

JUSTIN BAHUNGA ET AL, MEMBERS OF THE RWANDAN DIASPORA – WRITTEN EVIDENCE (URA0017)

Submission on UK-Rwanda treaty on asylum policy
partnership

We the undersigned members of the Rwandan community received with great pleasure your call to make submission to your committee regarding the treaty on asylum partnership signed between the UK government and the Rwandan dictatorial regime¹. We are doing this as part of our civil duty to help the UK government avoid making a decision that we believe is not in the UK national interest or the interest of the people of Rwanda. We are also doing it out of empathy for the asylum seekers with whom we can relate because of our own experience as asylum seekers fleeing political persecution and war.

A. General considerations

It is our very considered view that the treaty is based on false assumptions about Rwanda and seems to ignore the political and diplomatic consequences of the Rwanda/UK deal. It is quite unthinkable that the Head of the Commonwealth organisation, the UK, representing 54 countries, (¼ of world population), could sign, in bona fide, a treaty with a regime, member of the same organisation, that violates some of the core values of the commonwealth namely promoting international peace and security, respect for human rights.

Regarding the promotion of peace and security. the UN experts established that the Rwandan regime is not only supporting the rebel group M23, but also has its troops in the DRC². This war had caused nearly one million internally displaced in June 2023, many deaths and made other refugees.

Key allies of the UK, like the US³, France⁴, EU⁵, have called Rwanda to

¹ <https://www.hrw.org/report/2023/10/10/join-us-or-die/rwandas-extraterritorial-repression>

² <https://www.ft.com/content/a383687e-7c79-4312-8018-415e44749fe9>

³ <https://www.bloomberg.com/news/articles/2022-12-17/us-asks-rwanda-to-make-troops-rebel-forces-withdraw-from-eastern-congo?leadSource=uverify%20wall>

stop supporting M23 and to withdraw its troops from the DRC. The risk of war between Rwanda and the DRC after President Tshisekedi of the DRC compared President Kagame to Hitler and promised him that he will end like him⁶ makes Rwanda unsuitable to receive asylum seekers. President Tshisekedi has raised the stakes by declaring that if Rwanda continued to support M23 rebel group he would ask parliament to authorise him to declare war against Rwanda⁷.

People who are frustrated that the UK has not publicly called on Rwanda to stop support to M23 and is rather dishing out money to Rwanda think it is an indirect financial support to a war of aggression.

In terms of its world reputation, The UK should avoid being accused in future of supporting a criminal regime. Indeed, at worst it could be accused of supporting a regime that has committed genocide. On October 1, 2010, the UN Office of the High Commissioner for Human Rights published a report mapping the most serious violations of human rights and international humanitarian law committed in the Democratic Republic of Congo between March 1993 and June 2003 highlighting among other things crimes committed against Rwandan Hutu refugees and Congolese Hutu. According to the report *"the apparent systematic and widespread attacks described in this report reveal a number of inculpatory elements that, if proven before a competent court, could be characterized as crimes of genocide"*⁸.

In 1995, UN medical team accuse the Rwandan army of committing genocide when it attacked an internally displaced in Kibeho camp⁹,

The UK should also avoid being seen as putting plaster on the cracks of a regime that is unsustainable as confirmed by independent analysts¹⁰.

⁴ <https://www.africanews.com/2023/06/21/drc-france-condemns-rwandas-ongoing-military-support-of-m23-rebels/>

⁵ <https://www.aljazeera.com/news/2023/1/1/eu-calls-on-rwanda-to-stop-supporting-m23-rebels-in-dr-congo>

⁶ <https://www.bbc.co.uk/news/world-africa-67669187>

⁷ <https://www.aljazeera.com/features/2023/12/21/analysis-could-tshisekedi-declare-war-on-rwanda-if-re-elected>

⁸ DRC: Mapping human rights violations 1993-2003: point 517.

⁹ Witness to Genocide -- A Personal Account of the 1995 Kibeho Massacre" by Paul Jordan a member of the Australian Defence Force Medical Support Force to UNAMIR www.anzacday.org.au/history/peacekeeping/anecdotes/kibeho.html

¹⁰ <https://www.washingtonpost.com/news/monkey-cage/wp/2016/06/03/is-rwandas-authoritarian-state-sustainable/>

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai gave a warning in his June 2014 address to the Human Rights Council, saying that *"a society without room for critical voices to speak freely and peacefully is unsustainable"* and highlighted the fact that *"the fear of a new genocide cannot be invoked to Impede fundamental freedoms in any society, which in fact are necessary to prevent conflicts and genocide"*.

The Centre for Strategic and international studies holds the same view *the apparent stability masks deep seated tensions, unresolved resentments, and an authoritarian government unwilling to countenance criticism or open political debate"*¹¹.

