

No More Parole for Rapists

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Prosecutors in Katanga province pledge to end possibility of early release in rape cases.

In response to concerns raised by womens' groups, prosecutors in the Katanga province of the Democratic Republic of Congo, DRC, have pledged to end the early release of convicted rapists.

Pierre Essabe Kamulete, the general prosecutor at the appeals court of Katanga province, told IWPR that offenders will no longer be able to buy their way out of jail, as they can do at the moment once they have served at least a quarter of their sentence.

“When the perpetrator of a rape is arrested and jailed, but then let out early, people worry that the rapist has not been restrained,” Kamulete said. “The general impression, which is widespread, is that justice is not doing its job properly or that justice is only applied to the [those who cannot to pay for early release]. We must follow the voice of the majority who want to see these crimes severely punished.”

Women's associations have been particularly vocal in accusing the prosecution service of being too willing to set perpetrators of sexual violence free.

“People who are arrested and charged for crimes involving sexual violence are often seen again after only a short time [in prison] and sometimes they repeat their deeds,” Consolate Ngalula, from the Centre for Social Integration of Women, an NGO, said. “We hope that the measure that has now been introduced will be respected.”

It is up to the appeals courts to decide whether a prisoner is eligible for early release or not. The prisoner has to persuade the court that he is no longer a danger to society and that he will not run away. He must also pay a fee for early release, currently set at 50-500 US dollars for regional courts and 500-1000 dollars for the High Court.

Officially, only those that have served at least a quarter of their sentence can apply for parole, but the rampant corruption in the country's judicial system means that prisoners with money and the right connections can often get out much earlier.

Constantine Lupama, a judge for a tribunal in the Lubumbashi commune of Annexe, explains how one school teacher, convicted of sexually abusing a 12-year-old pupil, was let out of prison after little more than a month.

“The teacher reassured us that he would not repeat the act and that he would engage in the fight against abuse of minors,” he said. “He regularly presented himself to my office. But, a month ago, we learnt that he had violated another pupil. This time, the child was eight years old. Having made inquiries, we discovered that this teacher used to live in Kolwezi, where he was also convicted of violating students.”

Lupama did not provide any more details on how the teacher came to be released so soon after his imprisonment.

Unusually for a rapist, who is normally given a maximum of 25 years in prison, this teacher has now been sentenced to death, according to Lupama.

“A repeat offender is punished very severely,” he explained.

Prison authorities insist that they take a very firm line against anyone found aiding and abetting a prisoner’s early release.

“We do not allow early release in return for bribes,” Justin Kasokwe, the director of Kasapa prison in the centre of Lubumbashi, said. “Any guard who received a bribe in exchange for setting a prisoner free is deemed to be complicit in their escape. In such cases, the guard will end up in prison in the place of the person that he released. He will receive a sentence of between five and ten years.”

However, Ngandu Josephine, a lawyer, says that a perceived absence of justice – where sex offenders are let out early – can create a sense of powerlessness among victims, who are then discouraged from coming forwards to report what has happened to them, allowing perpetrators to escape prosecution.

“Many women who have been raped are reluctant to speak because those rapists who have been convicted are often seen travelling around on buses not long afterwards, and [the victims] aren’t aware that they are on provisional release,” Josephine said. “If rapists are serving their sentences, this will push many victims to speak because they have the assurance that [justice will be done].”

Under Congolese law, women who have been the victims of sexual violence must report their attack to the authorities within 72 hours, in order to be able to press for a conviction.

Patrick Lisasi, a doctor for Save Congo, an NGO that looks after victims of sexual violence, says that women often do not come forwards within this time frame, meaning that many offenders manage to escape justice.

“They want to lock themselves away because they feel ashamed,” he said. “They don’t want to talk about what they went through. This is a big problem for bringing perpetrators to justice... Silence cannot solve anything and women should know this.”

Nathalie Mulunda, from Action for the Development of Women, an NGO, welcomed the decision to end early release for rapists, but warned that it should now be effectively implemented on the ground.

“In our country, laws are not what are missing,” she said. “The problem always arises at the implementation level. Will this measure be respected? Acknowledging that some perpetrators of sexual violence benefit from bail is already a big step forward, but the law must now be applied.”

Thérèse Lukenge Kapibwe, the provincial minister for women and family, pledged her support for the scrapping of parole in rape cases.

“Sexual violence is not only a concern for women but for everybody,” she said. “We must all unite today to eradicate this scourge. For men who want to persist, I inform them that it is not a joke. The government will harshly punish perpetrators of sexual violence.”

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Location: Democratic Republic of Congo

Topic: Democratic Republic of Congo

Focus: ICC - International Criminal Court

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