



**Human Rights Watch submission
to International Development Committee
UK aid to Rwanda
1 November 2012**

I. Summary

- i. Human Rights Watch welcomes the inquiry by the International Development Committee (IDC) into the decision by the Department for International Development (DFID) to withhold, and subsequently disburse, budget support to the Government of Rwanda following allegations about its involvement with the M23 rebel group in eastern Democratic Republic of Congo (DRC).
- ii. Human Rights Watch has [documented serious human rights abuses by the M23 rebels in the DRC](#), including deliberate killings of civilians, summary executions, rapes, and forced recruitment, including of children. Some of these abuses amount to war crimes. Human Rights Watch has also [documented extensive Rwandan military support for the M23](#), including the deployment of Rwandan troops in Congo to support M23 operations, the forced recruitment of Rwandans to fight with the M23, and the provision of weapons and ammunition to the M23. Through this support, Rwandan military officials may be complicit in war crimes. Independently from Human Rights Watch, the [United Nations Group of Experts on the DRC has produced similar findings](#). During a visit to Kigali in October 2012, Human Rights Watch staff raised the issue of Rwandan military support for the M23 with major international donors, embassies and high commissions. None of them disputed that the Rwandan military has been backing the M23.
- iii. In late July 2012, DFID stated that the disbursement of £16 million of general budget support to Rwanda would be delayed while the Secretary of State considered whether the expectations outlined in DFID's partnership principles were still being met. In a written ministerial statement on 4 September, Andrew Mitchell, the then Secretary of State for International Development, announced that the UK would partially restore its general budget support to Rwanda by disbursing half the money which had been withheld and reprogramming the second half. He justified this decision on the basis that "Rwanda has engaged constructively with the peace process initiated through the International Conference on the Great Lakes region". Human Rights Watch sees no evidence

- to support this assessment of Rwanda's role in eastern DRC or of its constructive engagement at that time. On the contrary, Human Rights Watch's findings, based on extensive field research, show ongoing Rwandan military support to the M23 from late July to early September – that is throughout the period in which UK aid was withheld and after the decision to release half of it.
- iv. Andrew Mitchell's decision to resume half the delayed UK aid to Rwanda appears to have been taken hurriedly, with limited internal discussion across Whitehall or with High Commission and DFID staff in Rwanda, and possibly against the advice of some UK officials. From recent discussions between Human Rights Watch and representatives of other major donor governments to Rwanda, including embassies in Kigali, it is also apparent that there was little or no consultation with other governments in advance of this decision.
 - v. While the focus of this IDC inquiry is the decision on UK aid based on Rwanda's involvement in the DRC, Human Rights Watch is seriously concerned about wider aspects of DFID policy towards Rwanda and recommends that the IDC takes these into account, building on its inquiry into UK aid policy in the Great Lakes region in 2011. Specifically, DFID has given insufficient attention to human rights issues in its relationship with the government of Rwanda, contrary to DFID's own declared principles and the [Memorandum of Understanding](#) between the UK and Rwanda. Rwanda has repeatedly violated the terms of its agreement with the UK, and DFID has failed to honour its own principles too.
 - vi. Human Rights Watch's research reveals continuing and severe restrictions on freedom of expression and association in Rwanda and an absence of political space. There is a longstanding pattern of government attacks on members of opposition parties and journalists, and harassment and intimidation of independent human rights organisations. Despite real and welcome progress on economic issues and against some important development indicators, the Rwandan government remains highly repressive and unwilling to tolerate criticism or peaceful opposition. In this context, DFID should reconsider the appropriateness of general budget support to Rwanda and whether assistance for Rwanda's poor may be better delivered through other mechanisms.

II. Human Rights Watch's work in Rwanda and DRC

- vii. Human Rights Watch is an independent, international human rights organisation. We document human rights abuses in some 90 countries around the world. We use our research to draw attention to rights abuses and call on governments to adopt policies to better respect, protect, and fulfill these rights. We press for those responsible for serious human rights abuses to be held accountable for their crimes.

- viii. HRW has been working on Rwanda and the DRC for nearly 20 years. With a permanent presence on the ground in both countries, HRW has closely monitored the human rights situation and has published numerous documents describing its research findings (available at www.hrw.org). HRW has closely followed UK government policy in the region and has regularly engaged with DFID and the Foreign and Commonwealth Office on these issues.

III. Abuses committed by the M23 in eastern DRC

- ix. The M23 armed group is largely made up of soldiers who participated in mutinies from the Congolese national army in late March and May 2012. Its senior commanders have a well-known history of serious abuses. They include General Bosco Ntaganda, who is wanted on two arrest warrants by the International Criminal Court for war crimes and crimes against humanity, and several other individuals involved in massacres and the recruitment of children in eastern DRC.
- x. Human Rights Watch has [documented serious abuses by the M23](#) in areas under their control since April 2012, [some of them amounting to war crimes](#). These include deliberate killings of civilians, summary executions – particularly of recruits who attempted to flee from their ranks – rapes of women and young girls, and forced recruitment, including of children. M23 fighters have also intimidated and threatened local journalists and human rights activists.

