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Plenary sitting

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<TitreType>MOTION FOR A RESOLUTION</TitreType>

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

<TitreRecueil>pursuant to Rule 144 of the Rules of Procedure</TitreRecueil>

<Titre>on The case of Paul Rusesabagina in Rwanda</Titre>

<DocRef>(2021/2906(RSP))</DocRef>

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<Commission>{Verts/ALE}on behalf of the Verts/ALE Group</Commission>

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B9‑0508/2021

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 the on the case of Paul Rusesabagina of 11th February 2021,
* Having regard its resolution of 28 November 2019 on the ongoing negotiations for a new Partnership Agreement between the European Union and the African, Caribbean and Pacific Group of States,
* 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 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of the 4th February 1985,
* having regard to the African Charter on Human and Peoples’ Rights,
* having regard to the United Nations Basic Principles for Treatment of Prisoners,
* having regard to the Kampala Declaration on Prison Conditions in Africa,
* having regard to the 2014 report on Rwanda of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association,
* having regard to the outcome of the 2015 Universal Periodic Review of Rwanda and to the 2016 concluding observation of the UN Human Rights Committee after its review of Rwanda’s compliance with the International Covenant on Civil and Political Rights,
* 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 thereto, which calls for the promotion of human rights, democracy based on the rule of law and transparent and accountable governance,
* having regard to Rule 144 of its Rules of Procedure,

