



Plenary sitting

B8-1310/2016

28.11.2016

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 situation in the Democratic Republic of the Congo
(2016/3001(RSP))

**Michèle Rivasi, Maria Heubuch, Barbara Lochbihler, Bart Staes,
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on behalf of the Verts/ALE Group

B8-1310/2016

**European Parliament resolution on the situation in the Democratic Republic of the Congo
(2016/3001(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 15 June 2016 on the pre-electoral and security situation in the DRC,
- 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 and her spokesperson on the situation in the Democratic Republic of the Congo,
- 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, the electoral process and the so-called national dialogue,
- having regard to the Council conclusions of 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 statements of 2 November 2016 and 15 August 2016 by the International Envoy to the Great Lakes Region on the situation in the region and the Eastern 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 preliminary investigation report by the UN Joint Human Rights Office MONUSCO-OHCHR on human rights violations and violence perpetrated during demonstrations in Kinshasa between 19 and 21 September 2016,
- having regard to the press statement by the Chair of the Subcommittee on Human Rights of the European Parliament of 16 February 2016 on the arrest of youth activists in the Democratic Republic of the Congo,

- 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 report of the UN Group of Experts on the DRC of 12 January 2015,
 - having regard to the Peace, Security and Cooperation Framework Agreement for the DRC and the Region, signed in Addis Ababa in February 2013,
 - having regard to the UN Secretary-General’s reports of 9 March 2016 on the UN Organisation Stabilisation Mission in the DRC, and on the implementation of the Peace, Security and Cooperation Framework for the DRC and the Region,
 - 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 Human and Peoples’ Rights of June 1981,
 - having regard to the Nairobi Declarations of December 2013,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas, in accordance with the Congolese Constitution, elections are scheduled to take place in 2016;
 - B. whereas the Constitution states that a president cannot serve for more than two terms; whereas, accordingly, the current president, Joseph Kabila, is not permitted to serve a third term;
 - C. whereas President Kabila has made every possible effort to postpone these elections, and whereas he has yet to declare publicly that he will step down at some point;
 - D. whereas President Kabila has argued that the path to elections is through a national inclusive dialogue; whereas a substantial segment of civil society and the political opposition have rejected this dialogue as a stalling tactic;
 - E. whereas the Congolese Government has said that the presidential elections due to be held in November 2016 will be delayed by up to four years, claiming that the country is not prepared to head to the polls;
 - F. whereas the International Organisation of La Francophonie has stated, on the contrary, that it would be possible to update the electoral lists within three months;
 - G. whereas in resolution 2277 (2016) the UN Security Council invited the Congolese National Electoral Commission, known by its French acronym CENI, to publish a revised comprehensive calendar covering the entire electoral cycle, and requested that the Congolese Government rapidly set up a budget and a code of conduct for the elections and update the electoral lists in order to allow the elections in question to be held within the constitutionally agreed time spans;
 - H. whereas the participants in the so-called national dialogue agreed to postpone the

elections to at least April 2018; whereas opposition parties and civil society organisations have rejected this conclusion and insist that it would be feasible to register voters by early 2017 and to hold elections that same year;

- I. whereas the European Union has accepted the postponement of the elections until 2017, on condition that this decision be taken within the framework of an inclusive, impartial and transparent political dialogue among Congolese stakeholders before the end of President Kabila's term in December 2016;
- J. whereas protests in September against President Kabila staying in power have 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;
- K. whereas an attempt to modify the electoral law linking the organisation of elections to a national census, which could have postponed the elections, already failed in 2015 after protests erupted in the capital, Kinshasa, and other cities;
- L. whereas, according to the Congolese authorities, 27 people died in the protests of January 2015, including two police officers, and whereas 350 people were arrested, after clashes between protesters, police and Republican Guard soldiers;
- M. whereas on 26 January 2016 two television channels in Haut-Katanga province, Nyota TV and Radio and Télévision Mapendo, were shut down for alleged non-payment of taxes; whereas both television channels are owned by former Katanga governor Moïse Katumbi, who used to support President Kabila but resigned from the ruling party in September 2015 and who now opposes a third term for the president;
- N. whereas delays in the organisation of the elections led to a national strike ('ville morte') on 16 February 2016;
- O. whereas in the early hours of 16 February, the day of the 'ville morte', the signal of Radio France Internationale, one of the most listened-to radio stations in the DRC, was cut in an apparent attempt to disrupt the strike; whereas numerous opposition activists were arbitrarily arrested and detained in the run-up to the strike, including a member of parliament, who was allegedly beaten up during his detention;
- P. whereas the human rights situation in the DRC has worsened significantly in the past two years; whereas opposition leaders and activists face constant harassment from the Congolese security forces, including arbitrary and incommunicado detentions, beatings, disturbance of meetings, and politically motivated trials;
- Q. 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;
- R. whereas the UN-supported radio station Radio Okapi and the Belgian Radio-Television of the French Community (RTBF) have been temporarily jammed; whereas Radio

