



TEXTS ADOPTED

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Zambia, particularly the case of Hakainde Hichilema

European Parliament resolution of 18 May 2017 on Zambia, particularly the case of Hakainde Hichilema (2017/2681(RSP))

The European Parliament,

- having regard to its previous resolutions on Zambia,
 - having regard to the statement of 16 April 2017 by the European External Action Service spokesperson on political tensions in Zambia,
 - having regard to the report of the EU Electoral Observation Mission on the 2016 elections in Zambia,
 - having regard to the African Charter on Human and Peoples' Rights,
 - 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 Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Zambia has been a longstanding example of democracy, with a 25-year record of peaceful transitions; whereas unfortunately the run-up to the 2016 elections was marred by violent clashes between supporters of the two leading parties, the Patriotic Front and the United Party for National Development (UPND, the opposition party);
- B. whereas 11 May 2017 marked one month since the incarceration of the UPND leader Hakainde Hichilema, who was arrested together with five of his employees by heavily armed police officers in a raid on his house on 11 April;
- C. whereas Hichilema was accused of endangering the President's life by allegedly obstructing the presidential motorcade in Mongu on 9 April 2017, and was immediately charged with treason, a non-bailable offence in Zambia, as well as with disobeying statutory duty, disobeying lawful orders and using insulting language; whereas he

rejected all these allegations;

- D. whereas despite the fact that Zambia is a de facto abolitionist country where the last execution carried out was in 1997, the maximum sentence for treason remains the death penalty;
- E. whereas Hichilema's lawyers called the case baseless and requested that the Lusaka Magistrate Court drop the charges; whereas the Court upheld the charges on the ground that only the High Court was competent for treason cases;
- F. whereas Hichilema is currently held at the Lusaka Central Correctional Facility, where access to private media, lawyers, supporters and friends is limited; whereas acts of degrading treatment under detention have been reported by Hichilema and his lawyers;
- G. whereas the UPND has considered the charges to be politically motivated and whereas Hichilema's arrest has caused a wave of protests, violent clashes and increasing political tensions in the country;
- H. whereas human rights organisations have called on Zambia's authorities to drop the charges, claiming they were designed to harass and intimidate Hichilema and deter him from doing his political work; whereas President Lungu declared on 14 April 2017 that he would not interfere in the Hichilema case;
- I. whereas the Catholic Bishops' Conference of Zambia has criticised the brutal arrest of the country's main opposition leaders and decried the use of the national police to apparently prevent the organisation and general functioning of the political opposition;
- J. whereas after the presidential election in August 2016 in which Hichilema was narrowly defeated by President Lungu, the UPND contested the legitimacy of the election results and the independence of the judiciary, but the complaint was dismissed without being heard in court;
- K. whereas on 18 April 2017 Hichilema was served with an additional charge of treason, along with another five UPND members, for allegedly trying to overthrow the government between 5 and 8 April;
- L. whereas on 13 November 2016 the EU Election Observation Mission delivered its final report, stating that the 2016 general elections were prepared in a largely professional manner but that both major political parties made statements that inflamed tensions during the campaign, leading to several serious incidents of violence;
- M. whereas both the EU and the United States have expressed concern at the incarceration of the opposition leader and have called for a peaceful dialogue between the government and the UPND to ease the tensions that have grown between the two parties;
- N. whereas on 20 April 2017 the Zambian President threatened to impose a state of emergency after a series of arson attacks on shops and police stations attributed to the UPND; whereas this is likely to exacerbate current tensions and a political solution should be favoured;
- O. whereas the Hichilema case is taking place in a context of increased political tension following the contested elections of last year; whereas human rights observers have

reported acts of repression against political activists and opposition parties, excessive use of force to disperse peaceful protests, and crackdowns on media and independent journalists;

- P. whereas the government has expressed its willingness to engage in dialogue subject to acceptance by all opposition parties of the outcome of the 2016 election;
 - Q. 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;
 - R. whereas on 27 March 2017 the Zambian Government began public consultations on the country's membership of the International Criminal Court;
1. Expresses its concern at the arrest and incarceration of Hakainde Hichilema and insists on the need to ensure fairness, diligence and transparency at all times in the application of the law and all along the justice process; notes with concern reports of political motivation in relation to the charges, and therefore reminds the Zambian Government of its obligation 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 in other international and regional human rights instruments;
 2. Is deeply concerned at the reports of increasing restrictions on the freedoms of expression and association; calls on the government to continue its efforts to restore full media freedom; 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. Calls on the Zambian authorities to conduct a prompt, impartial and thorough investigation into the alleged ill-treatment suffered by Hichilema during his detention and to hold those responsible to account;
 4. Encourages all relevant political stakeholders to make use of constitutional and legal remedies, in line with international norms and standards, for the resolution of any dispute or differences related to the election results, and to do their utmost to safeguard peace and the security of civil society;
 5. Calls for the EU to continue to closely monitor the overall situation in Zambia and to make use of available political means, including through dialogue at the highest level, to ensure that the conditions for the rule of law and democracy, an open political space, free institutions and respect for human rights are maintained;
 6. Strongly encourages the Zambian Government to take into consideration the final recommendations of the EU Electoral Observation Mission on the 2016 elections, with particular reference to the need to remove the restrictive limitations on 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. Insists on the urgent need for a peaceful and constructive dialogue between the Patriotic Front and the UPND in order to restore political trust and stability; points out the responsibility of both parties to refrain from inciting and provoking violence and to create an environment conducive to an open democratic debate; welcomes the engagement and mediation role of international and regional partners in this regard, as

well as the UN Human Rights Commission's call for a dialogue to tackle political violence;

8. Supports the initiative of the Catholic Bishops' Conference of Zambia and other civil society groups in calling for a peaceful dialogue between opposing parties;
9. Reiterates its strong opposition to the use of the death penalty in all cases and under all circumstances; welcomes the fact that no execution has been carried out in the country since 1997; invites Zambia to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to the abolition of the death penalty;
10. 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 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.