"Rev Dr David Bagnall Associate Rector of St John's, Princes Street, in Edinburgh who has just completed a doctoral thesis on the Anglican Church of Rwanda has the same fears *"what makes contemporary Rwanda so chronically unstable, then, is that, in a country in which even the discussion of ethnicity is outlawed...., but everyone also knows who is in power. This is what makes Rwanda so dangerous. It's the lava that fills the volcano. It's what bubbles away beneath the surface. It's the truth that every Rwandan knows. "We're sitting on a volcano," as another Rwandan friend put it to me. "It's an extremely dangerous situation"*¹²."

B. False assumptions that form the basis of the treaty in preamble.

1. Assumption: the "United Kingdom and **Rwanda shall work together to promote a new, fair, and humane approach to asylum, deter illegal migration.**

It is public knowledge and even the view of technocrats and opinion leaders that the policy is unfair, immoral, inhumane and will not deter criminal gangs from continuing their business. When people are fleeing war and persecution, they are ready to pay any price. Threat of sending them far away to a repressive regime is not the answer. The best answer is to follow and arrest smugglers and to stop supporting repressive regimes like the Rwandan regimes that are root causes of civil wars and refugees. Rwanda itself has more than a half a million

¹¹ <https://www.csis.org/analysis/rwanda>

¹² <https://www.churchtimes.co.uk/articles/2023/15-december/comment/opinion/no-rwanda-is-not-a-safe-country>

refugees reluctant to return to Rwanda because of repression.

2. Assumption: **“Rwanda’s commitment to bridging the gap in economic opportunities and human capital that is the root cause of irregular migration and desiring to provide safety and opportunities to asylum seekers and migrants.”**

It is unfounded to suggest that Rwanda is the land of great opportunity. We consider that the following assessment of the general situation made by Marc Sommers is quite accurate that: *“envisioning a radiant Rwanda is only possible if one shares the blinders that its government so confidently wears. The government of Paul Kagame boasts many excellent ideas. But underneath the splendid success are disturbing realities that are systematically contained. At least for now, Rwanda’s progress is dangerously uneven and so reliant on extreme levels of social and political control that its future is foreboding”*¹³.

The statistics given by Rwanda and its sponsors cannot be trusted as The Financial Times points out in one its article **“Rwanda: where even poverty data must toe Kagame’s line”** describes¹⁴ how the story of economic success story is fake. Another article in RegionWeek” confirms the same findings¹⁵ Impressive statistics are made to prove as one unnamed diplomat told a journalist of New York Times that there is mutual interest in covering up the Rwandan regime because they need to demonstrate to voters that aid to Africa is not a waste¹⁶.

A glimpse on the Rwandan economic situation

Fiscal year 2022/2023, 43% of national budget was from foreign aid. In total, at \$1,024 million a year, [Rwandans receives the largest amount of donor aid per capita in the region](#) \$85 compared to Uganda’s \$43 and Kenya’s \$60.

¹³ Marc Sommers: the darling dictator of the day:
<http://www.nytimes.com/2012/05/28/opinion/Paul-Kagame-The-Darling-Dictator-of-the-day.html>

¹⁴ Rwanda: where even poverty data must toe Kagame’s line (ft.com)

¹⁵ Rwanda manipulates its economic data to hide its poverty', FT reports. - RegionWeek
http://www.nytimes.com/2013/09/08/magazine/paul-kagame-rwanda.html?pagewanted=all&_r=0

¹⁶ http://www.nytimes.com/2013/09/08/magazine/paul-kagame-rwanda.html?pagewanted=all&_r=0

[The national debt in Rwanda was estimated to be 63,3% of the GNP in the year 2023 and projected to continue rising.](#) The Gross Domestic Product (GDP) in Rwanda was worth 13.31 billion US dollars in 2022 according to World Bank; compared to UK GDP of 3070,67 billion US dollars in 2022, [according to official data from the World Bank.](#)

The myth of equal opportunity in Rwanda is debunked by a study Prof Wimmer and Cederman led a team of social scientists, including UCLA political science graduate student Brian Min, that spent close to three years building a dataset of ethnic power relations in 155 countries from 1946 to 2005, based on the expert advice of nearly 100 country specialists from universities across the world to establish a link between ethnic exclusion and civil wars, concluded that with a current exclusion rate of about 85 percent, Syria, Sudan and Rwanda tied as the study's most exclusionary countries¹⁷, meaning one ethnic group dominates power and the economic resources.

Assumption: the **Parties' commitment to upholding fundamental human rights and freedoms without discrimination, as guaranteed by the Parties' national legislation, by their strong histories of implementing the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees and by their other respective international legal obligations"**

On issues of human rights, following the remarks of the Universal peer review, the UK government called on Rwanda¹⁸ " As a member of the Commonwealth, and future Chair-in-Office, we urge Rwanda to model Commonwealth values of democracy, rule of law, and respect for human rights. We recommend that Rwanda:

1. Conduct transparent, credible, and independent investigations into allegations of extrajudicial killings, deaths in custody, enforced disappearances and torture, and bring perpetrators to justice.
2. Protect and enable journalists to work freely, without fear of retribution, and ensure that state authorities comply with the Access to Information law.

