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Plenary sitting

21.5.2013

B7-0248/2013

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 122 of the Rules of Procedure

on Rwanda: the case of Victoire Ingabire
(2013/2641(RSP))

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on behalf of the ALDE Group

European Parliament resolution on Rwanda: the case of Victoire Ingabire (2013/2641(RSP))

The European Parliament,

- having regard to the Cotonou Partnership Agreement signed in June 2000, and its revised versions of 2005 and 2010, and in particular its article 8 which promotes the political dialogue between the Rwandan authorities and EU Member States,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the financial aid provided by the 10th European Development Fund (EDF) totaling €290 million,
- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on 03 May 2013, and on 3 May 2012, concerning the freedom of expression in general, and her responses to oral parliamentary questions on 25 July 2012, and on 04 February 2013 concerning Ms Victoire Ingabire's case,
- having regard Ms Victoire Ingabire's nomination for the Sakharov Prize for freedom of thought by the European Parliament in 2012,
- having regard to the Universal Declaration of Human Rights (1948), the Geneva Convention (1949), and the International Covenant on Civil and Political Rights (1966),
- having regard to the African Charter on Human and Peoples' Rights, which was ratified by Rwanda in 1983,
- having regard to the request of Ms Victoire Ingabire for a Presidential Pardon in November 2011,
- having regard to Rules 122(6) of its Rules of Procedure,

A. whereas Victoire Ingabire is the imprisoned leader of Unified Democratic Forces-Inkingi (UDF), main opposition party in Rwanda, and is known for her strong criticism of the current government,

B. whereas she returned to Rwanda in 2010 to run for the presidential elections, after living in the Netherlands for 16 years; whereas the evidence found in the Netherlands played a significant role in the verdict linked to the charges of terrorism (including links to the FDLR — Democratic Forces for the Liberation of Rwanda, a Hutu rebel group); whereas she was arrested on 14 October 2010 and is in prison since then,

C. whereas, as the VP/HR Ms Catherine Aston recalled on 25 July 2012, Ms Ingabire held statements which were aimed at asking attention for the plight of the majority Hutu population in Rwanda; whereas the declarations were controversial in content; whereas it is forbidden by Rwandan law to make explicit reference to ethnicity, these acts were labelled by the Rwandan authorities as ‘divisionism’ and seen as promoting ‘genocide ideology’,

D. whereas the context in which her trial took place, during from September 2011 to April 2012, was very tense and sensitive,

E. whereas on 30 October 2012 she was condemned by the High Court of Kigali to 8 years imprisonment; whereas she was convicted of two updated charges and acquitted of four others; whereas she was found guilty of "conspiracy with a view to harming the State, through war and terror" (1) and of "genocide denial" (2) because of her presumed relations with the FDLR in 1994; whereas the Public Prosecutor has sought life imprisonment,

F. whereas she then decided to bring her case before the Rwandan Supreme Court,

G. whereas following the Prosecutor M. Alphonse Hitiyareme, the Judge of the Court of first instance has ignored important legal provisions to pronounce a sentence of 8 years imprisonment; whereas following the Public Prosecutor, Ms Victoire Ingabire wasn't condemned in first instance, for the creation of an armed group and the spread of rumors; whereas the sentence of life imprisonment had however been replaced by 25 years imprisonment by the Public Prosecutor due to a new penal code requiring a diminution of sentences in certain cases,

H. whereas since 16 April 2012, she had been boycotting her trial in protest against intimidation and illegal interrogation procedures imposed on some of her co-accused, former Democratic Forces for the Liberation of Rwanda (FLDR) members Lieutenant-Colonel Tharcisse Nditurende, Lt Colonel Noël Habiyaremye, Captain Jean Marie Vianney Karuta and Major Vital Uwumuremyi, as well as against the Court's decision shorten the hearing of a defense witness, Ms Kayitesi Claire, accusing Rwandan authorities of fabricating evidence against her; whereas these facts have not been confirmed by the Rwandan authorities,

I. whereas her co-accused and former members of FLDR (listed above) have been accused of having established a Coalition of Democratic Forces (CDF) military wing; whereas Lieutenant-Colonel Nditurende admitted to have contacted Ms Victoire Ingabire for "financial support" but affirmed she "never responded positively",

J. whereas in the first instance trial, the four witnesses pleaded guilty to conspiring with Victoire Ingabire to form the CDF armed group and affirmed that her aim was to "cause insecurity in Rwanda and force the government into peace talks by waging war"; whereas after the first instance trial the four witnesses affirmed their testimony was made under coercion; whereas it became very difficult to investigate in such circumstances,

K. whereas, as the EU VP/HR Ms Catherine Ashton recalled on 25 July 2012, the Presidential pardon requested by Ms Victoire Ingabire in November 2011 is still valid and can be considered by the President ,

L. whereas consolidation of democracy is crucial, including the independence of the judiciary and the participation of opposition parties to the government, particularly in view of the 2013 parliamentary elections and the 2017 presidential elections,

M. whereas it is very important for post-genocide Rwanda to foster dialogue and to achieve the way to reconciliation,

1. Calls on the Rwandan authorities to ensure the separation of powers, and in particular the independence of the judiciary, and to promote the participation of opposition parties, in a context of mutual respect and inclusive dialogue towards the democratic process,
2. Calls upon the Rwandan authorities to comply with its international obligations with regard to the administration of justice and calls on the Supreme Court to take into account the evidences presented by both parties involved in the trial,
3. Calls on the Rwandan judiciary to ensure to Ms Victoire Ingabire a prompt and fair appeal; and affirms, as the EU VP/HR Ms Catherine Ashton did on 25 July 2012, that the Rwandan authorities have been doing their utmost to make sure that the terms of her detention conditions are up to international standards,
4. Recalls that the EU has supported the Rwandan judiciary towards the process and is committed to pursue this way,
5. Calls on the international community to fully cooperate with the Rwandan authorities, and in particular in the prosecution of war crimes and crimes against humanity,
6. Supports the Rwandan authorities in their policy to avoid any distinction between ethnic groups and thus avoiding any risk to a return of an ethnic policy,
7. Recalls that according to UN, 800 000 men, women and children died in the Rwandan genocide in 1994; recalls the huge trauma it still is for the country,
8. Instructs its President to forward this resolution to the European Council, the Council, the Commission, the governments and parliaments of the Member States, the Rwandan authorities and to all parties involved in Ms Victoire Ingabire's trial.