

All the President's Wealth

The Kabila Family Business

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Congo Research
Group



Groupe d'Étude
sur le Congo

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ON CRISIS REPORTING

Executive Summary

The Democratic Republic of Congo is entering its third decade of armed conflict. Throughout this period corruption has been tightly linked to conflict.¹ The 2006 Congolese constitution was created in the aftermath of thirty-two years of dictatorship, during which President Mobutu Sese Seko used public funds to enrich himself and his allies, and sets up safeguards to prevent the abuse of public office for personal enrichment. This report by the Congo Research Group (CRG) at New York University's Center on International Cooperation is the first in a series of investigations by CRG into links between politics and business in Congo, aiming to promote greater accountability and to bolster the oversight enshrined in the constitution. It examines the business networks of the country's most powerful elected official, President Joseph Kabila, and his family.

Our research over the past 20 months, supported by the Pulitzer Center on Crisis Reporting, shows that the Kabila family either partially or wholly owns more than 80 companies and businesses in the Congo and abroad. President Kabila directly and through a company he owns with his children holds more than 71,000 hectares (175,444 acres) of farmland.² Two companies that belong to the family own diamond permits

that extend for more than 450 miles along Congo's southern border with Angola.³ Jaynet Kabila, the president's sister and a member of parliament, owns a stake in the country's largest mobile phone network,⁴ while their brother Zoé, who is also a parliamentarian, owns companies that have been contracted to work on some of the world's richest mineral deposits.⁵ The network of family companies has the following characteristics:

- The businesses are invested in almost every part of the Congolese economy, including farming, mining, banking, real estate, telecommunications and airlines.
- The value of their assets is difficult to determine. However, a conservative reading of public documents suggests that their companies have had hundreds of millions of dollars in revenues since 2003, and that they own assets that are easily worth many tens of millions of dollars.
- Over the years, some of the businesses have benefitted from Congolese government contracts, as well as from contracts with the World Bank, the U.S. Overseas Private Investment Corporation, and the United Nations.⁶



The lack of fiscal transparency in the Congo and in foreign tax havens where some of the companies are registered formed a significant obstacle to our research. While President Kabila has reportedly declared his assets to the judiciary as required by the constitution, his submissions have not been made public, rendering it impossible to verify their accuracy.⁷ There is no requirement in the Congo to publish property taxes or corporate taxes, making it difficult to know how much the family's companies are worth.

This report is limited to our investigation into the Kabila family businesses and is not intended to be a complete accounting of the family's various revenue streams. We also do not conclude that the family's holdings are necessarily illegal or corrupt. However, some of the family's holdings may violate Congolese law or codes, while other ventures raise serious questions of conflicts of interest:

- Congo's Ministry of Mines has granted a company controlled by the president's sister, Jaynet Kabila, more mining permits than allowed under the country's mining code.⁸
- Companies belonging to Zoé Kabila have made millions of dollars from mining joint ventures and subcontracts, including at Sicominex, part of Congo's \$6.2 billion minerals-for-infrastructure deal with China.⁹
- Some of the family's business assets are protected or overseen by members of the Republican Guard, which is likely outside the legal mandate of the force.¹⁰
- Family companies have benefitted from large state contracts, including for the issuing of drivers licenses.¹¹
- At least one family company was part of a controversial 2011 copper mining deal that led the International Monetary Fund to cancel its half-billion dollar loan program with Congo.¹²

The Kabila family's investments will likely play a role in their decision-making during the current political transition. While Kabila's second mandate ended in December 2016, under the terms of a deal signed with the opposition he will stay in power until the next elections, which are supposed to be held before the end of 2017.

While this report examines the assets of the presidential family, it is clear that members of the elite on all sides of the political divides have abused their office for personal enrichment. While most international interventions in the Congo have placed an emphasis on negotiation and political compromise, they have failed to hold elites or the corporations they work with accountable for this kind of corruption.

Business linked to the Kabila family have benefitted from contracts with:



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Recommendations

This report examines the business activities of some of the most powerful people in the country and proposes concrete measures that can be taken by Congolese legislators and members of government to enhance transparency. These measures include:

- All public officials should declare their assets as required by the 2002 code of conduct for public officials.¹³
 - Parliament should:
 - pass legislation requiring all asset declarations by public officials to be made public, as is required in other countries;¹⁴
 - pass a law on access to information, which would codify the right to information and increase transparency into the business dealings of the government and all public officials;¹⁵
 - pass a law requiring charitable foundations and non-profit organizations to publish statements of their finances, including their sources of funding.
 - The constitutional court should clarify the regulations in the constitution and legal code regarding conflicts of interest for public officials, including the president.
 - President Joseph Kabila, Zoé Kabila, and Jaynet Kabila should place their private business interests in an independently managed trust to avoid possible conflicts of interest.
 - All mining, oil, hydropower, and timber contracts, memoranda of understanding, amended contracts, and other relevant documents related to natural resources should be published as required by government decree.¹⁶
 - The government should digitize all landholding and incorporation records and make them readily available to the public.
 - The ministry of mines should ensure that the 2002 mining code is applied to all companies and individuals equally, especially in terms of the number and size of permit holdings allowed and the right to declare *force majeure*, which exempts permit holders from their obligations only under extraordinary circumstances.
 - The ministry of mines should make public all granted applications for *force majeure*, along with the justification for granting the designation.
 - Members of the Republican Guard should be withdrawn from sites that are linked to the businesses of the presidential family, especially mining sites, unless there is an overriding national security interest.
 - Foreign investors in the Congo dealing with Politically Exposed Persons should be required to publish the financial terms of their deals with PEPs.
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Methodology

This report relies almost exclusively on publicly available documents. We obtained land titles, incorporation documents, board meeting minutes, mining permits, and shareholder agreements through Congolese courts and registries throughout the country and online. While in principle most of these documents should be available to the public¹⁷—and all claims regarding company ownership here are backed up by official documents or company websites—in reality many company files were incomplete or could not be found. In several cases registry workers would not release certain filings, saying they were too sensitive.

CRG used these documents to amass a digital archive that could be searched for links to the family. Those links were then verified through interviews or other documents. Excerpts from some of those documents are available on the CRG website (allthewealth.congoresearchgroup.org). The remainder is on file at CRG. Some responses may be published on the CRG website at the time of publication or later.

The investigation coincided with a Bloomberg News investigation into the Kabila family's assets.¹⁸ CRG, along with the Pulitzer Center on Crisis Reporting, helped fund one of the Bloomberg journalists. The Pulitzer Center also provided funds for the above-mentioned website created in partnership with CRG that presents documents and many of the findings of this report in a visual format.

Establishing relationships between Kabila family members is difficult, as explained below. Interviews with dozens of people who have had personal and professional relationships with the family helped to establish the list of family members used in this report. Erik Kennes' *Essai Biographique sur Laurent-Désiré Kabila* was also an essential source.¹⁹

Because this report relies primarily on publicly available sources, it is inevitably an incomplete assessment of

the Kabila family's business interests. For example, CRG did not include several large ranches, buildings, media companies, and business ventures that are widely believed to belong to the family, as we could not obtain the relevant documentation to prove ownership.

Companies are also dynamic and their ownership structure can change. Some companies listed in this report no longer operate; a few may no longer have ties to the presidential family. When company ownership is first listed, it includes at least one date, usually the most recent, on which that ownership was noted in official documents. CRG has tried to find the most recent shareholding, but publicly available company documents are not always updated. This means the current shareholding could be different than the shareholding listed in this report.

We have included companies, businesses, organizations and assets with current or previous links to the family through ownership or directorship positions.

Companies that are no longer operational or that are no longer directly linked to the family are still included here, for several reasons. Even companies that went out of business may have been profitable or helped accumulate wealth. Dormant companies may also have assets, liabilities or debts that could retain value. For instance, a dormant airline company could have valuable licenses, buildings, or planes that could be resold. Or if a company went bankrupt because a contractor never paid a bill, that debt could still be sold or held and repaid in the future.

CRG wrote to most of the people and companies named in this report directly or through representatives, including to President Joseph Kabila and most of his siblings, to ask for comment on the claims made here. In some cases, we were unable to find the relevant contacts. The responses we received are referenced and referred to throughout the text of the report. Further details of the responses we received can also be found on the CRG website.

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PART 1

Overview and legal issues



Figure 1 | *The Kabila family in Dar es Salaam. Their mother Sifa Mahanya in the middle, the twins Joseph and Jaynet at the far right*

CHAPTER I: FROM POVERTY TO RICHES: A FAMILY HISTORY

The Kabila family's business interests are vast and interlinked. While some family members have developed apparently autonomous companies, many of the largest endeavors are collaborative, involving several family members. In order to understand these dynamics, it is useful to examine their roots in business in the Congo.

Laurent-Désiré Kabila moved his family to Tanzania in the 1970s, after years of leading an unsuccessful rebel movement in Fizi, South Kivu, against Zairean dictator Mobutu Sese Seko. Laurent-Désiré Kabila was a wanted man, and the Kabila family lived discreetly in exile in Uganda and Tanzania through the 1990s.²⁰

Family members used assumed names—often versions of one of Laurent-Désiré's pseudonyms, Francis Mtwale—and ran several small businesses including restaurants, bars, and markets. They imported food, and imported and exported other commodities from Congo through Dar es Salaam's ports. The family was protected by the Tanzanian government, and moved from house to house in the city's affluent neighborhoods to escape detection by Mobutu's intelligence agents. In the Mbezi Beach neighborhood, they held a large plot of land (which now lies in disrepair) called Hewa Bora, after the rebel base in South Kivu where Laurent-Désiré trained his troops and where his twins, Jaynet Désiré Kabila Kyungu and Joseph Kabila Kabange were born on 4 June 1971.





Figure 2 | *Kabila family land in Dar es Salaam. A sign on the wall says “Hewa Bora.”*

During their time in Tanzania, the Kabila family grew in size and complexity. Laurent-Désiré’s wife, Sifa Mahanya,²¹ ran the household, and gave birth to a number of other children over the next twenty years. Another boy, Selemani, became an adopted son after his father, one of Laurent-Désiré’s rebel comrades, was killed.

In his travels around the world seeking support for his fight against Mobutu, Laurent-Désiré reportedly had children with a number of other women.²² While some of those women and children still claim links to the Tanzania-based family led by Mama Sifa, as his wife is known, most are not part of the core group surrounding the current Congolese president. Officials in Congo often complain about people who claim blood links to Laurent-Désiré or Joseph Kabila or who invoke the Kabila name to assert their rights to assets or businesses, or to avoid taxes.²³

In the interest of space and clarity, this report focuses on the three main political figures in the Kabila family—Joseph, Jaynet, and Zoé—and seven other relations who are generally understood to have grown up with Laurent-Désiré Kabila and Sifa Mahanya in Congo and Tanzania: Josephine, Sissy, Cecylia, Selemani,

Gloria, Masengo, and Make Mokolo wa Ngoy (also known as Makie Wangoi). Interviews with family members and longtime personal, political and business associates of the family have confirmed their identities as close relatives of Joseph Kabila.²⁴ The report also covers assets linked to spouses or children of these family members.

It is difficult to assess the family’s wealth before 1996; according to two people who knew the family in Dar es Salaam, as well as according to a Kabila biography, Laurent-Désiré Kabila struggled financially, although he was able to pay for private schooling for several of his children.²⁵ In an interview in 2006, Joseph’s mother said: “If life in the bush (*dans le maquis*) was difficult, in Tanzania it was much worse. We had nothing...I farmed a small field and sold my vegetables at the market, like all poor African women.”²⁶

It is clear that the family’s wealth increased dramatically after they arrived in power. In 1996, a regional coalition led by Rwanda, Uganda and Angola formed to overthrow Mobutu. It appointed Laurent-Désiré Kabila as the spokesperson and then the leader of the Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (AFDL), which ousted Mobutu from power in May 1997. When Laurent-Désiré Kabila became president, he immediately used state assets to help repay allies for their contributions to the war, in particular through a business called *Compagnie mixte d’import-export*, or Comiex-Congo, that partnered with other companies in banks, mines, and fuel distribution deals.²⁷ Congo’s former auditor general said in 2007 that Comiex “was a private trust run by people close to President Kabila, but entirely created with state assets.”²⁸ A parliamentary investigation in 2005 produced evidence of \$31 million in state funds transferred to Comiex, much of which was sent to a bank account in Rwanda. Comiex also held around 49% of shares in a company that held the rights to diamond mining concessions covering 274 square miles and with reserves reportedly worth \$1.63 billion.²⁹

The ownership and the full range of Comix's investments and the extent of its involvement in Congo's economy are still unknown to the public. Almost none of the publications from the government's official registry—known as the Journal Officiel—from that period are available. According to the 2005 parliamentary investigation, the company was dissolved in 2003 and its assets were never fully recovered by the state.³⁰

After Laurent-Désiré Kabila's assassination in January 2001, Joseph Kabila became president; his siblings—in particular his twin sister Jaynet Kabila and his brother Zoé Kabila—became active in business. During this period, their business decisions began to raise more serious questions of conflicts of interest.³¹

Jaynet Kabila began setting up a series of companies around the world soon after her father's death. In June of 2001 she used the Panamanian law firm Mossack Fonseca to create a shell company in the South Pacific island of Niue through which she would soon own a stake in the Congolese subsidiary of mobile phone operator Vodacom.³² Two months later

she incorporated a now defunct company in Texas,³³ and, with her brother Zoé Kabila, founded another business in Tanzania that became involved in mining, gemstones, commodity trading, a travel agency, foreign exchange, and real estate, according to its incorporation documents.³⁴

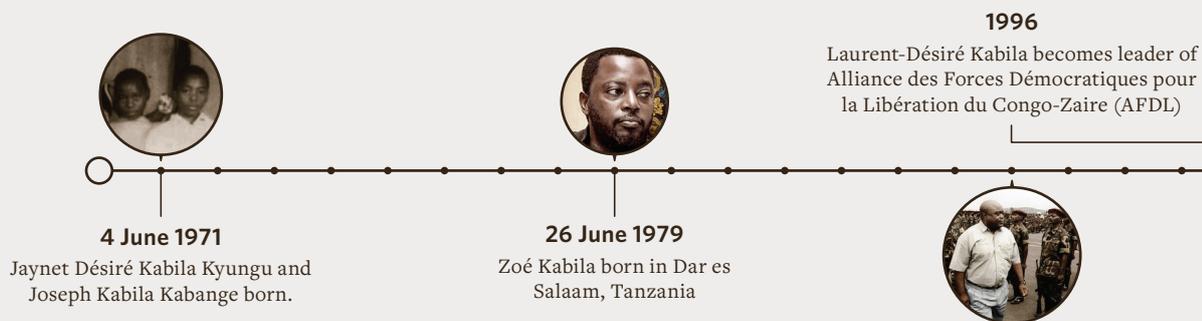
By the time a peace deal was signed to end Congo's wars in 2002, the country's economy was ruined and its infrastructure destroyed. After Joseph Kabila became president of Congo's transitional government in 2003, Jaynet and Zoé Kabila and other family members became involved in the diamond industry, which was by far the country's largest source of export revenue at the time.

Two companies that are majority owned by Jaynet Kabila and other family members—Grand Congo (now known as Acacia) and Kwango Mines—obtained nearly 100 exploration permits along the country's diamond-rich border with Angola.³⁵ They tried to sign deals with several diamond traders and major firms, including De Beers, the world's biggest diamond company.³⁶

Several other companies belonging to family members obtained permits around the diamond-rich regions of Mbuji-Mayi and Tshikapa.

Family members then invested in transportation, infrastructure, and farming, sectors in which demand began to soar following the unification of the country. Grand Congo created Wimbi Dira Airlines in 2003,³⁷ while Zoé Kabila's Number One Contracting Company became the country's fourth-largest road builder for a time, according to a World Bank report.³⁸

President Kabila himself appears in government commercial records found by CRG soon after the 2006 elections, the country's first multiparty vote in forty years. On 22 December 2008, the president directly obtained at least six plots of land, a total of 5,700 hectares, in Katanga province.³⁹ The president continued to accumulate more land through his agricultural company, Ferme Espoir (Hope Farm), and added more than 60,000 hectares (148,263 acres) of agriculture and grazing land when the company bought the Société des Grands Elevages du Bas-Congo, a



livestock company, during his second term in office.⁴⁰

Meanwhile, the Kabilas branched out. One sister took a 40% stake in a bank that is now run by brother Selemani.⁴¹ A company owned by Zoé Kabila made millions consulting for a publicly traded gold miner.⁴² And, as the price of diamonds fell and Congo's copper and cobalt industry revived, the family companies changed their focus again. By 2010, Acacia began looking into mining copper on a permit owned by state-owned Gecamines. Other family companies are also involved in the copper and cobalt industry, which is now Congo's most valuable export earner.⁴³

CHAPTER II: THE FAMILY BUSINESS TODAY

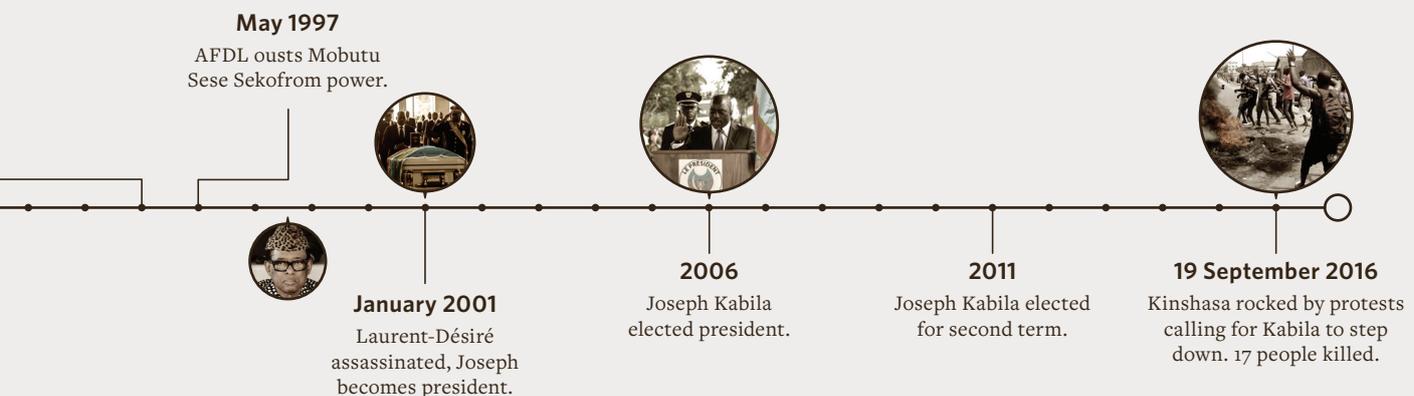
The presidential family's business interests today are broad in terms of geographic reach and the sectors it has invested in.⁴⁴ Members of the family partially or wholly own more than 80 companies and businesses created over the last sixteen years. There are farms, banks, telecommunications companies,

airlines, hotels, and companies that deal in various kinds of trade. There are companies that mine for diamonds, gold, copper and cobalt. President Kabila and his family have business and financial interests in almost every part of Congo, as well as real estate interests in South Africa and Tanzania. Companies use addresses as far from Congo as Panama, Niue, and Luxembourg. One family business sold copper on Alibaba, China's version of Amazon.

It is not clear what many of the family's companies do. Their articles of association (*statuts*) are often wide-ranging. For example, the incorporation documents of Ferme Espoir, which is directly owned by President Kabila and his two children, say the company not only engages in farming, but also in mineral and oil exploration.⁴⁵ Another firm, Katanga Premier, which was founded in 2012 by Zoé Kabila and his son, describes itself as a telecommunications, manufacturing, mining, customs, cement, travel, information technology, fast food, real estate, brokerage, and architecture business.⁴⁶ CRG visited the addresses of more than three-dozen of the family's

businesses. Almost none of the locations had any sign suggesting a company is based inside. Company documents reveal a varying degree of caution in concealing the identity of the owners. Some investments use shell or holding companies that conceal the personal involvement of family members, such as Keratsu or Development Trade and Investment Company SA.⁴⁷ In incorporation documents and board meeting minutes for these companies, family members often use less common versions of their names. For example, Jaynet Kabila is often known as Jaynet Ursula Kyungu.⁴⁸ Zoé Kabila has at times used the name Zoé Mtwale, while at other times he has used his post-name, Mwanzambala, to identify himself.⁴⁹ In one company, Sezo International Trading, all four of its original 2003 shareholders, including Zoé Kabila, used "Francis Mtwale" as their last name.⁵⁰ In such cases, CRG has used dates and locations of birth or further documentation to confirm the identities of these family members.

