited recently appears to have diminished, according to the testimony of prisoners and prison officials. As Director Kasongo of Kasapa prison told us, "I can't deny them visitors -- that would mean death. I can't give them extra work or they would also die. And for the same reason, I can't lock them up except for the shortest periods."

In practice, short- and long-term lock-up are the most common punishments, but whippings are also an accepted practice in some prisons. The Association des Cadres Pénitentiaires reported that, for the month of February 1992, twenty-six detainees were locked up for an average of twelve days at Luzumu prison and 268 detainees were locked up for an average of twenty days.⁶³ The lock-up cells at the prisons we visited were like police lock-ups, without windows or ventilation. At Makala, four to six detainees are locked up in an unlighted cell measuring 2x3.5 meters. At Luzumu, there were also eight cases of whippings apparently in connection with escape attempts.

The most extreme form of physical abuse we encountered was the use of leg chains and metal spans. According to prison officials, these are used in many of the prisons in the interior, less as a punishment than as a means for controlling dangerous prisoners. The type used in Zaire are welded together, causing severe burns to the skin, and sometimes, according to the Association des Cadres Pénitentiaires, creating complications leading to amputations. To remove them requires a hacksaw.

Human Rights Watch interviewed three prisoners while they were still in chains at Luzumu prison.

⁶²Prison Law, Art. 78.

⁶³Association des Cadres Pénitentiaires du Zaire, *Rapport des Visites*, p. 4.

They had been chained upon arrest in December 1992; one with a leg span and the others with chain links. Two were members of the Civil Guard; the third was a civilian. They were reportedly involved in a hold-up, but had never been tried. Initially, they were chained in order to keep them from escaping. Later, they remained chained at Luzumu prison because the director claimed he did not have the necessary blade. Missionaries from Kinshasa eventually brought a hacksaw blade and removed the chains at the beginning of April.

The time when most inmates are subjected to particularly severe physical abuse, usually by their fellow prisoners, is the period following their arrival at the prison.

The initial period may last for several months, during which time the new prisoners are "broken down" (as the director of Luzumu put it) and observed. During this period, at Makala for example, the new prisoners are also given the most degrading tasks, such as cleaning out the toilets by hand. On this basis a prison administrator makes a final determination about living quarters. But as even the prison administrators acknowledged, the final choice depends largely on the determination of the prisoners themselves. It is primarily the prisoners who observe the new arrivals and determine their compatibility. One prisoner released from Makala on March 24, 1993 claimed that he was forced to live with the "hardened criminals" (Pavilion 2) for three years because he had mouthed off to other prisoners when he was forced to clean the toilets.⁶⁴

⁶⁴Interview with "Jean", March 25, 1993.

IX. CORRUPTION

The crisis in Zaire's prisons is exacerbated by corruption at all levels of the prison hierarchy, from the Minister of Justice to the jail guard. At its simplest, corruption requires paying and feeding the jail guards in order to visit the prison or bring food to prisoners. This practice, which is common to all of Zaire's prisons, was suspended for a few months from Makala prison in the fall of 1992. A reform-minded Justice Minister, Roger Gisanga, under the transition government of Etienne Tshisekedi placed a sign at the entrance which read "Visits are free" and threatened guards into enforcing it.

The policy was effective, according to aid workers. But the sign disappeared as soon as the transition government was displaced by President Mobutu, and the practice has quickly returned. "Of course this keeps away visitors," one magistrate said. "People have practically nothing to begin with, and feeding prisoners comes low on their list of priorities. When, on top of this, they have to pay off everyone along the way, they just stop coming."

Corruption is responsible for the fact that prisons are without functioning vehicles or machinery for workshops. Much of this infrastructure has been sold or converted to private use over the years. At Buluo prison, the director recently succeeded in identifying key machinery sold to private businesses by his predecessor. While he tried to shame the businessman into returning the equipment, he was also seeking a way to rebuild the destroyed electrical connections to the wood-shop. Missionaries in Kinshasa have continuously replaced stolen equipment at the Makala carpentry shop, but to no avail. It always disappears soon afterwards. They have also provided machetes and farming implements to Luzumu prison with the same result.

