



Plenary sitting

B8-0372/2017

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 ALDE Group

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

The European Parliament,

- having regard to previous resolutions on Zambia,
 - having regard to the statement of 16 April 2017 by the EEAS spokesperson on political tensions in Zambia,
 - having regard to the EU Electoral Observation Mission Report on the 2016 elections in Zambia,
 - having regard to the African Charter of Human and Peoples' Rights,
 - having regard to the African Charter on Democracy, Elections and Governance,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the Zambian Constitution,
 - having regard to the Cotonou Agreement,
 - having regard to the Universal Declaration of Human Rights
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas Zambia has been a long standing example of democracy, with a 25 year record of peaceful transitions; whereas this record was tarnished during the run up to the 2016 elections, which was marred by violent clashes between supporters of the two leading parties, the Patriotic Front and the United Party for National Development (UPND);
- B. whereas 11 May 2017 marked one month since the incarceration of the leader of the opposition party UPND Hakainde Hichilema who was arrested by heavily armed police officers during a raid at his house on 11 April;
- C. whereas Mr. Hichilema was accused of endangering the President's life by allegedly obstructing the presidential motorcade in Mongu on 9 April, and immediately charged with treason, a non-bailable offence in Zambia, as well as for disobeying the statutory duty, disobedience of lawful orders and use of insulting language; whereas he rejected all these allegations; whereas the maximum sentence for treason is the death penalty;
- D. whereas Mr. Hichilema's lawyers called the case baseless and requested the Lusaka Magistrate Court to drop the charges; whereas the Court upheld the charges on the ground that only the High Court was competent for treason cases;

- E. whereas the circumstances of his arrest were described by observers as unacceptable, with the use of excessive force by the police; whereas Mr. Hichilema has reported that while his house was raided, an “unknown chemical” was used by the police to force him out of his residential safe room;
- F. whereas Mr. Hichilema is currently held at the Chimbokaila prison where access to private lawyers and media is limited; whereas acts of degrading treatment under detention have been reported;
- G. whereas his arrest has caused a wave of protests, violent clashes and increasing political tension in the country, particularly in Choma and Solwezi, where he gathers most political supporters;
- H. whereas human rights organisations called on Zambia’s authorities to drop the charges, claiming they were “designed to harass and intimidate Mr. Hichilema and deter him from doing his political work”; whereas President Lungu declared on 14 April that he would not interfere in the Mr. Hichilema case;
- I. whereas this was the second time Mr. Hichilema had been arrested since the elections in August 2016, when he refused to recognise President Lungu’s victory and challenged the results accusing the President of electoral fraud;
- J. whereas on 28 April, the UPND leader was blocked by the police from addressing a public press briefing; whereas Mr. Hichilema deplored what he considered a violation of the right to association and freedom of speech and referred the event to the Zambian Human Rights Commission;
- K. whereas on April 18, Mr. Hichilema and other five UPND members received an additional charge of treason for allegedly trying to overthrow the government between October 2016 and April 2017;
- L. whereas both the EU and the United States have condemned the incarceration of the opposition leader and called for a peaceful dialogue between the government and the UPND to ease the tensions that have grown between the two parties;
- M. whereas on 20 April 2017, the Zambian President threatened to impose the state of emergency after a series of arson attacks on shops and police stations attributed to the UNPD; whereas this is likely to exacerbate current tensions and a political solution should be favoured;
- N. whereas the Mr. Hichilema case is taking place in a context of increased political violence following the contested elections last year; whereas human rights observers have reported on numerous acts of repression against political activists and opposition parties, excessive use of force to disperse peaceful protests and crackdowns on media and independent journalists;
- O. whereas on 27 March 2017, the Zambian government began public consultations on the country’s International Criminal Court membership;

1. Firmly condemns the arrest and incarceration of Hakainde Hichilema and call for his immediate release, as well as that of all other political prisoners;
2. Is deeply concerned at the reports of increasing restrictions on the freedoms of expression and association by the government; insists on the government's responsibility to avoid any deepening of the current political tensions and to respect, protect and promote the civil and political rights of its citizens;
3. Reminds the Zambian government of their obligations to guarantee fundamental rights and the rule of law, including access to justice and the right to a fair trial, as provided for in the African Charter, and other international and regional human rights instruments;
4. Calls on the Zambian authorities to conduct prompt, impartial and thorough investigations into the alleged ill treatment suffered by Mr. Hichilema during his detention and to hold those responsible to account;
5. Calls on the EU to make use of all available political means, including at the highest level, to ensure Zambia's commitment to human rights, the rule of law and democracy;
6. Strongly encourages the Zambian government to take into consideration the final recommendations of the EU EOM report on the 2016 elections, and in particular the necessity to remove restrictive limitations of freedom of assembly in the Public Order Act, to guarantee the freedom and independence of the media, and to take all appropriate measures to prevent political violence;
7. Expresses concern that the government's openness to dialogue and national reconciliation is conditioned to the acceptance by all opposition parties of the outcome of the 2016 elections;
8. Insists on the urgent necessity of a peaceful and constructive dialogue between the Patriotic Front and the UPND in order to restore political stability and trust; welcomes, in this regard, the Human Rights Commission's call for a dialogue to tackle political violence and prevent continued violations of human rights and freedoms;
9. Instructs its President to forward this resolution to the Council, the Commission, the Commission Vice-President / EU High Representative of the Union for Foreign Affairs and Security Policy, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the African Union Commission and the Pan-African Parliament, the Zambian Government and the Secretary-General of the United Nations.