Finally, it is clear that business is seen as a family endeavor. Family companies often hold shares in other family companies. Different companies belonging to various family members often list the same few



addresses as their physical place of business. One address, 83 Avenue de la Justice in Kinshasa, has at least fourteen companies linked to it, and at least five family members use it as their contact address.

CHAPTER III: HOW MUCH ARE THE COMPANIES WORTH?

It is difficult to put a value on the various holdings of the family, almost all of which are private. Few of the companies release financial data in their publicly available documents. Congo's statistical agencies have published few production or tax records for the companies and there is no legal requirement in the Congo to publish corporate taxes.

Mining properties that have not been explored properly are hard to attach a dollar amount to. For example, the Acacia and Kwango diamond mining permits, which stretch along much of Congo's border with Angola, could be worth billions of dollars or very little, depending on the amount and quality of gems in the area, the cost of extracting them, and the current price of diamonds.⁵¹

Nonetheless, some public documents do give a sense of the revenue flowing through the various assets and their worth. Many of these are detailed in subsequent sections of this report, and we have summarized them in Annex A. They add up to hundreds of millions of dollars and are just a sample of revenues and assets of some of the family's companies based on publicly available documents.

It is important not to conflate these business interests with the family's



Figure 3 | 83 Avenue de la Justice in Gombe, Kinshasa.

wealth. We cannot rule out that the family has other, considerable sources of income. In the past, senior Congolese officials used their office to extract bribes. For example, a recent settlement between the U.S. Department of Justice, the Securities and Exchange Commission and the New York-based hedge fund Och-Ziff describes how a Congolese politician received nearly \$11 million in illicit payments from an Israeli investor⁵² during a three-month period in 2010 and 2011.⁵³ In total, Congolese government officials allegedly received more than \$100 million in bribes between 2005 and 2015, the agreement with the U.S. Department of Justice said.⁵⁴ In addition, a Global Witness report states that at least \$1.5 billion in potential state revenue was lost due to dubious mining deals between 2010 and 2014, and that senior state officials could have benefitted from these deals.⁵⁵

CHAPTER IV: IS THIS LEGAL?

There is nothing wrong or illegal per se with family members of a president or parliamentarians owning companies,

making investments and accumulating wealth. However, there are several laws in the Congo that regulate the business activity of all public officials and their families and associates, and there are particularly strict rules for the head of state.

According to the Congolese constitution, a president cannot be involved in a professional activity,⁵⁶ nor can a president rent, buy, or lease state assets or participate in public tenders for state assets, directly or through family members or representatives. A president must also submit a declaration to the Constitutional Court of all assets at the beginning and end of her or his mandate.⁵⁷ If a comparison of these declarations creates the suspicion of unjustified enrichment, the matter can be referred to the Constitutional Court or the Court of Cassation. According to news reports, President Kabila submitted these declarations to the court in 2007 and 2012.⁵⁸

Public officials, including members of parliament and heads of state, must adhere⁵⁹ to a code of conduct, which was passed in 2002 and governs

conflicts of interest. The code also requires an annual declaration of assets to a monitoring body called l'Observatoire du Code d'Ethique Professionnelle (OCEP), which was created in 2003. While members of OCEP were appointed in 2003,⁶⁰ the institution does not appear to scrutinize any of these declarations, according to a Congolese legal NGO.⁶¹ While OCEP is active and has a website supported by the United Nations Development Program, there is no public indication that they have checked to see which public officials have submitted their declaration of assets or that they have verified their contents.

It is not clear if national deputies Zoé Kabila and Jaynet Kabila have made declarations of their assets. Several parliamentarians contacted by CRG were not aware of this legal requirement, which is not repeated in the by-laws of parliament.⁶²

If they have made these declarations, none has ever been made public, in spite of pressure from opposition parties and Congolese NGOs such as Voix des Sans Voix and Toges Noires.⁶³ There is no legal obligation for the content of these declarations to be made public, but without access to the declarations it is impossible to judge their veracity, and the exercise is of little use. According to a World Bank survey of 176 countries in 2012, 43% of jurisdictions provide the public with open access to public officials' financial disclosures.⁶⁴ In Africa, the practice is slowly catching on: South Africa, Cape Verde, Liberia, the Central African Republic, and Sao Tomé and Principe require public disclosures of assets.⁶⁵

Congolese public officials are subject to the country's civil and criminal laws,

while companies must abide by the various codes and regulations that govern particular industries, such as the mining code or rules governing land affairs.⁶⁶ Some companies belonging to Kabila family members appear to be in violation of the law. According to the mining code, "A person and his/her affiliated companies cannot hold more than fifty exploration permits." Kwango Mines alone has 53 exploration permits.⁶⁷ Kwango is controlled by Excel Holding, which is in turn controlled by Jaynet Kabila.

Tax payments for many of the mining permits linked to the family have been suspended due to *force majeure*, which is covered in Article 297 of the mining code and sets strict conditions as to when it can be declared. In most jurisdictions, the kind of unforeseen event that would trigger *force majeure* includes wildcat strikes, riots, insurrection, civil unrest, social conflicts, government action without legal support, sabotage, natural catastrophe, fire, acts of war or circumstances attributable to war. Since the mines ministry's decisions regarding *force majeure* are not made public, it is unclear what events triggered *force majeure*.

Congolese law governing conflicts of interest is relatively vague. The Code of Conduct of Public Officials says conflicts of interest arise from a "situation in which a public official of the state has an interest of a personal nature that influences or appears to influence the impartial and objective exercise of his/her official functions."⁶⁸ There are several business endeavors that deserve legislative and judicial scrutiny. Joseph Kabila has been able to obtain a large amount of land; it is not clear whether this land was obtained

directly from the state—which might be in violation of Article 98 of the constitution, which states the president is not allowed to obtain state assets—or was bought from another private individual.⁶⁹ Companies belonging in part to members of the family have also been able to win state tenders, including for issuing biometric drivers' licenses and for training youth in carpentry.⁷⁰ While parliamentarians are not explicitly barred from bidding for state contracts, the status and influence of the Kabila family should normally prompt additional scrutiny by parliament or government agencies issuing tenders because of potential conflicts of interest and their relationship to the president, who is prohibited from participating in tenders directly or indirectly.

There may also be conflicts of interest in how members of the Kabila family obtained ownership of companies, shares, or assets in the first place.⁷¹ Given the lack of transparency in the country, however, we cannot ascertain how Jaynet Kabila obtained shares in Vodacom Congo, for example, or how she and her relatives obtained the vast diamond exploration titles along the border with Angola.

Finally, there are limits on how the President's Republican Guard can be legally used, according to the 2011 Law on the Armed Forces, which limits the tasks of the guard.⁷² It says the force can only be used to protect the president and distinguished guests of the republic, presidential facilities, and provide an honor guard and escorts at the level of the presidency. It does not say the elite unit is allowed to protect businesses or mines belonging to the president's family, as we document below.

PART 2:

The family businesses

CHAPTER V: PRESIDENT JOSEPH KABILA & FAMILY

President Joseph Kabila, his wife Olive, and their two children, Sifa and Laurent-Désiré, own a cattle-breeding ranch, a poultry farm, and have stakes in a construction company and over 100 mining permits for diamonds and gold. They control a holding company that leases rental property, owns more farms, and has stakes in an oil-trading company and a former airline.⁷³

The total size of farm and pasture land owned by the President and his immediate family exceeds 71,000 hectares (175,444 acres).⁷⁴ This figure does not include properties whose incorporation or ownership documents could not be obtained by CRG but that according to credible sources are believed to belong to members of the family.

70,000 hectares is a significant amount of farmland to own: it is roughly ten times the size of the island of Manhattan; as of 2013, the average farm size in the Congo was 1.4 hectares.⁷⁵



1. Properties owned directly by Joseph Kabila

All of the companies in which President Kabila has a direct stake and for which CRG was able to find documents are real estate or farming ventures. He has obtained directly in his name at least 8,633 hectares (21,322 acres) of farm and pasture land in Haut Katanga and Maniema provinces from the Ministry of Land Affairs.⁷⁶ In January 2012, the ministry also granted him six plots of unspecified size in Kailo in Maniema province.⁷⁷ Kailo is the birthplace of Olive Kabila.⁷⁸ It is not apparent in the documents obtained by CRG how the properties are being used. In addition, the president controls two large agricultural companies, Ferme Espoir and Société des Grands Elevages du Bas-Congo.

a) Ferme Espoir

President Kabila directly owns 80% of the agricultural company, Ferme Espoir, with the remaining 20% owned in two equal parts by his daughter, Sifa, and son, Laurent-Désiré.⁷⁹ Ferme Espoir directly holds at least ten agriculture permits totaling at least 2,678 hectares (6,617 acres) in the former Katanga province.⁸⁰ Several other farms around Congo linked to the presidential family are also called Ferme Espoir; it is not clear if they are legally part of the same company.

According to its incorporation documents, Ferme Espoir also has the right to explore for oil and minerals.⁸¹

A website to encourage tourism in Katanga has a page dedicated to one 700-hectare (1,729 acres) part of Ferme Espoir. The description on the website says the farm grows maize, a staple food for many Congolese, and that it could be the second-largest poultry-raising farm in Africa.⁸²

In 2006, Zoé Kabila's Strategic Projects and Investments (SPI) said it would invest at least \$15.5 million in industrial agriculture, with most of the money going to Ferme Espoir. It is not clear from available documents if Joseph Kabila owned Ferme Espoir at the time; it was described as a branch of SPI in the company's board minutes.



Figure 5 | President Kabila on Mateba Island in 2016⁸⁹

According to a 2012 promotional video for Olive Kabila’s non-profit organization, Initiative Plus OLK, another Ferme Espoir is located on the Bateke plateau between Kinshasa and Bandundu and has at least 30 hectares of farmland, a chicken and pig farm and 89 hectares of forests and fruit trees. According to the video, the farm was created in 1998 and has a small hospital on site for the local community.⁸³

b) Société des Grands Elevages du Bas-Congo, GEL

Ferme Espoir also has a 100% stake in the Société des Grands Elevages du Bas-Congo.⁸⁴ According to commercial documents from GEL’s former owners, the company controlled about 40,000 hectares (98,842 acres) of pastureland for cattle and sheep and around 20,000 hectares (49,421 acres) of farmland producing maize, manioc, soy and peanuts. This included Mateba Island in the Congo River in Kongo Central province.⁸⁵ It also controlled a phosphate mine near Boma, according to company documents.⁸⁶ The company obtained a further 489 hectares (1,208 acres) of agro-pastoral land in the former Bas-Congo province from the Ministry of Land Affairs in 2013, and another 506 hectares (1,250 acres) in 2014.⁸⁷ According to company records, Ferme Espoir was the full owner of GEL at the latest by March 2014.⁸⁸

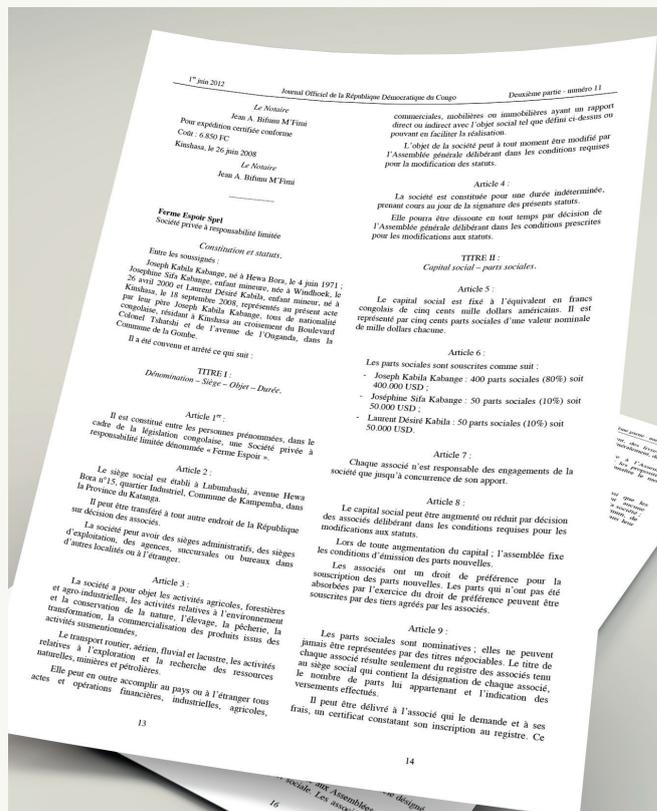


Figure 4 | Shareholding agreement Ferme Espoir



2. First Lady Marie-Olive Lembe Di Sita and children

President Kabila's wife, the First Lady Marie-Olive Lembe Di Sita,⁹⁰ has a network of business interests she controls personally or in conjunction with one or more of her children. She also runs a non-profit organization that promotes the rights of women and children.

a) Initiative Plus Olive Lembe Kabange

The First Lady's Initiative Plus Olive Lembe Kabange, also known as Initiative Plus OLK and IPOLK, is active throughout the country promoting agriculture and women and children's rights and development. It fights against sickle-cell anemia, builds schools and latrines, and has partnered on humanitarian projects with such companies as British American Tobacco.⁹¹

In 2013, IPOLK obtained 9.4 hectares of agriculture land outside Kinshasa from the Ministry of Land

Affairs.⁹² In 2014 and 2015 it also received government contracts through the government's Bureau Central de Coordination (BCECO), which oversees the management of many donor-funded projects in the Congo, to provide school supplies and build latrines.⁹³ Since there is no legal requirement to make the revenues of non-profit organizations public, as in the United States and the United Kingdom, for example, it is impossible to estimate the finances of IPOLK.

The First Lady has been able to raise considerable amounts for charitable efforts, although it is not always clear whether the funds pass through IPOLK. In 2013, the First Lady inaugurated the "Cit  Maman Olive Lembe Kabila," a public housing project consisting of 120 three-bedroom houses, a school and a hospital on the outskirts of Kinshasa, described by the national TV station as "an initiative of the First Lady Olive Lembe."⁹⁴ The same year, she inaugurated a large technical school in Tshikapa, described by her foundation as a personal donation to the local community.⁹⁵ The UN radio station reported that she financed the construction of two technical schools in Maniema province⁹⁶ and news reports suggest there are schools in Mbandaka, Gungu and Uvira also bearing her name.⁹⁷



Figure 6 | *Cit  Maman Olive Kabila on the outskirts of Kinshasa*



Figure 7 | *Osifal articles of association (excerpt)*

b) OTJ Construction

OTJ is a construction and civil engineering company founded in 2010 and owned in partnership between the First Lady and two Belgian men, Thierry and Jean Paul Adam, who are reportedly her stepbrothers.⁹⁸ CRG found little publicly available information about the company besides its incorporation documents, although a TV news report of the opening of Cité Maman Olive Lembe featured Thierry Adam and reported that OTJ construction built the complex.⁹⁹

c) Osifal – Olive Sifa Laurent

Osifal, short for Olive Sifa Laurent, is the First Lady’s main holding company, which she owns in conjunction with her two children.¹⁰⁰ Its ownership has changed several times since it was founded in 2004, and while they appear to have used different names, the first lady and daughter seem to have always been part of the shareholding.¹⁰¹ According to its incorporation documents, Osifal is involved in oil and mining, airlines, air and road transport, construction, travel, and real estate. It directly owns seven diamond and gold exploration permits; all are currently in *force majeure*.¹⁰² It also holds farmland and property in North Kivu province and it collected a total of \$270,000 in rental fees from the UN Department of Peacekeeping Operations in 2015.¹⁰³ The UN peacekeeping

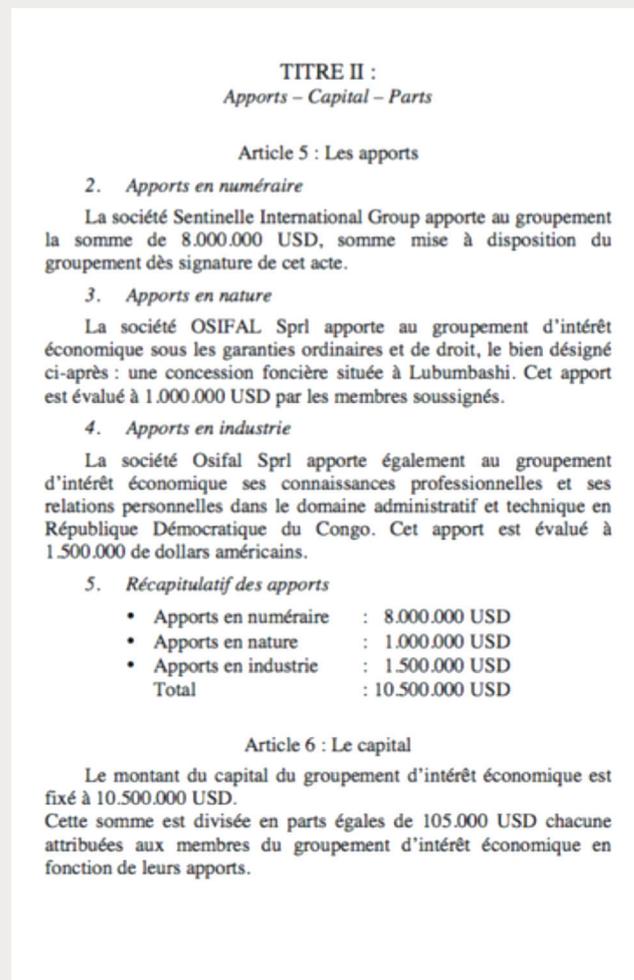


Figure 8 | *La Pétrolière incorporation document (excerpt)*

mission had been leasing this land from a private landlord previously; the landlord then sold the land to Osifal without notifying the UN.¹⁰⁴

Osifal is also a shareholder in a number of other companies, detailed below.

d) La Pétrolière

Osifal created the fuel transport and storage firm, La Pétrolière, with Sentinelle International Group Ltd. in 2006, and became an equal partner in 2007.¹⁰⁵ Sentinelle has also been involved in mining in Congo and has links in South Africa, the British Virgin Islands and the Seychelles.¹⁰⁶

When Sentinelle and Osifal created La Pétrolière, Osifal provided two assets to the company to meet its \$2.5 million share capital contribution, according to La Pétrolière's incorporation documents.¹⁰⁷ The first was a piece of land in Lubumbashi that the companies valued at \$1 million. The second was its "professional contacts and personal relationships in the administrative and technical domain in the Democratic Republic of Congo." The companies valued that contribution at \$1.5 million.¹⁰⁸

In 2011, La Pétrolière had a contract with the state electricity company for \$154,780 to provide "Scotch tape and other things."¹⁰⁹ In 2009, the Economic and Financial Commission of Congo's parliament raised questions about two La Pétrolière contracts worth more than \$3 million total with the country's environmental ministry.¹¹⁰ Most of the money was earmarked for programs to "educate youth in wood work," even though La Pétrolière is meant to import petroleum products, according to its incorporation documents. The ECOFIN commission said the environmental ministry had not abided by the normal financial and tendering processes to favor the company.

CRG could not find public documents related to La Pétrolière's petroleum-trading business.

e) Five Forty DRC SPRL

Five Forty DRC, an airline and transport company, was another partnership between Osifal and the British Virgin Islands-registered arm of Sentinelle International Group Ltd.¹¹¹ Just as in La Pétrolière, Sentinelle brought in \$8 million in cash for its share capital while Osifal's \$2 million share capital contribution was covered by the value of its "professional connections and personal relationships."¹¹²

f) Hebron Holding Congo

Osifal also owns or owned 50% of Hebron Holding Congo. Hebron Holdings SA Pty, which was registered in South Africa about three weeks before the incorporation of the Congo unit in June 2008, holds the other half.¹¹³

Hebron is another company with diverse interests but few known activities: its incorporation documents say it is involved in gold and diamonds, civil and industrial construction, transportation, finance and investment funds, the marketing of food and industrial products, and telecommunications.

