



**Democratic Republic of the Congo - Researched and compiled by the
Refugee Documentation Centre of Ireland on 15 July 2010**

**Information regarding the dangers for failed asylum seekers returning to
the DRC.**

Information available to the Refugee Documentation Centre regarding the treatment of failed asylum seekers returned to the Democratic Republic of the Congo (DRC) was contradictory.

An article published by *The Observer* in April 2005 describes the treatment of failed asylum seekers returned to the DRC as follows:

“The would-be refugees are led from the jets on to the runway by a handful of escorts. The escorts then hand them over to the Congolese authorities and an uncertain fate. The little information that comes out of the war-ravaged country suggests that many end up in windowless jails run by the feared National Security Agency. From these dark cells they are transferred to Makala Central Prison, dubbed 'the morgue'. The US State Department reported that 69 people died in Makala in 2003 as a result of beatings, starvation and disease. 'According to reports from returning asylum seekers, as well as from agents of the director-general of migration (DGM), deportees are held in small cells at the airport,' said Congolese human rights activist Rene Kabala Mushiya. 'There are no windows and no light. From here, they are called in to the director of the DGM for interrogation.'” (The Observer (10 April 2005) *'Return at any cost' is breach of rights*)

A December 2005 *BBC News* report on the treatment of failed asylum seekers, in a paragraph headed “Secret service”, states:

“In a curtained room in down-town Kinshasa, I was introduced to 'Simon', a member of the ANR, the Congolese secret service. Based at the airport, his job includes seeking out, interrogating and, if necessary, detain returning asylum seekers. Simon told me that returnees are taken to an office for questioning. Some are asked for a bribe of about \$120. But those who 'have problems with the government' are detained. 'Political dissidents, people who leave the country and go to say bad things about the government,' said Simon. 'We have to arrest them and show them what they did was not good.' Simon said that another task was to identify any asylum seekers with connections to DR Congo's enemies, especially Rwanda. Simon has instructions to pick out those who have a Rwandan name, or even those who look Rwandan. I asked him what happens to these men and women. He became evasive. They are handed over to the authorities. What happens next? He shrugged. 'Everything. I cannot say more. Everything.'” (BBC News (1 December 2005) *Asylum questions for DR Congo*)

The *UN High Commissioner for Refugees* (UNHCR) was requested to verify the BBC report referred to above. Paragraph 1 of the UNHCR response to this request notes:

“According to the DGM and CNR, the usual procedure for any person returning through the Kinshasa airport in case they do not hold proper documentation, including current DRC passports, and/or when they have been absent for a long time, is to be interrogated by immigration officials at the airport. In the best case scenario, they are freed within one to three hours. In the worst case, they are sent to a detention facility in the center of town, and released after further verification.” (UN High Commissioner for Refugees (UNHCR) (19 April 2006) *DRC – Treatment of rejected asylum seekers*, p.1)

Paragraph 2 adds:

“The Congolese human rights NGO ‘Voix des Sans Voix’ informed the office that rejected asylum-seekers are received upon arrival at the airport by agents of DGM, who question them why they left and applied for asylum. The NGO had an office at the airport and are closely monitoring the situation. They mentioned that there were many failed asylum-seekers who are sent back by western European countries, but they are not aware of any of these persons detained and/or tortured upon return. They reported that some of the failed asylum-seekers had to pay some money to the police (5 to 10 USD).” (ibid, p.1)

Paragraph 3 continues:

“IOM Kinshasa advised the office that they have no information of returnees who were mistreated and/or tortured upon return.” (ibid, p.2)

Paragraph 4 states:

“According to MONUC’s human rights section, which is also monitoring the prisons in the DRC, they did not receive concrete indications that individual failed asylum-seekers were arrested upon their return.” (ibid, p.2)

Paragraph 5 states:

“According to ASADOH (Association Africaine de Defense des Droits de l’Homme), no cases of detention, abuse or torture of failed asylum-seekers were known to their office.” (ibid, p.2)

Paragraph 6 states:

“As reported above, UNHCR staff is at times present at the airport, but they have not witnessed arrests made at the airport. However, it has to be kept in mind that arrivals at the airport are difficult to monitor, and UNHCR does not have a regular presence at the airport. The UNHCR Kinshasa office has only details on the forced return of three persons, of whom two from African countries and one from Sweden. The latter person was upon arrival interrogated for some three hours and then released without further problems.” (ibid, p.2)

