



Plenary sitting

B8-1313/2016

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))

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on behalf of the EFDD Group

B8-1313/2016

**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, in particular those of 23 June 2016¹, 10 March 2016² and 9 July 2015³,
- 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 Council conclusions on the Democratic Republic of the Congo of 17 October 2016,
- having regard to the declaration by the European External Action Service (EEAS) of 16 February 2016,
- having regard to the statements by the High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the Commission and by 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, particularly those of 23 November 2016 and 24 August 2016,
- having regard to the EU Annual Report on Human Rights and Democracy in the World, adopted by the Council of the European Union on 22 June 2015,
- having regard to the Human Rights Watch World Report 2016 on the Democratic Republic of the Congo,
- having regard to the UN Security Council's resolutions on the DRC, in particular that of 23 June 2016,
- having regard to the annual report of the UN High Commissioner for Human Rights, published on 27 July 2015, on the situation of human rights and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,
- having regard to the statement of the Prosecutor of the International Criminal Court of 23 September 2016,

¹ Texts adopted, P8_TA(2016)0290.

² Texts adopted, P8_TA(2016)0085.

³ Texts adopted, P8_TA(2015)0278.

- having regard to the State of the Nation speech pronounced by President Kabila on 15 November 2016,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights of 1966,
 - having regard to the African Charter on Human and Peoples’ Rights of June 1981,
 - having regard to the Cotonou Partnership Agreement signed in June 2000,
 - having regard to the Constitution of the Democratic Republic of the Congo, and in particular to Articles 22, 23, 24 and 25 thereof,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Joseph Kabila has been President of the DRC since 2001;
- B. whereas according to the Constitution of the DRC, the mandate of the president is limited to two terms, and Mr Kabila is due to step down in December 2016, at the end of his second term;
- C. whereas the mobilisation of civil society in 2015 prevented a first attempt to amend the constitution of the DRC in order to allow President Kabila to run for a third term;
- D. whereas a decision of 17 October 2016 concluding a non-inclusive political dialogue has postponed the next elections until April 2018, following the official statements of recent months by President Kabila and members of his majority coalition according to which the elections have to be delayed;
- E. whereas this postponement is allegedly due to the need to update the voter lists and to the excessive cost of organising the elections, claimed by the Independent National Electoral Commission (CENI) to be USD 1.8 billion;
- F. whereas the European Parliament has already condemned this situation, and it seems that President Kabila and his government are trying to use administrative and technical means to delay the elections and ensure that he remains in power beyond the end of the constitutional mandate;
- G. whereas in June 2014 the EU sent a follow-up electoral mission to the DRC, which pointed to the need to ensure updated voter lists, a fair system for resolving electoral disputes, fair competition between candidates, stronger protection of public liberties, and the fight against impunity;
- H. whereas the attempt to amend the constitution and the postponement of the elections have caused growing political tension, unrest and violence across the country;
- I. whereas in the last few months the situation as regards human rights and freedom of expression and assembly in the country has worsened, as repeatedly reported by human rights organisations, which have drawn attention to violent acts of repression against

peaceful demonstrators, journalists, political leaders and others who oppose the attempts to allow President Kabila to stay in power beyond the constitutionally mandated two-term limit;

- J. whereas on 16 February 2016 civil society groups organised a national strike ('ville morte') to denounce the postponement of the forthcoming presidential elections and the risks of electoral fraud; whereas, on the same day and in connection with the above national strike, the RDC authorities arbitrarily arrested several youth activists and at least 30 political opposition supporters, members of the citizens' movement 'Struggle for Change' ('La Lutte pour le Changement' or LUCHA), who were interrogated without access to a lawyer and in some cases were injured while under arrest;
 - K. whereas, notably, more than 30 people were reportedly killed during demonstrations in Kinshasa on 19 and 20 September 2016, and many others disappeared, while members of the LUCHA movement are still being unlawfully detained in Goma;
 - L. whereas government officials have blocked free speech by shutting down media outlets such as RFI and Radio Okapi, specifically targeting those airing messages about the protests;
 - M. whereas the next presidential and legislative elections and their peaceful, transparent, smooth and timely conduct are of crucial importance;
 - N. whereas the opposition has spoken in favour of a potential transition period, also involving President Kabila, as long as the constitutional guarantees are respected, the constitution is not amended and Mr Kabila is not a candidate in the next elections;
1. Is deeply concerned at the increasingly unstable situation in the Democratic Republic of the Congo in a tense and uncertain pre-electoral context, and reaffirms the primary responsibility of the DRC authorities to duly hold the elections;
 2. Reiterates its profound concern at the situation in the east of the country;
 3. Recalls that the DRC is committed under the Cotonou Agreement to respect democracy and human rights, including freedom of expression, freedom of assembly, freedom of the press and the principles of the rule of law;
 4. Stresses that the political crisis in the DRC can only be resolved by means of an explicit public commitment on the part of all stakeholders to respect the current constitution – in particular as regards the limitation of presidential terms of office – and of a substantive, inclusive, impartial and transparent political dialogue;
 5. Is concerned at the failure of the dialogue held with the DRC authorities in the framework of Article 8 of the Cotonou Agreement with the objective of obtaining definitive clarifications on the electoral process; urges the EU to immediately launch a procedure under Article 96 of the Agreement and to adopt targeted sanctions against the senior officials, security and intelligence officials and armed forces agents responsible for the violent repression of the demonstrations and the political impasse that is preventing a peaceful and constitutional transition of power;

6. Reiterate its concern at the decision taken by the CENI, and recalls that it should be an impartial and inclusive institution endowed with sufficient resources;
7. Deplores the loss of lives during the demonstrations over the last few months, and strongly condemns any use of force against peaceful demonstrators, opposition members, human rights defenders and journalists;
8. Strongly condemns the banning of peaceful demonstrations and the intimidation and harassment of the opposition, civil society and the media, as constituting human rights violations and obstacles to the preparation of a peaceful and democratic transition;
9. Condemns the large number of arrests following the events of 19 and 20 September 2016, which raise serious concerns regarding compliance with legal procedures and the commitment to ensuring the independence of the judiciary;
10. Reiterates that the primary responsibility of the security forces is to maintain law and order while at the same time ensuring that fundamental freedoms are respected;
11. Urges the Government of the DRC to make further progress in the democratisation of the country and, to this effect, to actively build on the recommendations included in the final report of the 2011 EU Electoral Observation Mission and the report of the follow-up mission that took place in 2014; asks the Government to make a clear commitment to ensuring that human rights and the rule of law are respected and to cease all use of the justice system as a political tool; calls for an independent investigation in order to swiftly determine individual responsibilities regarding the human rights violations referred to above;
12. Calls for the release of all political prisoners and for the dropping of politically motivated prosecutions against the opposition and civil society, as well as for the rehabilitation of those who have been subject to politically motivated judgments;
13. Is convinced that the successful and timely holding of elections will be crucial to the long-term stability and development of the country and the entire region; affirms that the elections should be carried out in full compliance with the letter and the spirit of the constitution of the DRC, and in accordance with the principles of the African Charter on Democracy, Elections and Governance, which the DRC is urged to ratify without delay;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the European Union for Foreign Affairs and Security Policy, the African Union, the ACP-EU Council of Ministers, the UN Secretary-General, the UN Human Rights Council, and the President, Prime Minister and Parliament of the Democratic Republic of the Congo.