Corruption also explains why major contributions of food and medicine disappear quickly from the prisons. Everyone seeking to bring food to the prison gives some of it to the guards. In late December 1992, after a highly publicized Christmas donation of foodstuffs by a Lebanese businessman, aid workers saw prison staff carting loads of food out of the warehouse. There are several versions of what had happened. According to one Justice Department official, the guards blocked the food from leaving and threatened to expose the director for the theft. The director procured a letter from the Secretary General at the Justice Ministry (at that time the highest recognized official at the Ministry) saying that the food was to feed the staff at the Ministry. In fact, according to this official, the Secretary General and the prison director, both of whom were involved in corruption, were just protecting each other.

Missionaries and humanitarian groups have had to fight to maintain control over their own contributions so that they directly benefit the prisoners. Because of their distrust of the guards and staff, even the prisoners have a separate store house for the food that they collect, although they acknowledge that they give some food to the prison staff.

Finally, corruption in some prisons has created situations in which prisoners are forced to work for the account of the director, either in prison fields or in private fields. Directors justify this activity by reference to the needs of the prison. But there is no control on how the proceeds are used.

In the case of Luzumu prison, it seemed quite possible that the prison director had deliberately failed to implement President Mobutu's December amnesty order because he feared losing an essential workforce. On April 4, he complained to our delegation, as other directors had, that he had not received a

copy of the amnesty. But in fact, credible witnesses had seen him in Kinshasa the week before at which point he claimed already to have obtained it. At the same time that he mentioned the amnesty, he lamented the difficulties of managing the prison with the small group of prisoners who remained -- particularly since a large number of them were unconvicted prisoners and, therefore, not subject to work detail. Suspicions about his conduct were bolstered by a letter which he had written to a religious superior seeking to have the Catholic chaplain, the only independent presence at the prison, transferred.

The problem of corruption extends to other aspects of the judicial system. In the view of many people -- including many prosecutors -- the majority of Zairians who land in prison are those who were not in a position to pay off the policeman or the prosecutor who ordered their detention. When a policy was instituted at Makala prison to release sick detainees, the policy was quickly distorted to allow other prisoners out on dubious grounds. "One prisoner -- a strong young man in jail for aggravated theft -- came to me and announced that he was being released," an aid worker told us. "I asked what was wrong. He told me, 'I sometimes get headaches.'" When 150 prisoners were released from Makala in March 1993, on the grounds that they were sick, the selections were made without even consulting the prison doctor -- who was denied a list of the beneficiaries until after their release.

PRISON CONDITIONS IN ZAIRE

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APPENDIX E

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

PRELIMINARY OBSERVATIONS

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.

4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures or corrective measures ordered by the judge.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

5. (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

PART I

RULES OF GENERAL APPLICATION

Basic principle

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Register

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

- (a) Information concerning his identity;
- (b) The reasons for his commitment and the authority therefor;
- (c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

- (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;
- (b) Untried prisoners shall be kept separate from convicted prisoners;
- (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- (d) Young prisoners shall be kept separate from adults.

Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air,

minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional

value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport

21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical services

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. (1) The medical officer shall regularly inspect and advise the director upon:

(a) The quantity, quality, preparation and service of food;
(b) The hygiene and cleanliness of the institution and the prisoners;
(c) The sanitation, heating, lighting and ventilation of the institution;
(d) The suitability and cleanliness of the prisoners' clothing and bedding;
(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;
- (b) The types and duration of punishment which may be inflicted;
- (c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental

health.

Instruments of restraint

33. Instruments of restraint, such as handcuffs, chains, irons and straitjackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

- (a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;**
- (b) On medical grounds by direction of the medical officer;**
- (c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.**

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Contact with the outside world

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Retention of prisoners' property

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners

45. (1) When the prisoners are being removed to or from an institution they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Institutional personnel

46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

PART II

RULES APPLICABLE TO SPECIAL CATEGORIES

A. PRISONERS UNDER SENTENCE

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation I of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the

sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and Individualization

67. The purposes of classification shall be:

- (a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;
- (b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Work

71. (1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be

under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination

and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

B. INSANE AND MENTALLY ABNORMAL PRISONERS

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

C. PRISONERS UNDER ARREST OR AWAITING TRIAL

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. CIVIL PRISONERS

94. In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. PERSONS ARRESTED OR DETAINED WITHOUT CHARGE

95. Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

APPENDIX A

ANNUAL STATISTICS FOR TURNOVER OF PRISON POPULATION, 1989-1991

(Collected by the *Association des Cadres Pénitentiaires du Zaïre* on the basis of monthly reports filed by prison administrators with the Ministry of Justice.)

