

REPUBLIC OF RWANDA



THE PARLIAMENT

RESOLUTION BY THE PARLIAMENT OF RWANDA ON THE EUROPEAN PARLIAMENT RESOLUTION OF 11 FEBRUARY 2021 ON RWANDA, THE CASE OF PAUL RUSESABAGINA (2021/2543(RSP))

The Parliament of Rwanda,

- A. TAKING NOTE of European Parliament resolution (2021/2543(RSP)) of 11 February 2021 on Rwanda, the case of Paul RUSESABAGINA, which instructs the President of the European Parliament to forward the said resolution to the Parliament of Rwanda and other regional and international organizations;
 - B. CONSIDERING that Paul RUSESABAGINA and twenty (20) co-accused are currently on trial on charges stemming from a series of attacks allegedly carried out by their armed groups in southwestern Rwanda between June and December 2018, during which 9 civilians were killed, several other civilians seriously injured and left with disabilities, and extensive property destroyed;
 - C. CONSIDERING that Paul RUSESABAGINA allegedly claimed responsibility for these attacks on behalf of his armed group in December 2018 — a fact noted in Para. G of the European Parliament resolution — and publicly stated on several occasions that the objective of these attacks was to overthrow the Government of Rwanda;
 - D. NOTING the principle of independence of the judiciary and the right to a fair and impartial trial under both Rwandan and international law;
 - E. CONSIDERING that the European Parliament resolution purports to arrive at firm conclusions about facts *sub judice* which the European Parliament has no standing to independently investigate, and which it has not in fact investigated;
 - F. NOTING that the European Parliament resolution purports to establish facts about a matter before the court, whereas this would not be acceptable with respect to legal proceedings in any EU member State;
1. CONDEMNS the European Parliament's unrealistic and baseless characterisation of Paul RUSESABAGINA's arrest as an enforced disappearance or illegal rendition;
 2. REJECTS the European Parliament's finding that Paul Rusesabagina's arrest violates Rwanda's obligations under various international legal instruments — a

question which the European Parliament has no standing to assess and in fact has not held any hearings on — given that Paul RUSESABAGINA was wanted by Rwandan law enforcement in connection with crimes committed in Rwanda and therefore under the jurisdiction of Rwandan courts;

3. CONSIDERING that there is no obligation in international law to use extradition when other legal avenues to effect an arrest are available, and that this is common law enforcement practice around the world;
4. REJECTS the European Parliament's baseless assertion that Paul Rusesabagina will not receive a fair trial in Rwanda, and RECALLS that numerous criminal suspects extradited from Europe and other jurisdictions have received fair trials before Rwandan courts;
5. RECALLS that the Constitution of Rwanda guarantees the right to a fair and impartial trial for all accused, and CALLS ON the Government of Rwanda to continue to ensure this right is also fully upheld for the victims;
6. NOTES WITH DISMAY that the European Parliament's resolution acknowledges that Paul RUSESABAGINA's armed group claimed responsibility for a series of attacks in 2018 in which numerous civilians were killed, yet the resolution does not denounce these attacks, referring to him as a human rights activist. This silence constitutes implicit support by the European Parliament for the armed attacks, which may in turn encourage further attacks.
7. DEPLORES the assumption that European citizenship is an implicit entitlement to impunity from Rwandan or other African courts;
8. FINDS that the European Parliament's adoption of unsubstantiated and inaccurate conclusions about human rights in Rwanda jeopardizes the political dialogue on human rights provided for under Article 8 of the Cotonou Agreement, which has been successfully held since 2004, and CALLS ON the European Parliament to take steps to strengthen the Article 8 process;
9. TAKES NOTE of the clarifications offered during the debate by European Commissioner Nicolas SCHMIDT, confirming the good cooperation between Rwandan and European authorities on this case, including consular access, medical care, access to legal counsel, and expressing the European Commission's confidence that Paul RUSESABAGINA will receive a fair trial, and REGRETS that the European Parliament did not take this information into account in its resolution;
10. RESOLVES that the European Parliament's resolution amounts to an attempt to improperly influence an ongoing judicial proceeding, and CALLS ON the European Parliament to retract its resolution given of the inviolability of the principle of judicial independence and separation of powers;
11. REITERATES its willingness to further strengthen existing relations based on mutual respect with the European Parliament.
12. RESOLVES this resolution be forwarded to the European Council, the European 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 and the Pan-African Parliament.

Kigali, on 15 February 2021