



Plenary sitting

7.7.2015

B8-0700/2015

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 135 of the Rules of Procedure

on The Democratic Republic of CONGO, the case of two detained human rights activists Yves Makwambala and Fred Bauma (2015/2757(RSP))

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on behalf of the ALDE Group

B8-0700/2015

European Parliament resolution on The Democratic Republic of CONGO, the case of two detained human rights activists Yves Makwambala and Fred Bauma (2015/2756(RSP))

The European Parliament,

- having regard to its previous resolutions on the DR Congo,
- having regard to the Cotonou Partnership Agreement of June 2000,
- having regard to the African Charter on Human and Peoples' Rights, which was ratified by the DR Congo in 1982,
- having regard to the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights,
- having regard to the UN Declaration on Human Rights Defenders of December 1998,
- having regard to United Nations Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1960 (2010) on women, peace and security,
- having regard to the Constitution of the Democratic Republic of Congo, in particular its articles 22, 23, 24 and 25,
- having regard to the EU Guidelines on Human Rights Defenders (HRDs) and on Freedom of Expression,
- having regard to the June 2014 Council conclusions committing to intensify work on HRDs,
- having regard to the statement of the EU Delegation in DR Congo on 11 February 2015,
- having regard to Rules 135 of its Rules of Procedure.

- A. whereas growing opposition activities have been organized to protest proposals that would allow the DRC President Joseph Kabila to stay in power beyond his constitutionally mandated two-term limit, which ends in 2016, including proposals to change the constitution to allow the president to run for a third term and proposed changes to the electoral law that would require a potentially very lengthy census to be conducted before national elections are held;
- B. whereas the proposed changes to the electoral law led to nationwide demonstrations as the expression of the displeasure of the population in Bukavu, Bunia, Goma, Kinshasa, Lubumbashi, Mbandaka and Uvira; whereas at least 42 people were killed during the 4 days protests between 19 and 22 January 2015 by security forces, hundreds of protesters were arrested, and others were forcibly disappeared, according to International Federation of Human Rights and other human rights groups;
- C. whereas in response to the popular protests, by 23 January, the parliament had reconsidered and the bill was amended as the protesters had asked; whereas this situation led to increased mobilization regarding the democratic process among civil society groups, Church organizations, community groups, businesses and private citizens;
- D. whereas Congolese democracy activists leaders have looked at and tried to draw strength and encouragement from the mobilization led by the Y'en-a-Marre and Balai Citoyen movements respectively in Senegal and Burkina Faso;
- E. whereas on 15 March 2015 a workshop was organized by Congolese youth leaders to launch a campaign for democracy named FILIMBI (whistle in local language), an interactive platform designed to raise youth awareness of civic duties; whereas security and intelligence officers from DRC's National Intelligence Agency (Agence Nationale de Renseignements, ANR) disrupted a press conference that was held at the end of the meeting and arrested several around 30 attendees, including members of the local and foreign press, the head of USAID's democracy and governance programme in DR Congo Kevin Sturr, Senegalese and Burkinabe youth leaders, and Congolese activists, musicians, artists, businessmen, and others, including Fred Bauma of the Goma based movement, the Struggle for Change (La Lutte pour le Changement, LUCHA) and Yves Makwambala, the designer of Filimbi's website ;
- F. whereas the American diplomat and foreign journalists were released within hours and most of the others within a week; whereas the Senegalese and Burkinabe activists were expelled from the country and declared persona non grata after the governments of Senegal and Burkina Faso called for the unconditional release of their citizens;
- G. whereas Makwambala and Bauma were held for over 40 days by the ANR until they were finally transferred to the public prosecutor's office on 24 April and 4 May respectively and then to the Central Prison of Kinshasa; whereas they and 4

other Filimbi activists in exile were charged with belonging to an association formed for the purpose of attacking people and property, forming a conspiracy against the head of state, and attempting to either destroy or change the “constitutional regime” or incite people to take up arms against state authority.;