1989

REGION	TOTAL TURNOVER	NON- CONVICTED	CONVICTED	RELEASED	ESCAPED	DEAD
Bandundu	11843	10073	1770	9377	48	36
Bas-Zaire	13231	11347	1884	10162	210	61
Equateur	22712	20764	1948	20211	193	88
Haut-Zaire	36711	32681	4030	33483	229	206
Kasai Occ.	11523	9255	2268	9544	94	113
Kasai Or.	18617	16701	1916	16551	161	164
Maniema	12364	9926	2438	10105	41	92
Nord-Kivu	27441	22683	4758	24971	176	141
Shaba	34708	29342	5366	31008	242	193
Sud-Kivu	18526	16314	2212	15912	15	91
Kinshasa	43459	35734	7725	38761	467	263
Total:	251135	214820	36315	220085	1934	1448

1990

REGION	TOTAL TURNOVER	NON- CONVICTED	CONVICTED	RELEASED	ESCAPED	DEAD
Bandundu	10923	9183	1740	9143	56	48
Bas-Zaire	13271	11749	1522	10626	228	54
Equateur	22516	20563	1953	20174	201	116
Haut-Zaire	37061	33421	3640	34920	217	201
Kasai Occ.	11328	8972	2356	9746	101	123
Kasai Or.	19103	17005	2098	17769	147	141
Maniema	12511	10112	2399	10871	64	110
Nord-Kivu	27467	23541	3926	24861	172	127
Shaba	35212	30719	4493	31640	326	231
Sud-Kivu	18173	16201	1972	15744	117	81
Kinshasa	43933	35916	8017	41317	405	287
Total:	251498	217382	34116	226811	2034	1519

1991

REGION	TOTAL TURNOVER	NON- CONVICTED	CONVICTED	RELEASED	ESCAPED	DEAD
Bandundu	11184	9317	1867	9421	64	94
Bas-Zaire	12846	11132	1714	10202	327	126
Equateur	22723	20904	1819	20318	401	204
Haut-Zaire	36205	32729	3476	33691	624	318
Kasai Occ.	11472	9167	2305	9662	217	122
Kasai Or.	18542	17722	820	16727	433	148
Maniema	12418	9855	2563	10320	192	133
Nord-Kivu	27124	22643	4481	25145	641	245
Shaba	34635	29274	5361	31225	805	268
Sud-Kivu	18216	16121	2095	16113	234	135
Kinshasa	42529	35208	7321	39432	1072	436
Total:	247894	214072	33822	222256	5010	2229

APPENDIX B

Prisons of Zaire

(Assembled by the Association des Cadres Pénitentiaires du Zaire on the basis Ministry of Justice files.)

I. Kinshasa <ul style="list-style-type: none"> 1. Makala Central Prison 2. Ndolo Military Prison 	III Bas-Zaire <ul style="list-style-type: none"> A City of Matadi <ul style="list-style-type: none"> 1. Matadi Central Prison 2. Boma Urban Prison B Sub-region of Bas-Fleuve <ul style="list-style-type: none"> 3. Tshela Zone Prison 4. Lukula Zone Prison 5. Seke Banza Zone Prison C Cataractes Sub-region <ul style="list-style-type: none"> 6. Mbanza Ngungu Sub-regional Prison (closed 1992) 7. Luizi Zone Prison 8. Songololo Zone Prison D Lukaya Sub-region <ul style="list-style-type: none"> 9. Madima Zone Prison 10. Kasangulu Zone Prison 11. Kimvula Zone Prison 12. Luzumu Detention Camp
II. Bandundu	IV Equateur
A City of Bandundu <ul style="list-style-type: none"> 1. Bandundu Central Prison 2. Kikwit Urbain Prison 	A City of Mbandaka <ul style="list-style-type: none"> 1. Mbandaka Central Prison
B Kwilu Sub-region <ul style="list-style-type: none"> 3. Bulungu Sub-regional Prison 4. Bagata Zone Prison 5. Gungu Zone Prison 6. Idiofa Zone Prison 7. Masimanimba Zone Prison 8. Mangai Zone Prison 	B City of Zongo <ul style="list-style-type: none"> 2. Zongo Urban Prison
C Kwango Sub-region <ul style="list-style-type: none"> 9. Kenge Sub-regional Prison 10. Popokabaka Zone Prison 11. Kasongo-Lunda Zone Prison 12. Kahemba Zone Prison 13. Feshi Zone Prison 14. Panzi Zone Prison 	C City of Gbado Lite <ul style="list-style-type: none"> 3. Mobayi-Mbongo Urban Prison
D Mai-Ndombe Sub-region <ul style="list-style-type: none"> 15. Inongo Sub-regional Prison 16. Mushie Zone Prison 17. Oshwe Zone Prison 18. Kutu Zone Prison 19. Kiri Zone Prison 20. Bolobo Zone Prison 21. Belingo Detention Camp 	D Equateur Sub-region <ul style="list-style-type: none"> 4. Basankusu Sub-regional Prison 5. Bolombo Zone Prison 6. Bokote Zone Prison 7. Ingende Zone Prison 8. Bikoro Zone Prison 9. Kalamba Zone Prison 10. Lukolela Zone Prison 11. Deb Bomongo Zone Prison 12. Djombo Leza Detention Camp
	E Tshuapa Sub-region <ul style="list-style-type: none"> 14. Boende Sub-regional Prison 15. Djolu Zone Prison 16. Befale Zone Prison 17. Bokungu Zone Prison 18. Monkoto Zone Prison 19. Ikela Zone Prison 20. Ekafera Prison

