

HUMAN RIGHTS WATCH – WRITTEN EVIDENCE (URA0013)

Human Rights Watch Submission to the United Kingdom International Agreements Committee on the UK Government's Agreement with Rwanda

I write to share an assessment of the UK-Rwanda Agreement for the Provision of an Asylum Partnership (the Agreement) and in particular, whether the Agreement protects persons relocated to Rwanda, and whether it deals with the concerns raised by the Supreme Court. Human Rights Watch agrees with the conclusion reached by the Supreme Court that asylum seekers sent to Rwanda face a real risk of ill-treatment, and the concerns the Court raised about Rwanda's human rights record.

Human Rights Watch has been monitoring, documenting, and assessing the human rights conditions in Rwanda since before the 1994 genocide. Serious human rights abuses continue to occur in Rwanda, including repression of free speech, arbitrary detention, ill-treatment, and torture by Rwandan authorities. Political space in Rwanda remains tightly closed and the opposition face routine threats and harassment. The reality of conditions in Rwanda calls into question and severely undermines the government's assessment of it as a safe country for asylum seekers and refugees to be sent to, as set out in its [country policy and information notes](#), [equality impact assessment](#), [Safety of Rwanda Bill](#), and its [policy statement](#). This submission focuses specifically on the Policy Statement's sections on Rwanda's judiciary, human rights record, and compliance with international agreements.

Human Rights Watch [has previously noted that](#) the UK's planned expulsions and denial of access to asylum on its own territory is a clear abrogation of the UK's international responsibilities and obligations to asylum seekers and refugees. The UK is seeking to entirely shift its asylum responsibilities onto another country, acting against the object and purpose of the 1951 Refugee Convention and its [commitments](#) to global responsibility sharing, and [threatening](#) the international refugee protection regime.

The UK government's assessment of the human rights situation in Rwanda, as outlined by the Safety of Rwanda (Asylum and Immigration) Bill Policy Statement (the Policy Statement), does not conform with reality. Below are Human Rights Watch's reasons for this assessment.

It should also be noted that the Supreme Court, in finding that asylum seekers would face a real risk of ill-treatment for reasons of refoulment following removal to Rwanda, referenced, amongst other things, the general human rights situation in Rwanda and in particular, the poor human rights record of the Rwandan Government (see para 75-76 of the [Supreme Court Judgment](#)). Further, the Court took note of the fact that since Rwanda has ratified many international human rights conventions, including the United Nations Convention against Torture and the International Covenant on Civil and Political Rights, this raises serious questions as to its compliance with its international obligations (see para 76 of the Supreme Court Judgment).

Accordingly, both the compliance of Rwanda with its international human rights obligations and the general human rights situation in Rwanda remain relevant considerations for the purposes of determining whether the Agreement adequately addresses the concerns raised by the Supreme Court. With respect to the latter, the Agreement does not attempt to address the more general human rights situation in Rwanda beyond the adequacy of Rwanda's asylum system and the specific risk of refoulment. However, the general human rights situation is relevant including to the question of the risk of refoulment because it speaks to, for example, the extent to which people are able to speak freely and will be confident to raise concerns with the Monitoring Committee established under the Agreement, and the extent to which there are independent institutions given that it is envisaged that the Monitoring Committee will, in certain instances, refer complaints for resolution to mechanisms inbuilt in Rwandan Government institutions (see Article 15 (9) of the Agreement).

I would be happy to discuss this assessment with the Committee if so requested.

Sincerely,

Yasmine Ahmed – UK Director, Human Rights Watch

Lack of independence of the judiciary

1. The Policy Statement notes that Rwanda's constitution provides for an independent judiciary and gives one recent anecdotal example to support this claim. However, Human Rights Watch's decades-long trial monitoring and investigations into cases of human rights violations point to the judiciary's politicization, particularly in cases where people may be considered to harm Rwanda's international reputation, as would be the case for refugees or asylum seekers transferred to Rwanda seeking to challenge the status quo.