According to its incorporation documents, the joint venture was set up to mine nine permit areas held by Osifal, though documents seen by CRG do not say which permits.¹¹⁴ As of June 2017, the company held two mining exploration licenses in diamond-rich Kasai Occidental under the name Hebron Holding DRC.¹¹⁵ CRG found no other public documents detailing its current status.

g) COMINCA - La Congolaise de Mines et des Carrières

COMINCA was a mining company founded in 2004.¹¹⁶ President Kabila's daughter, Sifa, who was four years old at the time, was a minority shareholder in the company. COMINCA held permits for copper, cobalt, gold, tin, and diamonds, according to the mining registry.¹¹⁷ The company or some of its shareholders apparently had a provisional agreement with diamond company De Beers that never came to fruition after an intra-shareholder dispute at COMINCA involving Sifa.¹¹⁸ Another partner in the venture was her uncle, Patrick Bologna, who is currently a national deputy and is married to the sister of First Lady Olive Kabila. By the end of 2005, Bologna took over the company with his other immediate family members, and Sifa was no longer part of the share structure. In June 2011, Bologna and his family ceded their shareholding.¹¹⁹ COMINCA no longer appears to have registered mining permits.



3. Jaynet Désiré Kabila Kyungu

Jaynet Kabila was born in Hewa Bora, Fizi, South Kivu, in June 1971 and grew up mostly in Tanzania. Soon after her father was killed in 2001, she began setting up companies in Tanzania, the United States, Panama, the island of Niue, and Congo.¹²⁰ She has or has had direct and indirect stakes in at least 28 companies over the past fifteen years. Through these companies she has stakes in more than a hundred mining permits.¹²¹

She is also the president of the Fondation Mzee Laurent-Désiré Kabila, which, according to its articles of association, is an organization that works with vulnerable populations including widows and orphans of war, HIV patients, and child soldiers.¹²²

In 2011 she was elected as a national parliamentarian from Kalemie, the lakeside capital of what is now called Tanganyika province. As a public official she is subject to laws regarding asset declarations and conflicts of interest. Congo's code of conduct for public officials does not prohibit her from being involved in business.

a) Keratsu Holding Ltd.

Perhaps the most valuable known operating asset of the Kabila family is an indirect stake in Vodacom Congo owned by Jaynet Kabila. Vodacom Congo is the largest mobile phone operator in the country. It had 8.5 million subscribers as of March 2016, and runs Mpesa, a mobile banking system.¹²³

The company is controlled by South Africa's Vodacom Group, which owns 51% of shares through a subsidiary based in Mauritius.¹²⁴ Vodacom Group's majority shareholder is London-based Vodafone, one of the largest phone operators in the world.¹²⁵ Vodacom Group created Vodacom Congo when it signed a joint venture on 11 December 2001¹²⁶ with a company called Congolese Wireless Network, which controlled a mobile phone operating license. CWN retains 49% of the company.

Among CWN's shareholders is a company called Keratsu Holding Ltd., with a 19.6% indirect stake in the company.¹²⁷ Keratsu was incorporated in June 2001, six months before the creation of Vodacom Congo, in the tiny South Pacific island of Niue.¹²⁸ The holding amounts to an indirect 4.8% stake in Vodacom Congo for Jaynet Kabila.

Incorporation documents from Niue's corporate registry show that she co-owns the company with Feruzi Kalume Nyembwe, who has also served as the coordinator of the Fondation Mzee Kabila that Jaynet Kabila runs.¹²⁹ Feruzi and Jaynet Kabila have known each other for years: Feruzi is the son of Didier Kazadi Nyembwe, the former head of Congo's intelligence agency, the ANR, and a close friend of Laurent-Désiré Kabila.¹³⁰

b) Acacia (formerly Grand Congo)

As of September 2014, Acacia was owned by Jaynet along with President Kabila's 16-year old daughter, Sifa; his brother, Masengo; and his financial adviser, Emmanuel Adrupiako. Two others have minority stakes.¹³¹ While the shareholding has changed over time, Jaynet Kabila has always been part of the company, according to more than a decade's worth of Acacia documents seen by CRG in Congo's official registry, and she signed the company's most recent incorporation documents on behalf of both her brother Masengo and niece Sifa.¹³²

Acacia holds 43 diamond-mining permits directly and holds a minority stake in Kwango Mines,¹³³ which has 53 permits. Together these permits stretch around 450 miles along Congo's southern border with Angola.¹³⁴ The permits also cover several rivers in Bandundu known to carry diamonds. Kwango's original total permit area of 21,948 square kilometers appeared to be bigger than the 20,000 square kilometers allowed under the mining code.¹³⁵ All of Acacia and Kwango's permits are currently in *force majeure*, according to the mining registry.¹³⁶ Acacia has had a disputed but longstanding option agreement with Delrand Resources Ltd., a Canadian diamond miner listed on a Toronto stock exchange, to develop some of its permits.¹³⁷

There is currently artisanal diamond mining taking place on at least some of Acacia and Kwango's permit areas, according to Bloomberg News.¹³⁸ However, CRG could not find any indication that either company has registered diamond exports, according to publicly available mines ministry documents or in declarations to the Extractive Industries Transparency Initiative. When Acacia and Kwango first

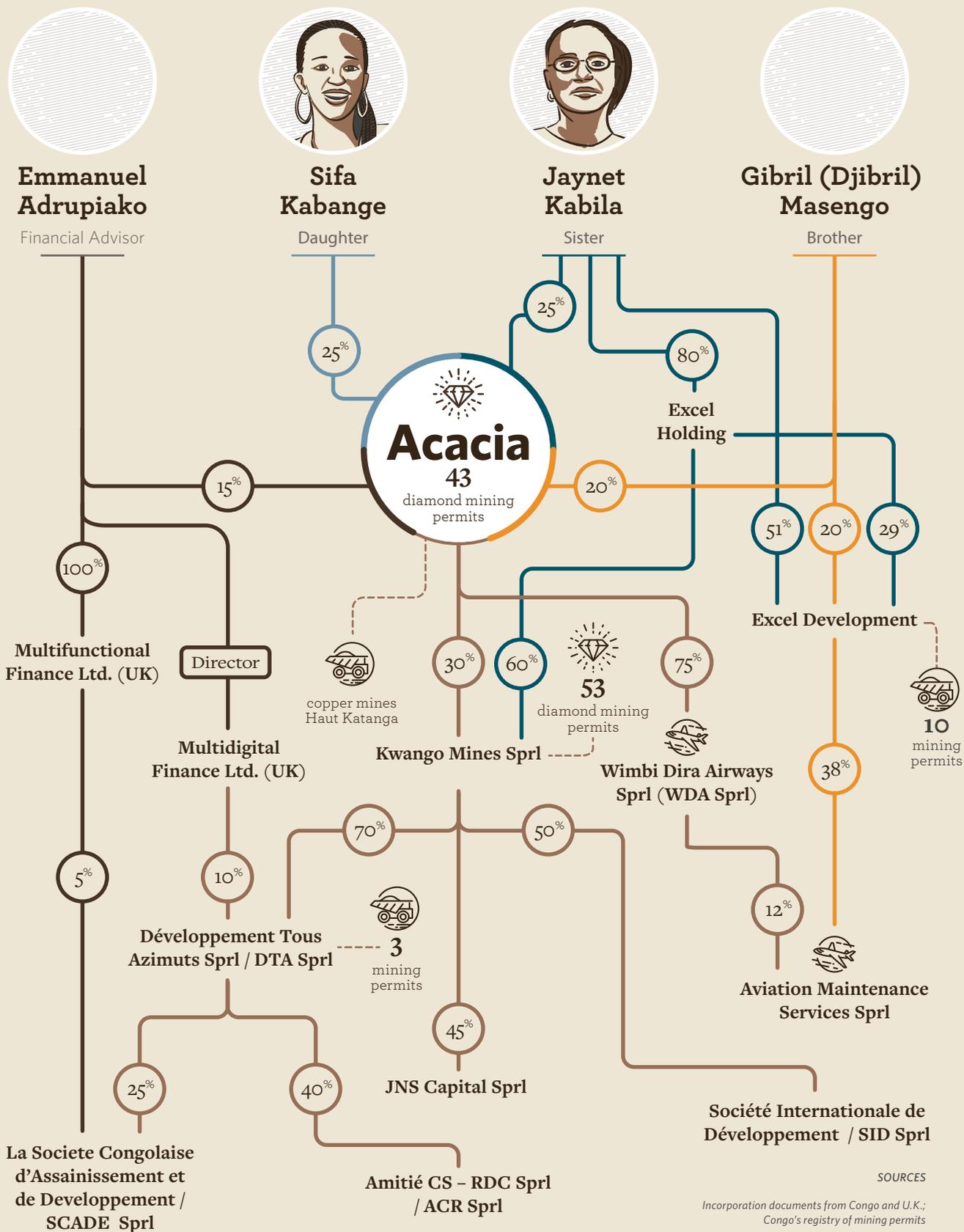
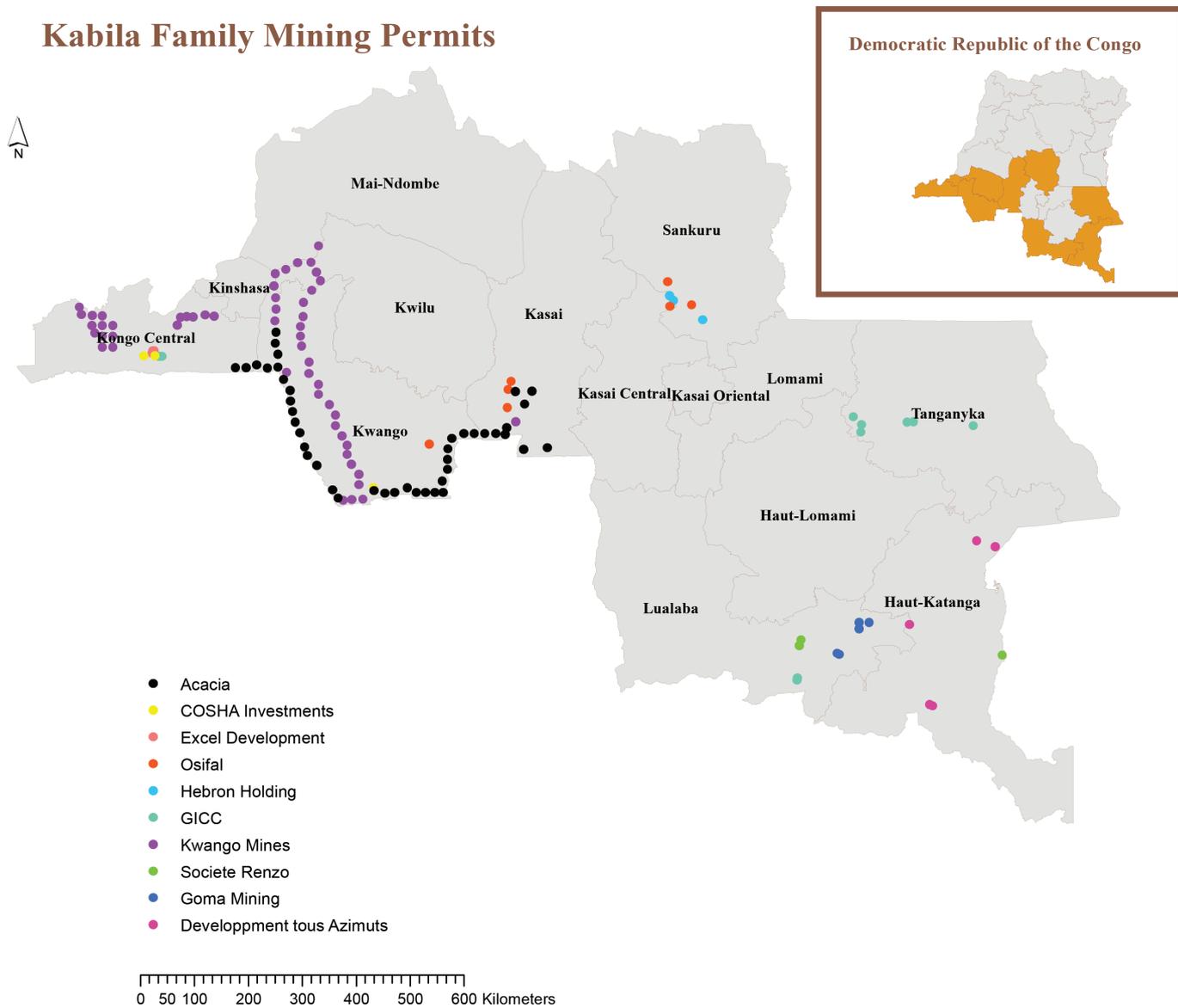


Figure 9 | The complex ownership structure of Acacia

SOURCES
Incorporation documents from Congo and U.K.;
Congo's registry of mining permits

Note: Some of these companies are no longer active and/or their shareholdings may have changed

Kabila Family Mining Permits



Source: Cadastre Minier DR Congo, RGC/IGC

Figure 10 | Mining permits partially or wholly owned by Kabila family members (Permits belonging to the family in other parts of the country are not visible on this map, as well as those belonging to Kalongwe Mining and Sycamore Investment)

SOURCES

Company incorporation documents from Congo and Tanzania; Congo's registry of mining permits

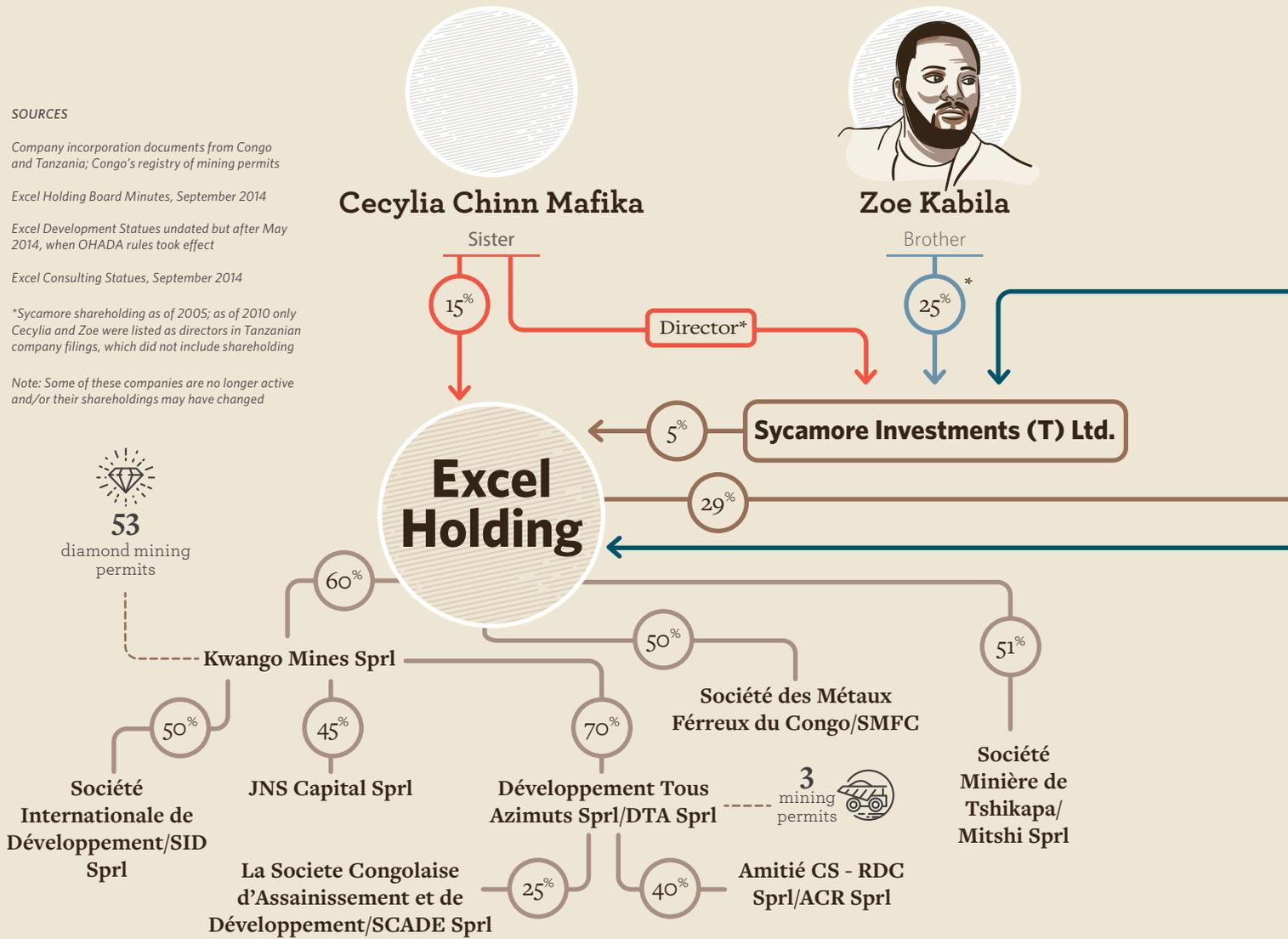
Excel Holding Board Minutes, September 2014

Excel Development Statues undated but after May 2014, when OHADA rules took effect

Excel Consulting Statues, September 2014

*Sycamore shareholding as of 2005; as of 2010 only Cecylia and Zoe were listed as directors in Tanzanian company filings, which did not include shareholding

Note: Some of these companies are no longer active and/or their shareholdings may have changed



received their permits, diamond production was Congo's most lucrative industry. In 2003, when Kwango was created, Congo's official diamond exports surpassed \$584 million and accounted for more than three-quarters of the country's export revenue.¹³⁹

Besides the diamond permits, Acacia was the main shareholder in Wimbi Dira Airways, which operated in Congo between 2003 and 2011, but is no longer flying.¹⁴⁰ According to two airlines industry publications, Wimbi Dira operated either thirteen or fourteen large aircraft during this period.¹⁴¹ Through Wimbi Dira, Acacia had another small shareholding in an aviation maintenance company.¹⁴²

Acacia's incorporation documents say that besides mineral exploration and exploitation, the company is also involved in investment, building, and real estate. A 2005 Environmental Ministry decree suggests it used to sell timber as well.¹⁴³

According to one study of logging permits in 2003, Acacia had the rights for logging over 275,597 hectares of forest in former Equateur province under its former name, Grand Congo.¹⁴⁴

Acacia also controls or controlled at least three artisanal copper and cobalt mining sites known as Monde Arabe, Kansonga, and Katekete (Kateketa), according to a 2014 report by French consulting firm Sofreco that was commissioned by the World Bank's Promines program in Congo.¹⁴⁵ All three are located on a Gecamines permit around Luisha in Haut Katanga province.¹⁴⁶ Artisanal miners on the sites "do not have employment contracts and receive no social protection of any kind," the report says. Citing testimonies gathered from "many artisanal miners" operating on or near the concessions, it goes on to say that Acacia's agents—whom the report says are Lebanese—are protected by Congolese soldiers. "These soldiers ensure, if necessary by force, that artisanal miners sell their production exclusively

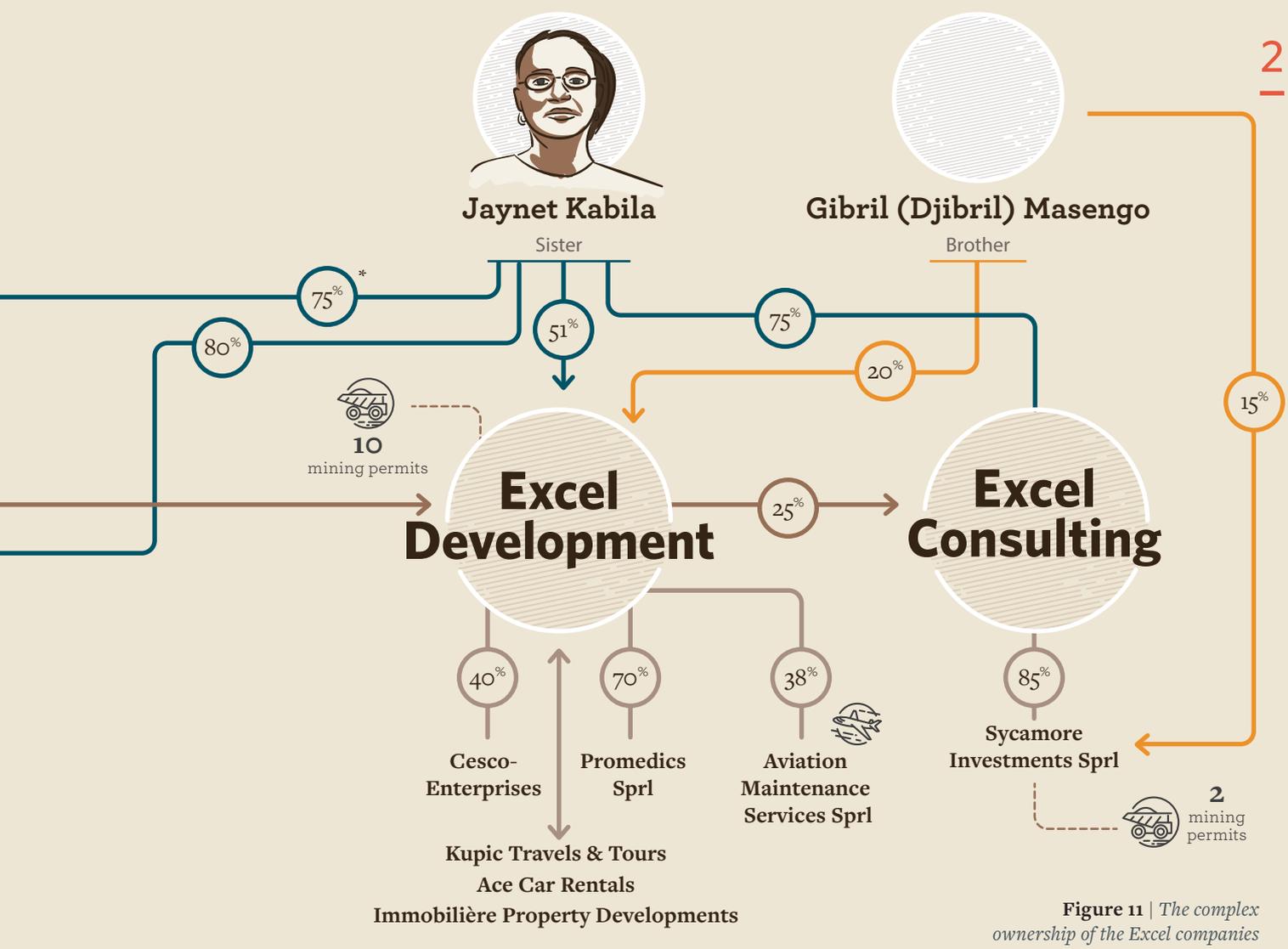


Figure 11 | The complex ownership of the Excel companies

to owners operating sites from which they extracted the ore and to nobody else. The purchase prices set by companies are lower than the market and therefore very unfavorable to artisanal miners.¹⁴⁷

Neither Sofreco nor CRG could determine whether Acacia had the legal right to mine the Gecamines sites. Gecamines does not list Acacia as one of its partners and has not published any contract with Acacia that would allow the company to mine on its concessions.¹⁴⁸ If such contracts exist, Gecamines is required to publish them.¹⁴⁹ When CRG visited the Katekete site in September 2016, two Republican Guard soldiers protected the site, and artisanal miners in the region said the mine was controlled by the presidential family.

