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ACTUALITY OF WOMAN ON PLANE

CUFFE: I've just got on board the plane to Paris – this is the plane to Kinshasa. There's a woman sitting at the back – surrounded by police officers. She's screaming, she's shouting *Laissez moi, Laissez moi*. Leave me.

As European Governments come under increasing pressure to control immigration, they are sending more and more failed asylum seekers back home, handcuffed and under police escort. In this BBC World Service investigation, I'm following the footsteps of a number of asylum seekers who've been sent back against their will to Africa's most troubled and war-torn nation, the Democratic Republic of Congo.

VAN WOUDEBERG: The Democratic Republic of Congo remains a human rights crisis.

CUFFE: Anneke Van Woudenberg of Human Rights Watch has been monitoring events in the Congo for the past six years. Because warring factions have formed a transitional Government and plan to hold democratic elections next year, the European Union considers it safe to send failed asylum seekers back here. But that's not a word she'd use.

VAN WOUDEBERG: This is a place where more than 4 million people have died since 1998; where there has in theory been a peace process but in many parts of the country there is actually no peace. I would say that it must be a very scary place to return to.

ACTUALITY IN KINSHASA

CUFFE: There are 6 to 11 million people living in the capitol Kinshasa – crammed together in untidy breeze-block housing round the commercial centre. The state under President Joseph Kabila - is anxious to exert its power over them all. And over visitors, too.

POLICE ACTUALITY

POLICEMAN: Ah? ...decrive le milieu, par exemple, c'est different.

CUFFE: Monsieur I am from BBC World Service and am here in Kinshasa just to describe things around me that I see.

POLICEMAN: Bon. ...n'ont pas le description puisque l'autorisation.

CUFFE: Well that's a perfect example of what this place Kinshasa is like. Even standing in the middle of Place de Victoire with my microphone I have been hauled in front of a member of the National Police, and he's demanded to see my accreditation and argued about whether or not I should be here. In fact he's said I can't describe anything that I see. There's edginess on the streets here and although there are plenty of armed men in uniform in every doorway and on every corner, they are anything but reassuring, in fact they add to the sense of danger. As well as the National Police officers in blue, there are the Presidential Guard in black, the Military Police with red berets and the army in green -- all equally hungry for a bit of cash to supplement wages which can be as low as \$10 a month. They make a habit of beating and looting innocent citizens.

CUFFE cont: Muhnto Mavembo promised to get in touch with his friends back in England as soon as he possibly could but in 10 months they've heard no news.

ACTUALITY IN LEKMAWERO STREET

CUFFE: This is Lekmawero street and this is the only address we have for Muhnto Mavembo, he gave it to his solicitor. We don't know though whether he was living here before he sought asylum in the UK and of course that was all eight years ago, so who knows whether he will be there now, if indeed he is safe and has managed to escape the immigration services and the secret services.

Tracking someone down in a city like Kinshasa is immensely difficult. It's not just the maze of muddy, poorly marked streets – it's the fact that many people are reluctant to answer questions. Everyone is terrified of government spies and informers.

RESIDENT: Numero trente neuf

CUFFE: Ah Oui?

RESIDENT: This is the number 39.

CUFFE: Je cherche quelqu'un qui s'appelle Muhnto Mavembo?

RESIDENT: Muhnto Mavembo? Muhnto Mavembo. Ah. They are saying that he doesn't live here.

CUFFE: Could you show them the picture and see if they recognise him.

RESIDENT: Muhnto Mavembo?

CUFFE: Then a man sitting outside his house on the other side of the street called me over.

RESIDENT: He says he knows Mavembo, but since he has travelled to London, they have no news about him.

CUFFE: If Mr Mavembo had returned to the Congo, do you think he would have tried to come back here to his home?

RESIDENT: The family has sold this compound years ago. They have already moved from here. The house here has been sold.

CUFFE: Thank you very much. Merci Monsieur.
My first attempt at finding Muhnto Mavembo came to a dead-end. In the mean time I had other people to look for as part of this BBC World Service investigation. At a secret address I met Pierre – that's not his real name because he doesn't want the authorities to find him. He escaped to Belgium on false papers after being accused of hiding weapons to use against the President. He says he was tortured and he's got deep scars on both knees and walks with a bad limp.

ACTUALITY WITH PIERRE

CUFFE: He's saying the wounds on his knees, the scars and his other leg has been broken.
But the Belgian authorities rejected Pierre's claim for asylum and sent him back here to Kinshasa in April this year.