IV. Rwandan military support for the M23

- xi. Rwandan military officials have provided support to the M23 throughout the mutiny, including through the supply of weapons, ammunition and training, the recruitment of young men and boys in Rwanda, some under the age of 15, to augment the M23's ranks, and the deployment of several hundred Rwandan army soldiers to eastern DRC to support the M23's operations. On the basis of its research, Human Rights Watch estimates that between April and September, at least 600 people were recruited in Rwanda to join the M23 – some by force, others under false pretences – possibly outnumbering those recruited in the DRC. Rwandan military support to the M23 is consistent with its support to several other armed groups responsible for serious abuses in eastern Congo in previous years, in particular the National Congress for the Defence of the People (CNDP) which integrated into the Congolese army in 2009. Many senior M23 commanders and fighters were formerly in the CNDP.
- xii. The Rwandan government has vehemently denied any involvement by its troops or officials in backing the M23. Instead, it has repeatedly and publicly sought to discredit the work of the UN Group of Experts, Human Rights Watch and other organisations which have documented and denounced this support.

V. DFID's decision to delay, then resume aid to Rwanda

- xiii. In mid-July 2012, the then Secretary of State for International Development Andrew Mitchell visited Rwanda and eastern DRC. His visit took place more than three months after the M23 had begun its mutiny and after [Human Rights Watch](#) and the [UN Group of Experts first published information on Rwandan military support for the M23](#).
- xiv. In late July 2012, DFID delayed the disbursement of £16 million of UK aid to the government of Rwanda. This followed an announcement by the US government that it was suspending part of its military assistance to Rwanda in light of Rwandan support for armed groups in the DRC. In the following days and weeks, several other governments, including Germany, the Netherlands, Sweden and the European Union, all announced the suspension or delay of part of their aid programmes to Rwanda for the same reason.
- xv. DFID did not widely publicise its decision to withhold this aid, but confirmed it in a short note circulated to journalists on 27 July. The note stated that the Secretary of State had decided that the disbursement of £16 million of UK aid to Rwanda should be delayed while he considered whether the expectations outlined in DFID's partnership principles were still being met. It stated:
- “The UK only provides aid directly to governments who share our own commitment to the four partnership principles:
- 1) poverty reduction and the Millennium Development Goals
 - 2) respecting human rights (from political freedoms, to the rights of minorities including Lesbian, Bisexual, Gay and Transgender and religious minorities) and other international obligations
 - 3) improving financial management, promoting good governance and transparency and fighting corruption
 - 4) being more accountable to their citizens.”
- xvi. On 3 September, in response to a ministerial question on how he was planning to leverage UK aid to Rwanda to end Rwandan support to militias in DRC, Andrew Mitchell said “the UK is able to be a ‘candid friend’ to Rwanda, engaging openly and frankly on sensitive issues at the highest levels [...] The UK will continue to maximise the leverage afforded by our development partnership with Rwanda [...] to ensure that this happens.”
- xvii. Yet just one day later, on 4 September, when the government announced a cabinet reshuffle in which Mitchell was moved from the Department for International Development to the Office of the Chief Whip, Mitchell stated in a

written ministerial statement to Parliament that Britain would partially restore general budget support to Rwanda by disbursing half (£8 million) of the delayed tranche and re-programming the remaining half. He confirmed that the delay in disbursing aid in July had been based on “concerns about the impact of the conflict on civilians in the region and reports of Rwandan involvement in the M23 mutiny.” He stated that he had “sought assurances from President Kagame that Rwanda was adhering to the strict partnership principles” but did not explain whether he had obtained such assurances or how they would be verified. He justified the decision to resume aid on the basis that “Rwanda has engaged constructively with the peace process initiated through International Conference on the Great Lakes Region and there is a continuing cease fire in the Kivus.” He also invoked the Rwandan government’s continued demonstration of “its strong commitment to reducing poverty and improving its financial management.”

- xviii. Throughout the period between the two DFID decisions, Human Rights Watch continued [to document Rwandan military support to the M23 and serious abuses by the M23 against civilians in eastern DRC](#). Similar findings were presented in a version of the UN Group of Experts’ final report which was leaked to the media in October and is expected to be published before the end of the year. The Rwandan government repeatedly denied its army’s involvement in backing the M23, but to Human Rights Watch’s knowledge, neither the UK government nor any other foreign governments or donors to Rwanda had information contradicting the findings of Human Rights Watch or the Group of Experts. Indeed, most believed that the Rwandan military was involved in supporting the M23.
- xix. Therefore, on the basis of on-the-ground events in Rwanda and eastern DRC, there appears to have been no objective rationale for the decision to resume UK aid to Rwanda in the absence of progress on the very criterion which had triggered the decision to delay the aid in the first place.
- xx. Furthermore, the decision to resume UK aid at a time when pressure on Rwanda to cease military support to the M23 was mounting and an unprecedented number of donors (including several of the UK’s closest allies and the EU) had all suspended part of their aid to Rwanda within a few weeks had a negative impact on international efforts to resolve the situation. As several donor government officials confirmed privately to Human Rights Watch, the UK decision undermined these collective efforts and weakened their cumulative impact. It also gave an unfortunate signal to the Rwandan government that the UK was less concerned than other donors about its involvement in the DRC conflict.

