

## **Congo Prison Hell**

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DRC jails so bad that ICC indictee said to have asked for transfer to The Hague to escape misery of his Kinshasa prison cell.

When asked what would most improve his life as the director of Goma's Munzenze prison, Joseph Mirindi doesn't hesitate. "Doors," he said.

It may sound like a joke but its not. For obvious reasons a basic requirement in most prisons, doors like everything else in this dank and crumbling ruin, built in the Fifties for 150 inmates but now housing 500, are in short supply.

It would be hard to imagine a grimmer and darker place than Munzenze - which means impenetrable.

There's been no electricity for years - certainly since the volcanic eruption in 2002 that wiped out much of Goma, the capital of North Kivu province, in the east of the Democratic Republic of Congo, DRC.

Prisoners sleep on the damp ground in dark, crowded rooms off a central courtyard. The smell of urine is pervasive. There are only a handful of blankets and mattresses, provided by family members who also bring in food. No one at Munzenze eats more than once a day.

On an afternoon in mid-November, one man lay gravely ill - painfully thin and still - from an untreated gunshot wound. Another showed the visitors his swollen and infected leg. Mirindi says the local hospital won't treat inmates.

A small dark room, near an open toilet, has been set aside for those with infectious diseases like tuberculosis, and inmates who are mentally ill. A prisoner with medical training, imprisoned since 2005 for stealing, says he tries to help but with no medicine there is little he can do.

One of the few doors remaining in the prison separates the men's area from the eight female inmates, who include two girls, aged 12 and 13. Both are accused of stealing - one a mobile phone and the other 35 US dollars.

A woman cries as she explains the accusation against her, that she arranged the murder of her former husband. She has twice been to court but has yet to see a lawyer to explain her side of the story.

In Mirindi's office - with its peeling green paint and battered desk - a poster of Congolese president Joseph Kabila reads "Now we will build our country". Those working in Congo's prison system wonder when the promised improvements will trickle down to them.

Five other jails around North Kivu are carbon copies of the dismal Munzenze. All were built during the Belgian colonial era and have seen little renovation since.

Around 300 kilometres away from Goma at Beni central prison, septic tanks overflow and the waste spills down the prison walls that appear ready to fall down. A prisoner died of cholera and eight more from diarrhea. A female inmate was raped when the wall separating her from the men was breached.

Escape is common from these buildings with their gaping windows and crumbling walls. The United Nations Mission in the Democratic Republic of Congo, MONUC, helped renovate the Vouvi prison near Beni but soon after around 100 inmates broke out and disappeared.

And conditions are little better at jails elsewhere in the country.

Germain Katanga, now in International Criminal Court, ICC, custody, reportedly asked to be transferred to The Hague to escape the misery of his Kinshasa jail where he had been detained for two years on unrelated charges.

Though arrested in March 2005 along with eight other militiamen in relation to an attack against Bangladeshi peacekeepers in Ituri, Katanga had yet to face trial in the Congo when he arrived in The Hague.

Dirk Deprez, coordinator of the Restoration of Justice in the East of DRC project, Rejusco, in Goma, says prisoners languish for months - or in some case years - while waiting to be tried.

“Three quarters of detainees are irregularly detained,” said Deprez. “The majority of prisoners are in pre-trial detention.”

A chronic lack of resources for the judicial system is at the heart of the problem, he says. At Munzenze, only two of the 12 staff is paid.

“The others are paid by what they can collect,” said Deprez. That means family members pay to visit inmates who themselves must give money to prison staff if they want to be released after serving their sentence.

When cases do come to court, many judges sell justice to the highest bidder. “The one who can pay the most wins the case,” said Deprez. “There are lots of prisoners waiting to be tried but no one is interested if there is no financial benefit.

“At the moment it is justice of the rich. Someone who steals a blanket from the market can languish in prison for years because no one is interested in the case, because there is no financial gain.”

Under its plan to improve the administration of justice in the east, Rejusco wants to top up salaries of prison staff and other judicial workers. It also has plans for prison farms where inmates can grow their own food.

Though the efforts of Rejusco – funded by various European countries – are appreciated by many in North Kivu, there are those who say the Congolese government must play more of a role in improving its judiciary.

Goma-based lawyer Felicien Hitimana Nduhi says the international community cannot solve the myriad problems alone. “Congo must fix its own judicial system,” he said.

“Of course the international community can help but they’re not going to change the judicial system. The state has to do it.”

Nduhi, a former minister in Congo’s transitional government, once worked as a judge but quit because of the low opinion most Congolese have of those charged with administering justice in the country.

“For judges it’s not about salaries it is a mentality issue,” he said. “Judges don’t feel they are beholden to uphold justice. There is no discipline in the judicial system. Judges are appointed for their connections.”

He doubts there is any political will to improve the situation. “The government is not happy about an independent judiciary,” he said.

But despite all the problems, Nduhi remains optimistic, “Even though only 40 or 50 per cent of the constitution is respected, at least we have recognition that an independent judiciary is essential to a functioning democracy. It is better than it was.”

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Also see **Story Behind the Story**, published in ACR Issue 147, 3-Jan-08.

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