



TEXTS ADOPTED

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The case of Dr Denis Mukwege in the Democratic Republic of the Congo

European Parliament resolution of 17 September 2020 on the case of Dr Denis Mukwege in the Democratic Republic of the Congo (2020/2783(RSP))

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC), notably that of 18 January 2018¹,
- having regard to the declaration of 20 May 2020 by the Vice-President of the Commission / High Representative (VP/HR) on behalf of the EU on the security situation in Ituri,
- having regard to the Council conclusions of 9 December 2019 on the Democratic Republic of the Congo,
- having regard to UN Security Council resolutions, notably Resolution 2528 of 25 June 2020 on the situation concerning the Democratic Republic of the Congo, and Resolution 2463 of 29 March 2019 on the extension of the of the mandate of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO);
- having regard to the measures laid down in UN Security Council Resolution 2528, which renewed until July 2021 a series of sanctions such as an arms embargo on armed groups in the DRC, a travel ban on individuals and an asset freeze on individuals and entities designated by the Sanctions Committee,
- having regard to the UN Report of August 2010 of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003,
- having regard to the award of the European Parliament's Sakharov Prize for Freedom of Thought to Dr Denis Mukwege in 2014,
- having regard to the award of the Nobel Peace Prize to Dr Denis Mukwege in 2018,
- having regard to the statement made by the UN High Commissioner for Human Rights,

¹ OJ C 458, 19.12.2018, p. 52.

Michelle Bachelet, of 28 August 2020,

- having regard to the joint statement of VP/HR Josep Borrell and UN Special Representative for Sexual Violence in Conflict Pramila Patten of 18 June 2020 on the International Day for the Elimination of Sexual Violence in Conflicts,
 - having regard to the EU Guidelines on Human Rights Defenders,
 - having regard to Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas¹,
 - having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (the Cotonou Agreement),
 - having regard to the African Charter on Human and Peoples' Rights, which was adopted on 27 June 1981 and entered into force on 21 October 1986,
 - having regard to UN Security Council Resolution 1325 on Women, Peace and Security, which was adopted unanimously on 31 October 2000,
 - having regard to the Constitution of the Democratic Republic of Congo, adopted on 18 February 2006,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the Charter of the United Nations,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the DRC continues to suffer violence, attacks, killings and widespread human rights violations perpetrated by domestic and foreign armed groups, notably in the east of the country; whereas these attacks have been multiplying in recent weeks, in particular on the border between Ituri and North Kivu;
- B. whereas Dr Denis Mukwege, renown DRC gynaecologist, has dedicated most of his life to putting an end to the use of sexual violence as a weapon of war and armed conflict; whereas in 1999, Dr Mukwege founded the Panzi hospital in Bukavu to treat victims of sexual and gender-based violence in eastern DRC; whereas nearly 55 000 survivors have been treated in the Panzi hospital from the date it was founded up until August 2018;
- C. whereas Dr Mukwege has long been outspoken in the defence of human rights, on the need for accountability, and on the implementation of recommendations of the UN human rights report mapping abuses in the region between 1993 and 2003; whereas Dr Mukwege narrowly escaped an assassination attempt in October 2012, when gunmen in civilian clothes attacked his home in Bukavu, during which his bodyguard lost his life;

¹ OJ L 130, 19.5.2017, p. 1.

- D. whereas Dr Mukwege has received serious and sustained threats, including death threats against himself, his family and the medical staff in the Panzi hospital; whereas the number of these threats have been increasing in recent months in response to Dr Mukwege's repeated calls in July 2020 to bring an end to impunity for perpetrators of sexual crimes and massacres in Kipupu, Sange and in Ituri province;
- E. whereas Dr Mukwege was awarded the Nobel Peace Prize in 2018 and the European Parliament's Sakharov Prize for Freedom of Thought in 2014 for dedicating his life to providing care for victims of sexual violence in the DRC; whereas as a Sakharov laureate, Dr Mukwege is entitled to the European Parliament's full support; whereas Dr Mukwege has become a prominent public figure and an international symbol through his achievements and international recognitions, and warrants special protection against threats;
- F. whereas in August 2020, President of the Democratic Republic of the Congo Félix Tshisekedi, condemned the death threats and pledged to take measures to ensure the safety of Dr Mukwege;
- G. whereas security protection for Dr Mukwege and the Panzi hospital has been provided by the UN through MONUSCO; whereas this protection was withdrawn in May 2020 but was reinstated on 9 September 2020 following international outcry concerning Dr Mukwege's safety, which included calls from the European Parliament; whereas Dr Mukwege's long-term protection remains unclear and must be ensured;
- H. whereas protesters have taken to the streets of Kinshasa, the DRC capital, to express support for Dr Denis Mukwege, calling for his protection;
- I. whereas on 12 March 2017, armed men executed two UN investigators – Zaida Catalán, a Swede, and Michael Sharp, an American – while they were documenting human rights abuses in the central Kasai region of the DRC;
- J. whereas on 22 July 2020, several human rights defenders and members of citizens' movement Lutte pour le Changement (LUCHA) were arbitrarily arrested in Kalehe (South Kivu) for denouncing the theft of the public street lighting that had been installed to improve safety; whereas human rights defender and LUCHA member Lucien Byamungu Munganga was arbitrarily arrested in Kalehe while he was peacefully protesting for their release, and is currently in detention at Kalehe central prison; whereas concern has been expressed for human rights defender Josué Aruna – Bukavu-based provincial president of Société Civile Environnementale et Agro-Rurale du Congo;
- K. whereas the DRC has been a signatory of the Maputo Protocol since March 2018;
- L. whereas on 3 September 2020, 20 DRC soldiers and police officers received prison sentences of between 5 and 20 years for rape in the east of the DRC;
- M. whereas the European Parliament on 12 August 2020, the VP/HR on 20 August 2020, the United Nations Office of the High Commissioner for Human Rights on 28 August 2020, as well as a number of national and international institutions and organisations on a number of other occasions publicly called on the DRC authorities to undertake criminal investigations concerning the ongoing threats targeting Dr Mukwege and to

reinstate UN peacekeepers protection;