France Internationale (RFI) in Kinshasa has been shut down;

- S. whereas, following protests in September, a ban on all political demonstrations in Kinshasa, Kalemie and Lubumbashi is in effect;
 - T. whereas the UN and a number of human rights organisations have stated that a large number of human rights abuses have been perpetrated by state officials and that only limited progress has been achieved in bringing the leading perpetrators to justice;
1. Strongly regrets the delays in the organisation of the next presidential and legislative elections in the DRC, which constitutes a severe violation of the Congolese Constitution;
 2. Considers President Kabila and the Congolese Government to be entirely responsible for this situation, on account of their attempts to delay the elections; considers the action of President Kabila and his government to constitute a serious threat to peace and security in the DRC;
 3. 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;
 4. Recalls that the Independent National Electoral Commission should be an impartial and inclusive institution with sufficient resources to allow of a comprehensive and transparent process;
 5. Calls on the Congolese authorities to ratify the African Charter on Democracy, Elections and Governance at the earliest opportunity;
 6. Regrets the worsening of the situation in the DRC over the past two years in terms of freedom of expression, freedom of the media and the right of association; considers this trend to be clearly related to the government's attempts to delay elections and extend the president's term in office;
 7. 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 and freedom of the media, good governance, and transparency in political offices; urges the Congolese Government to uphold these provisions in accordance with Articles 11B, 96 and 97 of the Cotonou Agreement;
 8. Urges the Congolese authorities to restore an environment conducive to the free and peaceful exercise of freedom of expression, association and assembly and freedom of the press;
 9. Considers this step to be of utmost importance in order for the scheduled elections to be free and fair, if they ultimately take place;
 10. Urges the Congolese authorities to lift the ban imposed in September 2016 on peaceful demonstrations in Kinshasa, Kalemie and Lubumbashi;

11. Calls for the immediate relaunch of Radio France Internationale (RFI) in Kinshasa and for a stop to the jamming of radio signals of independent media;
12. Calls on the Congolese Government to immediately revoke Ministerial Order No 010 CAB/M-CM/LMO/010/2016 of 12 November 2016 on the regulation of radio and television broadcasting by foreign entities, as it places undue restrictions on the right to information as provided for under Article 24 of the Congolese Constitution;
13. Calls on the Congolese authorities to guarantee the independence and accountability of the Congolese security services, including the national intelligence agency and police; calls in this context for the EU to use its existing justice and security programmes in the DRC as leverage for a dialogue with the Congolese authorities on the ongoing crackdown by security forces and to consider terminating these programmes if no progress is being made;
14. Calls on the Congolese authorities 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;
15. Calls for the immediate and unconditional release of all detainees incarcerated for political reasons, in particular Jean-Claude Muyambo, Norbert Luyeye, Nsiala Bukaka, Paul Yoka, Nathan Lusela, Totoro Mukenge, Yannick Kibinga, Franck Mwashila, Sefu Idi, Gédeon Butandu, Fiston Malanga, Aaron Ngwashi, Augustin Kabamba, Bruno Vumbi, Ndol Tshamundj, Gabriel Tambwe, Philippe Namputu, Lwembe Munika, Mukonde Kapenda, Moïse Moni Della, Bruno Tshibala, Huit Mulongo, Ngongo Kasongo, Glody Ntambwe, Faustin Dunia and Jacques Muhindo, and for all charges against them to be dropped;
16. Strongly regrets the conviction of Rebecca Kavugho, Serge Sivya, Justin Kambale, John Anipenda, Ghislain Muhiwa and Melka Kamundu, who did nothing more than peacefully exercise their guaranteed right of expression;
17. Regrets the very lenient approach to the crisis in the DRC by the EU, the UN Secretary-General and the African Union, who have expressed support for the so-called national dialogue, an instrument whose sole objective was to postpone constitutionally scheduled elections; regrets likewise that, despite a widespread crackdown on opposition leaders and activists and repression of independent media, the EU has still not opened consultations under Article 96 of the Cotonou Agreement;
18. Calls for the EU to communicate clearly and unambiguously that it would consider President Kabila staying in power beyond 2016 to be a severe violation of the Congolese Constitution and a threat to relations between the EU and the DRC;
19. Calls for the EU to impose targeted sanctions without delay on those responsible for the crackdown, including travel bans and asset freezes, with a view to preventing further violence; recalls that the US has already resorted to such measures;
20. 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 and the Government and Parliament of the Democratic Republic of the Congo.