The sheer enormity of Acacia and Kwango’s permit area means they should incur large annual payments to the state, according to mining code regulations.¹⁵⁰ According to

civil society organizations, in 2011, Acacia should have paid \$823,332 and Kwango Mines should have paid \$1,009,408 in surface rents alone.¹⁵¹ Any mining company that made payments to the government for over \$500,000 in 2011 was also required to file with Congo’s Extractive Industries Transparency Initiative.¹⁵² (The threshold for EITI reporting was lowered to \$200,000 in 2014.)¹⁵³ Neither company did this, according to the 2011 EITI report. Congo did make a unilateral declaration for Acacia that year, reporting the company paid only \$81,662 in surface rents, while noting no payments for Kwango.¹⁵⁴ With all their permits in *force majeure*, both companies can now avoid these requirements.¹⁵⁵

c) The Excel trio: Development, Holding, and Consulting¹⁵⁶

Three of the companies linked to Jaynet Kabila and other family members use the name “Excel” and are interwoven in elaborate

and confusing ways. Jaynet Kabila is the majority shareholder in all three. Some of the companies directly own mining permits and indirectly own mining companies, pharmaceutical importers, former airlines, and offer consulting work and financial services. All are located at 83 Avenue de la Justice in Kinshasa.

▪ **Excel Development**

Jaynet Kabila is the majority owner (51%) of Excel Development, while Excel Holding owns 29% and her brother Masengo owns 20%.¹⁵⁷ Excel Development directly holds 10 quarry exploration permits in Kongo Central.¹⁵⁸ It was the largest shareholder in Aviation Maintenance Services SPRL, which was also partly owned by the airline Wimbi Dira.¹⁵⁹ Both of these companies now seem to be inactive.¹⁶⁰ Excel Development had a 40% shareholding in Cesco Enterprises,¹⁶¹ a transport company that was also involved in logging and insurance, and held a 70% shareholding in Promedics, a pharmaceutical supplier.¹⁶² CRG could not find further information about these two companies.

▪ **Excel Consulting**

Jaynet Kabila directly owns 75% of Excel Consulting.¹⁶³ The company's other shareholder is Excel Development. Excel Consulting has an 85% stake in Sycamore Investments (Congo), which owns quarry permits (see below).¹⁶⁴ The only information CRG was able to obtain about the company comes from the LinkedIn profile of its director general, Herman Mbonyo.¹⁶⁵ It states that Excel Consulting was involved in the "strategic guidance, management, and monitoring" of projects by several companies, including ISIS Congo, which is owned by Zoé Kabila.¹⁶⁶ ISIS Congo holds the contract to issue drivers licenses and national ID cards.¹⁶⁷

▪ **Excel Holding**

Excel Holding is 80% owned by Jaynet and her sister Cecylia, and their Tanzanian-based company Sycamore Investment (T).¹⁶⁸ Excel Holding owns 60% of Kwango Mines, which holds 53 diamond mining permits and significant shareholdings in a number of other companies.¹⁶⁹ Excel Holding also holds 29% in Excel Development, and through that company has an indirect stake in Excel Consulting.

d) Sycamore Investments (T) & Sycamore Investments (Congo)

Sycamore Investments (T) was created in 2001 in Dar es Salaam, Tanzania. As of July 2001 and 31 December 2005,

The Present Christian Name and Surname	Any former christian name or names or surname	Nationality	Nationality of origin (If other than the present Nationality)
Jaynet Ursular Kyungu	None	Tanzanian	None
Zoe Francis Mtwale	None	Tanzanian	None
Cecylia Mtwale	None	Tanzanian	None

Figure 12 | Incorporation document of Sycamore (T), excerpt

its shareholders were listed as Jaynet Ursula Kyungu and Zoé Francis Mtwale.¹⁷⁰ While both are listed as Tanzanian citizens, the birthdates in the incorporation documents in Tanzania match those of Zoé Kabila and Jaynet Kabila.

According to the documents, Sycamore (T) is involved in wide array of activities, ranging from agriculture to mining, hotel and restaurant service, and real estate. A business registration document for the company from 2010 lists the company directors as sister Cecylia Mtwale and Zoé Francis Mtwale.¹⁷¹

Another company called Sycamore Investments was registered in Congo in January 2012, just after Jaynet and Zoé were elected to parliament. The Congolese version of Sycamore Investments is 15% owned by their brother Masengo, and 85% owned by Excel Consulting, giving Jaynet Kabila majority control of the company. The firm holds two permits to mine quarries on the outskirts of Kinshasa, although at least one is subject to forfeiture for missing required payments, according to the online map of the mining registry.¹⁷² According to its incorporation documents, Sycamore is engaged in various other sectors, but CRG could not find further details of its operations.

Like many other family companies, Sycamore Investments (Congo) is registered at 83 Avenue de la Justice in Kinshasa.

e) Congotel

A year after the Vodacom deal, Feruzi Kalume Nyembwe and Jaynet Kabila founded another telecommunications company, La Congolaise de Télégraphe & Télécommunication SPRL (Congotel), in May 2002.¹⁷³ Incorporation documents list Feruzi and Jaynet Ursula Kyungu as equal shareholders in Congotel, and list Fizi as Jaynet Ursula Kyungu's birthplace and 4 June 1971 as her birth date, the same place and date of birth as Joseph Kabila, Jaynet Kabila's twin brother.

f) Development Trade And Investment Company

Development Trade and Investment Company SA,¹⁷⁴ was incorporated in Panama on 16 January 2003, with Jaynet U. Kyungu—another name for Jaynet Kabila—as president.¹⁷⁵ The company was formed a day after President Kabila's finance adviser, Emmanuel Adrupiako, set up Panama-based Morayo Investments SA, using the same lawyers and law firm.¹⁷⁶

Development Trade and Investment created the Kisangani-based company Carrefour de Développement/CARDEV two years later on 11 October 2005, and took a controlling 80% stake.¹⁷⁷ CARDEV's incorporation documents say it is involved in import-export trade, precious and semi-precious minerals, forestry, agro-industry, transport and tourism, among other things. Zoé Kabila represented the company. A company called Multidigital Finance was its “commissioner,” according to board minutes. Multidigital Finance was a London-based company set up by Adrupiako whose incorporation documents say it was involved in health, social work, and dentistry.¹⁷⁸

Five years later, on 21 July 2010, CARDEV set up Strategic Metals and Technologies (Stramet Congo), a company created for the mining, processing and treatment of minerals, also headquartered in Kisangani. CARDEV took 25% of Stramet, while 75% went to SPI, the company partly owned by Zoé Kabila mentioned above.¹⁷⁹

It is not clear what any of these companies actually do or did. CARDEV documents list an address for Jaynet Kabila's Panamanian Development Trade And Investment Company at Grant Thornton Révision et Conseil in Luxembourg, “an audit, tax, accounting and business advisory firm dedicated to serving the needs of individuals, businesses and other organisations,” according to its website.¹⁸⁰ The need for an

accountant and auditor from Luxembourg suggests that the company has at least some revenue, or at least had in the past.

g) La Société de Développement Tous Azimuts (DTA)

La Société de Développement Tous Azimuts SPRL (DTA)¹⁸¹ controlled a number of companies in Congo, all of which were linked to the presidential family. The company was created on 28 December 2004 and is 70% owned by Jaynet Kabila's Kwango Mines. DTA currently controls two copper and cobalt exploration permits just east of Pweto in the former Katanga province, as well as one permit to dig sand and gravel north of Lubumbashi.¹⁸²

Besides mining permits, DTA has a joint venture called Amitié CS-RDC/ACR that it created 21 March 2011 with a Korean partner named Corenco (Korenc).¹⁸³ ACR's incorporation documents say the company is involved in mining, construction, transport and oil exploration.

In 2008, DTA created La Societe Congolaise d'Assainissement et de Developpement or SCADE SPRL,¹⁸⁴ a Kinshasa based company that does community development, mining, real estate, import-export, transport, construction, and transit. Apart from its incorporation documents, SCADE's records do not appear in the official gazette.

CRG was unable to find evidence of any income or investments by these companies. In 2008, DTA attempted to launch a small rocket towards space—known as Troposphere V—with a rat onboard. The rocket crashed, but the video of the launch went viral.¹⁸⁵

h) Fondation Mzee Laurent-Désiré Kabila

The Laurent-Désiré Kabila Foundation is based in Kinshasa and, according to its founding documents, works with HIV patients and other vulnerable populations, especially those linked to the wars in Congo. Its original board members included Jaynet Kabila and her sister Josephine, as well as the president of the country's 2011 electoral commission, Pastor Ngoy Mulunda, and longtime business collaborator with the family, Théophas Mahuku.¹⁸⁶ Like Olive Lembe Kabila's foundation, there is no public record of its finances or activities.



4. Zoé Kabila Mwanzambala

Zoé Kabila was born in Dar es Salaam, Tanzania on 26 June 1979. He has a son born in 2008 who is an occasional partner in his companies.¹⁸⁷ His business interests range from diamonds to construction to roadwork to mining, transport, fuel, and farming. He has several investment agencies and recently built a hotel on Congo's Atlantic Coast called La Beviour through his Cosha Investments company. Cosha also holds gold and diamond mining permits and has a stake in the Congolese subsidiary of Nando's fast-food chain. Through its subsidiaries, Cosha owns more mining permits as well as contracts with multiple companies to mine tin, coltan, gold, copper and cobalt.¹⁸⁸ It also indirectly owns the company that prints Congo's driver's licenses.¹⁸⁹ Another company owned by Zoé provided services to Ivanhoe's Kamao mining project¹⁹⁰—possibly the biggest undeveloped copper mine in the world¹⁹¹—as well as to the Sicominex mining project, a cobalt and copper operation that is the cornerstone of Congo's \$6.2 billion mineral-for-infrastructure deal with the Chinese government.¹⁹² Moise Ekanga, the head of the office that deals with the China contract, worked for Zoé's Strategic Projects and Investments even after taking on his current position.¹⁹³

Zoé Kabila also owns a football club, the Shark XI, as well as a boxing gym and fitness center in Kinshasa called Shark Club.¹⁹⁴

In 2011 he was elected as a national deputy from Manono, in central Katanga, now part of Tanganyika province. As a public official he is subject to laws regarding asset declarations and conflicts of interest. Congo's code of conduct for public officials does not prohibit him from being involved in business.

He co-owned Number One Contracting Co., which was the fourth-largest road construction group in Congo between at least 2003 and 2008, accounting for about 11% of the construction market, with average sales of about \$14 million per year.¹⁹⁵ In 2005, the group received two contracts totaling \$287,410 from UN agencies to provide road construction material.¹⁹⁶

His partner in the venture received World Bank contracts to build roads, bridges, and houses in Congo as well as risk insurance from the Overseas Private Investment Corporation (OPIC), the U.S. government's private development agency. While the US government said at the time in an internal cable that the company did not have any political risk associated with it, proper due diligence would have revealed Zoé's ownership of the company's Congolese venture: he is directly listed in the Congolese company's incorporation documents.¹⁹⁷ While at the time of these contracts, Zoé had not yet been elected to public office, he still would have been considered a "politically exposed person" due to his connections to the president.¹⁹⁸

Zoé Kabila also has a home in Johannesburg, South Africa, which he bought in 2007 for five million rand, about \$709,000 at the time.¹⁹⁹ Many of his investments are intertwined with his siblings and already outlined above. Other investments are detailed below.

a) Cosha Investments

Zoé Kabila owns 90% of Cosha Investments along with long-time partner and family friend Théophas Mahuku.²⁰⁰ The company holds eight mining permits—two quarries in Kongo Central, and six diamond and gold permits northeast of Kisangani near Isiro.²⁰¹ All eight are in *force majeure*. The company also holds a 12.29 percent direct stake in the Nando's fast-food franchise in Congo.²⁰² Cosha held a 20 percent stake in Okapi Airlines, which was previously called One Time Airlines and was operational between 2011 and 2014.²⁰³ The company recently built a 59-room luxury hotel called La Beviour in Muanda on Congo's Atlantic coast. President Kabila inaugurated the resort in 2016 with a large delegation of dozens of government officials from Kinshasa and Matadi.²⁰⁴

- **Générale Industrielle et Commerciale au Congo (GICC)**
Several of Zoé Kabila's biggest investments have been made through Cosha's 90% interest in La Generale Industrielle et Commerciale au Congo, or GICC.²⁰⁶ GICC owns 60% of Imprimerie de Sécurité Informatique et Système (ISIS-Congo), which holds the contract to print Congo's driver's licenses.²⁰⁷

– Kalongwe Mining

GICC also holds a 10% stake in Kalongwe Mining, a copper and cobalt project run by the publicly traded Australian company, Nzuri Copper Limited (formerly Regal Resources). GICC sold 30% of its stake in the project to Regal/Nzuri in



Figure 13 | *La Beviour Hotel*²⁰⁵

2016 for a total of \$4.255 million in cash and \$1.255 million in shares.²⁰⁸ As of February 2017, it also directly held 5.8% of Nzuri shares, worth about \$2.5 million at the time.²⁰⁹

GICC acquired the permit for Kalongwe in 2011 from a subsidiary of Ivanhoe Mines Ltd. for \$1.2 million, according to a June 2014 Regal announcement and Ivanhoe's prospectus for its initial public offering.²¹⁰ Ivanhoe says an agent with power of attorney conducted the sale and the company did not know it was dealing with GICC.²¹¹ Nzuri's exploration of Kalongwe has uncovered inferred resources of more than 300,000 tons of contained copper and 42,000 tons of contained cobalt.²¹²

GICC also directly holds nineteen mining permits, according to Congo's mining registry. Thirteen permits are in *force majeure*, including seven quarry permits in Kongo Central near Tumba, and six exploration permits for tin and coltan north of Manono in Tanganyika province.²¹³ It recently obtained five other active exploration permits from a subsidiary of Ivanhoe.²¹⁴ Neither Ivanhoe, which is publicly traded on the Toronto Stock Exchange, nor GICC have announced the terms of this deal publicly. Ivanhoe told CRG that the small value of the contracts meant it wasn't required to report them under the applicable securities legislation. According to Ivanhoe, the total payment for the five permits was \$200,000, with Ivanhoe retaining a 5% royalty.

- *Moto Goldmines*

In 2007, publicly traded Moto Goldmines Ltd. hired GICC for \$2 million and the possibility of millions of shares in

the company in exchange for GICC's services assisting Moto with obtaining the necessary permits for the Moto Gold project in northeast Congo.²¹⁵ At the time, Moto Goldmines wrote:

"In order to expedite the progress of the Moto Gold Project, the Company has engaged Generale Industrielle et Commerciale au Congo ("GICC"), a DRC-based consultancy group, to assist Moto in obtaining the Consolidated Lease Agreement, negotiating the documentation relating to the Moto Gold Project and obtaining of all relevant government approvals and consents to enable the development of the Moto Gold Project."

In 2009, Moto gave GICC nearly 1 million shares for its work.²¹⁶ A few months later, Randgold Resources and AngloGold Ashanti bought Moto Goldmines for around \$500 million.²¹⁷ Shareholders were offered \$4.47 per share, which would have given GICC at least \$4.3 million if they still held the 981,193 shares they'd recently received from the company. CRG could not find GICC's exact shareholding in Moto at the time of the sale.

- *African Speciality Metals (ASM) and Tantale et Niobium du Tanganika (TaNbGANIKA)*

The GICC website also mentions another company, ASM, which controlled a tin and coltan project in Manono that links to the Cosha Group of companies.²¹⁸ ASM is short for African Speciality Metals, a defunct joint venture with a publicly traded Australian company called Noventa.²¹⁹ According to company documents, Noventa controlled half of ASM, which in turn held 75% of Tantale et Niobium du Tanganika (TaNbGANIKA), a joint venture with state mining company COMINIÈRE to develop two tin and coltan permits in Manono.²²⁰ This contract has never been published,²²¹ in violation of a government decree.²²²

In 2012, Noventa announced it would provide \$2.5m in loans to ASM to develop the permits,²²³ but the company failed to repay one of its own creditors and was forced to leave the project in 2013.²²⁴ It is not clear if ASM is still trying to develop the site with another partner.

- *Iverland*

According to its website, GICC also has a fuel supply contract with Ivanhoe Mines Ltd.'s Kamoa Copper SA project and with Iverland SARL, which runs the Lupoto copper mine outside Lubumbashi.²²⁵ Documents leaked from BGFI DRC

bank—which is 40% owned by a Kabila sister and whose CEO is Zoé's adopted brother, Selemani—show Iverland Mining Congo company paid Cosha Investments \$3 million in December 2015.²²⁶

c) Kikwesa Farmland

On 17 February 2010, Zoé Kabila's son, Nunez Taratibu Kabila, obtained 600 hectares (1482 acres) of farming and pastureland in the Kikwesa region of Haut Katanga from the Ministry of Land Affairs.²²⁷ Nunez was eighteen months old at the time.

d) Strategic Projects and Investments (SPI)

In 2006, when he was only 27 years old, Zoé Kabila contributed \$10,920,000 to the share capital of his company, Strategic Projects and Investments (SPI), which was also part-owned by President Kabila's close adviser, Augustin Katumba Mwanke.²²⁸ The firm was set to invest \$15.5 million in agricultural projects, mainly in Ferme Espoir, which was described as a branch of SPI in its board minutes and is now fully owned by President Kabila and his two children.²²⁹

SPI also held 75% in Strategic Metals and Technologies (Stramet Congo), a company created in 2010 for the mining, processing and treatment of minerals, headquartered in Kisangani.²³⁰

Moise Ekanga, the head of the office that deals with Congo's \$6.2 billion contract with China, became the chief operating officer for SPI in January 2007.²³¹

e) Katanga Premier SPRL (KAP SPRL) & Tanga Logistics & Mining SA (TLM)

Zoé Kabila created Katanga Premier in June 2012, and directly holds 60%, while his son holds 30% and Théophas Mahuku holds 10%.²³² Its incorporation documents describe it as a telecommunications, manufacturing, mining, customs, cement, travel, information technology, fast food, real estate, brokerage, and architecture business.