- N. whereas the United Nations expressed its commitment to continue training DRC counterparts in order to enable a stable and long-term security solution;
1. Is deeply concerned by the grave danger experienced by Dr Mukwege; condemns the threats to his life and the threats against his family and staff; expresses its full solidarity with and support for Dr Mukwege;
 2. Commends Dr Mukwege for his courage and his life-long commitment to fighting the use of sexual violence as a weapon of war and armed conflict; stresses the importance of Dr Mukwege's public stance, which he has maintained for several decades, on denouncing human rights violations and abuses committed in the DRC;
 3. Welcomes the decision by the UN to reinstate MONUSCO security protection for Dr Mukwege; reiterates that his personal protection is paramount and urgent; urges the UN to ensure his stable and sustained protection, particularly in the light of the serious threats made to his life;
 4. Urges the DRC Government undertake without delay a comprehensive investigation into the threats made through social media, phone calls and direct messages targeting not only Dr Mukwege, but also his family and the Panzi Hospital staff, as promised by President Félix Tshisekedi;
 5. Stresses that the Sakharov Prize for Freedom of Thought is not just an award, it is a commitment made by the Members of the European Parliament to promote human rights together with the Sakharov Prize laureates and to make every effort to ensure that the laureate may freely and safely continue to act in defence of human rights and fundamental freedoms;
 6. Welcomes Dr Mukwege's outspoken commitment to the work undertaken in the 2010 UN report of the mapping exercise; condemns the lack of progress made by the international community in implementing its recommendations; calls on the DRC authorities to reinforce efforts to prevent further human rights violations in the eastern DRC, and to take steps to establish mechanisms that will ensure victims of future conflicts their rights to justice and reparation;
 7. Supports, therefore, the proposals for setting up specialised mixed chambers in DRC courts to allow the DRC judiciary and the international community to cooperate and prosecute human rights abuses;
 8. Urges the DRC Government to review the work of its previous Truth and Reconciliation Commission; fully supports the request that President Tshisekedi's made to his government to set up a transitional justice mechanism that would judge the most serious crimes and strongly hopes for the timely adoption of the two draft decrees by the Council of Ministers, which have been under consideration for several months;
 9. Calls on the member states of the UN Security Council to call for the establishment of an international criminal tribunal that would take forward the documented cases of human rights abuses dating back prior to 2002;
 10. Strongly condemns the arbitrary arrests of Lucien Byamungu Munganga and fellow

LUCHA members and calls for their unconditional and immediate release; underlines the importance of protecting human rights defenders, such as Josué Aruna;

11. Considers it a positive step forward that, on 3 September 2020, soldiers guilty of rape in the eastern part of the DRC were convicted; considers it necessary to step up the fight against the impunity of militias and armed forces in the country in order to ensure peace and security for the populations concerned;
12. Praises all human rights defenders in the DRC, who still carry out their work in spite of the challenges they are faced with, and welcomes the open condemnation of the events by several national and international organisations;
13. Calls on the VP/HR, the EU delegation to and EU missions in the DRC to increase their visible support to human rights defenders at risk in the DRC, using all available tools (i.e. political, diplomatic and financial) as a protective measure to provide recognition to their human rights work and acknowledge their important role as human rights defenders in fighting for stability and peace in the region;
14. Calls on the EU to maintain sanctions against perpetrators of violence and human rights abuses in the DRC and calls for the extension of these sanctions to the perpetrators cited in the UN report of the mapping exercise;
15. Condemns the use of sexual violence against women in conflicts and calls on the international community to accelerate its efforts to eliminate the scourge of sexual and gender-based violence in armed conflicts and wars, to protect victims, to put an end impunity for the perpetrators, and to guarantee access to justice, reparations and redress for survivors;
16. Welcomes the progress made through the ratification of the Maputo Protocol for women's rights; underlines the importance of the implementation of this Protocol;
17. Recalls that the violence in eastern DRC is perpetuated by armed domestic and foreign rebel groups, which are financed by and vying for access to the mineral trade; emphasises that any business, individual or state or state-related actor contributing to the perpetration of such crimes must be brought to justice; welcomes the scheduled entry into force of the Conflict Minerals Regulation in the EU in January 2021, which is the first of many steps needed by the international community to address this deep-rooted problem; stresses the urgent need for further action on mandatory due diligence and responsible business conduct by businesses operating in conflict zones;
18. Strongly urges cross-border cooperation in the African Great Lakes region and the establishment of a regional strategy by neighbouring countries to address the violence and human rights abuses in the DRC;
19. Deplores the *sine die* postponement of the Goma mini-summit, which was initially scheduled for 13 September 2020, following the invitation from the DRC, in an effort to convene the five Heads of State of the African Great Lakes region to discuss ways to bring peace to the region; strongly hopes that this summit can be rescheduled at the earliest opportunity and can lead to the easing of tensions between bordering countries;
20. Instructs its President to forward this resolution to the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign

Affairs and Security Policy, the EU Special Representative for Human Rights, the ACP-EU Council of Ministers and Joint Parliamentary Assembly, the Norwegian Nobel Committee, the President, Prime Minister and Parliament of the Democratic Republic of the Congo, and the African Union and its institutions.