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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Pasqualina Napoletano, Alain Hutchinson, Thijs Berman

on behalf of the PSE Group

on the clashes in the eastern border areas of the Democratic Republic of Congo

European Parliament resolution on the clashes in the eastern border areas of the Democratic Republic of Congo

The European Parliament,

- having regard to its previous resolutions on the situation in the Democratic Republic of Congo (DRC),
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 22 November 2007 on the situation in the Democratic Republic of Congo, particularly in the East of the country, and its impact on the region",
- having regard to the Amnesty International Report 2008,
- having regard to the United Nations Twenty-fourth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo of 14 November 2007,
- having regard to the statement issued on 27 July 2007 by the United Nations Mission in the Democratic Republic of Congo (MONUC),
- having regard to the Human Rights Watch publication entitled "Renewed Crisis in North Kivu" of October 2007,
- having regard to the Human Rights Watch publication "Seeking Justice: The Prosecution of Sexual Violence in the Congo War" of March 2005,
- having regard to the UN-sponsored Democratic Republic of Congo Humanitarian Action Plan 2008 of 11 December 2007,
- having regard to the UN Office for the Coordination of Humanitarian Affairs "Humanitarian News and Analysis" of 13 December 2007,
- having regard to the Rome Statute of the International Criminal Court, adopted in 1998, and particularly Articles 7 and 8 thereof, which define rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation or any form of sexual violence as crimes against humanity and war crimes and equate them with a form of torture and a serious war crime, whether or not such acts are systematically perpetrated during international or internal conflicts,
- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas on 23 January 2008, the Congolese Government and 22 armed groups signed the Goma peace agreement, committing to an immediate ceasefire and observance of international human rights law, whereas the Goma Agreement followed the November 2007 agreement between the governments of Congo and Rwanda, known as the Nairobi Communiqué, which sought to address the presence of the Democratic Forces for the Liberation of Rwanda (FDLR), a Rwandan armed group, in eastern Congo,

B. whereas in April 2008, the Congolese Government set up the Amani Programme to coordinate peace efforts in eastern Congo, whereas the disengagement process started in the South Kivu after "Amani Programme" officials established the Provincial Committee for the Coordination of Disengagement Operations in South Kivu; whereas Abbe Malu Malu, the Programme's National Coordinator, is playing a key role in this process,

C. whereas the Goma peace agreement now lies in tatters after serious clashes throughout the last months between the Congolese army and General Laurent Nkunda's CNDP rebels,

D. whereas, following a resumption in hostilities, the CNDP advanced from ceasefire positions towards Goma, whereas the UN estimates that more than 100,000 were displaced in the attendant fighting in the North Kivu province in the north-eastern Democratic Republic of the Congo,

E. whereas intense fighting between the Congolese army and Ugandan rebels have forced over 50,000 people to flee their homes in the Ituri region in the north-eastern Democratic Republic of the Congo,

F. whereas the renewed fighting in eastern DRC has caused a drastic deterioration in the humanitarian situation and immense suffering for civilians,

G. whereas, even outside combat zones, members of armed groups as well as Congolese army soldiers, killed or injured civilians, often in the process of pillaging their property, whereas in some areas Congolese army soldiers, as well as members of armed groups, are also involved in illicit mining activities in the rich gold, coltan and tin mines across the Kivu provinces, systematically extorting from civilians, in particular through the imposition of illegal "taxes",

H. whereas local food prices have increased dramatically, exacerbating poverty and malnutrition, but the World Food Programme has been obliged to reduce rations in eastern Congo because of food shortages,

I. whereas in the eastern part of the DRC women are being systematically attacked on an unprecedented scale and whereas, according to the United Nations Under-Secretary-General for Humanitarian Affairs, the sexual violence in the DRC is the worst in the world, whereas, according to the Special Representative of the UN Secretary-General in the DRC, atrocities against women are structured around rape, gang rape, sexual slavery and murder, which has far-reaching consequences including the physical and psychological destruction of women,

J. whereas UN Security Council Resolution 1325 (2000) emphasises the responsibility of all states to put an end to impunity and to prosecute those responsible for crimes against humanity and war crimes, including those relating to sexual and other violence against women and girls,

