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*Plenary sitting*

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**B8-1075/2016**

4.10.2016

## **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 135 of the Rules of Procedure

on Rwanda: the case of Victoire Ingabire  
(2016/2910(RSP))

**Lars Adaktusson, Ángela Vallina, Marie-Christine Vergiat, Malin Björk, Josu Juaristi Abaunz, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Miguel Urbán Crespo, Tania González Peñas, Merja Kyllönen, Takis Hadjigeorgiou, Neoklis Sylikiotis, Patrick Le Hyaric, Paloma López Bermejo, Marina Albiol Guzmán, Maria Lidia Senra Rodríguez, Stelios Kouloglou, Javier Couso Permuy**  
on behalf of the GUE/NGL Group

**European Parliament resolution on Rwanda: the case of Victoire Ingabire (2016/2910(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Rwanda, in particular the one of 23 May 2013 on Rwanda: case of Victoire Ingabire (2013/2641(RSP)),
- having regard to the nomination of Victoire Ingabire Umuhoza, Bernard Ntaganda and Deogratias Mushyayidi, three political opponents incarcerated in Rwanda, to the 2012 Sakharov Prize of the European Parliament for Freedom of Thought,
- having regard to the answers by VP/HR Ashton of 25 July 2012 and 4 February 2013 to Writtens Questions E-005726/2012 and E-010366/2012 and to the answers by VP/HR Mogherini of 11 December 2015 to Written Question E-012107/2015 regarding Victoire Ingabire,
- having regard to the International Covenant on Civil and Political Rights, which was ratified by Rwanda, specifically its provisions on freedom of expression and freedom of thought,
- having regard to the instruments of the United Nations and the African Charter on Human and People’s Rights (ACHPR), in particular the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to Report of the Working Group on the Universal Periodical Review (UPR) of Rwanda of 18 December 2015,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000, and particularly to Annex VII there to, which calls for the promotion of human rights,
- having regard to the briefing by the EP Policy Department C “Rights of women and gender equality in Rwanda” of September 2016,
- having regard to the Security Council resolution 955 (1994) on establishment of an International Tribunal on Rwanda and adoption of the Statute of the Tribunal “International Criminal Tribunal for Rwanda (ICTR),
- having regard to Rule 135 of its Rules of Procedure,

*On the case of Victoire Ingabire:*

- a. whereas Victoire Ingabire, President of the Unified Democratic Forces (UDF), returned to Rwanda in 2010 after 16 years of exile in the Netherlands and expressed her will to run in the presidential elections;
- b. whereas Ingabire, who was ultimately barred from standing in the election, was arrested in 14 October 2010; whereas her party, the UDF, a coalition of Rwandan opposition parties, has not been able to register as a political party before the 2010 election and continue to be illegal in the country;
- c. whereas on 30 October 2012 she was sentenced to eight years in prison; whereas she was found guilty of conspiracy to harm the authorities using terrorism, and of genocide denial; whereas the Public Prosecutor sought a sentence for life imprisonment; whereas on 25 March 2013 she took the stand in her appeal trial and called for a re-examination of the evidence;
- d. whereas in April 2013, in the course of her appeal before the Supreme Court, while she was cleared of the six charges lodged by the prosecution, she was sentenced to fifteen years in prison on new charges that were not based on legal documents and that, according to her defence counsel, had not been presented during the trial; whereas the two new charges include negationism/revisionism and high treason;
- e. whereas in May 2013, after having testified against her before the Rwandan High Court in 2012, four prosecution witnesses and a co-accused told the Supreme Court that their testimonies had been falsified; whereas human rights organisations expressed concerns about their ‘prolonged incommunicado detention’ and ‘the use of torture to coerce confessions’;
- f. whereas last year Victoire Ingabire appealed to the African Court of Human and People’s Rights accusing the Rwandan Government of violating her rights, whereas before the case could be dealt Rwanda withdrew its declaration allowing individuals and non-governmental organisations direct access to the African Court of Human and Peoples Rights;
- g. whereas the conditions of her detention have recently worsened; whereas she has been moved from her private cell to the public area for women on the 31st of March; whereas she lacks of sanitary or other basic facilities such as access to water; whereas Ingabire suffers from gastric problems that require a special diet but the medical certificate that allows her to receive food from outside the prison was seized by prison personnel in March 2016;
- h. whereas Illuminée Iragena, member of the Rwandan opposition, has been missing since the 26th of March 2016 and is feared to have been forcibly disappeared and may have died in detention; whereas journalist John Ndararasa is missing since the 7th August 2016;
- i. whereas just hours before Iragena disappeared, Léonille Gasengayire was arrested after visiting Victoire Ingabire in prison; whereas Gasengayire was accused of bringing Ingabire a copy of a book Ingabire had written; whereas apparently Iragena had helped to arrange its delivery; whereas the police released Gasengayire three days later, but rearrested her on August;
- j. whereas an EP Delegation of the Committee on Women’s Rights and Gender Equality (FEMM) visited Rwanda between 19 and 23 September 2016; whereas this FEMM Delegation formally requested to visit Victoire Ingabire in prison, whereas this request was rejected by the Rwandan authorities;

k. whereas the prosecution of Victoire Ingabire for 'genocide ideology' and 'divisionism' is an evidence of the use by the Rwandan authorities of this law for political purposes; whereas her trial has been considered by many observers to be politically motivated;

