



Plenary sitting

B8-0363/2017

16.5.2017

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 Zambia, particularly the case of Hakainde Hichilema
(2017/2681(RSP))

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on behalf of the Verts/ALE Group
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on behalf of the EFDD Group

B8-0363/2017

**European Parliament resolution on Zambia, particularly the case of Hakainde Hichilema
(2017/2681(RSP))**

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
 - having regard to the UN International Covenant on Civil and Political Rights,
 - having regard to the African Charter of Human and Peoples' Rights,
 - having regard to the Cotonou Partnership Agreement between the ACP and the EU,
 - having regard to the Constitution of the Republic of Zambia,
 - having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
 - having regard to the EU Guidelines on Human Rights Defenders and the EU Human Rights Guidelines on Freedom of Expression,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Zambia in 1998,
 - having regard to the Statement by the EEAS Spokesperson on political tensions in Zambia of 13 April 2017,
 - having regard to the final report of the EU Election Observation Mission on the August 2016 elections in Zambia of 10 November 2016,
 - having regard to the Statement by the EEAS Spokesperson on the post-election development in Zambia of 01 September 2016,
 - having regard to the Statement of the UN Secretary-General after the presidential, parliamentary and local elections, as well as the referendum on the Bill of Rights, held in Zambia, of the 15 August 2016,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas on 11 April 2017 Zambian police have arrested Hakainde Hichilema, President of the country's main opposition political party "UPND" (the United Party for National Development), along with his five employees, on charges of treason for having blocked Zambian President Lungu's motorcade with his own convoy of vehicles during a traditional ceremony in Zambia's Western Province;

- B. whereas Hakainde Hichilema and his five employees claimed that they were beaten, teargassed and pepper sprayed on their genitals by the police and after their arrest, three of Hichilema's employees were allegedly tortured by policemen wearing hoods;
- C. whereas on 11 August 2016 Hakainde Hichilema stood against President Edgar Lungu in the presidential elections, where he was narrowly defeated;
- D. whereas following the defeat, Hakainde Hichilema challenged the electoral results which he described as fraudulent but the country's top court rejected his complaint before being heard;
- E. whereas on 6 October 2016 Hakainde Hichilema was already arrested together with UPND vice-president Geoffrey Bwalya Mwamba in Luanshya while they were going to visit their supporters in prison; whereas Zambian police backdated Hichilema's charges of treason to October 2016 alleging that he has failed to recognise Lungu's presidency;
- F. whereas after the arrest of the opposition leader Hakainde Hichilema political tensions in Zambia have increased and further efforts are needed to engage all parties in a peaceful and fruitful dialogue aimed at refraining from any actions that could lead to the worsening of the overall situation;
- G. whereas the European Union Election Observation Mission (EU EOM) for Zambia's 2016 general elections observed that voting procedures were well implemented though regretted that its observers did not have had access to the verification of results at the national results centre, despite formal requests;
- H. whereas the EU EOM for Zambia's 2016 general elections reported issues related, *inter alia*, to the broadly interpretation of the Public Order Act's provisions by the police and to some decisions by the Electoral Commission of Zambia (ECZ) that severely limited the opposition parties' campaign;
- I. whereas according to the EU EOM for Zambia's 2016 general elections the Constitutional Court failed to provide clear, timely and authoritative directions to parties regarding the timeline for the opposition's challenge of the presidential election results, which undermined public confidence in the election complaints process;
- J. whereas some international human rights organisations expressed strong concerns on the conditions of Hakainde Hichilema and the other arrested members of the United Party for National Development (UPND) declaring that they are victims of longstanding persecution by the Zambian authorities stemming from their political activities and last year's disputed election;
- K. whereas Zambia is a signatory to the Cotonou Agreement whose Article 9 states that the Parties undertake to promote and protect all fundamental freedoms and human rights, including political rights and Article 96 stipulates that respect for human rights and fundamental freedoms is an essential element of the ACP-EU cooperation;

- L. whereas one of the purposes of EU policy in Zambia is to contribute to the general objective of developing and consolidating democracy, the rule of law, the respect of human rights and fundamental freedoms;
1. Urges the *Zambian* government to release unconditionally the main opposition leader Hakainde Hichilema and his five employees and to drop trumped-up the charges of treason against them;
 2. Calls for a credible, transparent and independent investigation into reports of torture and other ill-treatment of Hakainde Hichilema and his five employees and underlines the need to make sure that all those responsible be brought before the justice;
 3. Condemns any human rights violation, any form of torture or violence and any arbitrary detention of persons perpetrated to limit or deny the legitimate exercise of fundamental freedoms and rights, including political rights;
 4. Urges all stakeholders and political leaders to take a stand against all activities aimed at inciting or perpetrating human rights violations and violence as they can never be used for political ends;
 5. Encourages all the relevant political stakeholders to favour the use of constitutional and legal remedies, in line with international norms and standards, for the resolution of any dispute or differences related to the result of the ballots and to do their utmost to safeguard peace and security of the civil society;
 6. Calls on the *Zambian* authorities to take all the necessary measures to guarantee, in all circumstances, the implementation of the highest international human rights standards and the full respect of freedom of expression and freedom of the press;
 7. Calls on the EU, in collaboration with the UN, to continue to monitor closely the overall situation in *Zambia* and to report all possible cases of human rights and fundamental freedoms violations;
 8. Underlines that a detailed review of the electoral legal framework should be conducted in *Zambia* to address unclear, ambiguous and conflicting provisions in order to ensure legal certainty, consistency, full transparency and fairness;
 9. Asks for the removal of restrictive limitations on freedom of assembly in the Public Order Act with the view to clearly define the legal basis concerning the concrete exercise of the right to assemble in *Zambia*;
 10. Considers that the right to effective remedy should be reinforced by clarifying rules on which courts have jurisdiction focusing on procedures and norms for complaints, for local, parliamentary and presidential elections in order to increase *Zambian* citizens' confidence and to give a stronger legitimacy to the institutions;

11. Recalls that under the 11th European Development Fund the EU decided to make 484 million EUR available for the period 2014-2020 to assist the Government of the Republic of Zambia with the implementation of activities in the areas of Energy, Agriculture and Governance and that the support for this latter should aim at consolidating democratic governance, accountability and state effectiveness for all;
12. Instructs its President to forward this resolution to the Government and Parliament of Zambia, the Commission, the Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the ACP-EU Council of Ministers, the Secretary-General of the United Nations;