Paragraph 7 states:

“In general, the situation in the prisons and detention centres in DRC are extremely dire, and detainees have to rely on relatives to bring them food.”(ibid, p.2)

Paragraph 8 states:

“With the limited information available to UNHCR, it does not have evidence that there is a systematic abuse, including detention and mistreatment, of failed asylum-seekers returned to the DRC through Kinshasa airport. It wishes to highlight, however, that it advises against the forced return to Kinshasa of persons of Banyamulenge ethnic origin.” (ibid, p.2)

In a section titled “Treatment of Failed Asylum Seekers Returned to the DRC” (Paragraph 37.03) the January 2009 *United Kingdom Home Office* country report for the DRC refers to information provided by the United Kingdom Foreign and Commonwealth Office as follows:

“The view of the Foreign and Commonwealth Office (FCO) was given in two letters dated 6 February 2006 from the British Ambassador to the DRC. The first letter confirmed the letter of 9 December 2004 which stated that the FCO had no evidence that DRC nationals face persecution from DRC authorities on being returned to Kinshasa after a failed claim for political asylum in a third country. It stated, ‘Our sources in researching the treatment of failed asylum seekers include local non governmental organisations, press and lawyers, Ministers from all parties forming the transitional government and colleagues in other Embassies based in Kinshasa.’ The same letter noted that ‘other EU governments continue to make regular supervised returns of failed asylum seekers to Kinshasa, for which DRC Immigration requires a suitable identification document. Flights carrying returnees from Schengen countries are met by a French Airport Liaison Officer who ensures that, on arrival, the returnee holds a satisfactory document before passing them on to be landed by DRC Immigration officials.’ It also stated, ‘All passengers arriving at N’djili airport are liable to be questioned by DRC immigration officials. We have no evidence that returned failed asylum seekers are specifically targeted for adverse treatment.’ The letter continued: ‘It is possible that some returnees may face criminal prosecution upon their return to the DRC if it were established on their return that they had departed the DRC with invalid travel documents or were already the subject of an arrest warrant or criminal investigation.’” (United Kingdom Home Office Border Agency (27 January 2009) *Country of Origin Information Report – The Democratic Republic of Congo*, p.163)

Paragraph 37.04 of this report states:

“The second letter from the embassy stated that the Ambassador had met with the Vice-Minister for the Interior in late December 2005 to discuss the return of failed asylum seekers from the UK to the DRC. During the discussions the Ambassador relayed concern over reports that failed asylum seekers, on return to the DRC, had been investigated or persecuted by the DRC authorities and enquired what the DRC Government’s official position was. According to the letter the Vice Minister “said categorically that there was no official policy to target failed asylum seekers upon their return to the

DRC. He could not guarantee that individual failed asylum seekers had not been harassed by individual members of immigration or security services. But they had definitely not been ordered to do so by the Interior Ministry.” (ibid, p.163)

An article published by *The Guardian* in August 2007 states:

“Seventy failed asylum seekers were given a reprieve yesterday when a high court judge ruled the home secretary, Jacqui Smith, was wrong to order their deportation to the Democratic Republic of Congo. The government had already chartered a plane to return the Congolese nationals home this Sunday. But lawyers representing 10 of the group argued successfully that no one should be sent back to the central African state until the high court had ruled whether they were at risk of torture and persecution. Mr Justice Collins heard evidence that some of those who had been returned by the UK had suffered rape and torture at the hands of DRC officials or agents after arriving at Kinshasa by plane. The judge said deportation should be suspended until a separate asylum and immigration tribunal hearing involving other Congolese nationals - due to be heard on September 17. Lisa Bush, for the home secretary, said there was strong evidence that the DRC was a safe destination and that many of the claims were lies or exaggerations.” (The Guardian (UK) (24 August 2007) *Judge grants reprieve to Congolese asylum seekers*)

A September 2007 article from *The Observer*, which refers to information provided by a former member of the secret police in the DRC, states:

“Ndumba said he was involved in many acts of torture carried out at the notorious police headquarters, Kin Maziere, in the capital, Kinshasa. He said those most at risk of rapes, beatings and electrocutions at Kin Maziere are opponents of the government, both in DRC and abroad, and military deserters. Hundreds of people are tortured there every year, he said. Many of the inmates have been deported from the UK, France and Germany. Ndumba said techniques employed include: stripping inmates and beating them on the buttocks with an electric cable; bludgeoning them with a rubber baton until the skin becomes raw on the back and the soles of the feet; leaving prisoners in handcuffs so tight they cut into the skin, with hands tied either in front of them or behind their backs for up to three days; and forcing prisoners to drink large quantities of water before beating them on the stomach until they vomit blood.” (The Observer (16 September 2007) *Torture fate ‘awaits UK deportees’* Taylor, Diane)