***On the human rights situation in Rwanda, in particular women's rights:***

l. whereas international human rights organizations have documented several disappearances, political motivated and unlawful detentions in Rwanda, in particular of suspected government opponents; whereas some of the detained people remain unlawfully in unofficial detention centers, including in military custody and some were held incommunicado and ill-treated;

m. whereas journalists continue to work in a difficult environment, with some employing self-censorship to avoid harassment, whereas in the last few months several journalists have been detained apparently in connection with their critical reporting;

n. whereas Rwandan government suspended indefinitely in 2015 the BBC Kinyarwanda service in Rwanda following a controversial documentary broadcast, whereas this suspension has deprived Rwandans of one of the few non-governmental sources of information in their own language;

o. whereas Rwanda remains one of the poorest and the most densely populated country in Africa; whereas the Rwandese economy is essentially based in agriculture; whereas while poverty has fallen rapidly in Rwanda, 63 per cent of the population still live in extreme poverty, in particular in the rural areas;

p. whereas the majority of Rwandan women work as small farmers, dependent workers on family farms and as agricultural laborers; whereas women in rural areas have poorer levels of education than those in urban areas; whereas only 28 per cent of them have completed primary education compared to 54 per cent of women in urban areas and only 63 per cent of women in rural areas are literate compared to 80 per cent in urban areas;

q. whereas the maternal mortality rate has significantly fallen in Rwanda since the 1990s; whereas total fertility rate has also fallen to 4,0 and the uptake of modern contraception has increased and is well above the Saharan African countries; whereas right to abortion is limited to exceptional cases;

r. whereas during the 1994 genocide estimates claim between 800,000 and 1,000,000 killed, most of them Tutsis, but also moderate Hutus and other victims of atrocity; whereas in the immediate aftermath of the genocide, women and girls constituted 70 per cent of the population;

s. whereas it is estimated that between 250,000 and 500,000 Rwandan women and girls that were victims of rape or some form of sexual violence between 1990 and 1994 are still alive; whereas around 60,000 pregnancies resulted from rape and the 67 per cent of survivors considered HIV positive continue to suffer the consequences of wartime sexual violence;

t. whereas the ICTR was the first international tribunal to define rape in international criminal law and to recognize rape as means of perpetrating genocide; whereas the ICTR officially closed on 31 December 2015 having sentenced 61 people, but trials of individuals suspected of involvement in the 1994 genocide continue in courts outside Rwanda;

u. whereas Rwanda abolished the death penalty in 2007, among others to facilitate the repatriation of detainees held by the International Criminal Tribunal for Rwanda (ICTR);

v. whereas according to UNHCR 81,540 Burundian refugees live in Rwanda, whereas 61.6% of them live in Mahama camp, whereas 9,500 Burundian refugees fled violence related to the presidential elections between 1 and 22 April 2016;

w. whereas in April 2016 President Kagame confirmed to media that Rwanda was in discussion with Israel to finalize a deal to receive failed Eritrean and Sudanese asylum-seekers who “voluntarily leave” Israel, whereas it has been reported that those sent to Rwanda had their travel documents taken away and were not given the opportunity to claim asylum in Rwanda;

x. whereas elections will take place in Rwanda in August 2017; whereas amendments to the constitution allowing President Kagame to stand for a third term were approved by Parliament, then by a referendum with the support of 98 per cent of the voters, according to Rwandan official sources;

y. whereas since 2007 the EU has allocated an average of 40M euros to Rwanda, mainly in the framework of the European Development Fund;

1. Expresses its deep concern at the recent worsening of the conditions of detention of Victoire Ingabire, who has been in prison since 2010; regrets the refusal by the Rwandan Government of the authorisation requested by the EP FEMM delegation to visit Victoire Ingabire; calls on the Rwandan government to allow free access to prisons and detentions centres by international organisations and Rwandan human rights organisations;

2. Is deeply worried at the situation of recently reported missing people in Rwanda, in particular Illuminée Iragena and John Ndabarasa; and of those that remain unlawfully in detention;

3. Reiterates its opinion that the trial of Victoire Ingabire did not meet international standards, at least as regards her right to the presumption of innocence; reiterates its view that it was based on fabricated evidence and confessions from co-accused who had been held in military detention at Camp Kami, where torture is alleged to have been used to coerce their confessions;

