



Plenary sitting

B8-0056/2018

16.1.2018

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 the Congo
(2018/2515(RSP))

Judith Sargentini, Maria Heubuch, Heidi Hautala, Michèle Rivasi, Bart Staes, Barbara Lochbihler, Jordi Solé, Davor Škrlec, Bodil Valero, Igor Šoltes, Bronis Ropé
on behalf of the Verts/ALE Group

B8-0056/2018

**European Parliament resolution on the Democratic Republic of the Congo
(2018/2515(RSP))**

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC),
- having regard to DRC’s political agreements of 31st December 2016 and of 18 October 2016,
- 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 resolution of the ACP-EU Joint Parliamentary Assembly of 18 May 2011 on challenges for the future of democracy and respecting constitutional order in ACP and EU countries,
- 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 6 March 2017, 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 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 report by the UN Joint Human Rights Office MONUSCO-OHCHR on human rights violations in the DR Congo in the context of the events of 19 December 2016,
 - 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 statement of 20 June 2017 of the UN High Commissioner for Human Rights to the Interactive dialogue on the Democratic Republic of the Congo, 35th session of the Human Rights Council,
 - having regard to the final observations from the fourth periodic review on the implementation of the UN International Covenant on Civil and Political Rights by the Democratic Republic of the Congo, 9 November 2017,
 - 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 EU Council decisions of 11 December 2017, 12 December 2016 and of 29 May 2017 concerning restrictive measures against the Democratic Republic of the Congo,
 - 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 the awarding of the European Parliament's Sakharov Prize for Freedom of Thought to Dr Denis Mukwege in 2014,
 - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas, in accordance with the Congolese Constitution, elections should have taken 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;
- D. Whereas on 31 December 2016, the ruling Congolese party AMP and the main opposition coalition, Rally of Forces for Social and Political Change (Rally), signed a landmark political agreement after talks mediated by the Congolese National Episcopal Conference (CENCO) outlining a political solution to the election crisis; whereas the agreement foresaw a stepping down of President Kabila at the end of 2017,
- E. Whereas the constitutional crisis continues to be accompanied by severe repression of the opposition, harassing of human rights defenders, killing and beating of protesters, disappearances, incommunicado detentions and stifling of the media,
- F. Whereas peaceful demonstrations on 31 December 2017 were brutally repressed by Congolese security forces and resulted in the killings of at least 8 people; whereas the excessive force by government security forces included using live ammunition against protesters and tear gas inside churches and arresting civilians including altar boys,
- G. Whereas on 29 and 30 December 2017, seven human rights defenders, Carbone Beni, Mino Bompomi, Roger Katanga Mwenyemali, Bony Dickson Mputu, Grâce Tshiunza, Cedrick Kalonji and Arciel Beni all affiliated with the civil society movement Filimbi, were arrested without an arrest warrant and detained and the whereabouts of another, Palmer Kabeya, are unknown,
- H. Whereas this incident is part of a larger pattern of targeted action and harassment of youth-led civil society movements in the DRC; whereas on 19 December 2017, another member of Filimbi, Sony Ndjeka Olela was arrested while participating in a peaceful protest and remains in detention at the office of the National Intelligence Agency ANR; whereas on 28 November 2017, human rights defender Ghislain Muhiwa was arrested and detained along with twenty-one others for seven days for participating in a peaceful demonstration; whereas on 30 September 2017, thirty-three members of LUCHA were arrested during a peaceful demonstration and detained for five days until 3 October 2017; whereas on 19 September 2017, eleven human rights defenders affiliated with Filimbi were arrested while planning a peaceful demonstration and were detained for four days; whereas on 24 October 2016, fourteen members of LUCHA were arrested for mobilising students to participate in peaceful demonstrations organised throughout the DRC and were detained for two days; whereas another LUCHA activist, Nicolas Mbiya, was arrested on

