



Plenary sitting

B8-0125/2017

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))

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on behalf of the Verts/ALE 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),
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 18 May 2011 on challenges for the future of democracy and respecting constitutional order in ACP and EU countries,
- 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,
- having regard to the joint press statement by the United Nations, the African Union, the European Union and the International Organisation of La Francophonie of 16 February 2016,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and her spokesperson on the situation in the Democratic Republic of the Congo,
- having regard to the statements by the Delegation of the European Union to the Democratic Republic of the Congo on the situation of human rights in the country, the electoral process and the so-called national dialogue,
- having regard to the Council conclusions of 12 December 2016, 17 October 2016 and 23 May 2016 on the Democratic Republic of the Congo,
- having regard to the statement of 2 September 2015 by the Team of International Envoys and Representatives for the Great Lakes Region of Africa on elections in the Democratic Republic of the Congo,
- having regard to the joint press release of 12 February 2015 by the African Union Special Rapporteur on Human Rights Defenders and the African Union Special Rapporteur on Prisons and Conditions of Detention in Africa on the human rights situation following the events surrounding the amendment of the Electoral Law in the DRC,
- having regard to the report of the UN High Commissioner for Human Rights on the situation of human rights and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo of 27 July 2015,
- having regard to the mid-term report of 28 December 2016 by the UN Group of Experts on the Democratic Republic of the Congo,

- having regard to the decision on the post-electoral situation in Gabon adopted at the 624th meeting of the Peace and Security Council of the African Union on 13 September 2016,
- having regard to the statement attributable to the Spokesperson of the UN Secretary-General of 31 August 2016 following the announcement of the provisional electoral results in the Gabonese Republic,
- having regard to the joint statements by the spokespersons for the VP/HR, Federica Mogherini, and the Commissioner for International Cooperation and Development, Neven Mimica, on Gabon, issued on 11 and 17 September 2016, and following the announcement by the Gabonese Constitutional Court of the final results of the presidential election, issued on 24 September 2016,
- having regard to the press release issued by the African Union on 1 September 2016 condemning the violence of the post-electoral conflict in Gabon and calling for its peaceful resolution,
- having regard to the ACP statement of 2 September 2016 on the situation in Gabon,
- having regard to the statement by the Chief Observer of the EU Election Observation Mission to Gabon on the outcome of the elections, notably in the province of Haut-Ogooué,
- having regard to the electoral mission by African jurists mandated by the African Union,
- having regard to the Gabonese Constitution,
- having regard to Gabon's Electoral Code,
- having regard to Decision No 052/CC of 23 September 2016 declaring the results of the election of the President of the Gabonese Republic of 27 August 2016,
- having regard to the Memorandum of Understanding signed between the Republic of Gabon and the European Union concerning the EU's election observation mission (EOM),
- having regard to the Cotonou Partnership Agreement, signed on 23 June 2000 and revised on 25 June 2005 and 22 June 2010,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to the African Charter on Human and Peoples' Rights of June 1981,
- having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas both Gabon and the DRC have faced major crises surrounding the organisation of presidential elections;
- B. whereas in the DRC presidential elections should have taken place in 2016, but were

delayed by every possible means in order for President Kabila to stay in power;

- C. whereas in Gabon presidential elections were organised in August 2016 and President Bongo declared the winner, despite strong doubts about results in Bongo's home region, Haut-Ogooué, which tilted the official result after challenger Ping had won in all other regions;
- D. whereas in the DRC the constitutional crisis continues to be accompanied by severe repression of the opposition, harassing of human rights defenders, killing and beating of protesters, disappearances, incommunicado detentions and stifling of the media;
- E. whereas freedom of expression and assembly in the country has been strongly curtailed, including through the use of excessive force against peaceful demonstrators, journalists, political leaders and others who oppose attempts to allow President Kabila to stay in power beyond the constitutionally mandated two-term limit;
- F. whereas in the Congolese capital, Kinshasa, security forces shot dead at least 20 protesters who poured onto the streets to demand that Kabila step down after his constitutional mandate had expired;
- G. whereas previous protests in September 2016 against President Kabila staying in power led to a brutal crackdown on protesters and opposition forces; whereas the UN reports 422 victims of human rights violations in Kinshasa by state agents, including 48 people being killed and 143 injured, eight journalists and 288 others being arrested and unlawfully detained, and premises belonging to political parties being destroyed;
- H. whereas on 31 December 2016 the ruling Congolese party, the Alliance of the Presidential Majority (AMP), and the main opposition coalition, Rally of Forces for Social and Political Change (Rally), signed a landmark political agreement, after talks mediated by the National Bishops' Conference of the Congo, outlining a political solution to the election crisis; whereas the agreement extends President Kabila's term until a successor is elected before the end of 2017;
- I. whereas negotiations between the ruling party and opposition parties need to continue on the terms of implementation of this agreement;
- J. whereas in Gabon, EU election observers only had limited access to voting documents and complained about clear abnormalities and the weakness of the electoral system; whereas the mission has been the target of repeated acts of intimidation, in particular in the form of a very intense campaign of defamation in the press, and has also faced significant threats and pressure from the Gabonese authorities, which lodged an appeal and conducted an investigation into the work done by the EOM in an effort to discredit the mission report;
- K. whereas the AU and the Economic Community of Central African States have both called for publication of the results for each individual polling station;
- L. whereas the Gabonese authorities have not complied with this request and, on the contrary, voting bulletins have been burnt, making it very difficult to verify the official election results;

