1. Freedom Now\(^1\) welcomes the opportunity to contribute written evidence to the International Relations and Defence Committee’s inquiry on how the UK can best support the African Union’s Agenda 2063 and the areas for cooperation set out in the 2019 AU-UK Joint Communiqué.

2. One of the priorities outlined in the Joint Communiqué is to “promote and protect an equitable and inclusive rules-based international system to ensure that countries and individuals have the freedom, security, justice and mechanisms to prosper, and includes co-operation on global issues such as climate change, human rights and serious organised crime.”

3. This submission focuses on a single country in Sub-Saharan Africa, Rwanda. It provides information on the Rwandan government’s baseless and politically motivated prosecution, detention, and maltreatment of government critics. Such practices violate Rwanda’s obligations under the African Charter on Human and Peoples’ Rights, the Commonwealth Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights.

4. Rwanda has undergone a miraculous transformation in the past quarter century, and much of the credit is due foreign aid administered and managed under President Paul Kagame. Yet, what often goes unnoticed is the extent to which President Kagame has built an authoritarian cult of personality – eliminating dissent and committing grave human rights abuses.

5. Although there have been reports of government critics being killed—and speculation that these extra-judicial killings are political assassinations\(^2\)—much of the persecution against dissidents comes in the form of arbitrary detention and its attendant ills. It is difficult to determine exactly how many political prisoners exist in Rwanda today. Human Rights Watch estimated that 104 individuals were arbitrarily detained by the military between 2010 and 2017—many targeted for their supposed association with opposition or terrorist groups.\(^3\) The report proclaims that the actual number of individuals wrongfully detained is much higher.

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\(^1\) Freedom Now is a non-partisan, non-governmental organization dedicated to protecting human rights and rule of law by working to eliminate the politically motivated harassment and imprisonment of those who peacefully advocate for and exercise their fundamental rights. More information can be found on our website – http://www.freedom-now.org.


6. Arbitrary detention of government critics is possible because the Kagame Administration exerts significant control over the country’s judiciary. As far back as 2008, Human Rights Watch reported that “[j]udicial authorities operate in a political context where the executive continues to dominate the judiciary and where there is an official antipathy to views diverging from those of the government and the dominant party.”\textsuperscript{4} There is some debate over the true extent of judicial independence in Rwanda, but human rights observers generally agree the outcomes of politically-sensitive cases appear predetermined.\textsuperscript{5} In practice, government critics are not afforded due process and fair trial rights, as required under international and domestic law. Government critics may be arrested without warrants and the courts do not always respect habeas corpus rights. Prolonged pre-trial detention is common. Often, defendants are not given prompt confidential access to their attorneys. Other due process issues are prevalent, such as: failing to allow defendants access to the evidence against them; admitting coerced testimony from prosecution witnesses; handing down incredibly lengthy and disproportionate sentences; and using confessions obtained through torture and duress.

7. One case that exemplifies many of these violations is that of Frank Rusagara, Tom Byabagamba, and Francois Kabayiza.

8. Mr. Rusagara was exiled to Uganda at a young age and returned to Rwanda in 1994 when he joined the Rwandan Patriotic Front. He remained in the military and reached the rank of brigadier general. Mr. Byabagamba is a decorated military officer who served as personal bodyguard of President Kagame from 1990 to 2010. Mr. Kabayiza is a retired sergeant who worked as Frank’s driver.

9. After retirement, Mr. Rusagara frequented several popular social gathering spots in Kigali. He met with other military colleagues and over meals would occasionally make comments that were critical of the government. Mr. Byabagamba made similar comments to military colleagues. He had a text exchange with another military officer in which he commented about an online article that was critical of the Rwandan government. In this text he reportedly suggested to a colleague that Rwanda was “not well governed.”

10. Mr. Rusagara and Mr. Byabagamba were arrested in August 2014 on charges of “spreading rumours” and “tarnishing the image of the country and government.” Mr. Byabagamba faced additional charges of “concealing evidence” for allegedly hiding two pistols Mr. Rusagara received as gifts during his time abroad and for “undermining the national flag,” which related

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to an incident in South Sudan in 2013 where Mr. Byabagamba apparently did not salute the Rwandan flag. Mr. Kabayiza was arrested shortly thereafter and charged with possession of an illegal firearm and concealing evidence. After a trial before a military tribunal, they received sentences of 20, 21, and five years, respectively.

11. In November 2017, the UN Working Group on Arbitrary Detention issued an opinion finding that Rwanda violated numerous instances of international human rights law by imprisoning the three men.⁶

12. Notably, the three defendants were only allowed to cross-examine four out of the eleven prosecution witnesses testifying against them. Additionally, one of the witnesses who testified on behalf of the prosecution served as judge in one of the defendant’s pre-trial hearings. One of the prosecution’s witnesses faced similar charges as the defendants and later disclosed that he was pressured to testify in exchange for his acquittal.

13. In the instance of Mr. Kabayiza, he was allegedly tortured so badly that he was barely able to stand at his trial. And, although torture is a crime in Rwanda and although Rwanda has ratified the Optional Protocol to the Convention Against Torture, perpetrators act with impunity. No one has been brought to account for the abuse inflicted upon Mr. Kabayiza. When the UN Committee Against Torture raised concerns about widespread torture allegations in 2017, the government denied and obfuscated the seriousness of the problem.⁷ Torture is endemic against persons in detention. The U.S. Department of State listed torture and cruel, inhuman or degrading treatment or punishment as one of the most significant human rights issues facing the country, along with arbitrary detention and harsh prison conditions.⁸ Human Rights Watch has observed that many of the 100+ illegally detained individuals whose cases they profiled had been tortured during an interrogation.⁹

14. The UK has a key role to play to ensuring that Rwanda respects its human rights obligations and the rule of law. The UK Government should call on Rwandan authorities to abide by decisions issued by the UN Working Group on Arbitrary Detention, immediately and unconditionally release all prisoners of conscience, desist from torturing detainees, and ensure that perpetrators of such acts are held accountable.

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⁹ "We Will Force You to Confess": Torture and Unlawful Military Detention in Rwanda, Human Rights Watch.