PIERRE (via interpreter): When I arrived at the airport as a returnee the security agents took me violently. They took me to a dark room and they started torturing me. Some of them were beating me and when I asked them why they were doing this to they told me to remain silent. I spent 3 days in that small room and then I was brought to the prison because this is what they do. In Makala prison I was tortured, I was beaten up and finally one day they just decided to release me I don't know why, what was the reason. They just told me to go and they told me that they knew where to find me if necessary and I'm still very afraid all the time because I know that they can still catch me anytime that's what keeps me very frightened.

CUFFE: Like Pierre, other asylum seekers have been sent to the notorious state prison Makala. From different sources I learned that there are three men there now and one who has just been released. And in apartment 7 there is Alain Londole from Brussels and Willy Ayi-Ansha from Italy. They were both arrested months after arriving in Kinshasa under the pretext of criminal charges, though there's been no trial. A United Nations report says that to be condemned to a prison sentence of a year or more may be equivalent to a death sentence – because the risk of dying from ill-treatment or malnourishment is so high. Beatings with military belts are common, and so is rape. I wanted to see for myself and managed to get in hiding my microphone in a bag.

ACTUALITY IN MAKALA PRISON

CUFFE: The only way into this prison is through an open courtyard where only the privileged prisoners are allowed. They're dressed in blue tunics and there are two over there scooping up handfuls of beans and dirt and throwing them into a cooking pot. Then you go into the guard room and beyond that is the main body of the prison compound of bare concrete buildings. There are over three and a half thousand prisoners in here crammed together in a space designed for half that number. There are children and women. What I can't see is the cells where prisoners are kept in chains and in darkness. Nor can I see the political prisoners' wing and as a visitor I'm not able to witness the brutality that goes on here on almost a daily basis.

The minister in charge of defence and security is Azaris Reuberwa, one of four Vice-Presidents in the transitional government. His spacious office overlooks the River Congo and the tower blocks of Brazzaville on the opposite bank. I took him my evidence so far.

REUBERWA (via interpreter): You coming at a time when the Country is during a transitional period. So far there are still some secret services or security services which commit some abuses against all the laws of the country but we hope that once the election is organised these problems will all be solved.

CUFFE: Well we know of people who have been held in Makala in inhumane conditions and they include Alain Londole and Willy Ayi-Ansha who are there now and have been there for several years.

REUBERWA (via interpreter): I have some ministers which depend on me, I am going to contact all these different ministers and try to dig more about these cases as its not normal to have people detained for this number of years.

CUFFE: Isn't it true that you really just don't want these people back, you think that they have portrayed the country in a bad light and therefore they deserve to be punished?

REUBERWA (via interpreter): I don't deny the fact that there are cases of security agents who are abusing but I can guarantee that there is no policy from the government here to do any harm against the detainees.

CUFFE: And European countries seem to take this on trust, insisting that there is no evidence that the asylum-seekers they send back are singled out for adverse treatment.

SECRET AGENT: First of all he must be taken from the airplane.

CUFFE: In a curtained room in the centre of town I met an insider who could give me first hand information - an officer in the ANR, the National Intelligence Service. He was too nervous to allow me to record his voice but he told me how he and his colleagues at Njidili Airport are under orders to look out for and interrogate returning asylum seekers.

SECRET AGENT: They will bring him to the office and start to ask him about his name, you have to say to them everything.

CUFFE: Which are the people that will be arrested?

SECRET AGENT: We keep the people who have problem with the government, problem with the country. We keep them.

CUFFE: And what kind of people have problems with the government?

SECRET AGENT: They call them dissidents. People who leave the country going to say bad things about the government. That kind of people we have to arrest them to show to them what they did was not good.

CUFFE: How do you show them that?

SECRET AGENT: When somebody who say bad things against our country outside, when he come back, we arrest him at the airplane. What we do is only to call the authority and say to them, this person is back. And what they will do to him we don't know. Just we take him, we give him to the authorities, we finish.

CUFFE: But you must have an idea what happens to them?

SECRET AGENT: Everything. Everything.

CUFFE: Everything happens to them?

SECRET AGENT: I cannot say more. Everything.

CUFFE: And this ominous fate isn't just reserved for political dissidents. The secret agent said he was also instructed to look out for people with Rwandan connections. Rwanda is enemy number one for many Congolese. Even people who look Rwandan are at risk. And that's why I was anxious for news of another asylum seeker whose name I'd been given – Jean-Jacques Nzirambara, who returned from Germany last November. The first news of him came in a tip-off to the human rights organisation, Voix des Sans Voix, Voice of the Voiceless. Someone phoned saying he'd shared a cell with Nzirambara at the secret service headquarters. Timothe Dikuiza of Voix des Sans Voix tries to monitor all returning asylum seekers as they arrive at the airport but admits he can't be there all the time, so he didn't see secret service officers take Mr Nzirambara away.