K. worried that women and girls who are victims of rape suffer widespread social discrimination and rejection by their families and communities while perpetrators enjoy impunity, this being an additional reason why only a fraction of rape incidents are reported by victims, deeply concerned by the inadequacy of efforts to conduct thorough investigations into such crimes, the absence of protection measures for witnesses, victims and victims' families, the lack of information regarding cases and the lack of appropriate medical care for victims,

L. whereas the many years of armed conflict have resulted directly and indirectly in 5,4 million direct and indirect victims and caused the displacement of at least 1.5 million people, most of them women and children, as well as the destruction of the socio-economic infrastructure of the DRC,

1. Is extremely concerned about the renewed fighting between the Congolese army and resurgent militias in North Kivu and previously pacified region of Ituri; warns that the north-eastern DRC faces more massacres and a new refugee crisis if the chaos enveloping the region continues;
2. Calls on the international community, especially on major donors, including the EU, US and South Africa, to urgently reinforce the UN Mission in Congo (MONUC), as sending more troops into the north-eastern DRC is necessary to end violence and protect vulnerable populations;
3. Calls on the officers of the army of the DRC and leaders of armed groups to take urgent steps to control and discipline their troops, since they are responsible for keeping their soldiers and combatants from killing, harassing and abusing the population;
4. Demands that all the signatories of the Goma peace agreement immediately cease all attacks on aid workers and uphold their commitments to protect civilians, remove roadblocks and allow humanitarian access to populations in need;
5. Calls on the parties to the Goma peace agreement, international donors, and international facilitators to the peace process (European Union, United States, African Union, and the UN) to redouble efforts to implement the Goma peace agreement and to ensure that the UN Guiding Principles on Internal Displacement are respected in one of the world's worst humanitarian emergencies; particularly, urges to significantly increase and improve assistance for those displaced from their homes and for the families and communities who host them;
6. Welcomes the start of disengagement process in South Kivu and the efforts of the "Amani Programme" in this regard; fully supports the leadership provided by Abbe Malu Malu, the Programme's National Coordinator, in starting this process; hopes that the programme will provide an appropriate framework for a successful realisation of disengagement process which requires the commitment of each one of the sides involved;
7. Calls on the Government of the DRC to develop a plan with Rwanda and MONUC to isolate and capture the genocidaire leaders among the FDLR and offer resettlement in the Congo or reintegration in Rwanda to those who were not involved in the genocide and are willing to demobilise;
8. Calls on the Government of the DRC and MONUC to patrol the border of the DRC with Rwanda intensively, in order to deter the infiltration of armed elements into the north-eastern DRC;
9. Calls on the Government of the DRC and MONUC to investigate accusations that the Congolese army colludes with the FDLR over the control of North Kivu's lucrative mineral trade, and put an end to this practice;
10. Believes that the use of force alone does not represent a solution to the problems in DRC; echoes the position of MONUC Head of Mission Alan Doss that international donors should focus on development challenge for the whole country;

11. Strongly condemns the use of rape as a weapon of war and recalls that the International Criminal Court has jurisdiction over such acts, as does the DRC; urges, in particular, that the perpetrators of sexual violence against women be reported, identified, prosecuted and punished, in accordance with national and international criminal law; calls on the EU to allocate substantial funds to provide medical, legal and social support for victims of sexual abuse and empowering women and girls as a way of preventing further sexual abuse;

12. Calls on all UN member states that send personnel on the MONUC peacekeeping mission to follow up all claims of sexual abuse and exploitation, particularly those which concern minors, and to bring individuals who have committed sexual abuse to court as quickly as possible; calls therefore for MONUC's mandate with respect to the protection of civilians against sexual violence to be strengthened;

13. Calls on the Prosecutor of the International Criminal Court to investigate atrocity crimes committed in the Kivus and Ituri since June 2003 and prosecute those most responsible; ensuring that this includes the principal militia chiefs who have not been arrested, those responsible for massacres and sexual violence;

14. Instructs its President to forward this resolution to the Commission, the governments of the EU Member States, the governments of the DRC and of the Great Lakes countries, the African Union institutions and the UN Secretary-General.