2. There are over a dozen political opposition members currently in prison. On December 16, 2022, the High Court's Rwamagana chamber [sentenced Théophile Ntirutwa](#), a member of the unregistered Dalfa-Umurinzi opposition party, to seven years in prison for "spreading false information or harmful propaganda with intent to cause a hostile international opinion against [the] Rwandan Government." This criminal offense is incompatible with Rwanda's regional and international human rights obligations, particularly with respect to free speech.

3. The [trial of 10 people](#) related to an event organized by the Dalfa-Umurinzi opposition party to discuss, among other things, political repression in Rwanda, is still ongoing. At time of writing, eight party members were in pre-trial detention in Kigali's Nyarugenge prison, despite being arrested in October 2021, and one was in hiding. Théoneste Nsengimana, a journalist who was planning to cover the event and is on trial with the group, is also jailed at the same prison. The prosecution, which bases its case on the group's decision to acquire a book and follow a training on peaceful strategies to resist authoritarianism, is seeking sentences ranging from 10 years to life.

4. The Rwandan government consistently fails to conduct effective investigations into allegations of [extrajudicial executions](#), [enforced disappearances](#), [deaths in custody](#), [arbitrary detention](#), [torture and other ill-treatment](#), and ensure accountability or justice for victims. In many of these cases, the evidence points to the involvement of state security forces. This has created a climate of fear among the population and impunity among government officials.

5. Notably, authorities [have failed to conduct](#) a credible investigation, ensure accountability or provide justice for [the suspicious death in police custody](#) of well-known activist and singer Kizito Mihigo. In addition, Innocent Bahati, a popular poet who published his work focusing on social and human rights issues on YouTube, remains missing after he [disappeared in suspicious circumstances](#) on February 7, 2021 despite [vague and unsubstantiated claims](#) by authorities that he had left the country. In January 2023, journalist John Williams Ntwali died in suspicious circumstances and a hasty trial, essentially behind closed doors, has left more [questions](#) than answers.

Lack of independent institutions

6. The UK government cites the presence of the National Commission for Human Rights as a guarantee that the rights of those relocated to Rwanda will be respected. This Commission has consistently [failed to recognize](#)

human rights abuses in Rwanda, let alone call for the release of human rights defenders, journalists, commentators and opposition members jailed for exercising their right to freedom of expression. It has even gone so far as to [attempt to cover up abuse and intimidate victims in the past](#). On December 11, 2023, the chairperson of the human rights commission [told the media](#) that anyone involved in rights abuses in Rwanda has been held accountable and accused Human Rights Watch of fabricating stories without evidence, even though impunity for rights violations remains the norm in Rwanda.

7. The Commission did investigate an [incident where security forces opened fire](#) on refugees protesting a cut in food rations in 2018, cited in the government's Policy Statement and the Supreme Court's judgement. In February 2019, the Commission published the findings of its investigation into the February 2018 event, in which at least 12 refugees from the Democratic Republic of Congo were [killed](#) by the police. The refugees were protesting outside the United Nations High Commissioner for Refugees (UNHCR) office in Karongi District, Western Province.

8. The report [concluded](#) that the police "had used all peaceful and less harmful means to contain the situation" and that eventually "live ammunition was used as the last resort after [a] violent and organized attack was launched by a group of demonstrators against police." The commission's report contradicted independent accounts, including by Human Rights Watch and [Amnesty International](#), that Rwandan police used excessive force.

9. On October 1, 2023, [secretly recorded comments](#) by Rwanda's high commissioner to the UK, Johnston Busingye, in response to a question about the police shooting and killing of the refugees, illustrated the Rwandan authorities' contempt for the loss of life: "Yes, it might have happened, but so what?" The high commissioner also appeared reluctant to rule out that refugees sent from the UK would never be returned to their home countries.

10. During a parliamentary session to discuss a comprehensive October 2023 Human Rights Watch [report](#), MP Ruku Rwabyoma [accused](#) the organization of being "corrupt" "biased" and a "friend of genocidaires." He also accused the organization of "never step[ping] foot in Rwanda" to carry out research: "just dare come here, you don't need a visa [...] you can get visas at the airport... Then you will find the true Rwanda you're trying to tarnish the image of." He accused Human Rights Watch of harassment "one year after the other."