14 July 2017 and detained until 29 September 2017;

- I. 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;
- U. Whereas a new conflict has emerged in the central Kasai region; whereas according to the UN, fighting between insurgents and government troops have resulted in thousands of killings and 1.4 million refugees; whereas the UN found 40 mass grave sites; whereas DRC armed forces have been accused of using excessive force in violation of international humanitarian law;
- V. Whereas the DRC has the highest number of new internally displaced persons due to conflict recorded globally, while at the same time the funding gap between the humanitarian needs and the available funding is the highest in ten years,
- W. Whereas on March 8, 2017, the UN high commissioner for human rights, Zeid Ra'ad Al Hussein, called for the creation of a commission of inquiry to investigate violence in the Kasai;
- X. Whereas the EU has taken restrictive measures against the DRC in response to the obstruction of the electoral process and the related human rights violations; whereas Belgium has suspended its official aid to Congolese authorities and announced to limit itself to supporting Congolese civil society,
 1. Condemns the latest brutal repression and murder of innocent demonstrators by Congolese security forces and calls for an independent investigation into the events of 31 December,
 2. 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;
 3. Remains seriously concerned as to the effective implementation of the political agreement reached between Congolese parties outlining a solution to the constitutional crisis,
 4. Strongly regrets in particular that in breach of the agreement, President Kabila has not stepped down at the end of 2017,
 5. Urges the Alliance of the Presidential Majority to negotiate in good faith the implementation of the agreement and not to use delaying tactics which would allow

President Kabila to stay in power even longer,

6. 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;
7. 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;
8. Calls on the Congolese authorities to ratify the African Charter on Democracy, Elections and Governance at the earliest opportunity;
9. Strongly condemns all the violence perpetrated, the breaches of human rights, arbitrary arrests and illegal detentions, and political intimidation of civil society and members of the opposition, and the violations of freedom of the press and freedom of expression in the context of the electoral crisis in the Democratic Republic of the Congo; calls for the release of all political detainees; considers this to constitute serious violations of the fundamental values of the Cotonou agreement,
10. 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;
11. 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;
12. Considers this step to be of utmost importance in order for the scheduled elections to be free and fair, if they ultimately take place;
13. Condemns the arbitrary arrest and detention of Carbone Beni, Mino Bompomi, Roger Katanga Mwenyemali, Bony Dickson Mputu, Grâce Tshiunza, Cedrick Kalonji and Arciel Beni, as it believes they have been targeted for the legitimate exercise of freedom of peaceful assembly and association and calls for their immediate and unconditional release,
14. Urges Congolese authorities to carry out an immediate, thorough and impartial investigation into the disappearance of human rights defender Palmer Kabeya, with a view

to ensuring his protection and release, publishing the results and bringing those responsible to justice in accordance with international standards;

15. 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;
16. 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;
17. Calls for the immediate and unconditional release of all detainees incarcerated for political reasons and for all charges against them to be dropped; reminds that releasing political prisoners is part of the confidence building measures foreseen in the December agreement;
18. Is concerned by reports of serious violations of human rights and humanitarian law committed by local militias in the Kasai region, including the recruitment and unlawful use of child soldiers and the killing of civilians by members of the DRC security forces, which could constitute war crimes under international law; calls for an independent investigation of the mass graves that were discovered and the events and human rights violations committed;
19. Calls on the EU to increase its humanitarian aid funding for the DRC in order to reduce the existing funding gap,
20. Welcomes the recent extension of EU targeted sanctions on those responsible for the crackdown on the opposition and the delays of the elections, including travel bans and asset freezes; welcomes as well Belgium's suspension of official aid to the DRC and calls on the EU to seriously consider aligning itself to the Belgian position; calls on the EU to extend them to new individuals, key senior security forces officers, political figures and influential officials, closer to the inner circle of President Kabila, responsible for serious human rights violations taking place across the country, including the recent killings and acts of violence during the 31 December protests, and/or for hindering the democratic process and obstructing a consensual and peaceful solution to the crisis;

21. 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.