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[Publication](#) | 07.07.2015

Democratic Republic of the Congo, notably the cases of Yves Makwambala and Fred Bauma

Greens/EFA motion for resolution

Tabled by Judith Sargentini, Maria Heubuch, Heidi Hautala, Jordi Sebastià, Bart Staes, Michèle Rivasi, Barbara Lochbihler, Ernest Urtasun, Bodil Valero, Igor Šoltes on behalf of the Greens/EFA Group

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC),
 - having regard to the revised Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States and the European Community signed in Cotonou on 23 June 2000 (the Cotonou Agreement),
 - having regard to the Universal declaration on Human Rights,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the African Charter on Human and Peoples' Rights,
 - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas Yves Makwamba and Fred Bauma are young political activists active in setting up the platform "Filimbi" ("youth for a new society"), a Congolese pro-democracy youth platform,
- B. Whereas Filimbi was set up in March in the framework of a workshop in Kinshasa uniting youth activists from the DRC and other African countries,
- C. Whereas at the press conference at the end of this workshop, Congo's National Intelligence Agency (Agence Nationale de Renseignements, ANR) arrested all participants, including Senegalese and Burkinabe activists, a United States diplomat, foreign and Congolese journalists, Congolese activists, musicians, artists, and logisticians,
- D. Whereas all activists have in the meantime been freed, except for Yves Makwamba and Fred Bauma, who are accused of belonging to an association formed for the purpose of attacking people and property,

forming a conspiracy against the head of state, and attempting to either destroy or change the “constitutional regime” or incite people to take up arms against state authority;

E. Whereas Yves Makwamba and Fred Bauma were held for over 40 days by the ANR without charge or access to legal assistance;

F. Whereas a parliamentary “information mission,” established on March 27 to examine how Congo’s security services managed the Filimbi dossier, found no evidence indicating that the Filimbi leaders and workshop participants were involved in or planning any terrorist or other violent crimes;

G. Whereas in Goma, in Eastern Congo, in March and April, the authorities arrested and later released at least 15 activists from the LUCHA youth movement who were demonstrating peacefully to demand the release of their colleagues detained in Kinshasa;

H. Whereas four of these activists face charges of inciting disobedience to public authority;

I. Whereas elections are planned in the DRC in 2016;

J. Whereas the perspective of these elections resulted in a mobilisation of Congolese civil society organisations and opposition parties in order to ensure the free and fair character of these elections,

K. Whereas in particular between 19 and 21 January 2015, protests erupted in Kinshasa and some other cities over an electoral law project that would have allowed the extension of the presidential term, against constitutional provisions.

L. Whereas according to the Congolese authorities, 27 people died in these protests, including two police officers, and 350 people were arrested, after clashes between protesters, police and Republican Guard soldiers,

M. Whereas since then, numerous senior political party leaders and human rights defenders have been arrested, illustrating that the clamping down on Filimbi was not an isolated case,

N. Whereas many arrested activists were held for weeks or months in secret detention centres, without charge and without access to their families or lawyers,

O. Whereas in April 2015, a mass grave was discovered near Kinshasa,

P. Whereas Congolese authorities have minimised the existence of this grave, excluding any link to possible killings by Congolese security forces,

Q. Whereas “Reporters Without Borders” ranks RDC at 150th, of 180 countries in the world, in terms of press freedom;

R. Whereas according to this organisation, censorship was widespread in 2014, with 61 newspapers, five radio stations and one TV station closed in an illegal manner and several journalists arbitrarily arrested;

1. Considers the arrest of Yves Makwambala and Fred Bauma to be clearly politically motivated, unlawful according to Congolese law and a severe violation of international human rights conventions to which the Democratic Republic of the Congo has adhered to;

2. Considers the holding of the detainees by the ANR without charge for more than 48 hours, denying them access to legal assistance, or bringing them before a competent judicial authority a blatant violation

of rights guaranteed by the DRC's constitution;

3. Calls therefore for their immediate release, for the release of other detained Filimbi activists and of detainees incarcerated for political reasons;
4. Calls for the dropping of charges against Yves Makwambala and Fred Bauma and other Filimbi activists and supporters;
5. Regrets the worsening of the situation in the DRC during the last months when it comes to freedom of expression, freedom of the media and right to association;
6. Considers that a link exists between the increased clamping down on the opposition, media and civil society and the foreseen elections next year;
7. Urges the Congolese authorities to restore an environment conducive to the free and peaceful exercise of freedom of expression and association and the freedom of the press;
8. Considers the restoration of such an environment to be of utmost importance in order for next year's elections to be free and fair;
9. Urges the Congolese authorities to stop minimising the significance of the mass grave next to Kinshasa and to conduct immediately a transparent and credible investigation;
10. Calls on the Congolese authorities to guarantee the independence and accountability of the Congolese security services, including the intelligence agency and the national police;
11. Instructs its President to forward this Resolution to the Council, the European Commission, the VP/High Representative of the Union for Foreign Affairs and Security Policy, the EEAS, the government and the Parliament of the DRC.

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Responsible MEPs



Heidi Hautala

EP Vice-President, Member



Maria Heubuch

Member



Barbara Lochbihler

Member



Michèle Rivasi

Member



Judith Sargentini

Member



Igor Šoltes

Member



Bart Staes

Member



Ernest Urtasun

Vice-President



Bodil Valero

Vice-President

Contact person



Sabine Meyer

Advisor on Foreign Affairs

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