11. Human Rights Watch staff have consistently been blocked from entering the country in the three decades since it began working on Rwanda. A Human Rights Watch researcher was denied access to the country in January 2018 – the third researcher to be either denied access or expelled over 10 years. That same month, a Rwandan consultant working with Human Rights Watch was detained and arbitrarily held for six days, the first twelve hours of which were incommunicado. Human Rights Watch remains concerned for the security of sources. For example, one refugee who was accused of sharing information with Human Rights Watch about the Kiziba refugee camp killings was [convicted and sentenced](#) to 15 years in prison. The communications with Human Rights Watch were used as evidence against him in his trial.

Misrepresentations of Rwanda’s rights record

12. The UK government’s overview of Rwanda’s human rights record in its Policy Statement cherry picks facts and avoids some of the more serious human rights violations that regularly occur in Rwanda. For example, the Policy Statement cites the US State Department’s 2022 human rights report’s assessment of discrimination in Rwanda, but omits the report’s far more damning assessment of Rwanda’s human rights record:

“Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; transnational repression against individuals located outside the country, including killings, kidnappings, and violence; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; serious and unreasonable restrictions on political participation; and serious government restrictions on or harassment of domestic and international human rights organizations.”

13. In its Policy Statement, the UK government makes a vague mention of “issues with [Rwanda’s] human rights record around political opposition to the current regime, dissent and free speech.” A stark example of this reality is how recently, Rwanda’s main opposition figure Victoire Ingabire, who has [expressed criticism](#) of the UK-Rwanda deal in international media, has [been threatened and attacked online](#), including by one of President Kagame’s advisors.

14. The Policy Statement states that “Most reports of any alleged human rights violations in Rwanda relate to Rwandan nationals who are critics of the government.” In its [recent October 2023 report](#), Human Rights Watch documented how two Rwandans living abroad—now naturalized citizens in France and the UK, respectively—were detained in Rwanda after traveling there for personal reasons. They were targeted apparently in retaliation for their relatives’ political activism in France and the UK and subjected to Rwanda’s arbitrary and abusive judicial practices. Foreign affairs officials from those countries were aware of both cases and intervened to secure their release. The Rwandan authorities failed to respect due process in these cases, and the lack of credibility of the charges against both individuals highlights the risk of abuse and politicized prosecutions, even for refugees and citizens of other countries.

15. In addition, the incident where security forces opened fire and shot dead at least 12 refugees at Kiziba refugee camp is downplayed and presented as “an isolated case and there is no information on similar incidents since 2018.” Although there were no other incidents of the sort, it is perhaps more telling that since that brutal fatal crackdown, to the best of Human Rights Watch’s knowledge, no attempts have been made by refugees to organize protests. On the contrary, impunity for security forces, the National Human Rights Commission’s report covering up the abuse (detailed above), and the prosecution and jailing of dozens of refugees involved in the protest sent a very stark warning against any further attempts to organize protests.

16. The Policy Statement states that “LGBTI persons may face some discrimination in practice in Rwanda.” Human Rights Watch has [documented](#) abuses that go beyond discrimination, including arbitrary detention, beatings and ill treatment of LGBTI persons based on their sexual orientation and gender identity.

17. Finally, the Policy Statement states that “The UK remains committed to working with Rwanda to support the development of its civil and political rights, and to address these concerns around the limited space for political opposition and critical voices.” Yet since April 2022, the [UK has shied away from criticizing Rwanda](#)’s domestic and extraterritorial human rights abuse.

The UK has not called for the release of a single journalist, commentator or opposition activist detained for exercising their right to freedom of expression. Neither did the UK call for an independent investigation into the [suspicious death of investigative reporter](#) John Williams Ntwali, despite [calls of over 100 press freedom and human rights associations](#) for such an investigation to take place. The UK's reluctance to condemn human rights abuses in Rwanda has drawn criticism from across the political spectrum, including from former foreign minister Justine Greening, who [said](#) the asylum deal risks "downgrading" UK foreign policy.

Rwanda's failure to comply with international agreements and obligations.

18. The Policy Statement claims that Rwanda has ratified and complies with its international obligations, yet Human Rights Watch, the UN and other actors have often condemned Rwanda for violating its international obligations.

