

Disappearances, arbitrary imprisonment, ill-treatment and torture – Rwanda.

The country which the government claims will be a safe destination for people who have suffered enough.

“Channel boat migrants will be sent to Rwanda”, said The Times.

“Rwanda plan at risk from left-wing lawyers”, said the Daily Mail.

“Rwanda plan is ungodly, says Welby”, said The Sunday Telegraph.

The Rwanda story has had wide coverage in the media, with views ranging from Prince Charles apparently calling it appalling, to Foreign Secretary Liz Truss deeming it “completely moral”. The decision by the European Court of Human Rights, that no removals should take place until after the completion of a judicial review, led to howls of outrage from government supporters and a knee-jerk reaction to introduce legislation which would allow the UK to ignore ECHR rulings in future. And once again politicians and commentators revealed the depths of their ignorance in their claims that the “EU” had stopped the removals, when of course the ECHR is part of the Council of Europe – an older and separate organisation.

There is much outrage at the casual cruelty inherent in the scheme to send people to Rwanda when they have come to seek sanctuary in the UK, believing that they would receive fair treatment here. There is little understanding of the nature of the agreement, with many people believing that those sent to Rwanda would have their asylum claims fairly considered and, if granted asylum, be allowed to return to the UK. That, however, is not the case. The people sent to Rwanda would be expected to remain there, even if (as is frequently the case) they had been aiming for the UK because they have family members here.

So what kind of country is Rwanda?

The president, Paul Kagame, has for many years been linked with murders and disappearances of political opponents both within Rwanda and elsewhere¹, with well-documented examples by Human Rights Watch² and by a court in South Africa.³ Under his presidency, Rwanda has for two decades contributed to the destabilisation of its neighbour Congo, and many of the Congolese asylum-seekers in the UK are here because of what a Congolese refugee has described as “Rwanda’s atrocities and massacres in Congo”.

And inside the country, there are well-documented accounts of the use of torture and inhumane and degrading treatment, although Rwanda has been a signatory of the UN Convention Against Torture since 2008. In 2012 it adopted a new penal code and in 2013 a

¹ <https://www.bbc.co.uk/news/world-africa-10879859>

² <https://www.hrw.org/news/2014/01/28/rwanda-repression-across-borders>

³ <https://www.theglobeandmail.com/news/world/ruling-by-south-african-court-exposes-details-of-latest-rwandan-assassinationplot/article37417017/>

new Code of Criminal Procedure, both intended to support its stated aim to meet its obligations under the Convention, and ratified the Additional Protocol in 2015.

Conclusions of the UN Committee Against Torture

In the report⁴ of the Convention Against Torture in 2017, however, it is clear that what is established on paper is not necessarily carried out in practice. Having scrutinised all the submissions, the Committee's recommendations included:

- the need to guarantee the right of a subordinate to refuse to execute an order from his or her superior that is contrary to the Convention;
- the need to guarantee that persons are not expelled, extradited or returned to States where there are substantial grounds for believing that they would be in danger of being subjected to torture;
- the amendment of the Penal Code to include definition of torture and a guarantee that public officials, judges, magistrates, prosecutors and lawyers receive training on the provisions of the Convention;
- reinforcement of training programmes addressed to law enforcement officials, civil, military and medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of individuals subjected to arrest, detention or imprisonment;
- a guarantee that confessions, statements and evidence obtained as a result of torture or ill-treatment are not invoked as evidence in any proceedings except against a person accused of torture as evidence that the statement was made;
- that immediate and effective measures be taken to prevent torture and ill-treatment in all detention facilities and other places of deprivation of liberty in its territory and that the 18 alleged cases of torture [dating back to 2012] should be investigated promptly, impartially and thoroughly; and to ensure that those subjected to torture or ill-treatment are provided with redress, including rehabilitation;
- the urgent closure of secret or unofficial facilities and prevention of all forms of unlawful detention in its territory as well as initiate investigations into such allegations; a guarantee that those detained in such places are provided with all legal safeguards, in particular, the right to promptly appear before a judge, no later than 48 hours after arrest or detention, the right to a lawyer of his/her choice, and the right to a medical examination;
- that all appropriate steps are taken to effectively protect all persons from enforced disappearance;
- Remove the obstacles affecting the work of non-governmental organizations and provide effective protection against intimidation, threats, arrest and detention of human rights defenders and journalists, including by prosecuting and punishing those responsible for such acts. For this purpose, effectively implement its decision to grant a five-year registration permit to international non-governmental organizations, and to exempt local non-governmental organizations from registration.
- Strengthen its efforts to improve prison conditions and ensure that they are in conformity with the Standard Minimum Rules for Treatment of Prisoners,

⁴https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT/C/RWA/2&Lang=en

- Take steps, as a matter of urgency, to avoid detaining minors in conflict with the law and, as an alternative to imprisonment, provide them with special care. Ensure that all minors are only deprived of their liberty as a last resort and for a short period of time. Further ensure that minors deprived of their liberty enjoy full legal safeguards, and if convicted, that they are detained separately from adults.
- Take appropriate measures to guarantee, in practice, the independence of the National Commission for Human Rights and provide it with adequate financial and human resources to enable it to effectively fulfill its mandate,

Those recommendations indicate that all is not well in the country.