1. whereas on 20th September Paul Rusesabagina, former managing director of Hotel “Des Milles Collines”, a protected shelter to 1268 Tutsis and moderate Hutus fleeing the genocide atrocities in 1994, has been convicted to 25 years in prison by the International and Cross-Border Crimes Chamber of Rwanda’s High Court with terrorism-related charges, including, formation of an irregular armed group, membership of a terrorist group, financing terrorism, murder, abduction, armed robbery, arson, assault and battery, perpetrated by the National Liberation Front (FLN) in 2018 and 2019 against unarmed innocent Rwandan civilians on Rwandan territory;
2. whereas Paul Rusesabagina, has been involved in opposition politics in diaspora for several years and has been critical of the ruling Rwanda Patriotic Front (RPF) government’s record; whereas as founder of the PDR-Ihumure political party and president of the coalition of heterogeneous opposition groups Rwanda Movement for Democratic Change (MRCD), he has claimed to be responsible for the international diplomatic relations; whereas the National Liberation Front (FLN) armed wing of the (MRCD) claimed responsibility for the above mentioned armed attacks; whereas the FLN is considered a terrorist group by the government of Rwanda;
3. whereas the trial of Mr Rusesabagina was marred by numerous violations of his fair trial rights, including the unlawful circumstances of his transfer from Dubai to Kigali on 27th August 2020, his arrest enforced disappearance and *incommunicado* detention between 28 August and until 7 September 2020;
4. whereas Rwanda’s justice minister, Johnston Busingye, admitted the government’s role in the August 2020 enforced disappearance, transfer, payment of the flight in charge of the transfer, and fair trial rights violations of Mr Rusesabagina; whereas on March 10, 2021, the court ruled that Rusesabagina’s transfer was legal, and that he was not kidnapped; whereas Johnston Busingye has been removed of his function as justice minister on 1st September;
5. whereas the Rwanda Correctional Service (RCS), accessed communication as well as legal documents exchanged between Mr. Rusesabagina and his lawyers thus acting against Rwandan and international legal standards, which protect all communications and consultations between lawyers and their clients within their professional relationship as confidential;
6. whereas while in detention Mr Rusesabagina medical condition has been reported as very concerning as he is a cancer survivor and suffers from a cardiovascular disorder; whereas the prison in which Paul Rusesabagina is held so far has been reported as the one with the worst COVID-19 infection rates in the country;
7. whereas the trial of Mr Rusesabagina and 19 other individuals charged with links to terrorist organisations has been postponed to 17 February 2021; whereas since March Mr. Rusesabagina, no longer participated in his trial given the court’s rulings that the trial could proceed despite his transfer to Rwanda outside of any legal framework and despite restrictions on his access to case materials;
8. whereas President Paul Kagame’s made public comments on the case of Mr Rusesabagina, which may have prejudiced the defendant’s right to be presumed innocent until proven guilty;
9. whereas the EDF allocated 460 million euros to Rwanda for the period 2014-2020; whereas the EU Delegation in Kigali support projects on the issues of arbitrary detentions, torture and enforced disappearances; whereas the EU has also provided emergency funding to protect human rights defenders in the country as well as public diplomacy activities with the aim of promoting human rights;
10. whereas at the European Parliament debate on 11 February 2021, the European Commission stressed that, the EU will continue to engage with the Rwandan authorities on human rights issues in the regular political dialogue in the framework of Article 8 of the Cotonou Agreement, and recalled that governance will continue to be a priority in the new programming period; whereas the Global Europe Instrument (GEI) foresees 20% of the allocation from the Multiannual Indicative Programme (51 millions euros) to the area of political and economic governance;
11. whereas in spite of the growth of Rwandan economy at an average rate of 8% the last 10 years, the country ranks 158th out of 189th countries in the Human Development Index as a LDC according to the OECD classification;
12. whereas Paul Kagame, president of Rwanda since 2000 would be allowed to remain in his position until 2034, thanks to the constitutional reform he initiated in 2015; whereas the opposition is poorly represented, operates partially from abroad and its leaders are victims of arrests, intimidation and alleged assassination; whereas the situation slightly improved in 2018 with the release of 2000 prisoners including opposition leaders Victoire Ingabire and Diane Rwigara; whereas political rights and civil liberties are not respected in Rwanda according to the latest Freedom in the World Index 2019 which rates Rwanda as ‘Not Free’;
13. whereas Reporters Without Borders ranked Rwanda 155th out of 180 countries with journalists being censored and due to a tough criminal code on defamation; whereas Rwanda’s strict media laws, dating from the aftermath of the 1994 genocide, continues to have adverse effects on freedom of expression in the present days;
14. whereas in 2017, the United Nations Subcommittee on Prevention of Torture suspended a visit to Rwanda as they were prevented from carrying out private and confidential interviews with some detainees, and due to risks of reprisals on those they would talk to;
15. Condemns the politically motivated nature of the arrest, investigation and trial against Paul Rusesabagina and recalls the regular occurrence of such procedures in Rwanda; stresses that by failing to uphold fair trial standards in the case of Mr Rusesabagina, the Rwandan judicial authorities acted to the detriment of the judicial process and to victims of the armed attacks who deserve justice; calls for the responsible of these attacks to be held accountable in a fair trial;
16. Condemns politically motivated trials, the prosecution of political opponents, and prejudgements on the outcome of trials which play against the legal principle of the presumption of innocence; urges the Rwandan authorities to ensure respect of the rule of law, in particular the independence of the judiciary;
17. Urges the Rwandan Government to conduct transparent, credible and independent investigations into allegations of extrajudicial killings, deaths in custody, enforced disappearances and torture, and bring perpetrators to justice; calls on Rwanda to implement the countries’ recommendations from the Universal Periodic Review (UPR) at the Human Rights Council in Geneva on January 25, 2021.
18. Calls on the Rwandan authorities to cooperate in providing a complete and corroborated account of how Mr Rusesabagina was apprehended and transferred to Rwanda and his subsequent arrest; calls for a international, independent and transparent investigation into the transfer, arrest and trial of Mr Rusesabagina;
19. recalls that the extradition of any suspect to another country should only ever occur through independent extradition proceedings, in order to ensure the legality of the extradition request and to guarantee the suspect’s rights to a fair trial in the requesting country;
20. Recalls the difficult detention conditions Paul Rusesabagina, even more as his fragile health conditions combined with exposure to COVID-19 put his life at significant risk; calls on to further ensure that all prisoners benefit from adequate health care, including access to testing, prevention and treatment of COVID-19;
21. Calls on the Rwandan government to comply with its international law obligations, notably in the framework of the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights and the Cotonou Agreement, in particular Articles 8 and 96 thereof;
22. Calls on the Rwandan Government to ratify the Convention against Enforced Disappearances, ensure its full implementation into national law and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
23. Reiterates its call to Rwandan authorities to allow the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to resume its visits and encourages the government to cooperate in its investigations;
24. Reiterates its call to the Rwandan authorities to urgently proceed with the review of its declaration allowing individuals and NGOs to file complaints before the African Court on Human and Peoples’ Rights and to restore and reintroduce that declaration;
25. Recalls that sufficient political space and a climate of free expression are preconditions for the organisation of free and fair elections are essential to sustain Rwanda’s development and political stability; calls on the government to engage with the opposition throughout its mandate and towards next presidential elections in 2024;
26. Calls on the European Commission, the EEAS and Member states involved for immediate action to ensure proper investigation into the legality of the transfer to Rwanda, arrest and trial of Mr Rusesabagina, and to highlight whether his rights as European citizen have been respected throughout this process;
27. Asks the European Commission to critically review EU support to 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;
28. Instructs its President to forward this Resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and the parliaments of the Member States, the EEAS, the Government and Parliament of Rwanda, the African Union Commission, the Pan-African Parliament and the ACP-EU Joint Parliamentary Assembly.