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TEXTS ADOPTED

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**P8\_TA(2015)0278**

**The Democratic Republic of the Congo (DRC), in particular the case of two detained human rights activists Yves Makwambala and Fred Bauma**

**European Parliament resolution of 9 July 2015 on the Democratic Republic of the Congo (DRC), in particular the case of the two detained human rights activists Yves Makwambala and Fred Bauma (2015/2757(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the Democratic Republic of the Congo, in particular that of 12 September 2013<sup>1</sup>, and to the resolution thereon of the ACP-EU Joint Parliamentary Assembly,
- having regard to the statements by the spokesperson for the European External Action Service on the situation in the Democratic Republic of the Congo, in particular that of 21 January 2015,
- having regard to the statements by the EU Delegation to the Democratic Republic of the Congo on the situation of human rights in the country, in particular that of 11 February 2015,
- having regard to the EU Annual Report on Human Rights and Democracy adopted by the Council on 22 June 2015,
- having regard to the Council conclusions of 19 January 2015 on the Democratic Republic of the Congo,
- having regard to the statement of 22 January 2015 of the International Envoys to the Great Lakes region on the situation in the Democratic Republic of the Congo,
- having regard to the joint press release of 12 February 2015 by the African Union (AU) Special Rapporteur on Human Rights Defenders and the AU 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 Democratic Republic of the Congo,
- having regard to the Cotonou Partnership Agreement signed in June 2000,

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<sup>1</sup> Texts adopted, P7\_TA(2013)0388.

- having regard to the EU Guidelines on Human Rights Defenders and the EU Human Rights Guidelines on Freedom of Expression Online and Offline,
  - having regard to the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights,
  - having regard to the African Charter on Human and Peoples’ Rights, which was ratified by the Democratic Republic of the Congo in 1982,
  - having regard to the Constitution of the Democratic Republic of the Congo, in particular Articles 22, 23, 24 and 25 thereof,
  - having regard to the ‘Free Filimbi Activists’ appeal launched by more than 200 human rights groups on 15 June 2015,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas between 19 and 21 January 2015 nationwide protests erupted over a draft electoral law that would have allowed the presidential term to be extended, contrary to constitutional provisions, and would have required a potentially very lengthy census to be conducted before national elections were held;
  - B. whereas according to the authorities 27 people died in the protests, although other sources report 42 deaths, and whereas 350 people were arrested, some of whom are still in prison without having been put on trial, or forcibly disappeared;
  - C. whereas during the protests in January 2015 internet and mobile text message services were shut down by the government;
  - D. whereas in the end the electoral law adopted by the parliament did not include the controversial provision;
  - E. whereas as soon as the protests started the authorities began a crackdown on human rights activists and opposition politicians who had demonstrated peacefully against the provision, including Christopher Ngoyi, Jean-Claude Muyambo, Vano Kiboko and Cyrille Dowe, who are still being detained for what appear to be politically motivated reasons;
  - F. whereas on 15 March 2015 the National Intelligence Agency (ANR) of the Democratic Republic of the Congo (DRC) arrested and detained without charge more than 30 people during the launch of the pro-democracy youth movement Filimbi, including international participants and DRC activists, musicians, businesspeople and journalists;
  - G. whereas most of the activists and supporters were released and the foreigners expelled from the country, but whereas Yves Makwambala and Fred Bauma are still being detained in Makala prison in Kinshasa and are charged with belonging to an association formed for the purpose of attacking people and property, conspiring against the head of state, and attempting to either destroy or change the ‘constitutional regime’ and to incite people to take up arms against state authority; whereas the authorities have also charged Fred Bauma with disturbing the peace, and Yves Makwambala with publicly offending the head of state, while they were exercising their freedom of expression, peaceful assembly and association;

- H. whereas Filimbi was created as a platform to encourage DRC young people to perform civic duties peacefully and responsibly;
- I. whereas in March and April 2015, in Goma (in the eastern DRC), the authorities arrested and later released at least 15 activists from the LUCHA youth movement who were demonstrating peacefully to demand the release of their colleagues detained in Kinshasa; whereas four of these activists face charges of inciting disobedience against public authority;
- J. whereas on 27 March 2015 the National Assembly of the DRC set up a parliamentary information mission to gather information and report on the arrests; whereas this mission concluded in its report that there was no evidence that the Filimbi leaders and participants had been involved in, or been planning, any terrorist or other violent crimes, and called for a political solution for their immediate release;
- K. whereas, on 15 June 2015, 14 international organisations and 220 DRC human rights organisations called for the immediate and unconditional release of the two activists;
- L. whereas, in this context, a mass grave with an estimated 421 bodies was discovered in Maluku, about 80 km from central Kinshasa;
- M. whereas the Minister of Justice acknowledged recently that the DRC's justice system is fraught with many problems, including clientelism, influence, peddling, corruption, impunity and inequity in judicial decisions;
- N. whereas freedom of the press is limited by threats and attacks against journalists, and many media have been closed or censored illegally;
- O. whereas the next national elections are scheduled for November 2016, with a difficult agenda as regards their organisation and financing;
- P. whereas civil society played an important role in the DRC in the context of the 2003 political transition, the 2006 and 2011 elections, the revision of mining contracts, the 2013 suspension of the DRC from the Extractive Industries Transparency Initiative, and the drafting of the 2013 Electoral Law and of legislation against sexual violence;
- Q. whereas the government reaction to civil society engagement is an attempt to treat activists and advocacy organisations like the political opposition in order to undermine them;
- R. whereas in June 2014 the EU sent a follow-up electoral mission which pointed out the need to update the electoral roll, the necessity of creating the conditions for fair competition among candidates and the need to strengthen the protection of public liberties, the electoral dispute system and the fight against impunity;
- S. whereas the 2014-2020 National Indicative Programme for the DRC, funded with EUR 620 million from the 11th European Development Fund, prioritises strengthening governance and the rule of law, including reforms of the judiciary, the police and the army;
- 1. Deplores the loss of lives and the arbitrary violence against, and arrests of, demonstrators during the January 2015 protests, together with the crackdown on activists and political