F	Mongala Sub-region	D	Haut Uele Sub-region
	21. Lisala Sub-regional Prison	24.	Isiro Sub-regional Prison
	22. Bumba Zone Prison	25.	Rungu Zone Prison
	23. Karawa Zone Prison	26.	Niangara Zone Prison
	24. Bongandanga Zone Prison	27.	Dungu Zone Prison
	25. Mondjamboli Zone Prison	28.	Wamba Zone Prison
	26. Bosusimba Zone Prison	29.	Watsa Zone Prison
	27. Mombagi Zone Prison	30.	Defaradje Faradje Zone Prison
G	South Ubangi Sub-region	E	Ituri Sub-region
	28. Bemena Sub-regional Prison	32.	Bunia Sub-region
	29. Kungu Zone Prison	33.	Irumu Zone Prison
	30. Budjala Zone Prison	34.	Aru Zone Prison
	31. Libenge Zone Prison	35.	Mahagi Zone Prison
H	North Ubangi Sub-region	36.	Djugu Zone Prison
	32. Bosobolo Zone Prison	37.	Mambasa Zone Prison
	33. Biusinga Zone Prison	38.	Mongbwalo Zone Prison
V.	Haut-Zaire	39.	Nioka Zone Prison
		40.	Biasa Detention Camp
A	City of Kisangani	VI	Kasai Occidental
	1. Kisangani Central Prison	A	City of Kananga
	2. Annex prison of Konga-Kongo	1.	Kanganga Central Prison
	3. Osio Detention Camp	B	Kasai Sub-region
B	La Tshopo Sub-region	2.	Luebo Sub-regional Prison
	4. Isangi Sub-regional Prison	3.	Tshikapa Zone Prison
	5. Yaangambi Zone Prison	4.	Ilebo Zone Prison
	6. Basoko Zone Prison	5.	Dekese Zone Prison
	7. Banalia Zone Prison	6.	Mweka Zone Prison
	8. Bafwa Sende Zone Prison	C	Lulua Sub-region
	9. Opala Zone Prison	7.	Tshimbulu Sub-regional Prison
	10. Yahuma Zone Prison	8.	Demba Zone Prison
	11. Ubundu Zone Prison	9.	Dimbelenge Zone Prison
	12. Yanonge Zone Prison	10.	Dibaya Zone Prison
C	Uele Sub-region	11.	Luiza Zone Prison
	13. Buta Sub-regional Prison	12.	Kazumba Zone Prison
	14. Aketi Zone Prison		
	15. Ango Zone Prison		
	16. Poko Zone Prison		
	17. Bambesa Zone Prison		
	18. Bili Zone Prison		
	19. Bambili Zone Prison		
	20. Zobia Zone Prison		
	21. Titule Zone Prison		
	22. Bondo Zone Prison		
	23. Likati Zone Prison		