Refugee conventions

19. The UK government highlights Rwanda's legal framework and its ratification of key international agreements protecting the rights of refugees. However, in practice, the Rwandan government has demonstrated its disregard for international refugee law by targeting Rwandan refugees and asylum seekers around the world, including in the UK. In its recent 115-page report, "[Join Us or Die': Rwanda's Extraterritorial Repression](#)," Human Rights Watch documented five cases of killings, three kidnappings and attempted kidnappings, and at least six cases of physical assaults and beatings – some of which appeared to be attempted killings – of Rwandan permanent residents, refugees, and asylum seekers in Kenya, Mozambique, South Africa, Tanzania, and Uganda.

20. This report also documented five cases in which Rwandan authorities have sought to have Rwandans arrested and rendered to Rwanda, particularly in East Africa, often through apparently unofficial requests made to local law enforcement. When seeking to target dissidents, Rwandan authorities have shown little regard for the independence of the judiciary, refugee law, or the duties of protection of law enforcement in host countries. The Rwandan government misused Interpol Red Notices in two cases, and, in one of them, obtained the extradition of a Rwandan asylum seeker living in the US based on genocide accusations which were later overturned in a Rwandan court. He remains in prison in Rwanda, convicted of genocide denial.

21. Human Rights Watch found that Rwandans living in the UK, who had been warned about threats against them, have had to take extreme measures for their security. Some people interviewed, including in the UK, said that their relatives in Rwanda had been pressured to silence the exiled relatives' criticism. Several Rwandans asked Human Rights Watch not to reveal their identity, and some expressed concern that the UK-Rwanda Asylum Partnership Arrangement would mean that their safety may no longer be a priority for the UK government. The threats to Rwandans in the UK were raised by the Supreme Court in its judgement.

22. Rwandan authorities have openly politicized refugee rights and [threatened to stop hosting certain refugees](#) in Rwanda. Rwanda has been playing an active role in one of the biggest displacement crises on the African continent by [backing the M23](#), an abusive armed group in eastern Democratic Republic of Congo.

23. Although the [UK has remained silent](#) on Rwanda's support to the M23, the European Union in July [imposed targeted financial and travel sanctions](#) against nine individuals for "acts that constitute serious human rights violations and abuses" in eastern Congo, including Capt. Jean-Pierre Niragire, known as Gasasira, of the RDF. Earlier that month, the European Union (EU) [had "firmly condemned](#) Rwanda's support to M23 and Rwanda's military presence in Eastern DRC" and urged Rwanda to withdraw its troops. In August, the United States government imposed [financial and property sanctions](#) on [six individuals](#), including senior [Rwandan](#) military commander Brig. Gen. Andrew Nyamvumba, for their roles in backing abusive armed groups in the conflict in eastern Congo.

Torture

24. Although Rwanda is a party to the UN Convention against Torture, unlawful detention and torture are rampant, particularly in unofficial detention facilities known as 'safe houses.' Human Rights Watch regularly receives credible information from former prisoners about torture and ill treatment in Rwandan prisons, including Nyarugenge (Mageragere) prison in Kigali, where some have said they are being held in isolation and beaten.

25. In 2017, the United Nations Sub-Committee on the Prevention of Torture (SPT) was forced to [suspend](#) and later (for the first time ever) [cancel](#) its visit to Rwanda citing obstruction by the authorities and fear of reprisals against interviewees. Rwanda has also failed to submit its third periodic state report to the Committee against Torture, due [since December 6, 2021](#), therefore making its review by the Committee impossible.

Rights of the Child

26. As [documented by Human Rights Watch since 2005](#), and most recently in the [lead up to the June 2021 Commonwealth summit](#) (held in June 2022), security forces continue to “clear up” the streets of Kigali and detain people deemed “undesirable”, such as street children, street vendors, sex workers, homeless people, and beggars, ahead of high profile visits and events. People are taken to an [unofficial detention facility](#) – Gikondo transit center – under the aegis of the National Rehabilitation Service. This practice was [condemned during the review of Rwanda by the United Nations Committee on the Rights of the Child](#) in February 2020, and yet continues to date. The Committee’s concerns were [met with blanket denials](#) from Rwandan authorities.

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