4. Reiterates its strong condemnation of the politically motivated nature of the trial, the prosecution of political opponents and the prejudging of the trial outcome; calls on the Rwandan authorities to grant pardon to Victoire Ingabire, as her trial did not meet international standards of a fair trial;

5. Regrets that freedoms of assembly, association and expression are subject to serious restrictions in Rwanda; condemns all forms of repression, intimidation and detention of political activists, journalists and human rights activists; urges the Rwandan authorities immediately to release all individuals and other activists detained or convicted solely for exercising their rights of freedom of expression, association and peaceful assembly;

6. Urges the Rwandan Government to comply with international law and to respect the

Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights of 1966 and the African Charter on Human and Peoples' Rights;;

7. Welcomes the abolition of the death penalty in Rwanda in 2007; however expresses its concern at the use of military courts from exercising jurisdiction over civilians and allegations of enforced disappearances by State forces;

8. Recalls that statements obtained by the use of torture or other forms of ill-treatment are inadmissible in any proceedings; calls on the Rwandan judicial authorities to investigate allegations of torture and other abuses of human rights effectively and to bring those guilty of such offences to justice;

9. Welcomes the ratification by Rwanda of international laws including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); at the same time is aware that many steps needs to be taken still towards its effective respect and implementation;

10. Welcomes the high political representation of women in the Parliament with a percentage of 64 per cent women parliamentarians; notes however that this is not necessarily translated into legislative gains for women;

11. Calls on the Rwandan authorities:

- to take all necessary measures to protect journalists from harassment and attacks and to ensure that all allegations of violence and intimidation of journalists are promptly and impartially investigated and perpetrators brought to justice;

- to implement the June 2014 recommendations of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association to allow for peaceful political opposition and for civil society, human rights organisations and journalist to participate freely;

- to explicitly prohibit all forms of corporal punishment, including in the home, and repeal the “right of correction” in the Civil Code,

- to ratify and effectively implement additional human rights treaties, in particular the International Convention for the Protection of All Persons from Enforced Disappearance;

- to carry an independent investigation of all allegations of torture and ill-treatment during interrogations in detention facilities by the police and security forces;

- to adopt measures with the aim of guaranteeing freedom of speech and the independence of the media,

- to further promote national reconciliation, so that all Rwandan citizens, independent of ethnic background, will effectively enjoy equal rights;

- to take steps to ratify the International Labour Organization Domestic Workers Convention of 2011 and to implement the provisions of the Optional Protocol to the Convention against Torture;

- to continue to implement the law on Prevention and Punishment of Gender-based Violence, including by enhancing the function and expanding the function of the Isange One Stop-Centres, by providing effective care for the victims;

- to eliminate judicial and administrative barriers that prevent women in Rwanda from accessing safe and legal abortions, and to protect women from being reported and arrested or going to jail for unsafe abortion, as well to decriminalize abortion;

- to provide a clear definition of child labour and extend coverage of the Labour Code to include the informal sector where children, in particular girls, are mostly employed;

- to continue efforts to empower rural and peasant women as part of the development programs, including further promotion of access to property for women in rural areas, and the adoption of measures which aim to ensure food security and food sovereignty and reduction of poverty in the rural areas,

- to investigate allegations of Burundian refugees being recruited from camps in Rwanda into armed groups and to uphold its responsibility to ensure the civilian nature of refugee camps by implementing its humanitarian obligations in line with the 1951 Convention relating to the Status of Refugees;

12. Calls on the EU to effectively to subject its agreements with Rwanda to the respect of human rights in the country;

13. Calls on the EU and to the Member States to contribute to compensation programs and reparations for the victims of genocide; in particular to take care of women survivors of rape during the genocide and to further contribute to the Rwandan programs against Gender based violence;

***On the 1994 genocide in Rwanda and the international responsibility***

14. Reiterates its condemnation of the 1994 genocide in Rwanda and expresses its condolences and its sympathy with all the victims; calls for truth, compensation and reparation to be provided to all the victims of the genocide;

15. Condemns the role played by Germany and Belgium during their colonisation of Rwanda, is convinced that the division that the colonial power promoted in Rwanda on ethnic lines has been the breeding ground for the spreading of racism and hate leading to the genocide;

16. Strongly condemns the role played by France in providing military, financial and diplomatic support to the Rwandan government in particular between 1990 and 1994; whereas the French Government provided training for the Rwandan army and most of the heavy and light weapons used during the genocide;

17. Regrets the lack of capacity by the international community to avoid the 1994 genocide in Rwanda, and the passivity by the United Nations and even the complicity of some States; deeply deplores the failure of the United Nations Assistance Mission for Rwanda (UNAMIR) that failed to fulfil its mandate which included the contribution to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance of secure humanitarian areas;

18. 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 UN Security Council, the UN Secretary General, the institutions of the African Union, the East African Community, the ACP-EU Joint Parliamentary Assembly, the governments and parliaments of the Member States, the defenders of Victoire Ingabire and the President of Rwanda.