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*Plenary sitting*

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**B8-0120/2017**

25.1.2017

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the rule of law crisis in the Democratic Republic of the Congo and in Gabon (2017/2510(RSP))

**Charles Tannock, Anna Elżbieta Fotyga, Ryszard Antoni Legutko,  
Ryszard Czarnecki, Tomasz Piotr Poręba, Karol Karski, Raffaele Fitto**  
on behalf of the ECR Group

**European Parliament resolution on the rule of law crisis in the Democratic Republic of the Congo and in Gabon  
(2017/2510(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC), in particular those of 10 March 2016<sup>1</sup>, 23 June 2016<sup>2</sup> and 1 December 2016<sup>3</sup>,
  - having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 15 June 2016 on the pre-electoral and security situation in the Democratic Republic of the Congo (DRC),
  - having regard to the EU's local statements of 2 August 2016 and 24 August 2016 on the electoral process in the DRC following the launch of the national dialogue in the DRC,
  - having regard to the EU Council conclusions on the Democratic Republic of the Congo of 23 May and 17 October 2016,
  - having regard to the UN Security Council resolutions on the DRC, in particular resolutions 2293 (2016) on renewing the DRC sanctions regime and the mandate of the Group of Experts and 2277 (2016), which renewed the mandate of the UN Stabilisation Mission in the DRC (MONUSCO),
  - having regard to the CENCO agreement reached between Joseph Kabila and the democratic opposition on 31 December 2016,
  - having regard to the African Charter on Democracy, Elections and Governance,
  - having regard to the International Covenant on Civil and Political Rights, of 16 December 1966,
  - having regard to the Gabonese presidential elections of 27 August 2016, and the findings of the European Union Election Observation Mission to Gabon,
  - having regard to the Declaration of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Gabon,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the leading candidates in the 2016 presidential elections in Gabon were ruling President Ali Bongo Ondimba of the Gabonese Democratic Party, son of previous President Omar Bongo, and Jean Ping, of the Union of Forces for Change;

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<sup>1</sup> Texts adopted, P8\_TA(2016)0085.

<sup>2</sup> Texts adopted, P8\_TA(2016)0290.

<sup>3</sup> Texts adopted, P8\_TA(2016)0479.

- B. whereas, following the end of the election on 27 August 2016, the Gabonese electoral commission announcement of the official results of the election was delayed by alleged logistical issues; whereas a victory for the incumbent was nevertheless declared on 31 August 2016, with 49.8 % for Bongo and 48.2 % for Ping, on a turnout of 59.5 %;
- C. whereas the situation in Gabon following the presidential election of 27 August 2016 erupted into a national crisis, with protests in Libreville against the re-election of Ali Bongo Ondimba descending into violence and extreme disorder, and whereas many lives were lost during these disturbances, governmental buildings were set on fire and there were allegations that opposition headquarters had been bombed;
- D. whereas the EU observer mission to Gabon condemned the violence following the announcement of the election result and pointed to anomalies in voter turnout in at least two areas, noting it to be unnaturally high and the fact that polling stations had been managed in a way that lacked transparency and that EU observers had only limited access to monitor the voting procedure, in breach of the agreement with the Gabonese Government;
- E. whereas the Gabonese Constitutional Court was unable to satisfactorily rectify anomalies observed during the count, nor was it able to satisfy opposition requests for a vote recount;
- F. whereas it is alleged that various violent crimes have been committed by both the ruling Government of Gabon and the political opposition under Jean Ping, including the destruction of buildings, looting, murder and torture, and the incitement of such acts with the express intention of creating an atmosphere of fear and terror among the civilian population;
- G. whereas, despite promises by Ali Bongo Ondimba that his new government appointed on 2 October 2016 would be inclusive and representative, members of the opposition were largely absent from the new government, with only third-party candidates being given any representation and members of Jean Ping's party wholly absent from governmental posts;
- H. whereas since 2001 Joseph Kabila has been President of the Democratic Republic of the Congo; whereas President Kabila's term of office was to end on 20 December 2016, and whereas the mandate of the DRC's presidency is constitutionally limited to two terms and the next presidential and legislative elections were initially scheduled to be held by the end of 2016;
- I. whereas over the past two years President Kabila has been using administrative and technical means to try to delay the election and remain in power beyond the end of his constitutional mandate;
- J. whereas the EU imposed sanctions on seven members of the Congolese forces in December 2016 for the violation of human rights; whereas the United States has imposed sanctions on Major General Gabriel Amisi Kumba and John Numbi, who are members of Kabila's inner circle and are believed to be among those who have encouraged the President to take a hard line against protesters and have engaged in actions that undermine democracy in the DRC;

- K. whereas in December more than 80 people were killed in the DRC while protesting against Kabila's clinging to power without an election;
- L. whereas on 23 January 2017 Congo's government spokesman, Lambert Mende, confirmed that Human Rights Watch's (HRW) Central Africa director Ida Sawyer had been expelled from the country for falsifying her name on immigration documents;
- M. whereas on 31 December 2016 the Secretary General of the Catholic Bishops' Conference of the Congo announced that an agreement had been reached between President Kabila and Felix Tshisekedi, on behalf of *Le Rassemblement*, that elections would be held in 2017 and that the Constitution would not be changed to allow the president to stand for a third consecutive term;
- N. whereas the ongoing talks on the implementation of the agreement between President Kabila and the opposition are stalling over disagreement on the composition of the council to monitor progress towards the election and Kabila's ability to select the Prime Minister;
1. Condemns the use of violence in Gabon, both by protestors and in the manner in which police and government officials have attempted to resolve the situation;
  2. Joins the United Nations, in particular France and the United States of America, in calling for a de-escalation by both sides of the ongoing dispute in Gabon, the immediate cessation of violent acts and incitements to violence and the immediate circulation of transparent details regarding the outcome of the vote;
  3. Joins the African Union's Peace and Security Council in reiterating the importance of a transparent and regular process of appeal to the Gabonese Constitutional Court in order to maintain stability in the country;
  4. Calls on the Government of Gabon to cooperate fully with the deployment of French-speaking observers from the high courts of other African nations to assist the Constitutional Court of Gabon;
  5. Calls on the Government of Gabon to commit itself to ensuring that future elections are free, fair and democratic, with transparent and rigorous polling procedures open to international observation;
  6. Calls on the negotiators to bear in mind that the purpose of the negotiations post-December 2016 is to bring about elections in the DRC before the end of 2017; urges them to not to be side-tracked by the details of the negotiations and to redouble their efforts in good faith following the last-minute agreement brokered by the National Bishops' Conference (CENCO); reminds them of the high stakes involved if they fail to bring about a successful outcome;
  7. Calls on all international actors to provide major political, financial, technical and logistical support to Congo, if needed for the elections to take place by December 2017;
  8. Condemns the expulsion of human rights defenders and urges the Government of the DRC to allow defenders to remain in the country;

9. Calls on the Commission and the High Representative to expand the list of those who are urging President Kabila to ignore the Constitution and those who are responsible for violent repression and human rights violations, and to make a proposal to the Council to expand the list of offenders who have restrictive measures (sanctions) imposed on them by the EU;
10. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the United Nations, the President and Government of the Democratic Republic of Congo and the President and Government of Gabon.