



Plenary sitting

B9-0510/2021

5.10.2021

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on on the case of Paul Rusesabagina in Rwanda
(2021/2906(RSP))

Andrea Cozzolino, Pedro Marques, Kathleen Van Brempt
on behalf of the S&D Group

B9-0510/2021

**European Parliament resolution on the case of Paul Rusesabagina in Rwanda
(2021/2906(RSP))**

The European Parliament,

- having regard to its previous resolutions on Rwanda, in particular those of February 2021, 23 May 2013 and of 6 October 2016 on the case of Victoire Ingabire;
- having regard to its Parliamentary question, on the detention of human rights activist Paul Rusesabagina on 26 February 2021,
- having regard to EEAS speech on behalf of High Representative/Vice-President Josep Borrell at the European Parliament debate on “Rwanda -the case of Paul Rusesabagina” on 11 February 2021,
- having regard to Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union and Article 10 and 215 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches,
- having regard to the UN Human Rights Council report of the Working Group on the Universal Periodic Review, 25 March 2021,
- having regard to the Universal Periodic Review (UPR) at the Human Rights Council in Geneva on January 25, 2021 in which countries expressed dismay on the Human Rights situation in Rwanda,
- having regard to Articles 12,15, 19 of the Rwandan Constitution, Article 68 of the Rwandan Criminal Procedure Code, Article 69 and 151 of the Rwandan Penal Code (2018), Article 16 and 37 of the Rwandan Criminal Procedure Code (2019), The 15 day rule in the Rwandan Law on Counterterrorism,
- having regard on the international law regarding the right to consular assistance,
- having regard to the EU’s stance on the right to a free trial contained in the European Convention on Human Rights,
- having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1985,
- having regard to the International Covenant on Civil and Political Rights (ICCPR)
- having regard to the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) of 2015,
- having regard to the African Charter on Human and Peoples’ Rights (ACHPR);

- having regard to the Kampala Declaration on Prison Conditions in Africa,
 - having regard to the International Covenant on Civil and Political Rights, which was ratified by Rwanda in 1975,
 - having regard to the United Nations and the African Commission on Human and People's Rights instruments, in particular, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the EU 2020-24 Action Plan on Human Rights and Democracy,
 - having regard to Rules 144 of its Rules of Procedure.
- A. Whereas on the 29 September 2021, human rights defender and Belgian citizen and US resident, Mr. Paul Rusesabagina, a strong critic of President Paul Kagame and the ruling Rwanda Patriotic Front government, was convicted and sentenced to 25 years in prison following his arrest in Kigali on 31 August 2020, charged with 13 terrorism related charges and made criminally liable for activities attributed to MRCD-FLN a coalition of opposition political parties and its military wing;
- B. whereas Mr. Rusesabagina is credited with being instrumental in protecting the lives of around 1,200 people who sought refuge at the Hotel des Milles Collines in Kigali during the 1994 Rwandan genocide; whereas Mr Rusesabagina has received widespread international acclaim for his extraordinary courage and compassion in the face of genocide, including the US Presidential Medal of Freedom;
- C. whereas Mr. Rusesabagina's arrest was arbitrary; under false pretences and unlawful transfer to Rwanda, enforced disappearance and incommunicado detention; whereas no arrest warrant was produced for his arrest in line with the requirements of article 37 of the Rwandan Criminal Procedure Code (2019) and no statement of charges was produced until his conviction in contravention of Article 68 of the Rwandan Code of Criminal Procedure (2019); whereas Mr. Rusesabagina had stated publicly on several occasions that he could not return to his native country for fear of retribution;
- D. whereas under Rwanda's counterterrorism law, a terrorism suspect can be provisionally detained for up to 15 days, renewable for up to 90 days; whereas article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) provides that "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power";
- E. whereas Mr. Rusesabagina was reportedly detained for 18 days before appearing in court in contravention of the 15 day rule contained in Rwanda's counterterrorism law; whereas Rusesabagina describes his condition of detention as inhumane, against article 69 of the Rwandan Code of Criminal Procedure which stipulates the places of detention

at appropriate and designated remand facilities;