- H. whereas in the following weeks, arrests continued in Kinshasa of people accused of being associated with Filimbi and in the eastern city of Goma, where at least 15 activists of the LUCHA movement were arrested and in some cases mistreated and tortured after organizing peaceful protests calling for the release of their colleagues detained in Goma; whereas during one of these demonstrations, a Belgian researcher was beaten and another Belgian journalist temporarily arrested; whereas the regime seems to be counting on heavy-handed tactics and mass arrests to dissuade and deter activists;
 - I. whereas the arrests of the Filimbi members and activists who held peaceful protests came in the context of a broader crackdown on political party leaders, activists, and others who have protested proposals that would allow President Kabila to stay in power past his constitutionally mandated two-term limit, which ends in late 2016;
 - J. whereas intelligence officials confiscated the passports and other materials from some of those who were arrested after the Filimbi workshop and later released and required them to report to the intelligence agency every 48 hours. Others who participated in the workshop, but were not arrested, have been in hiding fearing arrest. In some cases, the authorities searched their homes illegally or they lost their jobs whilst in hiding;
 - K. whereas 14 international organizations, including Human Rights Watch and Amnesty International, as well as 220 national organizations called on the Congolese authorities to release Fred Bauma and Yves Mwakambala and to drop all charges against them and other Filimbi leaders in a joint statement published on June 15;
 - L. whereas a parliamentary information mission was established on 27 March to shed light on the case of the Filimbi activists, and found no evidence indicating that the Filimbi leaders and workshop participants were involved in or planning any terrorist or other violent crime;
 - M. whereas a mass grave with presumably 421 bodies was discovered in Maluku, about 80km from central Kinshasa, in the context of increasing political tensions and a worsening crackdown on activists, political leaders, students, human rights abuses, etc., and the disappearance of several opponents and demonstrators since the beginning of the year.
1. Strongly condemns the detention of Fred Bauma and Yves Makwambala and other human rights activists; calls upon the Congolese authorities to immediately and unconditionally release the two activists who were arrested on March 15, 2015 and to drop all charges against them and other Filimbi leaders;

2. Calls upon the authorities to guarantee in all circumstances their physical and psychological integrity and to take all necessary measures to provide them the full protection of the law, within its overall responsibilities of ensuring the safety of all its citizens;
3. Calls upon the Congolese authorities to release and drop any charges against other activists, opposition party members, and others detained solely for their political views or for participating in peaceful activities, including the human rights defender Christopher Ngoyi and political party leaders Cyrille Dowe, Jean-Claude Muyambo, Jean-Bertrand Ewanga, Ernest Kyaviro, and Vano Kalembe Kiboko, who all appear to have been arrested for politically motivated reasons;
4. Calls on the Congolese government to end the use of justice for political reasons, and calls on judicial authorities to thoroughly and transparently investigate and bring to justice officials suspected to be responsible for violating the rights of the Filimbi's workshop participants and LUCHA activists;
5. Condemns the continuing violation of basic freedom of expression and assembly rights that are protected under Congo's constitution and international instruments on human rights ratified by DR Congo; calls on the Government of the DRC to take the necessary steps, including restoration of the rule of law, democracy and respect for human rights;
6. Recalls the commitment made by the DRC under the Cotonou Agreement to respect democracy, the rule of law and human rights principles which include freedom of expression and freedom of the media, good governance and transparency in political offices; urges the government of the DRC to uphold these provisions in accordance with Articles 11b, 96 and 97 of the Cotonou Agreement;
7. Calls on the DRC to abide by the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998, and in particular Article 1 thereof, which states that 'everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels';
8. Insists that the Government of the DRC complete security sector reforms and calls for efforts to be made both at national and international level to increase the authority of the State and the rule of law in the DRC, particularly in the fields of governance and security, including in close cooperation with the EU military assistance mission (EUSEC) and the EU's police assistance mission (EUPOL), which should be continued in order to consolidate peace and security both in the country and in the Great Lakes region;
9. Encourages the Parliament, the Senate and the President of the DRC, Joseph Kabila, to implement all necessary measures to consolidate democracy and ensure genuine participation by all political forces expressing the will of the Congolese nation in the governance of the country, on the basis of constitutional and legal rules as well as free and fair elections; stresses the need to take

account of the recommendations of the EU's 2011 Election Observation Mission and to implement the reforms which are crucial to the continuation of the electoral process, including guaranteeing that local elections will be held;

10. Urges the Congolese authorities to ensure the effective creation of a specialised mixed court to help combat impunity and prosecute perpetrators of serious violations of human rights and of international humanitarian law in the DRC;
 11. Echoes the EU and UN call for an urgent, transparent and credible investigation into the mass grave in Maluku, near to Kinshasa, to reassure families of the missing persons and put end to the various allegations;
- N. Instructs its President to forward this resolution to the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the President, Prime Minister and Parliament of the DRC, and the ACP/UE Joint Parliament