▪ Tanga Logistics & Mining SA (TLM)

Katanga Premier is a 100% shareholder in Tanga Logistics & Mining SA (TLM), a logistics, public works, engineering and construction company based in Katanga.²³³

According to its website, TLM is a subcontractor for two of Congo's biggest mining projects, Kamao and Sicominex. Kamao is run by the publicly traded Canadian Ivanhoe Mines Ltd., which calls the project the "world's largest, undeveloped, high-grade copper discovery."²³⁴ Ivanhoe was embroiled in a dispute with the Congolese government when Kinshasa blocked its sale of a large stake in the Kamao mine to the Chinese Zijin Mining Group in May 2015.²³⁵ In an August 2015 public filing, Ivanhoe said the company had hired Tanga to perform a number of "small civil works" including a "roadway, sump and drain."²³⁶ In September, the government allowed the sale to Zijin to go through.

There is no evidence that the contract with TLM was linked to a resolution of the dispute with the Congolese government. When contacted, Ivanhoe Mines stated that the company and its representatives were never in touch with Zoé Kabila regarding these contracts, and that TLM was unsuccessful in its bid for a much larger contract worth \$37.47 million.

TLM provides stripping, mining, blasting and drilling for Sicominex's Mashamba West Mine, according to the company website. Sicominex is the largest single investment in Congo's history—a \$3.2 billion mining project that swaps Congolese copper and cobalt for \$3 billion in infrastructure investments.

d) Shark XI

Shark XI is registered as a non-profit organization with a soccer team, a boxing gym and fitness center in Kinshasa called Shark Club.²³⁷ The club also has a restaurant on site. Like the Fondation Laurent Desire Kabila and the Initiative Plus OLK, its finances are not available.

e) Société Aketi (SA SARL)

Founded in 2016, Société Aketi is owned by Zoé Kabila's wife and two of his children.²³⁸ (He is not a direct shareholder himself.) The company's incorporation documents say it is involved in oil and gas sales, distribution, and transport; engineering and construction; telecommunications; travel and tourism; insurance; agriculture and a number of other activities. CRG could find no other information about the company.

CHAPTER VI: OTHER FAMILY, OTHER INVESTMENTS

We have highlighted three other business ventures by members of the Kabila family, as well: a controversial mining contract that led to the suspension of IMF funding; a fuel and transport company in Lubumbashi; and an iconic building in downtown Lubumbashi.

a) Comide & Goma Mining

A family member was also involved in a controversial copper project called La Congolaise des Mines et de Développement SPRL (Comide) that was cited in the 2012 decision by the International Monetary Fund to cancel its half-billion dollar loan agreement with the DRC. In 2011, the government refused to publish sufficient information about a deal between three companies: Eurasian Resources Group,²³⁹ a company owned by Israeli billionaire Dan Gertler called Straker International, and a Congolese company called Goma Mining. It involved a complicated swap for permits between Comide shareholders and Goma Mining in one of Congo's richest mining regions. When the government would not release the contracts related to the deal in contravention of Congolese government regulations and IMF and World Bank agreements with the country, the IMF stopped its loan program.²⁴⁰

At the time, the owners of Goma Mining were not publicly known, but company filings show Josephine Tumaleo, President Kabila's sister, has been its chair since the company's incorporation.²⁴¹ As of 2008, Tumaleo also owned ten percent of the company, while another firm called Big Mama Company owned the rest.

Goma Mining Société privée à responsabilité limitée

Procès-verbal de l'Assemblée générale extraordinaire du 21 avril 2008

En date que dessous et à Kinshasa, au n° 83, de l'avenue de la Justice, dans la Commune de la Gombe, s'est tenue l'Assemblée générale extraordinaire des associés de la société dénommée Goma Mining, société privée à responsabilité limitée, ayant son siège social à Lubumbashi et immatriculée au Nouveau registre du commerce de Lubumbashi, sous le numéro 9521 ;

Société constituée par acte reçu et enregistré en date du 25 juillet 2005 par Monsieur Kasongo Kilepa, Notaire de la Ville de Lubumbashi ;

Le capital social de la société est de 200.000\$ US (Deux cent mille dollars américains), représenté par 2.000 parts sociales d'une valeur nominale de 100\$US (cent dollars américains), chacune.

1. Composition

Sont présents ou représentés :

- Madame Joséphine Tumaleo, résidant à Kinshasa, au n° 9 de l'avenue Okapi, Commune de Ngaliema, titulaire de 200 parts sociales, représentant 20.000\$ US, soit 10% du capital social ;
- la société Big Mama Company Sprl, titulaire de 1.800 parts sociales, représentant 180.000\$US, soit 90% du capital social, ayant pour gérante, Mademoiselle Nicole Mwamini, est représentée, uniquement aux fins des présentes, par Maître

CRG could not locate Big Mama's incorporation documents.²⁴² Goma Mining board meeting minutes show Big Mama's representative was at one time Nicole Mwamini. According to a biography of Laurent-Désiré Kabila, Joseph Kabila's mother, Sifa Mahanya, had a daughter in her first marriage who carried the name Mwamini, though the biography does not include her full name.²⁴³ CRG could not confirm any relationship between Nicole Mwamini and the Kabila family.

The IMF decision to cut its loan program cost the country about \$225 million in loans from the Fund, along with the possibility of \$87 million in budget support from the

African Development Bank. IMF programs also act as a bellwether for other investment; without an IMF program that includes oversight of budgetary matters, many companies are less willing to invest in an unstable country like Congo, which has a reputation for corruption.²⁴⁴

The Comide deal was not the first time Goma Mining had been involved in a controversial mining deal. In 2007, Goma Mining created a joint venture called Roq Mining to dig copper in Katanga with a subsidiary of the Swiss company Ameropa Holding.²⁴⁵ The two sides soon ended up in court in a dispute about dividends and payments that lasted at least through

2013. Ameropa is no longer operating in Congo. Goma Mining still holds the mining permits, according to the country's mining registry.²⁴⁶

b) Shaba Impex

Shaba Impex is owned by Kabila sisters Cecylia Chinn Mafika (80%) and Makolo wa Ngoy Kabila (20%), also known as Makie Wangoi.²⁴⁷ The company has several subsidiaries,

including a Tanzania-based travel agency, night club, and clothing boutique, and a Congolese fuel company, Shaboil, that "operates a 4.8 million liter capacity modern depot at Ruashi and filling stations in Lubumbashi," according to an archived version of the Shaba Impex website.²⁴⁸ The company is also apparently involved in mineral trading: Shaba Impex sells copper "and other minerals" on Alibaba, China's version of Amazon.²⁴⁹

c) Mining Permit 13115

In 2015, Shaba Impex²⁵⁰ was involved in an unusual transaction regarding a mining permit just east of Lubumbashi. In 2014, the Lubumbashi-based mining company, Chemaf, broke off a small piece of their mining permit PE 12113, renumbered it PE 13115, and ceded it to Shaba Impex.²⁵¹ Instead of mining the concession, Shaba Impex transferred the permit to a



**REPERTOIRE DES TITULAIRES DES DROITS VALIDES
CLOTURE AU 31 DECEMBRE 2015**

N°	TITULAIRES	NIF	N° PERMIS	TYPE PERMIS	STATUT	ACTES ADMINISTRATIFS	DATE D'OCTROI	DATE D'EXPIRATION	SUPERFICIE (CARRÉS)
320	CHEMAF KAPAMBA	A0708211J	1528	PE Actif			09/09/06	08/09/06	12
321	CHEMAF KAPAMBA	A0708211J	2780	PE Actif			27/03/12	26/03/42	194
322	CHEMAF KATANGA MINING SPRL	A0708211J	2477	PR Actif			22/09/14	21/09/19	116
323	CHEMAF KATANGA MINING SPRL	A0708211J	12434	PR Actif			08/04/11	07/04/16	39
324	CHEMAF KATANGA MINING SPRL	A0708211J	12744	PR Actif			20/04/12	19/04/17	324
325	CHEMAF KATANGA MINING SPRL	A0708211J	12745	PR Actif			20/04/12	19/04/17	137
326	CHEMAF MAKALA	A0708211J	1430	PE Actif			03/09/09	02/09/09	17
327	CHEMAF MAKALA	A0708211J	1431	PE Actif			15/09/11	14/09/11	12
328	CHEMAF MAKALA	A0708211J	1432	PE Actif			26/12/14	25/12/44	15
329	CHEMAF MAKALA	A0708211J	1434	PE Actif			15/09/11	14/09/11	5
330	CHEMAF MAKALA	A0708211J	1435	PE Actif			19/11/07	18/11/07	135
331	CHEMAF MAKALA	A0708211J	1524	PE Actif			26/12/14	25/12/44	36
332	CHEMAF MAKALA	A0708211J	2115	PE Actif			15/09/11	14/09/11	101
333	CHEMAF MAKALA	A0708211J	2121	PE Actif			08/10/11	07/10/11	21
334	CHEMAF MAKALA	A0708211J	2756	PE Actif			03/09/09	02/09/09	68
335	CHEMAF MAKALA	A0708211J	4813	PE Actif			26/09/05	25/09/05	107
336	CHEMAF MAKALA	A0708211J	11557	PE Actif			01/09/09	31/08/09	48
337	CHEMAF MAKALA	A0708211J	12489	PE Actif			15/09/11	14/09/11	14
338	CHEMICAL OF AFRICA Sarl	A0708211J	577	PE Actif		Contrat d'hypothèque avec FBN BANK (UK) Limited	12/06/11	11/06/26	6
339	CHEMICAL OF AFRICA Sarl	A0708211J	1538	PE Actif			26/01/09	25/01/09	17
340	CHEMICAL OF AFRICA Sarl	A0708211J	12113	PE Actif-En cours de Cession Partielle		Contrat d'hypothèque avec FBN BANK (UK) Limited et Contrat de Cession partielle à SHABA IMPEX	23/08/12	22/08/42	90
341	CHEMICAL OF AFRICA Sarl	A0708211J	12370	PR Actif			18/09/14	17/09/19	184
342	CHEMICAL OF AFRICA Sarl	A0708211J	12371	PR Actif			18/09/14	17/09/19	400



**REPERTOIRE DES TITULAIRES DES DROITS VALIDES
CLOTURE AU 31 DECEMBRE 2015**

N°	TITULAIRES	NIF	N° PERMIS	TYPE PERMIS	STATUT	ACTES ADMINISTRATIFS	DATE D'OCTROI	DATE D'EXPIRATION	SUPERFICIE (CARRÉS)
56	ADAMANTES SARL	A1403078K	1274	PEPM Actif			10/03/15	09/03/20	25
57	Adele NDALA		9886	PR Actif-En Force Majeure			18/03/09	17/03/14	10
58	ADVANCED MINERALS DRC SPRL	A1216560E	7493	PR A déchoir pour non paiement			01/07/07	24/06/14	36
59	ADVANCED MINERALS DRC SPRL	A1216560E	7706	PR Actif-En Déchéance Non-Commencement			01/07/12	24/06/14	8
60	ADVANCED MINERALS DRC SPRL	A1216560E	7707	PR A déchoir pour non paiement			01/07/07	24/06/14	6
61	ADVANCED MINERALS DRC SPRL	A1216560E	7708	PR Actif-En Déchéance Non-Commencement			01/07/07	24/06/14	4
62	ADVANCED MINERALS DRC SPRL	A1216560E	11031	PR Actif-Transformation PR en PE			01/07/09	30/06/14	6
63	AFRICA RESOURCES SARL	A1501938Z	674	PEPM Actif		Cession de Nanzambi Mining Corporation	08/11/07	07/11/17	36
64	AFRICAN MINES CONGO "AMC"		13115	PE Actif		Cession de Shaba Impex	11/03/14	22/08/42	9
65	AFRIMINES RESOURCES Sprl	A0708632R	11140	ARPC Actif-Transformation ARPC en AACP			26/09/09	25/09/10	5

company called African Mines Congo, or AMC, within less than a year. AMC is based in Kinshasa; CRG could not find its incorporation documents.

In response to a correspondence from CRG, a representative of Chemaf explained that this part of their concession was occupied by farmers "under the management of Shaba Impex," and as there were no minerals there, they decided to sell it. Chemaf also insisted that they did not have any dealings with the Kabila family.²⁵²

d) The Betamax Building in Lubumbashi

The Shaba Impex Congo headquarters were located in the "Betamax building" in the center of Lubumbashi, an iconic building in the heart of the city that used to house a popular movie theater. In 2007 Make Makolo wa Ngoy obtained the legal title to the land and the building.²⁵³ According to Congolese press reports, she obtained a court order to evict the companies renting commercial space in the building; court officials and around forty police arrived at the building early in the morning to evict the storeowners.²⁵⁴ Court cases about the ownership continue to this day.²⁵⁵

The building is currently being demolished and replaced. Before it was torn down, just above the arches on the building's curved red-and-white front was a sign that said "Bâtiment Shaba Impex - Lubumbashi." The building was also home to Renzo, a company controlled by another sister, Sissy, according to signs on the building in September 2016. It was protected by members of the Republican Guard, who said the building belonged to the presidential family.²⁵⁶

Analysis

The Congo is entering into an extremely uncertain, volatile period. Due to delays in the electoral process,²⁵⁷ national elections were not held by the end of 2016, as required by the constitution. However, the opposition and the government reached an agreement on 31 December 2016 allowing for President Kabila to stay in power until the end of 2017, while ushering in a power-sharing agreement with the opposition to oversee the government in the interim. The implementation of that agreement, however, became mired in controversy when Kabila named Bruno Tshibala, a dissident opposition leader, as prime minister on 7 April 2017.

This report, however, points to political problems of governance that go beyond the peaceful and democratic transfer of executive power. Elections alone will not be enough to redress the violence, poverty, and corruption afflicting the country. For a large part, elections in the Congo have produced the exchange of power among political elites. There has been extremely little redistribution of wealth by the government, and scant investment in infrastructure, job creation, or social services. Throughout the peace process, the international community and Congolese elites alike have placed an emphasis on the trappings of democratic institutions—the creation of national and provincial parliaments, the extension of state authority, and a liberal constitutional framework—but have had little success in influencing the content of those institutions and rendering them accountable to the country's citizens.

What is lacking is an emphasis on accountability for political elites. In this report, we have highlighted structural weaknesses related to governance in the Congo: ambiguous conflict of interest legislation, the difficulty in

obtaining fiscal and legal records, and the lack of transparency in declarations of assets made by senior figures in government.

We then document the rise of the Kabila family, from their relatively austere life in Dar es Salaam to the pinnacle of state power in Kinshasa. Their ascendance raises significant questions, which we have detailed here: Has the family benefitted from privileges not available to most Congolese, including the use of the Republican Guard to protect their properties, or exceeding the number of mining permits legally allowed?²⁵⁸ Have there been conflicts of interest in how they obtained stakes in over 80 companies? And have foreign donors and corporations been sufficiently scrupulous when they have partnered with or supported these companies?

The purpose of this report is not to provide definitive answers to these questions—that will be up to Congolese courts and watchdogs—but to illuminate the issues at stake. Greater accountability will only come with pressure on Congolese elites and their international business partners to ensure ethical behavior. Without greater transparency, more pressure on elites to render them accountable, and clearer legislation regarding conflicts of interest, good governance will remain a distant aspiration.

ANNEX A: SUMMARY OF VALUES AND COMPANY REVENUES

The following is a summary of what can be gleaned from publicly available documents regarding the values and revenues of companies and assets mentioned in this report.

- Jaynet Kabila's indirect 4.8% stake in Vodacom Congo,²⁵⁹ the country's largest mobile phone carrier, could be very roughly valued as low as nothing or as high as \$72 million, depending on different estimates of the company's value, which have been as high as \$1.5 billion and as low as zero.²⁶⁰
- Family members own more than 71,000 hectares of land, as well as numerous large houses in major cities. While the value of the land depends on many factors, interviews with landowners in several parts of the country suggest that these holdings are worth many tens of millions of dollars.²⁶¹
- In 2003, a company partly owned by Zoé and his adopted brother Selemani sold \$12.3 million worth of diamonds, according to government statistics.²⁶²
- In 2006, when he was 27 years old, Zoé contributed \$10,920,000 to the share capital of his company, Strategic Projects and Investments (SPI).²⁶³
- A company half-owned by Zoé Kabila, Number One Contracting Co., was the fourth-largest road construction group in Congo between 2003 and 2008, accounting for 11% of the road construction market, with average sales of about \$14 million per year.²⁶⁴
- Zoé has a home in Johannesburg, South Africa, which he bought in 2007 for about \$709,000.²⁶⁵
- BGFI DRC Bank, which is 40% owned by a Kabila sister, Gloria Mteyu,²⁶⁶ and whose CEO is Joseph Kabila's adopted brother Selemani, is the sixth-largest bank in Congo with \$209 million in deposits and \$8.56 million in net assets through 2015, five years after its creation.²⁶⁷
- According to leaked bank transfer documents from BGFI, Iverland Mining, which holds rights to the Lupoto copper mine and has a fuel deal with GICC,²⁶⁸ paid Zoé Kabila's company Cosha Investments \$3 million in 2015.²⁶⁹
- Several of the family's airlines had significant assets but have gone out of business. For example, Wimbi Dira, which existed between 2003 and 2014, owned up to 14 airplanes, including 3 Boeing 727, 4 DC-9, and 3 Antonov 12.²⁷⁰
- Some of the family's companies have received contracts from the Congolese government. La Pétrolière, which is half-owned by President Kabila's wife, daughter, and son, had a contract with the state electricity company in 2011 to provide "scotch tape and other things" for \$154,780.²⁷¹ This company came under scrutiny in 2009 from the Congo's parliament for irregular contracting procedures involving more than \$3 million in deals with the country's environment ministry.²⁷²
- Some companies have even tried to put a value on the connections that come from partnering with the presidential family. Normally each partner in a joint venture will provide share capital based on the percentage of its shares in the company. Rather than make the Kabila family company, Osifal, pay cash for its share capital in La Pétrolière and the airline company Five Forty DRC, the British Virgin Islands-based Sentinelle Group valued the "professional connections and personal relationships" of Osifal at \$3.5 million total in two separate joint venture contracts in 2006.²⁷³
- A company partly owned by Zoé Kabila,²⁷⁴ La Generale Industrielle et Commerciale au Congo (GICC) sold 30% of its stake in Kalongwe Mining in 2016 for a total of \$4.255 million, along with \$1.255 million worth of shares.²⁷⁵
- In 2007, publicly traded Moto Goldmines Ltd. hired GICC as a consultant for \$2 million. In 2009, Moto gave GICC nearly 1 million shares for its work. Moto was soon taken over in a deal valuing those shares at about \$4.3 million.²⁷⁶

ANNEX B:

RELEVANT LAWS AND REGULATIONS

The Congolese Constitution²⁷⁷

Congo's 18 February 2006 constitution has a number of articles restricting the business activities of the President.

Article 96 states, "The functions of the President of the Republic are incompatible with the exercise of any other elective office, any public, civil or military employment and any professional activity." The article permits no exceptions, unlike the subsequent article, Article 97, which applies to members of government and allows them to engage in a limited number of personal business practices.

Article 98 prohibits the President and government officials or their intermediaries from acquiring any assets that belong to the state and prohibits them from participating in public tenders:

During their functions, the President of the Republic and the members of the Government may not, by themselves or through an intermediate person, purchase, or acquire in any other fashion, or lease an asset which belongs to the domain of the State, of the Provinces or of the decentralized entities.

They may not take part, directly or indirectly, in public tenders²⁷⁸ for the benefit of the administrations or of institutions in which the Central Power, the Provinces and the decentralized administrative entities have interests.

Finally, Article 99 of the Constitution requires the President to declare his or her assets and those of family

members within thirty days of taking office and again within thirty days after leaving office. The declaration, which is submitted to the Constitutional Court, should list:

...[T]heir movable assets, including stakes,²⁷⁹ partnership shares, obligations, other assets,²⁸⁰ bank accounts, their fixed assets, including undeveloped lands, forests, plantations and agricultural lands, mines and other real property, with indication of the pertinent titles.