VII	Kasai Oriental	VIII	North Kivu
A	City of Mbuji Mayi	A	City of Goma
1.	Mbuji Mayi Central Prison	1.	Goma Central Prison (closed 1993)
B	Kabinda Sub-region	B	Region
2.	Kabinda Sub-regional Prison	2.	Niongera Detention Camp
3.	Demwene-Ditu Zone Prison	3.	Masisi Zone Prison
4.	Kamiji Zone Prison	4.	Lubero Zone Prison
5.	Lubao Zone Prison	5.	Beni Zone Prison
6.	Ngandajika Zone Prison	6.	Debutembo Zone Prison
7.	Luputa Zone Prison	7.	Vuhozi Zone Prison
C	Sankuru Sub-region	8.	Rutsuru Zone Prison
8.	Lusambo Sub-regional Prison	9.	Idjuwe Zone Prison
9.	Kole Zone Prison	10.	Musienene Zone Prison
10.	Benadibebe Zone Prison	11.	Wlikale Zone Prison
11.	Lomela Zone Prison	12.	Kaina Zone Prison
12.	Katako Kombe Zone Prison		
13.	Dikungu Zone Prison	IX	Shaba
14.	Lubefu Zone Prison	A	City of Lubumbashi and surroundings
15.	Lodja Zone Prison	1.	Kasapa Central Prison
D	Tshilenge Sub-region	2.	Likasi Urban Prison
16.	Tshilenge Sub-regional Prison	3.	Buluo Detention Camp
17.	Kabeya Kamuanga Zone Prison	B	Kolwezi Sub-region
18.	Katanda Zone Prison	4.	Kolwezi Sub-regional Prison
19.	Lupatapata Zone Prison	5.	Lubudi Zone Prison
20.	Miabi Zone Prison	6.	Mutshatsha Zone Prison
VII Maniema		C	Haut-Shaba Sub-region
A	City of Kindu	7.	Kipushi Sub-regional Prison
1.	Kindu Central Prison	8.	Mituuba Zone Prison
B	Region	9.	Kambove Zone Prison
2.	Iwama Detention Camp	10.	Pweto Zone Prison
3.	Kibombo Zone Prison	11.	Kasenga Zone Prison
4.	Punia Zone Prison	12.	Sakania Zone Prison
5.	Lubutu Zone Prison	D	Haut Lomami Sub-region
6.	Pangi Zone Prison	13.	Kamina Sub-regional Prison
7.	Kingombe Zone Prison	14.	Kaniamra Zone Prison
8.	Kambare Zone Prison	15.	Kabongo Zone Prison
9.	Kasongo Zone Prison	16.	Malemba-Nkulu Zone Prison
10.	Kailo Zone Prison	17.	Bukama Zone Prison
11.	Samba Zone Prison	E	Lualaba Sub-region
12.	Wamaza Zone Prison	18.	Dilolo Sub-regional Prison
		19.	Kapanga Zone Prison
		20.	Sandowa Zone Prison
		21.	Kasanji Zone Prison
		F	Tanganyika Sub-region
		22.	Kalemie Sub-regional Prison
		23.	Manono Zone Prison
		24.	Kabalo Zone Prison

- 25. Kongolo Zone Prison
- 26. Nyunzu Zone Prison
- 27. Moba Zone Prison

XI South Kivu

- A City of Bukavu**
 - 1. Bukavu Central Prison
- B Region**
 - 2. Uvira Zone Prison
 - 3. Kabare Zone Prison
 - 4. Kaleme Zone Prison
 - 5. Shabunda Zone Prison
 - 6. Mwenga Zone Prison
 - 7. Fizi Zone Prison
 - 8. Idjwi-Bugar Zone Prison
 - 9. Walungu Zone Prison
 - 10. Katana Zone Prison
 - 11. Bushumba Zone Prison
 - 12. Nyangezi Zone Prison
 - 13. Baraka Zone Prison
 - 14. Bunyangiri Zone Prison
 - 15. Kamituga Zone Prison
 - 16. Luberizi Zone Prison
 - 17. Minova Zone Prison
 - 18. Lemera Zone Prison
 - 19. Kirotshe Zone Prison

Central Prisons:	11
Sub-regional Prisons	25
Zone Prisons	158
Urban Prisons	5
Annex Prison	1
Detention Camps	9
Military Prison	1

(not including Angenga Prison in Equateur which apparently does not report to the Ministry)