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Rwanda, the case of Paul Rusesabagina

European Parliament resolution of 11 February 2021 on Rwanda, the case of Paul Rusesabagina (2021/2543(RSP))

(2021/C 465/14)

The European Parliament,

— having regard to its previous resolutions on Rwanda,

— having regard to the Universal Declaration of Human Rights,

— having regard to the African Charter on Human and Peoples' Rights,

— having regard to 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 the International Covenant on Civil and Political Rights, which was ratified by Rwanda in 1975,

— having regard to the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), as revised in 2015,

— having regard to the Kampala Declaration on Prison Conditions in Africa,

— having regard to the letters of the Office of the UN High Commissioner for Human Rights (OHCHR) of 30 September 2020 to the Governments of Rwanda and the United Arab Emirates (UAE) on the mandates of the 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,

— having regard to the Cotonou Agreement,

— having regard to the outcome of the Universal Periodic Review of Rwanda of 25 January 2021 at the UN Human Rights Council in Geneva,

— having regard to the EU Action Plan on Human Rights and Democracy for 2020-2024,

— having regard to the Vienna Convention on Consular Relations of 1963,

— having regard to the statement by Human Rights Watch of 10 September 2020 entitled 'Rwanda: Rusesabagina was forcibly disappeared',

— having regard to the statement by Human Rights Watch of 1 February 2021 entitled 'UN: Countries call out Rwanda's rights record',

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas Rwanda's strict media laws, imposed in the aftermath of the 1994 genocide, continue to have adverse effects on 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;

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B. whereas Rwanda has a Global Freedom Score of 22/100 ([1]) and is classified as 'not free'; whereas Rwandan transnational repression is exceptionally broad in terms of tactics, targets and geographic reach and includes digital threats, spyware attacks, the intimidation and harassment of family members, mobility controls, rendition and assassination; whereas the government has physically targeted Rwandans in at least seven countries since 2014;

C. whereas the genocide of the Tutsis in Rwanda, which claimed between 800 000 and 1 million victims, massacred in appalling conditions solely because of their ethnicity, and which was accompanied by the massacre of Hutus opposed to that extermination, continues to cast a pall over the country and the region as a whole;

D. whereas the Rwandan genocide and civil war of 1994 continue to have a negative impact on the stability of the region;

E. whereas the human rights defender, Belgian citizen and US resident, Paul Rusesabagina, a strong critic of President Paul Kagame and the ruling Rwandan Patriotic Front (RPF) government, was arrested in Kigali on 31 August 2020 on 13 charges that included financing terrorism, armed robbery, abduction, arson, attempted murder, 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 Nyamagabe district in December 2018;

F. whereas Mr Rusesabagina was the managing director of the des Mille Collines hotel in Kigali during the genocide in 1994, where he offered shelter and protection to 1 268 Tutsis and moderate Hutus who were fleeing from the killing; whereas Mr Rusesabagina is an internationally acknowledged human rights activist whose story was recounted in the film *Hotel Rwanda*; whereas for these laudable endeavours he was awarded the Presidential Medal of Freedom in 2005;

G. whereas Mr Rusesabagina established the PDR-Ihumure political party in 2006 and currently presides over the Movement for Democratic Change (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;

H. whereas on 27 August 2020, Mr Rusesabagina was forcibly transferred from Dubai to Kigali in uncertain circumstances and only reappeared on 31 August 2020 at the headquarters of the Rwandan Investigation Bureau (RIB); whereas the Rwandan court reported that Mr Rusesabagina was arrested at Kigali International Airport, contradicting an earlier police account which stated that he was arrested through 'international cooperation'; whereas UAE authorities deny any involvement in his transfer and subsequent arrest; whereas the lawful detention and transfer of a suspect from one country to another to face criminal proceedings should be conducted by means of extradition proceedings overseen by an independent tribunal;

I. whereas Mr Rusesabagina has been denied access to legal counsel of his choosing; whereas the international lawyers he has retained for his defence are still denied the necessary authorisations to represent him;