The family patrimony includes the assets of the spouse following the matrimonial regime, of minors and of children, even those above the age of 18,²⁸¹ the couple is responsible for.

President Kabila has reportedly followed this article. He provided his first asset declaration as president on January 3, 2007, according to press reports,²⁸² and filed a second in 2012.²⁸³

Congo's transitional constitution, which applied between 2003 and 2006, also forbade any member of government or their intermediaries from purchasing or renting any asset belonging to the state, and required a declaration "on their honor" of all assets at the beginning and end of their term in office.²⁸⁴ "On August 28, 2003, President Kabila submitted to parliament a written declaration of his wealth," according to a 2005 IMF report.²⁸⁵

The Code of Conduct of Public Officials of the State

Passed 3 October 2002, the code of conduct applies to the head of state

and members of parliament and all other public officials.²⁸⁶

The code prohibits government officials from making decisions on issues where there is a real or apparent conflict of interest. The official should also end all transactions and actions that result in a conflict of interest. The code says conflicts of interest arise from a "situation in which a public official of the state has an interest of a personal nature that influences or appears to influence the impartial and objective exercise of his/her official functions."²⁸⁷

All public officials are also required to present a list of the assets belonging to them and their family annually to the Observatoire du Code d'éthique Professionnelle.²⁸⁸

Mining Code

The country's 2002 Mining Code governs behavior in the mining industry, and fully applies to all mining activity the family engages in. The code governs – among many other things – taxes and rents, the size and amount of permits one can hold, the declaration of *force majeure*, and the use of artisanal miners.

a) Number of Permits

According to Mining Code Article 53, "A person and his/her affiliated companies cannot hold more than fifty Exploration Permits."²⁸⁹

b) Force Majeure

Many of the mining permits linked to the family are in *force majeure*, which is

covered in Article 297 of the code. The rules for what constitutes *force majeure* are strict:

Any event which is unforeseeable, unavoidable, insurmountable and outside the control of the holder, preventing him, despite his best efforts, from executing his obligations in full or in part or causing a significant delay in the execution thereof, constitutes a case of force majeure. The following events are particularly considered as cases of force majeure: wildcat strike, riots, insurrection, civil unrest, social conflicts, government action without legal support, sabotage, natural catastrophe, fire, acts of war or circumstances attributable to war.

The event of force majeure may be allowed only for breaches of those obligations which could not have been executed on account of the occurrence of this event.

An act or an omission attributable to the holder does not constitute a case of force majeure. The conditions for application of the present article are specified in the Mining Regulations.

c) Surface area taxes

Surface area taxes vary on the nature of the mining permit and the number of years the permit holder has held the permit. The text of the rule in English translation is below.

Article 199: Calculation of the annual surface area fees per quadrangle

The amount of the annual surface area fees per quadrangle are specified in the Mining Regulations so as to be the approximate equivalent to the amount per hectare provided for in the paragraphs below.

The holder of an Exploration Licence pays annual surface area fees per quadrangle in the amount of Congolese Francs equivalent to 0.03 USD per hectare for the first two years of the first term of validity; the amount in Congolese Francs equivalent to 0.31 USD per hectare for the remaining years of the first term of validity; the amount in Congolese Francs equivalent to 0.51 USD per hectare for the second period of validity; and, the amount in Congolese Francs equivalent to 1.46 USD per hectare for the third period of validity of his title.

The holder of an Exploitation Licence pays annual surface area fees per quadrangle in the amount of Congolese Francs equivalent to 5.00 USD per hectare regardless of the term of validity of his title.

Republican Guard

The Republican guard is governed by the 11 August 2011 law on the organization and functioning of the Armed Forces, which limits the tasks of the guard.²⁹⁰ It says the force can only be used to protect the President and distinguished guests of the republic, presidential installations, and to carry out the honor guard and escorts at the level of the presidency. It does not

say the elite unit is allowed to protect business or mines belonging to the president's family.

Politically Exposed Persons (PEPs)

Kabila family members would be considered Politically Exposed Persons,²⁹¹ or PEPs, in bank parlance. Working with a PEP often requires disclosure by foreign companies to their stock exchanges, shareholders, and governments, and leaves a company exposed to accusations of corruption, even if the charges are not true.

The inter-governmental Financial Action Task Force defines PEPs as "individuals who are or have been entrusted with prominent public functions by a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials." FATF also says, "The requirements for all types of PEP should also apply to family members or close associates of such PEPs."

ENDNOTES

- 1 US Department of State, *Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2016: Democratic Republic of the Congo* (Washington: US Department of State, 2017); Transparency International, *Corruption Perceptions Index 2016* (Berlin: Transparency International, 2016); Global Witness, *Congo's Secret Sales* (London: Global Witness, 2014)
- 2 Ferme Espoir incorporation documents, *Journal Officiel*, No 11-II, 1 June 2012. Minutes from general assembly of Société des Grands Elevages du Bas-Congo Sa, 22 March 2014, reported in *Journal Officiel*, No 19-II, 1 October 2015. Land grants in Kailo described in *Journal Officiel* 12-1, 15 June 2012.
- 3 Acacia SPRL, minutes from general assembly, 11 September 2014; Kwango Mines articles of association, 12 September 2014. Kavanagh, Michael, Thomas Wilson, Franz Wild, "With his Family's Fortune at Stake, President Kabila Digs In." Bloomberg News. 15 December 2016, <https://www.bloomberg.com/news/features/2016-12-15/with-his-family-fortune-at-stake-congo-president-kabila-digs-in> (accessed January 12, 2017).
- 4 Mossack Fonseca Company, "New Incorporation, Re: Keratsu Holding Limited," Message to Paul Banas, 19 June 2001. Email. <https://www.documentcloud.org/documents/2782966-Kyungu-Jaynetdoc2.html> (made available through the International Consortium of Investigative Journalists' Panama Papers leak and last accessed 25 February 2017).
- 5 Zoé Kabila's Tanga Logistics & Mining SA (TLM) has had subcontracts with Ivanhoe Mines Ltd.'s Kamoanga Copper SA project and the Sicominex copper and cobalt project, according to its website. <http://www.tlmining.net/index-4.html> (Accessed May 12 2017). Tanga Logistics & Mining SA, Procès Verbal de l'Assemblée Générale Extraordinaire des Associés, 10 July 2014, on file with CRG.
- 6 United Nations Development Program, "United Nations System Annual Statistical Report 2005," July 2006, https://www.un.org/Areas/Public/Downloads/ASR_2005.pdf (accessed 2 March 2017); US Department of State, "OPIC risk insurance will aid country in restoring infrastructure," 25 January 2006. <http://reliefweb.int/report/democratic-republic-congo/us-agency-helps-build-housing-democratic-republic-congo> (accessed 29 March 2017).
- 7 Radio Okapi, "Kabila declare son patrimoine," 4 January 2007 (accessed 24 March 2017); Kongo Times, "Kabila déclarer ses avoirs : Les membres du gouvernement sous pression," 24 January 2012, <http://afrique.kongotimes.info/rdc/justice/3712-kabila-declarer-avoirs-procureur-gouvernement-justice-pression.html> (accessed 14 January 2017).
- 8 Kwango Mines articles of association, 12 September 2014. The permits can be seen on the website of the mining cadastre, <http://portals.flexicadastre.com/drc/en/> (accessed 24 March 2017).
- 9 Generale Industrielle et Commerciale au Congo website, <http://gicc.cd/ours-services/outsourcing/> (accessed April 27 2017). GICC is 90% owned by Cosha Investments, which is 90% owned by Zoé Kabila. Cosha and GICC statutes, both from August 2014, on file with CRG.
- 10 Loi organique n° 11/012 du 11 Août 2011 Portant Organisation et Fonctionnement des Forces Armées de la République Démocratique du Congo, Section 9. A CRG researcher observed Republican Guards protecting the Betamax building in Lubumbashi, at Acacia's Katekete mine, and at a Shaba Oil service station in Lubumbashi in September 2016.
- 11 Imprimerie de Sécurité Informatique et Système (ISIS-Congo) Statutes, September 2014. On file with CRG. Radio Okapi, "RDC: des permis de conduire biométriques disponibles à Kinshasa depuis le début du mois de mars," 7 March 2012.
- 12 Michael Kavanagh. "IMF Halts Congo Loans Over Failure to Publish Mine Contract," Bloomberg News, 3 December 2012. For incorporation documents, see *Journal Officiel* No 1-II, 1 January 2006. For Josephine Tumaleo's (Joseph Kabila's sister) directorship through 2013, see *Journal Officiel* No 23-I, 1 December 2013.
- 13 Article 9, paragraph 5 of "Décret-Loi 17/2002 du 3 octobre 2002 portant Code de conduit de l'Agent publique de l'État," available at: [http://www.ilo.org/dyn/natlex/docs/SERIAL/84834/122179/F309124789/COD-84834%20\(CONSOLID\).pdf](http://www.ilo.org/dyn/natlex/docs/SERIAL/84834/122179/F309124789/COD-84834%20(CONSOLID).pdf).
- 14 In Africa, five countries (South Africa, the Central African Republic, Liberia, Cape Verde, and Sao Tomé and Príncipe) require the public disclosure of assets by government officials. In Europe, almost every government requires a degree of disclosure by some officials.

Richard E. Messick, *Regulating Conflict of Interest: International Experience with Asset Declaration and Disclosure*, Washington: The World Bank Group, 2007.

15 A draft law ("Loi sur l'accès à l'information) was passed by the senate in October 2015 but has not been taken up by national assembly. Available at: <http://freedominfo.org/wp-content/uploads/documents/PROPOSITION%20DE%20LAI,%20VERSION%20MOISE%20FINALE.pdf>.

16 Décret n° 011/26 du 20 mai 2011 portant obligation de publier tout contrat ayant pour objet les ressources naturelles.

17 Articles 3 and 4 of Decree No. 046-A / 2003 of 28 March 2003 establishing, the "Official Journal of the Democratic Republic of the Congo" say that its mandate is: "Publication and dissemination of the laws and regulations adopted by the competent authorities in accordance with the Constitution; publication and dissemination of pleadings, acts of companies, associations and protests, political parties of industrial designs, trademarks, service marks and other acts covered by the law ; the updating and coordination of legislative and regulatory texts." See, also, Article 97 of the Acte Uniforme relatif au droit commercial général révisé à Lomé le 15 décembre 2010 / Organisation Pour l'Harmonisation En Afrique Du Droit Des Affaires (OHADA) (2010), http://biblio.ohada.org/pmb/opac.css/index.php?lvl=notice_display&id=1830 (Last accessed February 25, 2017).

18 Kavanagh, Michael, Thomas Wilson, Franz Wild With his Family's Fortune at Stake, President Kabila Digs In. Bloomberg News. 15 December 2016. <https://www.bloomberg.com/news/features/2016-12-15/with-his-family-fortune-at-stake-congo-president-kabila-digs-in> (last accessed 12 January 2017).

19 Kennes, Erik, *Essai biographique sur Laurent-Désiré Kabila*. En collaboration avec Munkana N Ge. Tervuren : Institut africain Paris : L'Harmattan, coll. Cahiers africains n°57-58-59, 2003.

20 This section draws on dozens of interviews over several years with longtime associates of the family, as well as on: Colette Braeckman, "L'enfance d'un chef: Entretien avec Maman Sifa à Kinshasa," *Le Soir*, 2 June 2006; *Essai biographique sur Laurent-Désiré Kabila*, op. cit.

21 Using the spelling for Mahanya based on incorporation documents for Société Aketi, in which Zoé's daughter, Nefertiti Mahanya Kabila, is a shareholder.

22 *Essai biographique sur Laurent-Désiré Kabila*, op. cit, pp. 38-39.

23 Minister of Communication Lambert Mende told a reporter, "You can find bad guys who are trying to use the names of authorities – 'I belong to the family of the president, I belong to the first lady.' Do you think the president needs such a way to make money?" BBC News. Why Congo miners fear presidential guards. June 30, 2016. http://www.bbc.co.uk/news/video_and_audio/headlines/36671661 (last accessed January 9 2016).

24 Interview with Tanzanian security official, Dar es Salaam, June 2016; interview with Congolese government official, Paris, December 2016; Colette Braeckman, "L'enfance d'un chef: Entretien avec Maman Sifa à Kinshasa," *Le Soir*, 2 June 2006.

25 Interview with Tanzanian security official, Dar es Salaam, 13 January 2009; interview with Congolese security official, Kinshasa, 31 October 2009.

26 Colette Braeckman, "L'enfance d'un chef: Entretien avec Maman Sifa à Kinshasa," *Le Soir*, 2 June 2006.

27 Incorporation documents of Banque de Commerce et de Développement SARL, *Journal Officiel* No 10-II, 15 May 2004

28 Jason K. Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa* (New York: Public Affairs, 2012), p. 291. "COMIEX was never registered as a parastatal and put under the official control of the state," Mabi Mulumba, the auditor general at the time, remembered. "It was a private trust run by people close to President Kabila, but entirely created with state assets."

29 *Assemblée nationale, Commission spéciale chargée de l'examen de la validité des conventions à caractère économique et financier conclues pendant les guerres de 1996-1997 et de 1999; Rapport des travaux, 1ere partie*, pp. 31-35. Available at: <http://www.congominer.org/system/attachments/assets/000/000/209/original/Lutundula-2006-ReportComple.pdf?1430928066>.

30 *Assemblée nationale, Commission spéciale chargée de l'examen de la validité des conventions à caractère économique et financier conclues pendant les guerres de 1996-1997 et de 1999; Rapport des travaux, 1ere partie*, pp. 31-35.

31 See, for example, sections on Acacia and Kwango.

- 32 Mossack Fonseca Company, "New Incorporation, Re: Keratsu Holding Limited," Message to Paul Banas, 19 June 2001. Email. <https://www.documentcloud.org/documents/2782966-Kyungu-Jaynetdoc2.html> (made available through the International Consortium of Investigative Journalists' Panama Papers leak and last accessed 25 February 2017).
- 33 Saphir International Inc., official documents can be found on the Texas Comptroller of Public Accounts website. <https://mycpa.cpa.state.tx.us/coa/> (accessed March 13, 2017). CRG found no information available about the activities of this company.
- 34 Memorandum of Association, Sycamore Investments (T) Limited, 18 July 2001, on file with CRG.
- 35 The companies still hold the permits, which can be found on the website of Congo's mining registry, <http://portals.flexicadastre.com/drc/en/> (accessed 20 February 2017).
- 36 The De Beers deal fell through. See Kavanagh, Michael, Thomas Wilson, Franz Wild "With his Family's Fortune at Stake, President Kabila Digs In." Bloomberg News, 15 December 2016, <https://www.bloomberg.com/news/features/2016-12-15/with-his-family-fortune-at-stake-congo-president-kabila-digs-in> (last accessed January 12, 2017).
- 37 Wimbi Dira incorporation documents, *Journal Officiel*, No 06-II, 1 August 2004.
- 38 The World Bank, "Report No.59631-ZR Democratic Republic of Congo Boosting Growth and Employment Volume III: Sectoral Studies, Poverty Reduction and Economic Management 3 Country Department AFCCD," March 2011. On file with CRG.
- 39 The Ministry of Land Affairs granted President Kabila a seventh parcel in Sakania on the same date, but the ministerial decree in the *Journal Officiel* is incomplete and does not include the size of the plot. See the decrees in *Journal Officiel*, No 8-I, 15 April 2009.
- 40 Minutes from general assembly of Société des Grands Elevages du Bas-Congo Sa, 22 March 2014. Reported in *Journal Officiel*, No 19-II, 1 October 2015.
- 41 BGFI Bank DRC shareholding documents 2014. On file with CRG.
- 42 See below section on Moto Goldmines. "Moto Goldmines Agrees to Increase Interest in the Moto Gold Project and to Placement to Sam Jonah," December 31, 2007 <http://www.marketwired.com/press-release/moto-goldmines-agrees-increase-interest-moto-gold-project-placement-sam-jonah-806434.htm> (accessed 28 March 2017).
- 43 Including the companies Goma Mining, Renzo, and Shaba Impex, part-owned by sisters Josephine Tumaleo, Sissy Makolo, and Cecylia Chinn Mafika respectively. Zoé Kabila's GICC and Tanga Logistics & Mining also subcontract for copper and cobalt miners. See below for references to ownership documents.
- 44 See sections below for supporting sources for these companies.
- 45 Ferme Espoir incorporation documents, *Journal Officiel*, No 11-II, 1 June 2012.
- 46 Katanga Premier incorporation documents, *Journal Officiel*, No 1-II, 1 January 2014.
- 47 See below for incorporation documents for these companies.
- 48 Kyungu is the name sometimes used for first-born twins in the Lubakat culture, while Kabange is reserved for the second-born twin, hence Joseph Kabila Kabange.
- 49 According to results from Congo's 2011 elections, when Jaynet and Zoé were both elected deputies, Jaynet officially used the name Kabila Jaynet Désiré Kyungu while Zoé used Kabila Mwanza Mbala Zoé. République Démocratique du Congo, Commission Nationale Electorale Indépendante, *Elections Des Deputes Nationaux De 2011* (Provisional results), 26 January 2011. On file with CRG.
- 50 Sezo International Trading Company Limited SPRL's shareholders were originally Selemani Francis Mtwale 35% / Zoé Francis Mtwale 35% / Masengo Francis Mtwale 15% / Mlindwa Francis Mtwale 15%. By 2008, Zoé had ceded his shares to Selemani, while a family friend from Tanzania, David Ezekiel, had taken three percent each from Mlindwa and Masengo. *Journal Officiel*, No 2-II, 15 January 2004; *Journal Officiel*, No 2-II, 15 January 2010.
- 51 A decade ago the world's biggest diamond dealer, De Beers, and smaller companies like Canadian Delrand Resources (formerly BRC Diamond Core) tried to partner with the family to explore the sites, but the contracts eventually fell apart and were only in the millions of dollars to begin with. Kavanagh, Michael, Thomas Wilson, Franz Wild With his Family's Fortune at Stake, President Kabila Digs In. Bloomberg News, December 15,

2016. <https://www.bloomberg.com/news/features/2016-12-15/with-his-family-fortune-at-stake-congo-president-kabila-digs-in> (last accessed January 12, 2017)

52 The Israeli businessman in question is most likely Dan Gertler. When contacted by CRG, a company owned by Mr. Gertler denied all wrongdoing, stating: "Fleurette disputes any allegation of bribery. These allegations are motivated by a hedge fund trying to put behind it problems sparked by people that have nothing to do with Fleurette."

53 The document, a deferred prosecution agreement between Och-Ziff and the US government, speaks of DRC Officials 1 and 2. There is no doubt that Official 2 is Augustin Katumba Mwanke: he is described as a former governor of Katanga who was an ambassador-at-large and a national parliamentarian who died on 12 February 2012. The agreement also includes an excerpt from a Financial Times article that identifies the person as Katumba Mwanke. It was not possible for us to definitively identify DRC Official 1. The agreement says that Katumba was a "close advisor" and "aide" to Official 1. The agreement quoted a text message from Mr. Gertler after Katumba's death, saying: "I'm fine, sad but fine...I will have to help [DRC Official 1] much more now... ." See <http://congoresearchgroup.org/oz-dpa-signed-1/>.

54 Deferred Prosecution Agreement, United States District Court Eastern District Of New York, United States Of America, Och-Ziff Capital Management Group Llc, 19 September 2016. In Attachment A Statement of Facts: P A-7, it

states: "In or about and between 2005 and 2015, DRC Partner, together with others, paid more than one-hundred million U.S. dollars in bribes to DRC officials to obtain special access to and preferential prices for opportunities in the government-controlled mining sector in the DRC."

55 The figure comes from Global Witness, "Out of Africa: British tax havens and Congo's missing \$1,5 billion," 4 May 2016.

56 Congolese law does not clearly define what professional activity (*activité professionnelle*) means.

57 Constitution of the DR Congo, Articles 96, 98 and 99.

58 See, for example, Radio Okapi, "Kabila declare son patrimoine," 4 January 2007; Kongo Times, "«Kabila déclarer ses avoirs : Les membres du gouvernement sous pression." 24 January 2012.

<http://afrique.kongotimes.info/rdc/justice/3712-kabila-declarer-avoirs-procureur-gouvernement-justice-pression.html> (last accessed January 14, 2017).

59 Décret-Loi n° 017/2002 du 3 octobre 2002 portant Code de conduite de l'agent public de l'Etat - Spécial_Code de conduit, published in *Journal Officiel*, 15 August 2004.

