



Plenary sitting

B9-0132/2021

9.2.2021

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 Rwanda, the case of Paul Rusesabagina
(2021/2543(RSP))

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on behalf of the S&D Group

B9-0132/2021

**European Parliament resolution on Rwanda, the case of Paul Rusesabagina
(2021/2543(RSP))**

The European Parliament,

- having regard to its previous resolutions on Rwanda, in particular those of 23 May 2013 and of 6 October 2016 on the case of Victoire Ingabire;
- 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 report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism of 30 September 2020;
- 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 UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) of 2015;
- having regard to the statement of the UN High Commissioner for Human Rights Michelle Bachelet on 6. November 2020;
- having regard to the EU 2020/24 Action Plan on Human Rights and Democracy;
- having regard to the Vienna Convention on Consular Relations of 1963;
- having regard to Rules 144 of its Rules of Procedure.

A. Whereas Rwanda's strict media laws, imposed in light of the aftermath of the 1994

genocide, continue to exercise an adverse effect on the freedom of expression under President Paul Kagame; whereas the government has arrested, detained and prosecuted critics and government opponents in politically motivated trials in Rwanda, and repeatedly threatened others outside the country, with some having been physically attacked and even killed;

- B. whereas 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 arrested in Kigali on 31 August 2020 on 13 charges that include financing terrorism, armed robbery, abduction arson, attempted murder, and battery and assault; whereas four of these charges have been dropped and the remaining charges relate to events that transpired in Nyaruguru district in June 2018 and in Nyamagabe district in December 2018;
- C. whereas Mr Rusesabagina is a former managing director of Hotel des Mille Collines, where he reportedly offered shelter and protection to 1,268 Tutsis and moderate Hutus who were fleeing the Rwandan genocide atrocities in 1994; 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;
- D. whereas his arrest followed a four-day period during which his location was not accounted for; whereas, on 27 August, Mr Rusesabagini travelled from the USA to Dubai and informed his family of his arrival to Dubai, after which he went missing until 31 August 2020, when he appeared before the media at the Rwandan Investigation Bureau (RIB) headquarters; whereas during the morning, the RIB issued a Twitter statement detailing that Mr. Rusesabagina was suspected to be the founder, leader, sponsor and member of violent armed extremist terror groups, including the Rwandese Movement for Democratic Change (MRDC) and PDR-Ihumure;
- E. whereas Mr Rusesabagina established the political party PDR-Ihumure in 2006 and currently presides over MRDC, a coalition which includes PDR-Ihumure; whereas the National Liberation Front (FLN), PDR-Ihumure's armed wing, claimed responsibility for a series of armed attacks in 2018;
- F. whereas the circumstances under which Mr. Rusesabagina arrived in Kigali remain unclear; whereas the Rwandan court said Mr Rusesabagina was arrested at Kigali International Airport, contradicting an earlier police account stating that he was arrested through "international cooperation";
- G. whereas there are other uninvestigated cases of Kagame critics that have been persecuted, imprisoned, and sometimes found dead; whereas the government of Rwanda does not allow for any further investigations on crimes committed in relation to Rwanda's genocide;
- H. whereas in at least six countries, including in EU Member States, Rwandan exiles have been harassed, assaulted or killed, as part of an apparent covert campaign targeting Mr. Kagame's critics; whereas some were accused of having participated in the genocide while others had been confidantes and even friends of Mr. Kagame; whereas those

critical of the official government narrative regarding the genocide have been subject to structural physical and legal harassment; whereas government critic and popular gospel singer Kizito Mihigo was found dead in police custody on 17 February 2020;

- I. whereas political opponents and critics of President Kagame 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;
 - J. whereas Mr. Rusesabagina is said to suffer from high blood pressure, for which he has been taking medication since 1996; whereas the Belgian Embassy in Rwanda delivered his prescribed medication to the prison authorities, but Mr. Rusesabagina's family maintains that he never received this delivery but receives two pills of unknown nature every day while his blood pressure remains high;
 - K. 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";
 - L. Whereas Mr. Rusesabagina was reportedly denied access to legal counsel of his own choosing from August 31-November 10, and whereas the international lawyers Mr. Rusesabagina has retained to defend him are still denied the necessary authorisations to represent him;
 - M. whereas the detention and arrest of Mr. Rusesabagina violates the UN Standard Minimum Rules for the Treatment of Prisoners, without the necessary medical supplies and the rights to chosen attorney; whereas the trial of Mr. Rusesabagina and 19 other individuals charged with links to terrorist organisations has been postponed to 17 February 2021; whereas the official reason provided for this postponement is their inability to meet with their legal counsel due to COVID-19 restrictions;
 - N. whereas human rights organisations reported that President Paul Kagame, while denying that Mr Rusesabagina had been abducted, hinted on national television on Sunday 6 September that Mr Rusesabagina had somehow been tricked into returning to the country.
- 1. Strongly condemns the enforced disappearance, arbitrary detention and judicial harassment of Mr. Paul Rusesabagina; calls on the Rwandan authorities to allow Mr Rusesabagina to exercise his right to challenge the legality of his arrest and be represented by legal counsel of his choosing before an independent court applying international human rights norms; urges the Rwandan authorities to grant Mr Rusesabagina access to the legal team provided by his family;
 - 2. Denounces the Rwandan authorities' restrictions of fundamental rights and freedoms and arbitrary use of pre-trial detention for repressing dissent without providing Mr

Rusesabagina with the minimum guarantees for fair trials and regular contact with his family;

3. Underlines 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);
4. 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; calls on the Rwandan authorities to provide a complete and corroborated account regarding the events that took place during Mr Rusesabagina's temporary disappearance;
5. 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; denounces, in this regard, President Kagame's public statement of 6 September 2020, prior to any judicial proceedings leading to the determination of guilt through a fair and independent trial, that 'Rusesabagina has the blood of Rwandans on his hands';
6. Calls for Mr. Rusesabagina to be granted confidential consultations with the legal counsel of his choosing and regular and secure contact with his family; calls for impartial, independent investigation with full transparency, to ascertain that minimum conditions for a fair trial have been met;
7. Calls on 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;
8. Urges the EU to investigate the lawfulness of Mr Rusesabagina's arrest; calls on the Delegation of the European Union to Rwanda, as well as on the diplomatic representations of the Member States, in particular the Embassy of Belgium in Rwanda, to monitor Mr Rusesabagina's trial, to visit Mr Rusesabagina in prison, and to raise his case in their exchanges with the Rwandan authorities;
9. Urges the Rwandan government to grant Mr. Rusesabagina his right as a foreign national to access the consular services of the Kingdom of Belgium and to communicate with them immediately and confidentially, as codified in article 36 of the Vienna Convention on Consular Relations, and further detailed in the Body of principles for the protection of all persons under any form of detention or imprisonment;

10. 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, to ensure consistency with its bilateral and international commitments;
11. 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.