J. whereas Mr Rusesabagina's indictment, case file and other documents necessary for the preparation of his defence were confiscated on 23 December 2020 by the director of Mageragere Prison; whereas the prison director was placed under arrest on 8 February 2021; 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 the Rwandan Government's inability to meet with their legal counsel owing to COVID-19 restrictions;

K. whereas Mr Rusesabagina's family is extremely concerned about his medical condition, as he is a cancer survivor and suffers from a cardiovascular disorder for which he takes prescribed medication; whereas the medication his family sent via a diplomatic pouch of the Belgian Embassy in Rwanda was reportedly never administered to Mr Rusesabagina; whereas he receives medication prescribed by a Rwandan doctor without knowing what kind of drug it incorporates;

([1]) As reported by Freedom House in 'Freedom in the World 2020'.

1. Condemns the enforced disappearance, illegal rendition and incommunicado detention of Paul Rusesabagina;

2. 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 (Articles 6 and 9), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Articles 2 and 16) and the Universal Declaration of Human Rights (Article 9);

3. Recalls that the extradition of any suspect to another country should only ever take place through independently overseen extradition proceedings so as 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;

4. 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 a fair trial or allowing him regular contact with his family;

5. Calls on the Rwandan authorities to provide a complete and corroborated account of how Mr Rusesabagina was apprehended and transferred to Kigali; calls for an international, independent, transparent and credible investigation into the transfer and arrest of Mr Rusesabagina;

6. Expresses deep concern about the violations of Mr Rusesabagina's rights; urges the Rwandan authorities to allow Mr Rusesabagina to undergo a fair and public hearing by a competent, independent and impartial tribunal applying international human rights standards; reminds the Rwandan 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, in particular Articles 8 and 96 thereof; calls on the Rwandan judiciary to ensure a prompt and fair appeal for Mr Rusesabagina that meets the standards set by Rwandan and international law;

7. Calls for Mr Rusesabagina to be granted confidential consultations with the legal counsel of his choosing and regular and secure contact with his family; reminds the Rwandan authorities that Mr Rusesabagina has the right to access his indictment, case file and other documents in full in order to challenge the legality of his arrest; recalls the legal principle of the presumption of innocence;

8. Expresses its deep concerns at the medical condition of Mr Rusesabagina, particularly as exposure to COVID-19 may put his life at significant risk; calls on the Rwandan Government to guarantee, in all circumstances, the physical integrity and psychological well-being of Mr Rusesabagina and allow him to take his usual medication; calls on the Rwandan Government to allow his medical situation to be monitored by a doctor in Belgium, as requested by the Belgian Minister of Foreign Affairs on 4 February 2021; calls on the Rwandan Government to further ensure that all prisoners benefit from adequate healthcare;

9. Condemns politically motivated trials, the prosecution of political opponents, and prejudgements on the outcome of trials; urges the Rwandan authorities to ensure the separation of administrative, legislative and judicial powers, in particular the independence of the judiciary; calls on Rwanda to open up its political sphere and improve its human rights record; expects Rwanda to implement the recommendations of the country's Universal Periodic Review from the Human Rights Council in Geneva on 25 January 2021;

10. Calls on the Government of Rwanda to respect and fully support the right to protest, the right to freedom of expression, and the right to assembly, and not seek to restrict those rights;

11. Calls on the Rwandan Government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute in order to become a member nation of the International Criminal Court; urges Rwanda to allow the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to resume its visits; calls on 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;

12. Calls for the European Union to take immediate action to ensure that the legality of the arrest and trial of Mr Rusesabagina are investigated and that his rights as an EU citizen are upheld at all stages of this process; calls on the EU Delegation 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;

13. Calls on the European External Action Service, the Commission and the EU Special Representative for Human Rights to strengthen the human rights dialogue with Rwanda at the highest levels in order to ensure that the country abides by its bilateral and international commitments; stresses that in the context of international development work in Rwanda, much greater priority should be given to human rights, the rule of law, and transparent and responsive governance;

14. 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 Member States, the EU Special Representative for Human Rights, the UN High Commissioner for Human Rights, the UN Secretary-General, the institutions of the African Union, the East African Community, the ACP-EU Joint Parliamentary Assembly, the Pan-African Parliament, the defenders of Paul Rusesabagina, and the President and Parliament of Rwanda.