This article also states:

“Ndumba said that when returned asylum seekers arrive at the airport in Kinshasa with emergency travel documents they are placed in a holding cell at the airport where they are interrogated. They are forced to admit to any political activities they have been involved in. Those with money may be able to bribe officials to release them. The immigration official who interrogates the returnee hands over a report to police who will then sometimes take the person to Kin Maziere for torture. Ndumba said: ‘The Garde Securite Speciale Presidentiale are even more dangerous than the police at Kin Maziere.’ They may take people to a place called Camp Tshatshi for torture. Even people with no political history are tortured at Kin Maziere. As one department there

finishes with you, another one starts. People who have demonstrated against the government abroad are forced to beg for their lives.” (ibid)

In a section titled “Treatment of Failed Asylum Seekers on Return” (Paragraph 34.04) the June 2009 *United Kingdom Home Office* country report on the DRC states:

“An e-mail from the British Embassy in Kinshasa via the FCO dated 11 October 2007 stated that at a meeting with a Policy Officer of the Asylum and Migration Affairs Division of the Netherlands MFA, the officer told them that he had spent a week talking to NGOs, international organisations and Embassies, he said that MONUC, UNHCR, IOM and all the NGOs he spoke to said that, while there were obviously serious human rights issues in DRC, returned failed asylum seekers were not targeted, nor were they singled out as a particular group by the authorities. All of his interlocutors had said that the stories of abuse that they had heard had all come from Europe, and that their investigations had shown the allegations to be either false, or doubtful due to lack of evidence.” (United Kingdom Home Office Border Agency (30 June 2009) *Country of Origin Information Report – The Democratic Republic of Congo*, p.122)

An article on the alleged treatment of returned asylum seekers published by *The Guardian* in May 2009 states:

“Nsimba Kumbi, 33, a refused asylum seeker, was removed from the UK on 13 March, following detention in the Campsfield immigration removal centre in Oxfordshire. He was then detained in the DRC capital, and taken to the notorious secret police headquarters Kin Mazière, the Kinshasa headquarters of the general directorate of intelligence and special services, where, he says, he was tortured for three weeks. Kumbi says that during his incarceration he was badly beaten, that he received burns and was forced to give a male guard oral sex while his hands were tied behind his back. He says he is now in so much pain he can only move his neck in one direction. The wounds on his back from beatings are gradually drying. He says that nerve damage means he can barely move his fingers. Another Congolese refused asylum seeker, Rabin Waba Muambi, 42, was also removed from the UK on 13 March on a separate flight. He arrived in Kinshasa the following day and was taken to Kin Mazière. Secret entries in the Kin Mazière log book, leaked to the *Guardian*, confirm the men's detention there.” (The *Guardian* (UK) (27 May 2009) *Britain sending refused Congo asylum seekers back to threat of torture*)

An *Evening Gazette* article on the alleged treatment of a failed asylum seeker deported from the UK to the DRC states:

“Last week the *Evening Gazette* told how Blaise's supporters feared he had been arrested and tortured on his arrival at Kinshasa airport. Frank Cook MP for Stockton North, and Catherine Ramos, of Justice First, said their fears had been confirmed in a telephone conversation they held with Blaise. He told them he had been taken to the secret police headquarters Kin Maziere after his arrest. Catherine said: “When he left the airport he was arrested by plain-clothed agents. He tried to resist but was beaten, handcuffed and blindfolded. He was taken to a prison he later knew to be Kin Maziere and severely beaten. “He was told he was arrested because he was from London, from the UK, and against the regime and had to be punished. He was left handcuffed

and blindfolded until he was released around midnight. "Release had been negotiated by a friend, who told him he was in danger and must leave the country." (Evening Gazette (8 June 2009) *Campaigners claim asylum seeker is beaten on Congo return*)

This article also notes that:

"A UK Border Agency spokesman said: "We are aware of these allegations and our investigations have found no substance to them." (ibid)

References:

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<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/africa/4483364.stm>

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

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Institute of Race Relations
Lexis Nexis
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