



Plenary sitting

7.7.2015

B8-0702/2015

MOTION FOR A RESOLUTION

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

pursuant to Rule 135 of the Rules of Procedure

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

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on behalf of the S&D Group

B8-0702/2015

European Parliament resolution on the Democratic Republic of Congo (DRC), in particular the case of 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 Congo,
 - having regard to the Statements by the High Representative on the situation in the Democratic Republic of Congo,
 - having regard to the Statements by the EU Delegation to the Democratic Republic of Congo on the situation of human rights in the country,
 - 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 on the Democratic Republic of Congo,
 - having regard to the Cotonou Partnership Agreement signed in June 2000,
 - Having regard to the EU human rights guidelines on freedom of expression of May 2014
 - 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 DRC in 1982,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas between 19-21 January 2015 protests erupted in the capital city Kinshasa and some other cities over an electoral law project that would have allowed the extension of the presidential term against constitutional provisions;
- B. whereas according to the authorities 27 people died in the protests and 350 people were arrested, some of whom are still in prison with no trial;
- 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 peacefully demonstrated against the

provision; including Christopher Ngoyi, Jean-Claude Muyambo, Vano Kiboko and Cyrille Dowe who are still detained for what appear to be politically motivated reasons;

- F. whereas on 15 march 2015 the authorities arrested and detained without charge more than 30 people during the launch of the pro-democracy youth movement Filimbi including international participants and Congolese activists, musicians, businessmen, journalists and others;;
- G. whereas most of the activists and supporters were released, Yves Makwambala and Fred Bauma remain detained in the prison of Makala in Kinshasa and are charged with belonging to an association formed for the purpose of attacking people and property, forming a conspiracy against the head of state, and attempting to either destroy or change the “constitutional regime” or 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 Congolese youth to peacefully and responsibly perform civic duties;
- I. whereas a parliamentary report of the DRC National Assembly established that the Filimbi movement had no terrorist or criminal affiliation and that its activists should be released;
- J. whereas the Minister of Justice acknowledged recently that the justice system in the DRC is fraught with many problems including clientelism, influence, peddling, corruption, impunity and inequity of judicial decisions;
- K. whereas freedom of the press is limited by threats and attacks against journalists; and many media have been closed or censored in an illegal manner;
- L. whereas the next national elections are scheduled for November2016 with a difficult agenda with regards to its organisation as well as its financing;
- M. whereas in June 2014 the EU sent a follow up electoral mission which pointed out the need to ensure an updating of the voting list, the necessity to create the conditions for a fair competition among candidates and the need to strengthen the protection of public liberties, the electoral dispute system and the fight against impunity;
- N. whereas the 2014-2020 National Indicative Programme for DRC funded with 620 million euros from the 11th European Development Fund prioritises strengthening governance and rule of law, including reforms in the judiciary, police and army;
- 1. Deplores the loss of lives and the arbitrary violence and arrests performed on the demonstrators during the protests of January 2015, as well as the crackdown on activists

and political opponents notably the events during the launch of the Filimbi movement in March 2015;

2. Calls the DRC authorities to immediately and unconditionally release Yves Makwambala and Fred Bauma and to drop all charges against them and other Filimbi Leaders as well as any other activists or political opponents arbitrarily arrested and detained solely for their political views of for participating in peaceful activities;
3. Supports the calls made by the National Assembly of the DRC to reach a rapid political solution allowing the members of Filimbi and the other peaceful associations of civil society to exercise their freedom of expression and association without fear of being pursued or persecuted;
4. Urges the authorities to ensure that no acts of torture or ill-treatment have been or are performed on the detainees and to guarantee full protection and access to their families and lawyers;
5. Asks for a full, through and transparent investigation to be launched by the DRC government together with international partners on the events of January 2015 and March 2015 and to identify any illegal actions or denial of rights or freedoms; insists that any official suspected to be responsible for violating rights r freedoms guaranteed by national and international texts must be brought to justice
6. Is strongly concerned by the continuous attempts to limit freedom of expression, peaceful assembly and association and the increased breaches of these freedoms by the authorities as a right political climate is indispensable if a successful electoral cycle is to be achieved in DRC in the next year;
7. Regrets particularly that these violations target specifically opposition leaders and youth movements;
8. Calls on the DRC authorities to ensure the immediate and unconditional upholding of these freedoms, especially in the electoral period as guaranteed by the DRC Constitution and international human rights law;
9. Recalls that the respect for political diversity and opposition, an open and peaceful political debate, the full exercise of the constitutional freedoms of expression, peaceful assembly, association and information are indispensable for guaranteeing democratic elections that are free, fair and transparent; insists that such guarantees are paramount in a particular volatile Great Lakes region and also depend on the successful implementation of the Addis Abeba Peace, Security and Cooperation Agreement;
10. Encourages the Parliament, the Senate and the President of the DRC, Joseph Kabila, to implement all necessary measures to consolidate democracy and ensure genuine participation by all political forces, civil society and pro-democratic movements expressing the will of the DRC nation in the governance of the country, on the basis of constitutional and legal rules as well as in free and fair elections;

11. Encourages the development of platforms such as Filimbi that enable pro-democratic forces to be heard and favours youth participation in an electoral process that they have unduly been excluded from;
12. Insists that the nature and amount of further EU support to the electoral process in the DRC must depend on the progress made in the implementation of the recommendations of the 2011 EU Election Observation Mission and its 2014 follow up, respect of the electoral calendar, presentation of a credible budget;
13. Urges the EU Delegation to monitor the 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-democratic movements;
14. Urges the DRC judicial authorities to assert their independence from any political instrumentalisation and to ensure the protection of rights recognised by the legal instruments;
15. Denounces the illegal closing and abusive censorship of the media, as well as the recourse to temporary shut down of telecommunications;
16. 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 JPA.