¹⁷ <http://newsroom.ucla.edu/releases/excluding-ethnic-groups-from-power-886810>

¹⁸ <https://www.gov.uk/government/speeches/37th-universal-periodic-review-uk-statement-on-rwanda>

3. Screen, identify and provide support to trafficking victims, including those held in Government transit centres.

We are aware that nothing has been done so far. The annual reports by the US government, Human Rights Watch confirm that nothing has changed.

The assessment made by the Centre for Strategic and International studies in 2011 is still valid that there is lack **of independence of national institutions of countervailing power**: these formal channels for national debate and peaceful political competition: the legislature, the judiciary, the media, and politically active civil society groups are all under RPF control.

Just to give some examples; President Kagame does not consult his parliament when he wants to commit the military to go to Mozambique to protect a gas project against jihadists or to the Central African Republic to stop the overthrow of the incumbent President.

Regarding implementing UN convention on refugees, right now the Rwandan regime has violated the convention by supporting logistically and financially refugees from the Democratic Republic of Congo and from Burundi as evidenced by UN experts to wage war against their countries of origin. It is feared the two countries could go at war with Rwanda.

Honouring international commitments and resolutions

The final Report (Document S/2002/1146) of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of Congo. Rwanda has become the gateway through which the strategic mineral resources of the eastern provinces of the Democratic Republic of Congo reach the international market. It is reported that in the year 2000 alone, the Rwandan army is thought to have made \$250 million out of this trade.

Despite international conventions on this matter and the commitment of the Rwandan government, it is common knowledge that the looting continues to this day and that the war that Rwanda is involved in the DRC is for the control of the trade of these minerals.

The Rwanda government has ignored assisting in the implementation of the Nairobi and Luanda processes to end the war in Eastern Congo. It has even ignored the appeal of its most powerful ally: the US.

During its conflict with Uganda and the closure of the common border in 2019, mediation by fellow African Heads of state failed despite promises. The matter was resolved through President Kagame special relationship with the son of President Museveni of Uganda.

C. specific articles of the treaty

Rwanda does not pass the test of being safe according to 80B Nationality, Immigration and Asylum Act 2002

For the purposes of this section, a State is a "safe third State" in relation to a claimant if—

(a) the claimant's life and liberty are not threatened in that State by reason of their race, religion, nationality, membership of a particular social group or

political opinion, (b) the State is one from which a

person will not be sent to another State— (i) otherwise

than in accordance with the Refugee Convention, or

(ii) in contravention of their rights under Article 3 of the Human Rights Convention (freedom from torture or inhuman or degrading treatment), and

The situation of human rights in Rwanda as described by human rights organisations, governments, the authoritarian nature of the regime and its poor record in honouring international agreements cannot guarantee the rights of asylum sent to Rwanda. A simple treaty cannot change overnight the nature of a repressive regime. We do not see any example of this in history.

Art 3.2 Taking of all reasonable steps to ensure that that monitoring is as effective as possible. The commitment is so loose. How do you define reasonable? What happens if Rwanda does, what it usually does, declare that the step taken is an interference in its internal affairs. President Kagame is on record telling the world that Africa must define itself what human values are.

Art 10 .5 Nothing in this Article requires Rwanda to take steps to prevent a Relocated Individual from leaving Rwanda should the Relocated Individual so wish.

Regarding the treaty with Israel, the Rwandan officials encouraged asylum seekers to go to neighbouring countries under this article. Asylum seekers may do it willingly because of bad conditions or they could be compelled by the Rwandan security agents. Who will monitor this where there is no freedom of expression.

MONITORING AND COMPLAINTS

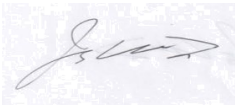
Access for inspection and monitoring

Art 14 the locations they are required to inspect under their terms of reference, save that a Relocated Individual may refuse them entry to their private accommodation if they do not wish it to be inspected.

Under an autocratic form of government who will check whether the refusal was genuine or if it is not under duress from government agents.

It is our very considered view that nature of the repressive regime and its track record of violating its commitments do not inspire trust that it will honour the current treaty.

Yours sincerely



Signed:

Justin Bahunga

Other signatories

1. Abdulkarim Alli
2. Alex Uwayezu
3. Boniface Twahirwa
4. Cedric Ntwali

5. Corneille Nduwumwel
6. Dieudonne Ngoga
7. Epimaque Ntamushobora
8. Ernest Kabera
9. Jean Marie Minani
10. Jean Pierre Mushimiye
12. Paul Nkunzimana
13. Rene Mugenzi

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