



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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3 June 2013

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the initial periodic report of Rwanda (CAT/C/RWA/1) by this Committee, at its 48th session, held from 7 May to 1 June 2012. At the end of that session, the Committee's concluding observations (CAT/C/RWA/CO/1) were transmitted to your Permanent Mission. In paragraph 29 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 1 June 2013, further information regarding areas of particular concern identified by the Committee in paragraphs 10, 11, 12, 14 and 19 (a) and (b), 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.

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.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Rwanda on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
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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/1)

RWANDA

(...)

C. Principal subjects of concern and recommendations

(...)

Allegations of torture and ill-treatment

10. The Committee expresses its concern about allegations of torture that has occurred in some detention facilities in the State party, in particular reports of 18 cases of torture and ill-treatment (such as severe beatings and electric shocks) during interrogations by Rwanda military intelligence in the Kami and Kinyinga camps, and by other security personnel in “unlawful places,” including the mistreatment of political prisoners, notably Bertrand Ntaganda, Célestin Yumvihoze, Dominique Shyirambere and Victoire Ingabire (arts. 2, 11, 12 and 13).

The State party should take immediate and effective measures, to prevent torture and ill-treatment in all detention facilities and other places of deprivation of liberty in its territory. It should promptly, impartially and thoroughly investigate the 18 alleged cases of torture, and the reported cases of torture and ill-treatment of political prisoners, and prosecute and punish those responsible with appropriate penalties. Further to the investigation, the State party should ensure that those subjected to torture or ill-treatment are provided with redress, including rehabilitation.

Report on secret detention centres

11. The Committee, though noting the statement by the delegation denying the existence of detention in secret places, nevertheless expresses its concern about reports of detainees held in “unofficial detention centres” without having been charged of a crime or brought before a court, nor having access to independent lawyers and to a doctor. The Committee is concerned at the reported 45 cases of unlawful detention in military camps and other alleged secret detention facilities in 2010 and 2011, where the time of detention ranged from 10 days to two years without the provision of legal safeguards (arts. 2, 11 and 12).

The State party should ensure that no-one is detained in secret or unofficial facilities and prevent all forms of unlawful detention in its

territory as well as initiate investigations into such allegations. The State party should, as a matter of urgency, close such facilities and promptly ensure 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 (see Basic Principles on the Role of Lawyers, para. 7), the right to a lawyer of his/her choice, and the right to a medical examination. The State party should establish and make public, in law, an official list of all places of detention, and promulgate penalties for those responsible for detaining persons outside of legal detention facilities.

Fundamental legal safeguards

12. While noting that fundamental legal safeguards for detainees are provided for in the legislation of the State party, the Committee is concerned at reports that with regard to detainees held in police stations, prisons or other detention facilities, fundamental legal safeguards are not systematically applied in accordance with international standards. The Committee is particularly concerned that detainees can allegedly be held for a long period in pretrial detention without appearing before a judge, and that they do not have access to a lawyer or a doctor of their choice or to an independent medical examination, in accordance with international standards. In addition, they do not have the right to notify a family member or a relative. The Committee is further concerned at the lack of a centralized registration system of those deprived of their liberty (art. 2).

The State party should take prompt and effective measures to ensure, in law and in practice, that all detainees are afforded all legal safeguards from the very outset of their detention. These include the rights of each detainee to be informed of the reasons for his/her arrest, including any charges against him/her; to be informed of his/her rights in connection with his/her detention; to have prompt access to a lawyer or, if necessary, to legal aid, and to be able to consult privately therewith; to have access to an independent medical examination, preferably by a doctor of his/her choice; to notify a relative of his/her detention; to have a lawyer present during any interrogation by the police; to be assisted by an interpreter, if necessary; to be brought promptly before a judge and to have the lawfulness of his/her detention reviewed by a court.

The State party should ensure that public officials, in particular judicial officers, medical officers, prison doctors, prison officials and magistrates who have reasons to suspect an act of torture or ill-treatment, record and report any such suspected or claimed act to the relevant authorities. The State party should also consider establishing a centralized registration system of those deprived of their liberty

(...)

Enforced disappearances

14. The Committee expresses its concern about reported cases of enforced disappearance and the State party's failure to provide information about the whereabouts of the disappeared or to thoroughly investigate the disappearances, particularly in the cases of André Kagwa Rwisereka and Augustin Cyiza. The Committee is also concerned that 21 of the 24 cases submitted to the State party by the Working Group on Enforced or Involuntary Disappearances remain outstanding (arts. 2, 11, 12, 13, 14 and 15).

The State party should take all appropriate steps to effectively protect all persons from enforced disappearance. It should ensure that all cases of enforced disappearance are thoroughly investigated and that those responsible for enforced disappearances are prosecuted, and if found guilty, punished by appropriate penalties. The State party should also ensure that any individual who has suffered harm as a direct consequence of enforced disappearance has access to all available information which might be useful to determining the whereabouts of the disappeared person, as well as to fair and adequate compensation. The State party should reinforce its efforts to clarify all outstanding cases referred to it by the Working Group on Enforced and Involuntary Disappearances. Furthermore, the State party is urged to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

(...)

Prison conditions

19. While noting efforts made by the Government, the Committee is concerned about the inadequate prison conditions in the State party, in particular with regard to hygiene, access to health care and food. It is concerned about the high rate of overcrowding and that people may be held in detention after having completed their sentences. The Committee also expresses concern at reports that a high number of mothers are detained with their babies in extremely difficult conditions (arts. 2, 11 and 16).

The State party should strengthen its efforts to improve prison conditions and ensure that they are in conformity with the Standard Minimum Rules for Treatment of Prisoners, by:

(a) Reducing the high rate of overcrowding, in particular through the wider use of non-custodial measures as an alternative to imprisonment, in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);

(b) Releasing detainees who have completed most of their prison sentences and for whom reintegration into society is considered appropriate by the competent authorities;

(...)

29. The Committee requests the State party to provide by 1 June 2013 follow-up information in response to the Committee's recommendations with regard to (i) conducting prompt, impartial and effective investigations; (ii) prosecuting suspects and sanctioning perpetrators of torture and ill-treatment; (iii) providing redress to victims; and (iv) guaranteeing fundamental legal safeguards to detainees held in police stations, as contained in paragraphs 10, 12 and 14 of the present concluding observations. In addition, the Committee requests follow-up information on secret detention centres and reducing overcrowding in prisons, as contained in paragraphs 11 and 19 (a) and (b) of the present concluding observations.

(...)