- F. whereas Mr. Rusesabagina has had lawyers imposed on him denying him an opportunity for counsel of his choice until his conviction, non-Rwandan lawyers were not allowed to counsel him against the dictates of article 68 of the Rwandan Code of Criminal Procedure (2019); whereas Rusesabagina was interrogated without the assistance of a lawyer against the dictates of article Article 29(1) of the Rwandan Constitution as read with Article 68 of the Rwandan Code of Criminal Procedure (2019) allowing legal representation and the right to consult privately with lawyers of one's choosing;
- G. whereas Rwandan Justice Minister and Attorney General Johnston Busingye admitted during a televised interview on Al Jazeera in February 2021 that the Rwandan government had paid for the plane that transported Rusesabagina, without his knowledge, to Kigali;
- H. whereas Colonel Jeannot Ruhunga, as head of the Rwanda Investigation Bureau (RIB), oversaw the operation to kidnap Rusesabagina and was also named in a jailhouse transcript as one of two people who visited Rusesabagina when he was held incommunicado in an unknown location during the three days between the time he was kidnapped and when he was presented in handcuffs in Kigali;
- I. whereas on 7 December 2020 the Council adopted Regulation (EU) 2020/1998 establishing the EU Global Human Rights Sanctions Regime, which enables the EU to impose restrictive measures on targeted individuals, entities and bodies – including states and non-state actors – responsible for, involved in or associated with serious human rights violations and abuses worldwide; whereas it is important to emphasise that the EU has a responsibility to make use of this regulation in the event of human rights violations;
- J. whereas Mr. Rusesabagina is a 67-year old cancer survivor with high blood pressure, according to his lawyers, has missed two cancer screenings and the prison authorities have denied him access to prescription medicine provided by his Belgian doctor, causing mental and physical distress in contravention of articles 12 and of the Rwandan Constitution on the right to life, the right to physical integrity, protection against inhumane and degrading treatment;
- K. whereas in September 2021 after his arrest the Rwandan authorities did not inform Belgian authorities in line with the international law principle of consular assistance; whereas documents from the Belgian Consular officials addressed to Mr Rusesabagina were reportedly confiscated by the Rwandan prison authorities;
- L. whereas reports of inadequate facilities for defence preparation, denial of privacy of consultation with counsel of his choice and failure to assert his presumption of innocence were raised throughout the trial and were condemned by many international rights organisations and States; whereas rights organisations have constantly highlighted the importance of respect for all applicable legal protections throughout Rusesabagina's proceedings and have raised concerns that these protections were not addressed in an impartial manner consistent with Rwanda's international commitments;
- M. whereas political opponents and critics of President Kagame continue to face harsh conditions in detention, including denial of access to medical care, legal counsel and family contact, and are often subject to torture or other ill-treatment; whereas their trials often do not meet the basic standards of impartiality, fairness, and independence of the courts;

- N. whereas a scheduled meeting at the 76th session of the United Nations General Assembly between the Belgian Foreign Affairs Minister Sophie Wilmès and the Rwandan Foreign Affairs Minister Vincent Biruta was cancelled at the last minute by the Rwandan Government;
1. Strongly condemns the arrest, illegal detaining and conviction of Mr. Rusesabagina, which violates international and local standards; considers the case of Paul Rusesabagina to be an element of a wider Rwandan policy focusing on the silencing of persons critical of the regime and calls into question the fairness of the verdict which reportedly lacks fair trial guarantees in line with international best practice of representation, the right to be heard and presumption of innocence;
 2. Recalls that the extradition of any suspect to another country should take place exclusively through independently overseen extradition proceedings to guarantee the legality of the extradition request and ascertain that the suspect's rights to a fair trial are fully guaranteed in the requesting country;
 3. Calls for the immediate and unconditional release of Mr. Rusesabagina also based on humanitarian grounds and his immediate repatriation to Belgium of which he is a citizen, and the immediate release of the rest of the other prisoners of conscience;
 4. Calls on the Rwandan authorities to provide a complete and corroborated account regarding the events that took place during Mr Rusesabagina's temporary disappearance in the United Arab Emirates (UAE);
 5. Denounces the Rwandan authorities' restrictions of fundamental rights and freedoms and the arbitrary use of pre-trial detention for repressing dissent and without providing Mr Rusesabagina with the minimum guarantees for fair trials and regular contact with his family;
 6. Deplores the overall human rights situation in Rwanda and in particular the targeted persecution of dissenting voices and the closure of the democratic space; reiterates the need for opening up of democratic space in the country including allowing Civil Society Organisations to operate freely, promoting freedom of the press, and bringing a stop to targeted persecution of opposition political parties, embracing political diversity and multi-party principles;
 7. Deeply concerned by the use of the criminal justice system in a manner which erodes confidence in the Judiciary; regrets the Rwandan Government's disregard of international law and the Rwandan Constitution and statutes guiding the rights of detainees and procedures for fair trials;
 8. Reiterates that the enforced disappearance of Mr. Rusesabagina, from 27 to 31 August 2020, violates Rwanda's obligations under the International Covenant on Political and Civil Rights (ICCPR - articles 6 and 9), the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT - articles 2 and 16) and Article 9 of the Universal Declaration of Human Rights (UDHR);

9. Reminds the Rwandese Government of its obligations to guarantee fundamental rights, including access to justice and the right to a fair trial, as provided for in the African Charter and other international and regional human rights instruments, including the Cotonou Agreement and specifically Articles 8 and 96 thereof;
10. Restate its call to the Rwandan authorities to respect the right to freedom of opinion and expression as enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR); urges the Rwandan authorities to guarantee, in all circumstances, the physical integrity and psychological well-being of Mr Rusesabagina, including through granting him structural and sufficient access to his prescribed medication;
11. Calls on the EEAS, the Commission and the EU Special Representative for Human Rights to strengthen Human Rights Dialogue with Rwanda at the highest levels, in the framework of Article 8 of the Cotonou Agreement to ensure consistency with its bilateral and international commitments;
12. Request the European Commission to critically review EU support to the Rwandan government and state institutions to ensure that this support fully promotes human rights and has no negative effects on freedom of expression and association, political pluralism, respect of the rule of law and independent civil society
13. Calls on the member states and the commission to refrain from setting up new development cooperation projects involving direct budget support to the Rwandan government and urges them to divert these to civil society and projects directly benefiting the Rwandan population;
14. Recommends that the HR/VP prepares a sanctions list of persons and entities responsible for serious human rights violations in Rwanda, in line with the EU Global Human Rights Sanctions Regime;
15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations, the African Union, the Pan-African Parliament, and the ACP-EU Joint Parliamentary Assembly.