opponents, in particular the events that occurred during the launch of the Filimbi movement in March 2015;

2. Calls on the DRC authorities to release Yves Makwambala and Fred Bauma immediately and unconditionally, and to drop all charges against them and other Filimbi leaders as well as any other activists, prisoners of conscience and political opponents arbitrarily arrested and detained solely for their political views or for participating in peaceful activities;
3. Supports the National Assembly of the DRC's calls for the rapid reaching of a political solution that allows the members of Filimbi and other peaceful civil society associations to exercise their freedom of expression and association without fear of being pursued or persecuted;
4. Urges the authorities to ensure that the detainees have not been, and are not being, subjected to any acts of torture or ill-treatment, and to guarantee full protection and access to their families and lawyers;
5. Considers the fact that the ANR has held the detainees without charge for more than 48 hours, denying them access to legal assistance and without bringing them before a competent judicial authority, to be a blatant violation of rights guaranteed by the DRC's constitution;
6. Asks for a full, thorough and transparent investigation to be launched by the DRC Government, together with international partners, into the events of January and March 2015, and for any illegal actions or denial of rights or freedoms to be identified; insists that any official suspected of being responsible for violating rights or freedoms guaranteed by national and international texts must be brought to justice;
7. Is strongly concerned about the continuous attempts to limit freedom of expression, peaceful assembly and association and the increased breaches of these freedoms by the authorities, given that the right political climate is indispensable if a successful electoral cycle is to be achieved in the DRC in the next year;
8. Finds it particularly regrettable that these violations specifically target opposition leaders and youth movements;
9. Calls on the DRC authorities to ensure that the aforementioned freedoms are immediately and unconditionally upheld, especially in the electoral period, as guaranteed by the DRC's constitution and international human rights law;
10. Recalls that respect for political diversity and opposition, an open and peaceful political debate, and the full exercise of the constitutional freedoms of expression, peaceful assembly, association and information are indispensable in order to guarantee democratic elections that are credible, inclusive, peaceful and timely; insists that such guarantees are paramount in a particularly volatile Great Lakes region and also depend on the successful implementation of the Addis Ababa Peace, Security and Cooperation Agreement; supports, in this context, the efforts of the International Envoys to the Great Lakes region;
11. Encourages the DRC's parliament and senate, and its President, Joseph Kabila, to implement all necessary measures to consolidate democracy and ensure genuine participation in the country's governance by all political forces, civil society and pro-democracy movements expressing the will of the DRC nation, on the basis of constitutional and legal rules as well as in free and fair elections;

12. Encourages the development of platforms such as Filimbi that enable pro-democratic forces to be heard, and favours the participation of young people in an electoral process from which they have unfairly been excluded;
13. 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, freedom of the media, good governance and transparency in political office; urges the Government of the DRC to uphold these provisions in accordance with Articles 11(b), 96 and 97 of the Cotonou Agreement and, failing that, asks the Commission to launch the relevant procedure in accordance with Articles 8, 9 and 96 of the Cotonou Agreement;
14. Insists that the nature and amount of further EU support for the electoral process in the DRC must depend on the progress made in implementing the recommendations of the 2011 EU election observation mission and the 2014 follow-up mission, in respecting the electoral calendar and in presenting a credible budget;
15. Urges the EU Delegation to monitor developments and to use all appropriate tools and instruments, including the European Instrument for Democracy and Human Rights, to support human rights defenders and pro-democracy movements;
16. Urges the DRC judicial authorities to assert their independence from any political instrumentalisation and to ensure the protection of rights recognised by legal instruments, such as access to justice and the right to a fair trial;
17. Urges the DRC authorities to stop minimising the significance of the mass grave next to Kinshasa, and echoes the EU and UN call for an urgent, transparent and credible investigation to reassure the families of missing people and put an end to the various allegations;
18. Denounces the illegal closing and abusive censorship of the media, as well as the temporary shutdown of telecommunications;
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 African Union, the governments of the countries of the Great Lakes region, the President, Prime Minister and Parliament of the DRC, the Secretary-General of the United Nations, the UN Human Rights Council, and the ACP-EU Joint Parliamentary Assembly.