DIKUIZA via interpreter: Once someone is there it is very difficult to know the condition inside. First of all we know that the person is detained without being in contact with the outside world and there are cells for each individual. From information we

DIKUIZA cont: gathered the reason why he was arrested was due to his appearance. He looked like he was from Rwandan origin that was the main reason why he was arrested. As a human rights activist I have more than one reason to fear for his life.

ACTUALITY IN KINSHASA

CUFFE: The secret service has its own jail here in Kinshasa. It's in a white building behind high walls and steel fences within sight of the presidential palace. I can't get very close to it because there are secret service men standing outside and they're already expressed some concern about why I'm in the area at all. Human rights organisations aren't allowed to visit people inside this jail. Even the UN has difficulty gaining access.

When European countries send rejected asylum seekers back to Kinshasa, they are under an obligation not to reveal any details of their asylum application, because it could put them in danger. But earlier this year, the minister responsible for immigration in the Netherlands was embarrassed by allegations that this obligation had been breached. A man I'll call Paul who arrived from Amsterdam in 2003 in handcuffs, was horrified to see his guards on the plane hand over a dossier to the Congolese immigration officers at Ndjili. He was immediately taken to a cell for questioning and later transferred to the Secret Service headquarters – where he was held for 45 days.

PAUL via interpreter: Every morning they would come and they kept threatening me saying that what you say there you did not know that it would lend back to us here. So they were repeating the things that I said during my interrogation in Holland so I was really afraid and every day I was afraid that I would be taken in an unknown place so I was expecting the worst all day for the 45 days I spent there.

CUFFE: After being confronted with documents supporting this and other cases, the Netherlands stopped returning failed asylum-seekers while it held an official inquiry. The European Commission has now decided to draft a common policy on migration and asylum. In the mean time, its spokesman Friso Roscam-Abbing says individual member states are responsible for ensuring that the human rights of returnees are respected. But we've discovered in the course of this BBC World Service

CUFFE cont: investigation that there is no effective monitoring of the asylum-seekers whom Europe rejects.

ROSCAM-ABBING: The situation now is that when one of the EU member states decides to return a failed asylum seeker they check via their own embassy's whether or not such a danger would exist.

CUFFE: How are those diplomats supposed to know whether these are people are going to be safe, nobody is monitoring them?

ROSCAM-ABBING: Well this is obviously our concern. We very much rely on the United Nations High Commission for Refugees and we would get good advice from their offices.

CUFFE: Well the UNHCR has given advice and it has said that there are particular groups who are at risk and those include people who have been involved in political activities and those who have Rwandan connections. But we have found in Kinshasa there are people in those categories who have been returned by Europe and have been detained and beaten.

ROSCAM-ABBING: The problem I think for us as a European Commission is that we cannot check at this point in time the return position as affected by member states.

CUFFE: Under a common policy surely you've got to accept responsibility for monitoring?

ROSCAM-ABBING: We have not included now in the current proposals any rule on monitoring but we very often have these provisions but the need is for adapting the rules.

CUFFE: But for now no plans?

ROSCAM-ABBING: For now no plans.

CUFFE: Before I left, I wanted to know what had happened to Muhnto Mavembo, the accountant sent back from Britain at the beginning of this year. Eventually I met a young man who said he was his nephew and as night fell he guided me to one of Kinshasa's poorest neighbourhoods.

We have now come as far as we can we have reached the other side of Kinshasa and the car can't go any further because of the narrow street and the mud. Maybe it can't go any further anyway. (sound of car engine failing)

Bon soir. So this is Muhnto Mavembo's home?

So we need to call him. They have his number so they're going to give us his number.

Thank you...

A phone call and another car ride led me back towards the city centre, where we stopped at a house on a busy street – the end of my journey.

Well I have just spoken to Muhnto Mavembo and unfortunately he doesn't want to speak on the record because he is too frightened of being traced. He is much thinner than in his photo, he says that he had a very hard time when he arrived and lost a lot of weight. He didn't give the authorities his real address – or at least they only had that address of his childhood home where he hadn't lived for many years – and since then he wants to stay in the shadows.

ACTUALITY ON STREETS

CUFFE: The crowded chaotic streets of Kinshasa are a world away from the tidy offices in Brussels and while the European Commission plans for the future we've discovered that there are failed asylum seekers in this city who are beaten and locked away in prison without trial or are hiding in fear and no-one seems to accept responsibility for checking that they are safe.