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*Plenary sitting*

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**B9-0509/2021**

5.10.2021

## **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 on the case of Paul Rusesabagina in Rwanda  
(2021/2906(RSP))

**Hilde Vautmans, Petras Auštrevičius, Izaskun Bilbao Barandica, Klemen Grošelj, Svenja Hahn, Irena Joveva, Ilhan Kyuchyuk, Karen Melchior, Jan-Christoph Oetjen, María Soraya Rodríguez Ramos, Michal Šimečka, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Tudorache**  
on behalf of the Renew Group

**B9-0509/2021**

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

*The European Parliament,*

- having regard having regard to its previous resolutions on Rwanda and namely the one of 11 February 2021;
- 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 Working Group on the Universal Periodic Review of the 25 March at the UN Human Rights Council in Geneva,
- having regard to the statements by international community condemning irregularities and denouncing absence of fair trial, among which the Belgian Government, US State Department and the UK Government;
- Having regard to the statements issued by the EU Bar Federation, American Bar Association Center for Human Rights and several established human rights organisations;
- having regard to the Cotonou Agreement,
- having regard to the Constitution of Rwanda;
- 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,
- having regard to Rule 144 of its Rules of Procedure.

- A. Whereas on 20 September 2021, the High Court's Special Chamber for International Crimes and Cross-border Crimes sentenced Paul Rusesabagina to 25 years in prison, including for his alleged leadership role in an opposition group and its armed wing, which has claimed responsibility for several deadly attacks in Rwanda in 2018 and 2019; Whereas twenty other people were also convicted of terrorism-related offenses alongside Rusesabagina;
- B. Whereas the Rwandan authorities have committed violations of fair trial rights in every step of the way, starting with the manner in which they unlawfully detained Paul Rusesabagina,

through multiple violations of the right to a fair trial which shows that Rwandan courts are overpowered by political influence;

- C. Whereas Rusesabagina's arrest and detention started as an enforced disappearance in August 2020 and a year later, the authorities have failed to provide a consistent or full account of how he was apprehended and came to be in their custody;
- D. Whereas the court rejected allegations of kidnapping or coercion with regards to the enforced disappearance, between 27 and 31 August 2020, and illegal transfer of Rusesabagina to Rwanda, and did not address the allegations of ill-treatment and fair trial rights violations raised by Rusesabagina and his lawyers throughout the trial;
- E. Whereas on 10 March 2021, the court ruled that Rusesabagina's transfer was legal, and that he was not kidnapped, although authorities admitted he was tricked into boarding a plane to Rwanda; Whereas the Rwandan authorities have not disclosed whose custody Rusesabagina was in when he disappeared in Dubai on 27 August 2020, until his reappearance in Kigali on August 31, but in a media clip the then-Justice Minister Busingye admitted the government's role in the illegal transfer;
- F. Whereas the trial of Paul Rusesabagina has displayed apparent violations of his rights to a fair trial, including adequate time and facilities for the preparation of his defence; adequate time to examine the witnesses deployed against him, the right to liberty and security of the person, and the benefit of the presumption of innocence;
- G. Whereas reports indicate that the fairness of the proceedings was so tainted as to nullify the legitimacy of any conviction; whereas his co-defendants withdrew their prior accusations against him in court, stating that they were coerced into impugning him;
- H. Whereas during the rendering of the verdict, additional evidence, not previously heard by the Court or submitted during the trial, was announced, relating to the allegation that Mr Rusesabagina had raised funds for the armed FLN; whereas much of the evidence cited is derived from statements that Mr Rusesabagina claims were made under duress and without counsel;
- I. Whereas Mr Rusesabagina's family has revealed that he was held in prolonged solitary confinement for 258 days and deprived of food and water over the weekend of 4-6 June 2021; whereas these conditions constitute torture under the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules);
- J. Whereas Mr Rusesabagina's family also maintains that the team of lawyers who initially represented him was not of his choosing, accusing the lawyers of acting for the state, and that that from April 2021, the lawyers of choice to whom Mr Rusesabagina eventually gained access were prevented from meeting with him;
- K. Whereas in July 2021, it was reported that the Rwandan authorities used NSO Group's Pegasus spyware to potentially target more than 3,500 activists, journalists, and politicians; whereas according to forensic analysis of her phone, they found that the spyware was also used to infect the phone of Carine Kanimba, Rusesabagina's daughter;
- L. Whereas Mr Rusesabagina, is a US green card holder and Belgian citizen;
- M. Whereas several notes verbales have been sent by the Belgian Foreign Minister to her Rwandan counterpart asking for the respect of Paul Rusesabagina's rights and the the Rwandan government took several months to respond and subsequently refused every single requests

1. Strongly condemns the blatant violations of Rusesabagina's right to due and process, the unfair trial and the guilty verdict based on questionable evidence presented against Mr Rusesabagina;
2. Calls for these violations against the right to a fair trial to be remedied and the conviction nullified and set aside;
3. Deplores the fact that the serious violations of human rights standards during Paul Rusesabagina's trial have further compromised the Rwandan judiciary's credibility in handling cases deemed political;
4. Calls for the immediate and unconditional release and repatriation of Rusesabagina to his country Belgium and demands the EU delegation to Rwanda as well as the diplomatic representations of the Member States to strongly echo this request in their exchanges with the Rwandan authorities; calls furthermore on them to monitor the situation of Rusesabagina and visit him in prison. Reminds the Rwandan authorities that the lawful extradition of a suspect to face trial in another country requires following due process in extradition proceedings overseen by an independent tribunal, which among other issues can assess whether a suspect's rights in custody and at trial will be guaranteed;
5. Condemns the fact that the Rwandan government is infringing on the Belgium government's rights to provide consular assistance to their citizens, to ensure his health and proper access to defence. 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 authorities to release Paul Rusesabagina on humanitarian grounds due to his concerning medical situation, as also requested by several Members of the US Congress
6. Condemns politically motivated trials, the prosecution of political opponents and dissidents in Rwanda and abroad, 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 and underlines that this is in the interest of Rwanda's international reputation; 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;
7. Regrets the reluctance by the EU to publicly denounce Rwanda's human rights abuses and to resolute action to address them; Calls in this regard 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;
8. Urge the EU and its Member States to consider halting exports of surveillance technology and other goods and services that can be used for internal repression by the Rwandan government, following reports that the Rwandan authorities used NSO Group's Pegasus spyware to potentially target regime critics;

9. 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.