60 Observatoire du Code d'Ethique Professionnelle in *Journal Officiel* number 11-I, 1 June 2003.

61 Interview Toges Noires representative, Kinshasa, November 2016.

62 Telephone interviews with two members of parliament in Kinshasa, 11 December 2016.

63 Radio Okapi, "Une ONG réclame des poursuites contre les anciens ministres qui n'ont pas déclaré leurs patrimoines," 26 May 26 2012. <http://www.radiookapi.net/actualite/2012/05/26/rdc-une-ong-reclame-des-poursuites-contre-les-anciens-ministres-qui-nont-pas-declare-leurs-patrimoines> (accessed 28 February 2017).

64 World Bank Press Release, "Only 43% of Countries Disclose Public Officials' Financial Assets, Says World Bank," 8 November 2012.

65 *Income and Asset Declaration Requirements for Heads of State and Governments*, The World Bank Group (Washington: The World Bank, 2006).

66 Legislators do have some limited protections from arrest and prosecution according to Article 107 of the Constitution, which states that a legislator can only be arrested or prosecuted with authorization from the National Assembly or Senate.

67 Article 53, Code minier de la République démocratique du Congo: "Une personne et ses sociétés affiliées ne peuvent détenir plus de cinquante Permis de Recherches."

68 Code de conduite, *op cit*, Article 11.

69 Several facts suggest that some of the land may have been obtained from the state and not a private individual: for all of the land cited here, President Kabila obtained decrees from the ministry of land affairs, which is not a usual practice for the purchase of land from a private party. The decrees all mention

"the creation of a plot of land," suggesting that the land did not previously belong to a private party. Ministerial decrees for thirteen plots of land can be found in *Journal Officiel* 23-I, December 1, 2011; *Journal Officiel* 8-I, 15 April 2009; and *Journal Officiel* 12-I, 15 June 2012. CRG, however, was not able to obtain a copy of the sale agreement from the local land registry offices to see who the previous owner had been.

70 Imprimerie de Sécurité Informatique et Système (ISIS-Congo) Statutes, September 2014. On file with CRG. <http://www.radiookapi.net/actualite/2012/03/07/rdc-des-permis-de-conduire-biometriques-disponibles-depuis-le-debut-du-mois-de-mars> (accessed 28 March 2017). National Assembly of the DR Congo, Commission Économique et Financière, "Rapport Relatif Au Contrôle De L'Exécution De La Loi De Finances De L'Exercice 2009, 1er Semestre.," March 2010 pp. 25-6. On file with CRG.

71 It is possible that members of the Kabila family have plans to mitigate their conflicts of interest. None of the family members responded to our requests for more information in this regard.

72 Loi organique n° 11/012 du 11 août 2011 portant organisation et fonctionnement des Forces armées de la République démocratique du Congo. "Section 9 : On the Republican Guard: The Republican Guard is a unit of the Armed Forces whose mission is to provide: the guard and protection of the President of the Republic and the hosts of the republic; security of presidential facilities; escorts and honors at the level of the Presidency of the Republic."

73 See below for the references to the

respective incorporation documents for these companies.

74 At least 60,489 owned by GEL, at least 2,678 owned directly by the president, and at least 8,633 owned by Ferme Espoir, detailed in sections below.

75 For Congo's average farm size, see www.ruralpoverty.org.

76 Ministerial decrees for thirteen plots of land can be found in *Journal Officiel* 23-I, 1 December 2011; *Journal Officiel* 8-I, 15 April 2009; and *Journal Officiel* 12-I, 15 June 2012.

77 *Journal Officiel* 12-I, June 15, 2012

78 Per her biography on the website for Olive Kabila's NGO, Initiative Plus Olive Lembe Kabila. The site is no longer operational but CRG retains archived pages in its files.

79 Ferme Espoir incorporation documents, *Journal Officiel*, No 11-II, 1 June 2012.

80 See land obtained by Ferme Espoir from the Ministry of Land Affairs in the following *Journals Officiels*: No 12-I, 15 June 2012; 15-I, 1 August 2012; 11-I, 1 June 2012; and 14-I, 15 July 2011.

81 See Ferme Espoir incorporation documents, *Journal Officiel*, No 11-II 1 June 2012.

82 <http://www.katanga-tourisme.org/ferme-espoir/> last accessed December 5, 2016.

83 Promotional film of IPOLK from 2012 <https://www.youtube.com/watch?v=PGk8L8eLmT4> (accessed 28 February 2017).

84 Minutes from the general assembly of Société des Grands Elevages du Bas-Congo SA, 22 March 2014. Reported in *Journal Officiel*, No 19-II, 1 October 2015.

85 An archived page from the former website of the Blattner Group, which used to run the company, says GEL's total landholdings are about 64,270 hectares. Document on file with CRG.

86 2010 promotional brochure on agriculture from the Belgian-Congo trade organization Beltrade, <http://www.congoforum.be/updocs/Brochure%20d%20acheteurs%20congolais-agro%E9levage-2010.pdf>. Document on file with CRG.

87 Arrêté ministériel n°077/CAB/MIN/AFF.FONC/ 2013 du 24 janvier 2013 portant création d'une parcelle de terre, à usage mixte, n°2002 du plan cadastral du Territoire de Moanda in *Journal Officiel* 5-I 1 March 2013, and Arrêté ministériel n°0186/CAB/MIN/AFF.FONC/ 2014 du 12 novembre 2014 portant création des parcelles n° 2313 et 2314 à usage Agro-pastoral du plan cadastral de la localité de Kitona, territoire de Muanda, Province du Bas-Congo, *Journal Officiel* 23-I, 1 December 2014.

88 Minutes from general assembly of Société des Grands Elevages du Bas-Congo SA, 22 March 2014. Reported in *Journal Officiel*, No 19-II, 1 October 2015.

89 Published on Twitter by North Kivu Governor Julien Paluku (@julienpalukucom) on 24 July 2016.

90 In company documents she uses several versions of her name, including Marie-Olive Disita Sita, Marie Olive Lembe

Kabila, Olive Lembe Kabange, Lembeleo Disita, and Marie Olive Lembe Di Sita.

91 BAT Congo corporate brochure February 2011, on file with CRG.

92 Arrêté ministériel n°0101/CAB/MIN/AFF.FONC/ 2013 du 13 mars 2013 portant création d'une parcelle de terre n°94475 à usage agricole du plan cadastral de la Commune de N'sele, Ville de Kinshasa, *Journal Officiel*, No 8-I, 15 April 2013.

93 République Démocratique Du Congo, Ministère Du Budget, Direction Générale Du Contrôle Des Marchés Publics, Annual Report 2014 and Annual Report 2015, both on file with CRG.

94 RTNC, 1 June 2013 (<https://www.youtube.com/watch?v=1ZYkWoipcE>).

95 <https://www.youtube.com/watch?v=DuGc6jcl9SY>, accessed 4 April 2017.

96 Radio Okapi, "Olive Lembe inaugure 2 écoles techniques à Kindu" 11 September 2015.

97 Report on Digitalcongo TV, published on YouTube 12 September 2015. <https://www.youtube.com/watch?v=sNnO2eCoSJU>, accessed 4 April 2017.

98 Marie-Olive Disita Sita 60% / Thierry Adam 10% / Jean Paul Adam 10% OTJ Construction SPRL Articles of Association, March 22 2010, *Journal Officiel* 11-II 1 May 2010. Colette Braeckman, "L'épouse de Joseph Kabila, président de la République démocratique du Congo, est de passage à Bruxelles." *Le Soir*, 18 August 2007. http://archives.lesoir.be/olive-lembe-di-sita_t-

<20070818-00CNT1.html>, accessed 17 May 2017.

99 Digitalcongo TV, 1 July 2013. <https://www.youtube.com/watch?v=BawedFcJkZM> (accessed 4 January 2017). This was confirmed by the LinkedIn page of one of Olive Lembe's partners, Thierry Adam (<https://www.linkedin.com/in/thierry-adam-b13710b1/>, accessed 25 January 2017).

100 Marie Olive Lembe Kabila 40% / Josephine Sifa Kabange 30% / Laurent-Désiré Kabila 30%, according to Olive Sifa Laurent Articles of Association, March 2015, on file with CRG

101 Olive and Sifa owned 20% and 40%, respectively, at the company's founding under the names Sifa Kabange Joséphine and Lembe Disita Olive, according to incorporation documents in *Journal Officiel* 19-II October 1, 2005. In board meetings over the years, Sifa seems to have also used the name Safi Kabange Alida, while Olive seems to have used Lembeleo Disita. The shareholding as of 2015 uses the names Marie Olive Lembe Kabila, Josephine Sifa Kabange, and Kabila Laurent-Desire. All articles of association and board meeting minutes are on file with CRG.

102 As of January 2017, according to Congo's mining registry website <http://www.cami.cd/>

103 See UN Procurement documents for Osifal, June 2015, <https://www.un.org/Depts/ptd/purchase-order-awards/peacekeeping-Purchase-Orders/2200023216> and UN Procurement documents for Osifal, July 2015 <https://www.un.org/Depts/ptd/purchase-order-awards/peacekeeping-Purchase-Orders/2200024760>

104 In response to this information, a spokesperson for the UN peacekeeping mission said: "MONUSCO was leasing land to accommodate a Formed Police Unit from a private landlord. During the tenure of the lease the private landlord sold the land to Osifal, without notifying MONUSCO. MONUSCO continued leasing the land from Osifal due to operational requirements, which ceased in July 2016."

105 La Pétrolière's original incorporation documents are in *Journal Officiel* 8-II 15 April 2007. Ownership was split between Sentinelle International Group Ltd 50% / Osifal SPRL 50% as of January 2007, *Journal Officiel* 5-II 1 March 2007.

106 Sentinelle International Group Ltd., using an address in the Seychelles, also signed a joint venture contract for a gold mine in 2006. See: <https://www.mines-rdc.cd/resourcecontracts/contract/ocds-591adf-7186545344/view#/pdf>, last accessed 5 December 2016.

107 *Journal Officiel* No 8-II, 15 April 2007.

108 Sentinelle provided \$8 million in cash to cover its share capital contribution. Osifal's shareholding was later increased to 50%.

109 Répertoire Des Documents Relatifs Au Recensement Des Marchés Publics 1er et 2ème Phase versés aux Archives, which covers government contracts signed in 2010, 2011, and 2012. Document on file with CRG

110 The parliamentary report concluded: "Un montant de 1.729.187 euros a été payé à la Société « la Pétrolière » pour achat des équipements et matériels pour la formation des jeunes au métier de bois.

Le bon d'engagement y relatif porte des armoiries qui n'ont pas court légal en RDC.

Le Ministre est passé outre l'observation de la chaîne de la dépense pour ordonner un deuxième paiement en dépassement de crédit de 1.093.780 USD, la décision du Conseil d'adjudication en désignant la Province de Bandundu en lieu et place de la Province Orientale." National Assembly of the DR Congo, Commission Économique Et Financiere, "Rapport Relatif Au Controle De L'Execution De La Loi De Finances De L'Exercice 2009, 1er Semestre.," March 2010 pp. 25-6. On file with CRG.

111 Sentinelle International Group Ltd. 80% (BVI) ; Osifal 20%, *Journal Officiel* No 8-II 15 April 2007.

112 *Journal Officiel* No 8-II 15 April 2007. The company was created in 2006, the same year that Five Forty Aviation Ltd, a budget airline, was launched in Kenya. The latter company later created Five Forty Ghana and Five Forty Angola However, CRG has been unable to find any official connections between the Congolese companies and these other entities, nor does Five Forty DRC appear to be active. World Airline News, "Five Forty Aviation and Lonho Aviation-Fastjet part ways," 6 February 2013. <https://worldairlinenews.com/2013/02/06/five-forty-aviation-and-lonho-aviation-fastjet-part-ways/>

113 Hebron Holdings SA Pty was incorporated 3 June 2008 in South Africa, according to its company documents from South Africa's Companies and Intellectual Property Commission on file with CRG. Hebron Holding Congo's shareholding was notarized 23 June 2008: Osifal SPRL 50%, Hébron Holdings SA Pty 50%. *Journal Officiel*

No 4-II, 15 February 2009.

114 *Journal Officiel* No 4-II, 15 February 2009.

115 CAMI website.

116 DRC Mining Cadastre Portal, <http://portals.flexicadastre.com/drc/en/>, accessed 17 July 2017.

117 CAMI, Repertoire des Titulaires des Droits Miniers, 2006. On file with CRG

118 See Cominca incorporation documents from November 2004 for original shareholding and August 25, 2005 board minutes for dispute over De Beers negotiations. *Journal Officiel* No 5-II, 1 March 2006. On file with CRG.

119 COMINCA board minutes 1 June 2011, *Journal Officiel* No 9-II, 15 May 2012.

120 For Niue: Mossack Fonseca Company, "New Incorporation, Re: Keratsu Holding Limited," Message to Paul Banas, 19 June 2001, email: <https://www.documentcloud.org/documents/2782966-Kyungu-Jaynetdoc2.html> (accessed 25 February 2017); for Tanzania: Sycamore Investments (T) Limited Memorandum of Association from 18 July 2001; for U.S.: Saphir International Inc., official documents can be found on the Texas Comptroller of Public Accounts website. <https://mycpa.cpa.state.tx.us/coa/> (accessed March 13, 2017); for Panama: Development Trade and Investment Company S.A company documents from Panama's online company registry on file with CRG.

121 See below sections on Kwango and Acacia.

122 *Journal Officiel* No 24-I, 15 December 2001.

123 Vodacom Integrated Report for the year ended 31 March 2016, p.51. Available at <http://www.vodacom.com/integrated-reports.php> Last accessed 27 February 2017.

124 Vodacom International Ltd. registration documents on file with CRG.

125 <https://www.vodafone.com/content/dam/vodafone-images/investors/pdfs/group-factsheet-dec-2016.pdf>

126 Vodacom Annual Report 2003, p120: "The Group acquired its interest in Vodacom Congo (RDC) s.p.r.l. on 11 December 2001"

127 Keratsu has shares in CWN through its 49% stake in Réseau des Télécommunications (RESOTEL SPRL), which in turn holds 40% of CWN. Congolese Wireless Network, Procès-verbal de l'Assemblée Générale extraordinaire, 20 April 2010

128 Mossack Fonseca Company, "New Incorporation, Re: Keratsu Holding Limited," Message to Paul Banas, 19 June 2001. Email. <https://www.documentcloud.org/documents/2782966-Kyungu-Jaynetdoc2.html> (accessed 25 February 2017).

129 Application for Reregistration of International Business Company 2 December 2011, for Keratsu Holding Ltd. On file with CRG. Radio Okapi's interview with Feruzi Kalume Nyembwe, 12 January 2011. "La Fondation Mzee Laurent Désiré Kabila et la réalisation des projets sociaux." <http://www.radiookapi.net/nationale/2011/01/12/la-fondation-mzee-laurent-desire-kabila-et-la-realisation-des-projets-sociaux>

130 Radio Okapi's interview with Didier Kazadi, 20 June 2011, at <http://www.radiokapi.net/emissions-2/le-grand-temoin/2011/06/20/didier-kazadi-nyembwe-personne-na-mieux-gere-les-services-de-renseignement-comme-je-lai-fait>.

131 As of September 2014, Acacia's shareholding was: Jaynet Ursula Kyungu 25% / Sifa Kabange 25% / Masengo Djibril 20% / Adrupiako Emmanuel 15% / Francine Tshipau 10% / Benoit Kambili 5%. Acacia SPRL, Procès Verbal De L'Assemblée Générale Extraordinaire, 11 September 2014.

132 Ibid.

133 Kwango Mines articles of association, 12 September 2014, has shareholding at Excell (sic) Holding 60% / Acacia 30% / Emmanuel Adrupiako 5% / Patrick Igor Mpiana 5%. As of September 2014, Jaynet owned 80% of Excel Holding. Her sister Cecylia owned 15%, while a company Jaynet Kabila founded in Tanzania that Cecylia became director of, Sycamore Investment, held 5%.

134 As of 17 July 2017, CAMI's online map says Acacia owns 43 permits, while Kwango owns 53.

135 21,948 km² is the total size of Kwango's permit area according to CAMI's 2006 list of mining permit holders. Article 53 of the 2002 mining code says: the surface area granted to [a permit holder] may not exceed 20,000 km² on the entire national territory. It is possible the total permit area no longer surpasses 20,000 km² as the size of permits can be changed upon renewal.

136 DRC Mining Cadastre Portal, <http://portals.flexicadastre.com/drc/en/>, accessed 26 March 2017.

137 Kavanagh, Michael, Thomas Wilson, Franz Wild, "With his Family's Fortune at Stake, President Kabila Digs In," Bloomberg News, 15 December 2016. And Delrand Resources Limited, "Management's Discussion And Analysis Of Financial Condition And Results Of Operations As At And For The Three And Nine Month Periods Ended March 31, 2014," p 8. Document on file with CRG.

138 Kavanagh, Michael, Thomas Wilson, Franz Wild, "With his Family's Fortune at Stake, President Kabila Digs In," Bloomberg News, 15 December 2016.

139 African Development Bank /OECD, *African Economic Outlook 2004/2005*, (Abidjan: African Development Bank, 2004), p. 181.

140 Wimbi Dira's shareholders were: Grand Congo SPRL 75%, Timothy J. Roman 15%, Yeza Feza 10%, according to *Journal Officiel* 06-II, 15 March 2004. Acacia was known as Grand Congo SPRL until December 2004, when it changed its name to Acacia, *Journal Officiel* No 03-II, 1 February 2005.

141 www.aerotransport.org and www.airlineupdate.com, accessed 4 January 2017.

142 Aviation Maintenance Services SPRL, whose shareholders were Zaabu International SPRL 25%, Wimbi Dira Airways SPRL 12%, Excel Development SPRL 38%, Aviatechprom SARL 25%. *Journal Officiel* No 20-II, 15 October 2009. Jaynet Kabila also owns 51% of Excel Development,

while her sister owned 29% and Djibril Masengo owned 20%. Excel Development's incorporation documents on file with CRG and original shareholding in *Journal Officiel* No 12-II 15 June 2004.

143 Ministerial Order No. 044 / CAB / MIN / ECN-EF / 05 of 22 July 2005 repealing Convention No. 042/03 of 26/03/2003 concerning the granting promise of guaranteed timber supply for company Grand Congo. (Grand Congo was the former name of Acacia.) *Journal Officiel* No 16-I, 15 August 2005.

144 Nicolas Bayol, "Assessment of the typical logging practices in the Maringa-Lopori-Wamba Landscape," Conservation International, September 2005.

145 SOFRECO, "Rapport final sur l'Evaluation Stratégique Environnementale et Sociale Sectorielle (ESESS) du secteur minier en RDC," March 2014. Available at: <http://www.prominesrdc.cd/fr/Rapport/sofreco.pdf> (accessed January 15 2017).

146 Gecamines' Exploitation Permit PE 2603. See DRC Mining Cadastre Portal at <http://portals.flexicadastre.com/drc/en/>.

147 Interviews with four artisanal miners in September 2016 outside the same Gecamines permit area confirmed this assertion.

148 Gecamines partnerships are listed at http://gecamines.cd/html/participation.html#tableau_partenariat (last accessed 24 February 2017).

149 According to a May 2011 government decree, all contracts involving natural resources in the Congo must be published

within sixty days from the date they enter into force. Democratic Republic of the Congo, Ministry of Mines, "Décret n° 011/26 du 20 mai 2011 portant obligation de publier tout contrat ayant pour objet les ressources naturelles," 20 May 2011. On file with CRG.

150 Surface area taxes are covered in Article 199 of the mining code. See Annex for text.

151 Calculations from the Plateforme des Organisations de la Société Civile intervenant dans le Secteur Minier (POM) in collaboration with The Carter Center, for the 2011 EITI scoping report (July 2013). Document on file with CRG. In 2011, Acacia and Kwango were in the process of renewing most of their permits and were not in *force majeure*, according to mining registry documents.

152 Rapport ITIE-RDC 2011, Secteur des Mines, 30 December 2013, p. 11 <http://www.itierdc.net/> (accessed February 27 2017).