VI. Human rights concerns in Rwanda

- xxi. Human Rights Watch is concerned about ongoing political repression and human rights violations inside Rwanda, which have received insufficient attention by DFID, despite the fact that these violations run contrary to DFID's own declared principles and the Memorandum of Understanding signed by the UK and Rwanda in 2006, and revised in 2012. Human Rights Watch's research reveals a pattern of government attacks on members of opposition parties and journalists, including arrests, prosecutions, threats and other forms of intimidation. Freedom of expression and association remain severely restricted. Political space has not opened up since the 2010 presidential elections which President Paul Kagame won with 93% of the vote. If anything, state intimidation of opposition party members has intensified. Independent civil society organisations and activists have been harassed and intimidated. Despite its claims to openness and inclusivity, the government does not tolerate criticism or dissent.
- xxii. While the Rwandan justice system has undergone a number of positive reforms, the courts still lack independence, especially in politically sensitive cases, as illustrated by the [recent judgment in the trial of opposition party leader Victoire Ingabire](#).
- xxiii. Human Rights Watch has also documented cases of unlawful incommunicado detention in military custody – including of civilians – and unofficial detention centres, and several cases of detainees being forced to confess or incriminate others (particularly political opponents), sometimes under torture or under threat, sometimes through financial or material inducements.
- xxiv. In Human Rights Watch's view, DFID has made insufficient efforts to raise these concerns with the Rwandan government, despite the fact that respect for human rights and international obligations is among the commitments cited in its MOU with Rwanda. Human Rights Watch's concerns in this regard were outlined in [evidence submitted by the organisation to the IDC for its 2011 inquiry](#).

VII. Revised Memorandum of Understanding between the UK and Rwanda

- xxv. On 5 September – one day after Andrew Mitchell announced the resumption of UK aid to Rwanda – the governments of the UK and Rwanda signed a [revised Memorandum of Understanding \(MOU\)](#), valid until February 2016. It contains some modifications to the 2006 MOU, lists DFID's four partnership principles, and includes a new section on "strengthening domestic accountability". Commitments on human rights and conflict prevention are similar to those in the 2006 MOU. The revised MOU contains a section on "annual reviews" in which the two governments would annually assess their commitments and review their performance, in line with DFID's partnership principles. The revised MOU contains an annex listing "indicative sources" for informing these reviews.

Human Rights Watch questions the independence or reliability of some of these sources.

VIII. Recommendations

This submission makes a number of recommendations:

- xxvi. Before releasing the remaining £8 million of budget support to Rwanda in December 2012, the Secretary of State for International Development should conduct a thorough assessment of the human rights situation in Rwanda and eastern DRC, based on a range of independent sources. The assessment should cover:
- abuses committed by the M23 in eastern DRC
 - Rwandan military support to the M23 or other armed groups
 - action taken by the Rwandan government to investigate allegations of support by its army officials to the M23 and appropriate measures to hold to account the individuals responsible
 - human rights conditions inside Rwanda, in particular restrictions on freedom of expression and association and on political space.
- xxvii. DFID should work closely with other donors to Rwanda and international partners to maximise the impact of collective pressure on Rwanda to halt all military support to the M23. Diplomatic efforts by the UK and its international partners to help find a solution to the ongoing conflict in the Great Lakes region should include a firm commitment to hold the worst human rights abusers to account, in line with international obligations to investigate and prosecute serious human rights crimes.
- xxviii. In the context of DFID's development work in Rwanda, much greater priority should be given to human rights, the rule of law, and transparent and responsive governance. The UK remains one of the most important donors to Rwanda, both bilaterally and as a significant player in the EU, and can exert considerable influence in encouraging human rights reforms.
- xxix. DFID and the Rwandan government should make **public statements** on their annual assessment of their respective commitments under the revised MOU. DFID should ensure that the "indicative sources" for informing reviews and assessments under the MOU include a range of independent, non-governmental sources and information from Rwandan and international human rights organisations.
- xxx. DFID should also publish its human rights assessment on Rwanda, which it was to undertake as part of the annual review of its operational plans in all its country programmes.

- xxi. DFID should make clear to the Rwandan government, at regular intervals and publicly, that it expects it to fulfill its commitments under the revised MOU and to respect all of DFID's partnership principles.
- xxii. In light of Rwandan military backing for abusive armed groups in the DRC, and continuing violations of civil and political rights inside Rwanda, DFID should review the appropriateness of general budget support to the Rwandan government and consider whether assistance for Rwanda's poor may be better delivered through other mechanisms.