Thursday 7 October 2021

P9_TA(2021)0418

The case of Paul Rusesabagina in Rwanda

European Parliament resolution of 7 October 2021 on the case of Paul Rusesabagina in Rwanda (2021/2906(RSP))

(2022/C 132/15)

The European Parliament,

— having regard to its previous resolutions on Rwanda, in particular that of 11 February 2021 on Rwanda, the case of Paul Rusesabagina ([1]),

— having regard to the Universal Declaration of Human Rights,

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

— 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 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 report of the UN Human Rights Council Working Group on the Universal Periodic Review of 25 March 2021 on Rwanda,

— having regard to the statements by the international community condemning irregularities and denouncing the absence of fair trials in Rwanda, including from the Government of Belgium, the US State Department and the Government of the United Kingdom,

— having regard to the statements issued by the European Bars Federation, the Center for Human Rights of the American Bar Association and several established human rights organisations,

— having regard to the Cotonou Agreement,

— having regard to the Constitution of Rwanda,

— having regard to the instruments of the UN and the African Commission on Human and Peoples' Rights,

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

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

A. whereas on 29 September 2021, the human rights defender, Belgian citizen and US resident Paul Rusesabagina was convicted and sentenced to 25 years in prison by the Chamber for International and Cross-Border Crimes of the High Court of Rwanda following his arrest in Kigali on 31 August 2020; whereas Mr Rusesabagina was charged with nine terrorism-related charges and made criminally liable for activities attributed to the Rwandan Movement for Democratic Change / National Liberation Front (MRCD-FLN), a coalition of opposition political parties and its military wing;

([1]) Texts adopted, P9_TA(2021)0055.

B. whereas Mr Rusesabagina's arrest in August 2020 was arbitrary, carried out under false pretences and involved an unlawful transfer to Rwanda, enforced disappearance and incommunicado detention; whereas no warrant was produced for his arrest in line with the requirements of Article 37 of the Rwandan Code of Criminal Procedure of 2019 and no statement of charges was produced until his conviction, in contravention of Article 68 of the Rwandan Code of Criminal Procedure; whereas Mr Rusesabagina had publically stated on several occasions that he could not return to his native country for fear of retribution;

C. whereas Rwanda's justice minister, Johnston Busingye, admitted to his government's role in the enforced disappearance and transfer of Mr Rusesabagina in August 2020, in paying for the flight for the transfer, and in violating Mr Rusesabagina's right to a fair trial; whereas on 10 March 2021 the court ruled that Mr Rusesabagina's transfer was legal and that he was not kidnapped;

D. whereas when the verdict was rendered, additional evidence was announced that had not been previously heard by the court or submitted during the trial relating to the allegation that Mr Rusesabagina had raised funds for the FLN armed group; whereas some of the evidence cited derived from statements that Mr Rusesabagina claims were made under duress and without counsel;

E. whereas Mr Rusesabagina's team of lawyers who initially represented him was not of his choosing and whereas the lawyers of choice to whom he eventually gained access from April 2021 were prevented from meeting with him, which contravenes Article 68 of the Rwandan Code of Criminal Procedure;

F. whereas Mr Rusesabagina's medical condition in detention has been reported as highly concerning, as he is a cancer survivor and suffers from a cardiovascular disorder; whereas according to his lawyers he has missed two cancer screenings and the prison authorities have denied him access to prescription medicine provided by his Belgian doctor, causing mental and physical distress in contravention of Articles 12 and 14 of the Rwandan Constitution on the right to life, the right to physical integrity, and protection against inhumane or degrading treatment;

G. whereas in September 2020, the Rwandan authorities failed to inform the Belgian authorities of the arrest of Mr Rusesabagina in line with the principle enshrined in international law on consular assistance; whereas the Rwanda Correctional Service (RCS) accessed communication and legal documents exchanged between Mr Rusesabagina and his lawyers; whereas the Belgian Foreign Minister sent several *notes verbales* to her Rwandan counterpart asking that Mr Rusesabagina's rights be respected, but the Rwandan Government refused every single request;

H. whereas in July 2021 it was reported that the Rwandan authorities had used the NSO Group's Pegasus spyware to potentially target more than 3 500 activists, journalists and politicians; whereas according to a forensic analysis of her phone, the spyware was also used to infect the phone of Carine Kanimba, Mr Rusesabagina's daughter; whereas the Rwandan authorities denied this;

I. whereas Rwanda is a signatory to the Cotonou Agreement, which stipulates that respect for human rights is an essential element of cooperation between the EU and the Organisation of African, Caribbean and Pacific States; whereas strengthening the rule of law and reinforcing human rights are the main priority areas of the EU's programming for Rwanda;

J. whereas the second ministerial meeting between the African Union and the EU will take place in Kigali on 25 and 26 October 2021;

1. 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 on Human and Peoples' Rights and other international and regional human rights instruments, including the Cotonou Agreement, in particular Articles 8 and 96 thereof;

2. Underlines that Rwanda must safeguard the independence of its judiciary and uphold it throughout its constitution and laws, as it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary;

3. Recalls that the extradition of any suspect to another country should only ever take place 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;

4. Strongly condemns, therefore, the illegal arrest, detention and conviction of Paul Rusesabagina, which violates international and Rwandan law; considers the case of Mr Rusesabagina to be exemplary of the human rights violations in Rwanda and call into question the fairness of the verdict, which reportedly lacked guarantees for a fair trial in line with international best practices of representation, the right to be heard and the presumption of innocence;

5. Calls for the immediate release of Mr Rusesabagina on humanitarian grounds and for his repatriation without prejudice to his guilt or innocence; demands that the EU Delegation to Rwanda and the diplomatic representations of the Member States strongly convey this request in their exchanges with the Rwandan authorities;

6. Calls on the Rwandan Government to guarantee, in all circumstances, the physical integrity and psychological well-being of Mr Rusesabagina and to allow him to take his usual medication; insists that the Rwandan Government must respect the right of the Belgium Government to provide consular assistance to Mr Rusesabagina in order to ensure his health and proper access to defence;

7. Deplores the overall human rights situation in Rwanda and in particular the targeted persecution of dissenting voices; condemns politically motivated trials and the prosecution of political opponents; urges the Rwandan authorities to ensure the separation of powers, in particular the independence of the judiciary;

8. 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 the framework of Article 8 of the Cotonou Agreement, 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;

9. Asks the Commission to critically review the EU's support to the Rwandan Government and state institutions to ensure that it fully promotes human rights and has no negative repercussions on the freedoms of expression and association, political pluralism, respect for the rule of law and an independent civil society;

10. 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 President of the Republic of Rwanda, the Speaker of the Rwandan Parliament, and the African Union and its institutions.