- M. whereas the Constitutional Court, under the chairmanship of a family member of the official election winner Ali Bongo, declared the official election result valid;
- N. whereas according to human rights organisations the post-electoral crisis has led to a significant worsening of the human rights situation in Gabon, characterised by an increase in violence among the civilian population, targeted arrests by the authorities and attacks on freedom of the press, such as the one suffered by the opposition newspaper *Échos du Nord* on 3 November 2016;
- O. whereas the proclamation of the preliminary results triggered demonstrations in the two major Gabonese cities, Libreville and Port-Gentil, and an outbreak of violence lasting several days;
- P. whereas demonstrators set the parliament and the government's television station on fire;
- Q. whereas the Gabonese security forces used force against demonstrators, resulting in at least five casualties (some sources advance as many as 100), stormed the opposition's headquarters and proceeded to make numerous arrests, with dozens remaining in custody many weeks later;
- R. whereas the Gabonese security forces have previously used force against peaceful protestors, for example on 23 July 2016, and arrested civil society activists and opposition politicians;
1. Condemns the serious violations of the rule of law, including constitutional provisions on the holding of elections, which have occurred in both the DRC and Gabon;
 2. Recalls the relevant provisions, among others, of the Constitutive Act of the African Union, the Protocol Relating to Establishment of the Peace and Security Council and the African Charter on Democracy, Elections and Governance;
 3. Considers that the sole objective of all the manipulations witnessed was to allow Presidents Kabila and Bongo to remain in power;
 4. Strongly condemns all the violence perpetrated, the breaches of human rights, the arbitrary arrests and illegal detentions, the political intimidation of civil society and members of the opposition, and the violations of freedom of the press and freedom of expression prior to and after the presidential elections in Gabon and during the past two years in the DRC; calls for the release of all political detainees; considers these developments to constitute serious violations of the fundamental values of the Cotonou Agreement;
 5. Welcomes the political agreement reached between the Congolese parties outlining a solution to the current crisis; remains worried, however, as to the will of President Kabila and his ruling party to faithfully implement the agreement;
 6. Urges President Kabila, therefore, to respect the terms of the agreement and to allow the organisation of presidential elections in 2017, in which he will not stand;

7. Urges the AMP to negotiate in good faith the implementation of the agreement and not to use delaying tactics which would allow President Kabila to stay in power even longer;
8. Urges the Congolese Government to immediately address open questions related to the sequencing of the electoral calendar, its budget and the updating of the electoral register in order to allow free, fair and transparent elections to take place within the coming months;
9. Calls on the EU to follow the election preparation process closely and if necessary to launch negotiations with the Congolese Government in accordance with Article 96 of the Cotonou Agreement;
10. Recalls that the Independent National Electoral Commission should be an impartial and inclusive institution with sufficient resources to allow for a comprehensive and transparent process;
11. Calls on the Congolese and Gabonese authorities to ratify the African Charter on Democracy, Elections and Governance at the earliest opportunity;
12. Regrets that the work of the EU election observation mission in Gabon was severely hampered contrary to the agreed terms;
13. Recalls the commitments made by the DRC and Gabon 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 both governments to uphold these provisions in accordance with Articles 11B, 96 and 97 of the Cotonou Agreement;
14. Urges the Congolese and Gabonese authorities to restore an environment conducive to the free and peaceful exercise of freedom of expression, association and assembly and freedom of the press, and to stop harassing opposition forces and leaders;
15. Considers this step to be of utmost importance in order for the scheduled elections to be free and fair;
16. Calls on the authorities of both countries to investigate, prosecute and appropriately sanction security force and intelligence officers and others responsible for the violent and illegal crackdown on activists, opposition leaders and others who have opposed attempts by President Kabila to extend his stay in power or protested against President Bongo;
17. Calls on the UN Human Rights Council to investigate the serious human rights violations which have occurred in both countries recently;
18. Calls for the EU to communicate clearly and unambiguously that it considers President Kabila to be an illegitimate president and to do its utmost to support the organisation of presidential elections in 2017; welcomes the EU's decision to impose restrictive measures on individuals from the Congolese security forces, but regrets that the EU took so long to put in place the first sanctions; calls on the EU to extend these measures

to other members of the security forces involved in serious human rights abuses and to consider taking the same type of measures against members of the Gabonese security forces;

19. 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 European External Action Service, the African Union, the ACP-EU Council of Ministers, the ACP-EU Joint Parliamentary Assembly, the Secretary-General of the United Nations, the International Organisation of La Francophonie, the Economic Community of Central African States (ECCAS), the President, Prime Minister and Parliament of Gabon and the Government and Parliament of the Democratic Republic of the Congo.