



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

Ref: CD 001/06 EN

## RESPONSE TO INFORMATION REQUEST

### **SUBJECT: DRC - Treatment of rejected asylum seekers.**

UNHCR was requested to verify a BBC report that failed asylum seekers being returned to the Democratic Republic of the Congo are subject to ill-treatment. (see: <http://news.bbc.co.uk/1/hi/world/africa/4483364.stm>).

The query stated: “some random harassment does occur, but all the objective evidence does not suggest that it amounts to persecution, nor that it is methodical. Is there systematic abuse of returned failed asylum seekers?”

### **ANSWER :**

UNHCR Kinshasa is not monitoring in a systematic manner the return of failed asylum-seekers to DRC, whose asylum requests have been rejected in various countries in Western Europe, including the UK. However, after the press coverage in the UK late November 2005 about the reported problems faced by failed asylum-seekers who were forcibly returned to the DRC, the UNHCR Office in Kinshasa contacted various organizations and institutions in an attempt to gather more information. This included organizations such as the Congolese Immigration authorities (DGM), the National Committee for Refugees (CNR), IOM, MONUC, and national human rights NGOs. In addition, it sent staff to the airport on days of arrival of flights from Europe. The following were its findings:

1. 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.
2. 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).



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3. IOM Kinshasa advised the office that they have no information of returnees who were mistreated and/or tortured upon return.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

UNHCR Geneva  
19 April 2006