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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 122 of the Rules of Procedure

on the Democratic Republic of Congo: the case of Floribert Chebeya Bahizire

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on behalf of the S&D Group

**European Parliament resolution on the Democratic Republic of Congo: the case of Floribert Chebeya Bahizire**

*The European Parliament,*

having regard to its resolution of 20 November 2008 on the EU response to the deteriorating situation in the east of the Democratic Republic of Congo<sup>1</sup>,

- having regard to its resolution of 23 October 2008 on the Democratic Republic of Congo: clashes in the eastern border areas of the DRC<sup>2</sup>,
- having regard to its resolution of 21 February 2008 on North Kivu<sup>3</sup>,
- having regard to the ACP-EU Joint Parliamentary Assembly resolution of 22 November 2007 on the situation in the Democratic Republic of Congo, in particular in the east, and its impact on the region,
- having regard to United Nations General Assembly Resolution 60/1 of 24 October 2005 on the 2005 World Summit Outcome, and in particular paragraphs 138 to 140 thereof on the responsibility to protect populations,
- having regard to the High Representative Catherine Ashton's spokesperson declaration on the 3rd of June 2010,
- having regard to UN Security Council resolution 1856 (2008) on MONUC's mandate,
- having regard to Rule 122(5) of its Rules of Procedure,

A. whereas Mr Floribert Chebeya Bahizire, the Executive Director of human rights organisation La Voix des Sans Voix (VSV), was found dead in his car in Kinshasa on Wednesday, 2nd of June, 2010 after being summoned by the police; whereas his work was focused on human rights abuses in the DRC, including corruption in the military and the links between militias and foreign political forces,

B whereas according to the media reports on the afternoon of Tuesday, 1st June, Floribert Chebeya Bahizire received a phone call from the Central Police Station requesting him to attend a meeting with Inspector General John Numbi Banza Tambo; whereas upon arrival at the police station Mr. Chebeya Bahizire could not contact Inspector General Tambo and informed his family by sms text that he was returning to the city,

C. whereas Mr Fidele Bazana Edadi , Mr. Chebeya Bahizire's driver, is still missing,

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<sup>1</sup> *Texts adopted* of that date, P6\_TA(2008)0563.

<sup>2</sup> *Texts adopted* of that date, P6\_TA(2008)0526.

<sup>3</sup> *Texts adopted* of that date, P6\_TA(2008)0072.

- D. whereas there are contradictory statements regarding the state of the body when it was found; the first declarations of the police said the body apparently showed no signs of violence while a VSV activist declared "that there was blood on the mouth, nose and ears, and bruising of the forehead and the neck",
- E. whereas the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, said the circumstances of the killing "strongly suggests official responsibility",
- F. whereas Head of Police in the Democratic Republic of Congo (DRC), General John Numbi, was suspended on Sunday until further notice and that three police officers have also been arrested in connection with the killing; whereas deputy Colonel Daniel Mukalayi, has reportedly confessed to killing Floribert Chebeya on the order of his superior, General John Numbi,
- G. whereas Mr. Chebeya told Amnesty International on several occasions that he felt he had been followed and that he was under surveillance by the security services,
- H. whereas the EU High Representative, Secretary-General Ban Ki-moon, UN High Commissioner for Human Rights Navi Pillay, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston and Alan Dos and the Head of the UN Peacekeeping Force in the Democratic Republic of Congo have all issued statements condemning the murder of Floribert Chebeya Bahizire and have called for an independent investigation,
- I. whereas the killing is part of a growing trend of intimidation and harassment of human rights defenders, journalists, political opponents, victims and witnesses in the DRC; whereas numerous journalists and human rights activists have been killed in suspicious circumstances in the DRC in the past five years,
- J. whereas Amnesty International has observed increased oppression of human rights defenders in the Democratic Republic of Congo in the past year, including illegal arrest, prosecution, phone threats and repeated summoning to the offices of the intelligence services,
- K. whereas in regard to the April 2008 ICC arrest warrant against Bosco Ntaganda for war crimes such as enlisting child soldiers, the RDC, as a party to the Rome Statute, is in breach of its legal obligations to cooperation with the ICC, including apprehending persons under arrest warrant; whereas instead the RDC has promoted Bosco Ntaganda to a top position in the Congolese army, which infuses the sense of impunity regarding human rights violations and, thus, contributes to the multiplication of such crimes,
- L. considérant que les droits de l'homme et la démocratie constituent des éléments fondamentaux pour le développement de la RDC,
1. Calls on the Congolese government to set up an independent inquiry commission with the help of the United Nations (UN), to conduct a credible, impartial, thorough and transparent investigation into the death of leading human rights activist Floribert Chebeya Bahizire;

2. Calls on the Congolese government to launch a thorough, impartial and independent investigation into the whereabouts of Mr Fidele Bazana Edadi, Mr Chebeya's missing driver and ensure that the families of both men are protected;
3. Demande que leurs auteurs soient identifiés et dûment jugés et sanctionnés conformément à la loi congolaise et aux dispositions internationales en matière de protection des droits de l'Homme;
4. Welcomes that the authorities responded to the request made by Mr Chebeya's family to carry out an independent autopsy by inviting an independent Dutch forensics expert team led by Dr Franklin Van de Groot to determine the cause of death;
5. Stresses the need to tackle corruption and bring to justice the perpetrators of human rights abuses within the Congolese armed and police forces, and underlines MONUC's crucial role in doing this through joint planning and implementation of operations and proper accountability mechanisms for abuses; in particular, urges the RDC to stop breaching its international legal obligations and to arrest Bosco Ntaganda and transfer him to ICC;
6. Calls on all actors to step up the fight against impunity and uphold the Rule of Law; calls on the Government of the DRC to ensure that those responsible for breaching human rights and international humanitarian laws are held to account and that it cooperates fully with the International Criminal Court;
7. Calls on the DRC authorities to fully comply with the Declaration on Human Rights Defenders adopted by the UN General Assembly in 1998;
8. Calls on the DRC government to support and implement the UN's 2009 Universal Periodic Review recommendations to take further measures to protect the rights of human rights defenders and to “ensure that crimes and violations against human rights defenders and journalists are effectively investigated and prosecuted” and to “adopt an effective legal framework for the protection of human rights activists in line with the Declaration on Human Rights Defenders”.
9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the institutions of the African Union, the United Nations Secretary-General, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the United Nations Security Council, the United Nations Human Rights Council and the governments and parliaments of the Great Lakes region.