



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: Follow-up/CAT

21 May 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the second periodic report of Rwanda (CAT/C/RWA/2) by this Committee, at its 62nd session, held from 6 November to 6 December 2017. At the end of that session, the Committee's concluding observations (CAT/C/RWA/CO/2) were transmitted to your Permanent Mission. In paragraph 54 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 6 December 2018, further information regarding areas of particular concern identified by the Committee in paragraphs 17 (b) and (c), 19, 23 and 37 (a). It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/RWA/CO/2)

RWANDA

(...)

C. Principal subjects of concern and recommendations

(...)

Alleged secret and incommunicado detention

(...)

17. The State party should:

(...)

(b) Ensure that no one is detained incommunicado or in unofficial places and that prosecutors promptly review all the detentions by military personnel or under the 2008 counter-terrorism law, ensuring that civilian detainees who are designated for potential prosecution are charged and brought before a judge as soon as possible and that those who are not to be charged are immediately released. If detention is justified, detainees should be formally accounted for and should be held in official places of detention with access to their fundamental legal safeguards;

(c) Investigate the existence of secret non-official detention places, identify those exercising effective control over those places and bring them to account.

(...)

Allegations of ill-treatment and torture in military detention facilities

(...)

19. The Committee draws the attention of the State party to its general comment No. 3 (2012) on the implementation of article 14, in which it indicates that a State's failure to investigate, criminally prosecute, or to allow civil proceedings related to allegations of acts of torture in a prompt manner may constitute a de facto denial of redress and thus constitute a violation of the State's obligations under article 14. The Committee urges the State party to:

(a) Ensure that all allegations of torture and other ill-treatment perpetrated by military personnel are effectively and impartially investigated by

an independent authority, and that perpetrators and the officials in the chain of command, whether by acts of instigation, consent or acquiescence, are prosecuted and, if found guilty, punished;

(b) Ensure that victims and their families obtain full reparation and are protected at all times against retaliation for vindicating their rights;

(c) Install video recording equipment for its use during all interrogations in military and other places of custody where detainees may be present, except in cases in which the rights of detainees to privacy or to confidential communication with their lawyer or doctor may be violated;

(d) Store recordings in secure facilities and make them available to investigators, detainees and their lawyers and national human rights monitoring mechanisms.

(...)

Impunity for acts of torture and ill-treatment

(...)

23. The Committee urges the State party to establish an independent oversight mechanism to facilitate the submission of complaints by victims of torture and ill-treatment and to ensure prompt, impartial and effective investigations into all these allegations. The State party should also:

(a) Ensure that all allegations of torture and ill-treatment are promptly investigated in an impartial manner by the independent mechanism, that there is no institutional or hierarchical relationship between that body's investigators and suspected perpetrators of such acts, and that the suspected perpetrators are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of their acts;

(b) Ensure that the authorities launch investigations ex officio whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;

(c) Ensure that, in cases of alleged torture and ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;

(d) Ensure that complainants are protected against any reprisal as a consequence of their complaint or any evidence given;

(e) Compile disaggregated statistical information relevant to the monitoring of the Convention, including data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment.

(...)

Lack of cooperation with international mechanisms

(...)

The State party should:

(...)

37. The Committee calls on the State party to maintain cooperation with international and regional mechanisms, with a view to providing supplementary protection for the victims of violations of the Convention. In particular, the Committee recommends that the State party:

(a) Provide the Subcommittee on Prevention of Torture with unrestricted access to all places of detention during its future visits, including to military facilities, in full respect of the principles of confidentiality and freedom from reprisals and, thereby, assist and facilitate the resumption of the suspended visit;

(...)

Follow-up procedure

54. The Committee requests the State party to provide, by 6 December 2018, information on follow-up to the Committee's recommendations on alleged secret and incommunicado detention (para. 17 (b) and (c)), on allegations of torture and ill-treatment in military detention facilities (para. 19), on impunity for acts of torture and ill-treatment (para. 23) and on the lack of cooperation with the Subcommittee on Prevention of Torture (para. 37 (a)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