Human Rights Watch reports

At the time of the UN Committee's review, Human Rights Watch issued a damning report⁵ of the situation in Rwanda in more robust language than that used by the United Nations. The report described how for seven years, Rwanda's military had frequently detained and tortured people, beating them, asphyxiating them, using electric shocks and staging mock executions.

But even worse, the HRW report stated that the Rwandan government had not yet created the mechanism to prevent torture at national level (missing the required deadline of one year) and that a visit from the UN sub-committee had to be suspended because of obstruction from the Rwandan government and fear of reprisals against people who had agreed to speak to them.

In its 2020 report⁶, Human Rights Watch documented the continued use of arbitrary detention, ill-treatment, and torture in official and unofficial detention facilities and the illegal detention and ill-treatment of street children in Kigali. President Paul Kagame and other senior government officials, regularly threatened those who criticize the government or the ruling Rwandan Patriotic Front, which exerts total political control. Several opposition members and one journalist disappeared or were found dead in mysterious circumstances.

The United States Department of State report on Rwanda⁷ repeated these conclusions. In its 2022 report, HRW repeated evidence to show that nothing had changed.⁸ Amnesty International has come to similar conclusions.⁹

Does the UK government care about these reports?

The UK government is well aware of the situation within Rwanda, as we can read in the Country Policy and Information Note from May 2022.¹⁰ Here we can read clearly that Rwanda is in 44th place (out of 49 in the sub-Saharan region) for political liberties, 45th for freedom of association, 47th on the scale of the use of political violence. The UK government's report on Rwanda refers to disappearances of political opponents, torture by the government, arbitrary imprisonment, and harsh and life-threatening conditions in some detention facilities.

⁵ <https://www.hrw.org/news/2017/11/23/rwandas-torture-problem>

⁶ <https://www.hrw.org/world-report/2020/country-chapters/rwanda>

⁷ <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/rwanda/>

⁸ <https://www.hrw.org/world-report/2022/country-chapters/rwanda>

⁹ <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/rwanda/report-rwanda/>

¹⁰ <https://www.gov.uk/government/publications/rwanda-country-policy-and-information-notes/country-policy-and-information-note-rwanda-general-human-rights-may-2022-accessible>

Some high-profile cases include the treatment of Paul Rusesabagina, the former hotelier who inspired the acclaimed 2004 film "Hotel Rwanda," who in 2021 alleged that he was tortured by Rwandan authorities for several days at an unknown location he described as a "slaughterhouse" after he unintentionally travelled to Kigali where he was arrested.¹¹ LGBT people in Rwanda face legal challenges not experienced by non-LGBT residents. While homosexuality is not illegal, it is considered a taboo topic and there is no specific protection in place. Given that a fair proportion of asylum-seekers who come to the UK in search of safety do so because of their sexual orientation, they are likely to be subjected to discrimination and possibly violence in Rwanda. According to Rainbow Migration¹², gay and transgender people have been arbitrarily rounded up by the authorities and told that they "do not represent Rwandan values"; in custody, they have been beaten by other detainees.

This, then, is the country with which our government has made a multi-million-pound deal which the Foreign Secretary claimed was "completely moral". According to the Migration Policy Institute, the arrangement represents "*the next step in a broader policy push that some high-income countries are taking to externalize migration management.*".¹³ The MPI comments further: "*The damage to the DNA of the post-World War II protection system can hardly be overstated. Not only does it derogate from, and openly question, the principle of territorial asylum, i.e. the right to access the (national) asylum process upon setting foot on land, but it also advances the idea that states can pay to cast off the responsibilities they signed up to under the 1951 Geneva Convention.*"

How to respond?

Faced with our intransigent and arrogant government, it is difficult to know how to respond. Any removals which take place will depart from secret locations which means that they cannot easily be prevented by non-violent direct action. Intense lobbying of some of the private airlines originally mentioned as being willing to undertake these removals led to at least two of the airlines stating that they would not take part.

It seems that yet again, we have to rely on the slow and steady erosion of these plans by supporting organisations which are campaigning against the Rwanda Scheme and **constant lobbying of MPs**. If you live in a constituency with a Conservative MP, it is now more important than ever to try to meet them to express how abhorrent this scheme is and how lacking our politicians are in any kind of compassion.

STOP PRESS: Just as this Briefing was due to be sent out, the research group Asylos published its report identifying information gaps, omissions and inconsistencies in the Home Office's Country Policy and Information Note on Rwanda.¹⁴ The report is highly technical but repays close study.

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¹¹ <https://abcnews.go.com/International/jailed-hero-hotel-rwanda-claims-tortured-slaughterhouse-arriving/story?id=77748884>

¹² <https://www.rainbowmigration.org.uk/news/rwanda-is-not-safe-for-lgbtqi-people/>

¹³ <https://www.migrationpolicy.org/news/uk-rwanda-asylum-agreement>

¹⁴ <https://www.asylos.eu/news/new-rwanda-commentary-published>