153 Rapport ITIE RDC 2014, December 2015, p 11 <http://www.itierdc.net/> (accessed 27 February 2017)

154 Rapport ITIE-RDC 2011 Secteur des Mines. P. 36 http://www.congomines.org/system/attachments/assets/000/000/510/original/Rapport-Mines-ITIE-RDC-2011-au-31_12_2013-VF-Adopt_C3_A9e.pdf?1430929020 (accessed 13 May 2017) In 2012, the state's unilateral EITI declaration noted nothing for Acacia and \$3,010 in payments by Kwango to DGRAD. Republique Democratique du Congo, Comite Executif de l'Initiative Pour La Transparence Dans Les Industries Extractives, Rapport de Conciliation ITIE RDC Exercice 2012. Décembre 2014. <http://www.congomines.org/system/attachments/>

<assets/000/000/613/original/Rapport-de-Conciliation-ITIE-RDC-2012-Final-.pdf?1430929391> (accessed 13 May 2017)

155 Article 287 of the Mining Code allows permits in *force majeure* exemption from surface fees.

156 CRG has on file shareholdings for the three Excel companies.

157 Excel Development: Jaynet Ursula Kyungu 51% / Excel Holding represented by Cecylia Idji Mafike 29% / Gibril Masengo 20% as of October 2005 in *Journal Officiel* No 3-II 1 February 2006. The shareholding remained the same in an undated re-filing of the company statutes following new laws that went into effect in May 2014. Articles of association on file with CRG.

158 <http://www.cami.cd/>, accessed 17 January 2017.

159 Aviation Maintenance Services: Zaabu International SPRL 25%, Wimbi Dira Airways SPRL 12%, Excel Development SPRL 38%, Aviatechprom SARL 25%, *Journal Officiel* No 16-II, 15 August 2009.

160 According to two independent websites, www.planespotters.net and airlineupdate.com (accessed on 22 May 2017), all of Wimbi Dira's planes have been destroyed, sold, or are in storage. Wimbi Dira's website is also no longer working. CRG could not find any evidence that Aviation Maintenance Services is operational.

161 Cesco incorporation documents in *Journal Officiel* No 20-II, 15 October 2004.

162 Promedics incorporation documents in *Journal Officiel* No 23-II 1 December 2005.

163 Excel Consulting incorporation documents from September 2014 on file with CRG

164 Excel Consulting S.p.r.l. 85% / Masengo Djibril 15%, *Journal Officiel* No 17-II, 1 September 2014. Its permit holdings are according to CAMI as of January 2017.

165 <https://www.linkedin.com/in/herman-mbonyo-5556457a>, accessed 4 January 2017.

166 See below for details on ISIS Congo.

167 Radio Okapi, "RDC: des permis de conduire biométriques disponibles à Kinshasa depuis le début du mois de mars," 7 March 2012; République Démocratique du Congo, BCECO, "Décision d'attribution provisoire No/Inter-Gouv/BCECO/DG/DMP/PGN/2015/MF," 24 August 2015.

168 Cecylia Idji Mafike 15% / Jaynet Ursula Kyungu 80% / Sycamore Investment (T) 5%. September 2014 Excel Holding incorporation documents on file with CRG.

169 Including Développement Tous Azimuts SPRL, Société Internationale de Développement SPRL, Amitié CS – RDC SPRL, and La Societe Congolaise d'Assainissement et de Développement, all of which are detailed elsewhere in the report

170 Original shareholding Jaynet Ursula Kyungu 75% / Zoé Francis Mtwale 25%, according to Sycamore Investments (T) Limited Memorandum of Association from 18 July 2001 on file with CRG.

171 Cecylia was born in Tanzania in 1975, and is also known as Cecylia Chinn Mafika. One company document includes the name

Chinn crossed out in pen. Her birth date on the documents matches other incorporation documents in Congo for Mafika. Cecylia runs a number of businesses in Dar es Salaam and in Congo, some of which are mentioned below. Documents are on file with CRG.

172 <http://www.cami.cd/> last accessed 1 March 2017.

173 Incorporation of Congotel SPRL, *Journal Officiel* No 12-II 15 June 2002.

174 Also known as Développement Trade and Investissement Company S.A in some company documents in Congo.

175 President Jaynet U. Kyungu, Treasurer John B. Foster, Secretary Andres M. Sanchez, according to Panama's online company registry, copies on file with CRG.

176 Morayo Investments SA incorporation documents from Panama's online registry on file with CRG. There is a Larissa Morayo, who was the representative for Adrupiako's London-based Multifunctional Finance Ltd in its joint venture with Kwango Mine's subsidiary DTA called SCADE. (For more information on these companies see below.) Morayo has also been a board member of First International Bank, where Kazadi Nyembwe is the chairman of the board. All incorporation documents from London and Panama from public online company registries and on file with CRG.

177 Full shareholding: Développement Trade and Investement Company S.A 80% [sic] / Mokeni Ekofi Kane Raymond 20%. *Journal Officiel* 4-II 15 February 2006. Raymond Mokeni has been the head of Federation des Entreprises du Congo for Orientale Province.

178 Multidigital Finance was created in the U.K. in 2003 and dissolved in 2006, according to documents from Companies London <https://www.companieslondon.com/> (accessed May 14 2017.) However, board minutes of the Congolese company Developpement Tous Azimuts Sprl from 22 January 2009 still list Multidigital Finance as a shareholder with a London address.

For more on Adrupiako's offshore interests, see M... Belgique, "Les mystérieuses offshores du «dir' fin'» de Kabila," 2 April 2014.

<http://www.mbelgique.be/2014/04/les-mysterieuses-offshores-du-dir-fin.html>.

179 Incorporation of Stramet Congo, *Journal Officiel* No 15-II 1 August 2010.

180 <http://www.grantthornton.lu/online/www/navMain/homepage/ENG/index.html> (last accessed 19 January 2017).

181 Full shareholding at 2004 incorporation: Kwango Mines SPRL 70% / World Contact SPRL 15% / Multidigital Finance Limited 10% / Mathy A. Keren 5% in *Journal Officiel* No 9-II, 1 May 2009.

182 As of January 2017, according to Congo's mining registry.

183 Société Développement Tous Azimuts, DTA SPRL 40% / Corenco SPRL 60%, *Journal Officiel* No 17-II, 1 September 2014. Corenco is also known as Korenco and has been active in mining in Congo for several years.

184 Société Développement Tous Azimuts, DTA SPRL 25% / Multifunctional Finance Ltd 5% / Keveluc SPRL, 10% / Max-Serquip SPRL 40% / Groupe Yodade SPRL 7% / Ngowa

Philo 10% / Lissola Mbela 3%, *Journal Officiel* No 1-II, 1 January 2010.

185 <http://mentalfloss.com/article/27244/brief-history-congolese-space-program>, last accessed 28 February 2017.

186 The original board members, some of whom are now deceased: Jaynet Désiré Kabila, Marini Bodho, Mbuyi Kana Grégoire, Maître Louis-Léonce Ch. Mudherwa, Joséphine Kabila, Frédéric Etsou Zamungwabi, Kakudji Gaétan, Philomène Omatuku, Charles Deschryver, Théophas Mahuku, Elie Lungumbu, James Nzagi, Pasteur Ngoy Mulunda, Pasteur Albert Kankenza, Al Hadji Mudilo wa Malemba, Kisolokele Diangenda. *Journal Officiel* No 24-I, 15 December 2001.

187 Nunez Taratibu Kabila, born Johannesburg, 7 June 2008, according to *Journal Officiel* 1-II, 1 January 2014.

188 Generale Industrielle et Commerciale au Congo (GICC) Statutes, August 2014. On file with CRG.

189 Imprimerie de Sécurité Informatique et Système (ISIS-Congo) Statutes, September 2014. On file with CRG.

190 Ivanhoe Mines told CRG that its officials and representatives have never had contact with Zoé Kabila and that it was not aware who the owners of GICC were. Ivanhoe Mines issues fact-based response to Congo Research Group on certain business activities in the Democratic Republic of Congo," 15 June 2017

191 Cecilia Jamasmie, "Ivanhoe Mines' DRC project likely Africa's top copper discovery shows fresh drilling results," www.mining.com, 11 August 2016.

192 According to the website for Tanga Logistics and Mining SA. <http://www.tlmining.net/index-4.html> (Last accessed 27 March 2017). TLM is 100% owned by Katanga Premier, according to company board minutes from 25 March 2015 on file with CRG. Tanga Logistics and Mining SA Procès Verbal de L'Assemblée Générale Extraordinaire des Associés 25 March 2105. Katanga Premier is 90% owned by Zoé and his son, for incorporation information see below.

193 Curriculum Vitae for Moise Ekanga from Rebranding Africa Forum, 3eme Edition, Brussels, October 13-15 2016, on file with CRG.

194 Shark XI is registered as a non-profit company (ASBL), *Journal Officiel* 14-II, 15 July 2010.

195 Report No.59631-ZR Democratic Republic of Congo Boosting Growth and Employment Volume III: Sectoral Studies March 2011 Poverty Reduction and Economic Management 3 Country Department AFCCD Africa Region World Bank (draft copy).

196 United Nations Development Program, United Nations System Annual Statistical Report 2005. New York: United Nations Development Program, 2006. https://www.ungm.org/Areas/Public/Downloads/ASR_2005.pdf (accessed 2 March 2017).

197 The cable did not mention Number One's affiliation with Zoé Kabila. US-based Number One Contracting Corp. was part-owned by Tim Roman, who was also President Kabila's personal pilot and went on to create other companies with family members, including Wimbi Dira Airlines. Number One Contracting's ownership documents are on

file with CRG. <http://wikileaks.1wise.es/cable/2004/11/04KINSHASA2021.html>

198 The Financial Action Task Force of the Organisation for Economic Cooperation and Development first proposed this term in its 2003 report, recommending enhanced due diligence. It defined a PEP as: "Politically Exposed Persons" (PEPs) are individuals who are or have been entrusted with prominent public functions in a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials. Business relationships with family members or close associates of PEPs involve reputational risks similar to those with PEPs themselves." Financial Action Task Force, *The Forty Recommendations*. Paris: Organisation for Economic Cooperation and Development, 2003.

199 Public documents from Pretoria Deeds Office provided by online search firm Windeed. On file with CRG.

200 Cosha Investments SARL Statutes, August 29, 2014 . On file with CRG.

201 According to the website of Congo's mining registry, CAMI, as of January 2017

202 The stake was reduced from 20% in April, 2011. *Journal Officiel* No 7-II, 1 April 2012.

203 One Time Airlines, Procès-verbal de l'Assemblée générale extraordinaire du 28 février 2011. *Journal Officiel* No 10-II, 15 May 2014.

204 See <http://www.labeviourhotel.com/en/> (last accessed 12 January 2017).

205 Twitter, @labeviourhotel, 12 February 2017.

206 Generale Industrielle et Commerciale au Congo (GICC) Statutes, August 2014. On file with CRG.

207 Imprimerie de Sécurité Informatique et Système (ISIS-Congo) Statutes, September 2014. On file with CRG. <http://www.radiokapi.net/actualite/2012/03/07/rdc-des-permis-de-conduire-biometriques-disponibles-depuis-le-debut-du-mois-de-mars> (accessed 28 March 2017)

208 Nzuri Copper Limited (formerly Regal Resources Limited), Half Year Report for the Six Months Ended 31 December 2016. <http://www.regalresources.com.au/wp-content/sharelink/20170316-2016-half-year-report-18967ef90d7d65ce4cb89607898a0b86.pdf> (last accessed March 27 2017). The transfer took place in two transactions in July for \$1.255 million along with shares for GICC in Nzuri and in November for \$3 million.

209 Nzuri Copper Ltd. A New Chapter, February 2017. <http://www.regalresources.com.au/wp-content/uploads/2017/02/170201-Investor-Update-Capetown-Nzuri-version-FINAL-Rev-1.pdf> (accessed April 27 2017). Share value calculated from January 27 2017 price of \$0.225 with a market capitalization of \$42.9 million, according to the Nzuri presentation. According to Nzuri's website, GICC's stake had reduced to 4.8% as of 27 February 2017, <http://nzuricopper.com.au/top-20-shareholders/> (accessed 14 May 2017) .

210 Regal Resources Ltd., Media/ASX Release. Kalongwe Project Permit (PR

- 12198) Transferred to Kalongwe Mining SA. 20 June 2014, <http://www.asx.com.au/asxpdf/20140620/pdf/42qb6tmfr5nbg6.pdf> (Last accessed March 27 2017). Ivanplats Preliminary Prospectus, 10 September 2012, p 115, on file with CRG.
- 211** Ivanhoe Mines, "Ivanhoe Mines issues fact-based response to Congo Research Group on certain business activities in the Democratic Republic of Congo," 15 June 2017.
- 212** <http://www.regalresources.com.au/> (last accessed 27 March 2017)
- 213** According to CAMI's mining permit map as of July 2017.
- 214** GICC's website says it owns PR 707, 803, 804, 805, 806, and 12112. See <http://giccgroupe.com/1/concessions.html> (Last accessed 27 March 2017). The first five permits were still registered to Ivanhoe Mines Exploration DRC but were "en cours de cession totale" as of January 2017 according to the mining registry map. As of February 2017, the CAMI map had changed ownership of the permits to GICC.
- 215** Moto Goldmines Agrees to Increase Interest in the Moto Gold Project and to Placement to Sam Jonah 31 December 2007 <http://www.marketwired.com/press-release/moto-goldmines-agrees-increase-interest-moto-gold-project-placement-sam-jonah-806434.htm> (accessed March 28 2017).
- 216** Moto Announces Issue of 981,193 Shares to Consultant, 31 March 2009 <http://agoracom.com/ir/Moto/forums/discussion/topics/325404-moto-announces-issue-of-981-193-shares-to-consultant/messages/1104421> (Last accessed March 28, 2017)
- 217** Randgold Resources and Moto Goldmines enter into Business Combination 5 August 2009. <http://www.newswire.ca/news-releases/randgold-resources-and-moto-goldmines-enter-into-business-combination-538155391.html> (last accessed 28 March 2017)
- 218** <http://giccgroupe.com/Corporate/team.html> (last accessed 9 March 2017). Page on file with CRG
- 219** Noventa is now called Paragon Resources Plc and is no longer part of the joint venture.
- 220** NOVENTA LIMITED Company Update 27 June 2012 <http://www.paragon-resources.com/pr/PDF/rns/GAM-contract-announcement-and-production-update-Final-27-June-2012.pdf> (Last accessed 27 March 2017)
- 221** Only two of COMINIÈRE's contracts are published on the Mines Ministry website <http://mines-rdc.cd/fr/index.php/contrats-et-partenariats-cominiere> (last accessed 28 March 2017)
- 222** Decret No11/26 du 20 mai 2011 portant obligation de publier tout contrat ayant pour objet les ressources naturelles. Available at http://mines-rdc.cd/fr/documents/decret_011_26_pm.pdf (accessed 17 May 2017).
- 223** NOVENTA LIMITED Operations Update 28 November 2012 <http://www.paragon-resources.com/pr/PDF/rns/Operations-Update-FINAL-28-Nov-2012.pdf> (Last accessed 27 March 2017)
- 224** Paragon Resources PLC, Final Results for the 17 Month Period to 31 May 2013 & Appointment of Director, 30 July 2013 <http://www.paragon-resources.com/pr/PDF/rns/20130730-Final-Results.pdf> (Last accessed 28 March 2017)
- 225** <http://gicc.cd/ours-services/outsourcing/> (accessed 1 May 2017). Copy of webpage on file with CRG
- 226** BGFI, Demande de Virement from Iverland Mining Congo Sarl en faveur de Cosha Investment Sprl 30 Decemeber 2015, dollars américains trois millions. Copy on file with CRG.
- 227** Arrêté ministériel n° 183/CAB/MIN/AFF.FONC/2010 du 17 février 2010 portant création d'une parcelle de terre n° PL 23 à usage agro-pastoral du plan cadastral de la localité de Kikwesa, Groupement Shindaika, Secteur de Bukanda, Territoire de Kipushi, District du Haut-Katanga dans la Commune du Katanga. *Journal Officiel* No 5-I 1 March 2010.
- 228** The original shareholding was Zoé Mwanzambala Kabila 70% / Katumba Mwanke Augustin 20% / Mulindwa Francis Mtwale 10%. SPI incorporation documents, *Journal Officiel*, No 12-II, 15 June 2006.
- 229** See section above on Ferme Espoir. Ferme Espoir incorporation documents, *Journal Officiel*, No 11-II, 1 June 2012. The rest of the money for the company came from Katumba Mwanke and Mulindwa Francis Mtwale.
- 230** Incorporation of Stramet Congo, *Journal Officiel* No 15-II 1 August 2010.
- 231** Curriculum Vitae for Moise Ekanga from Rebranding Africa Forum, 3eme Edition, Brussels, October 13-15 2016 on file with CRG.

232 Katanga Premier statutes, 11 June 2012, notarized 20 June 2012. *Journal Officiel* No 1-II 1 January 2014.

233 Tanga Logistics & Mining SA, Procès Verbal de l'Assemblée Générale Extraordinaire des Associés, 10 July 2014, on file with CRG. See TLM's website <http://www.tlmining.net/index-1.html> (Last accessed 27 March 2017)

234 Ivanhoe's website <https://www.ivanhoemines.com/projects/kamoa-kakula-project/> (last accessed March 27 2017)

235 Tom Wilson, "Congo Approves Ivanhoe Kamoa Stake Sale to Zijin, Ending Dispute," Bloomberg News 22 September 2015.

236 Ivanhoe Mines Press Release, "Ivanhoe Mines Announces Financial Results And Review Of Operations For The Second Quarter Of 2015," 12 August 2015. http://www.theglobeandmail.com/globe-investor/news-sources/?mid=cc_nm.20150812.201508121021035001 (Last accessed 28 March 2017)

237 Shark - 11 Asbl statutes, 20 July 2007 in *Journal Officiel* No 14-II, 15 July 2010.

238 Nita Bukani Kabila 50% / Nunez Taratibu Kabila 25% / Nefertiti Mahanya Kabila 25% Societe Aketi Articles of Association, 23 May 2016, on file with CRG.

239 A Kazakh company that at the time was known as Eurasian Natural Resources Corp. and listed on the London Stock Exchange.

240 Michael Kavanagh, "IMF Halts Congo Loans Over Failure to Publish

Mine Contract." Bloomberg News, 3 December 2012. Reuters, "IMF halts Congo loan over mining contract concerns," 3 December 2012.

<http://www.reuters.com/article/congo-democratic-imf-idUSL5E8N3F6G20121203>

241 Tumaleo, who was and may still be on the board of the Laurent Desire Kabila Foundation (*Journal Officiel* 14-II May 1 2004), was chair of Goma Mining's management board from the company's creation in 2005 through at least 2013, according to incorporation and court documents. For incorporation documents, see *Journal Officiel* No 1-II, 1 January 2006. For Josephine Tumaleo's directorship through 2013, see *Journal Officiel* No 23-I, 1 December 2013.

242 There is, however, another company called Mama that is owned by family members including Gloria Mteyu, Makie Wangoi and Masengo. Mama SARL Articles of Association, undated. On file with CRG and available at <http://fr.guichetunique.cd/spip.php?article1242> (accessed 14 May 2017).

243 Kennes p. 298

244 DRC is ranked 156 out of 176 countries in Transparency International's Corruption Perceptions Index 2016 http://www.transparency.org/news/feature/corruption_perceptions_index_2016, accessed 12 February 2017.

245 The joint venture was meant to develop Goma 1 and Goma 2 open pit deposits southwest of Kolwezi, according to The Cobalt News, published by The Cobalt Institute, July 2009 p 8. On file with CRG.

246 For the most recent public update of the court dispute see *Journal Officiel* No 23-I, 1 December 2013

247 Makolo wa Ngoy Kabila also goes by Makie Wangoi in other family company documents including Mama and No Limits. For Shaba Impex incorporation, see *Journal Officiel* No 2-II, 15 January 2013. All other documents are on file with CRG.

248 Shaba Impex archived website pages on file with CRG.

249 <http://m.zr108864974.fm.alibaba.com/> (accessed May 14 2017.)

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Group's annual financial statement, the South Africa-based company still claimed a net loss of \$165.8 million for its Congo operations in 2015/2016. Vodacom Group Limited Integrated report for the year ended 31 March 2016 and Vodacom Group Limited Consolidated annual financial statements for the year ended 31 March 2016, p 68. <http://www.vodacom.com/annual-results.php> (last accessed February 21, 2017.) On file with CRG.

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Congo Research
Group



Groupe d'Étude
sur le Congo

Center on International Cooperation
New York University

info@congoresearchgroup.org

[@gec_crg](#)