

## **JOINT PRESS RELEASE N°001/ 2016**

### **THE CONDEMNATION OF THE NEW-YORK “OCH-ZIFF” CAPITAL MANAGEMENT GROUP <sup>1</sup> FOR CORRUPTION IN THE USA A STEP FORWARD.**

***“The Congolese courts should investigate allegations of corruption on mining and oil contracts in the DRC that are listed in the agreement between Och-Ziff, the US Securities and Exchange Commission (SEC) and the American justice”***

Non-governmental organizations (NGOs) signing this press release welcome the condemnation of the Och-Ziff Capital Management Group to pay US\$ 413 million, for violating American laws on corruption concerning businesses made in foreign countries including Chad, Niger, Libya and Democratic Republic of Congo. These NGOs request the Congolese Court of justice and the parliament to investigate the matter in order to establish the responsibility and that the guilty parties are punished.

Indeed investigations made by the Court of Justice in New-York reveal that:

- Och-Ziff , its filial companies and partners benefited from the acquisition of preferential prices to get mining and oil licenses by corrupting Congolese officials between 2005 and 2015;
- Och-Ziff requested the deferment of the prosecution while its filial companies pleaded guilty and paid US\$412 million;
- Och-Ziff and its filial companies have admitted to having engagements with Congolese partners including firms that have strong ties with the Israeli businessman;
- Many companies are concerned by the allegations of corruption including Swanmines (Africo), Kinga Miombo Tailings (KMT) and the “Société Minière de Kabwelela et Kimpese” (SMKK).

Mr. Barnabé Kikaya Bin Karubi the diplomatic advisor to the president, in an interview to a Bloomberg<sup>2</sup> on the American decision, praised the valuable contribution of Mr. Dan Gertler to the DRC in the sector natural resources by saying that *“We don’t want one Gertler, we want 10 Gertlers; we want 10 or 15 Gertlers to come and believe in the Congo and work with us in terms of changing this place.”*

NGOs realize the gravity of this matter which violates Congolese legislations specially the art.56 of the 2006 Constitution, as amended in 2011, which stipulates that *“any agreement, contract or arrangement which deprives the nation, natural or legal persons from enjoying their whole or partial livelihoods that derive from their resources or natural wealth, without prejudice to the provisions on economic crimes, is a pillage offence which is punishable by the law”*.

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<sup>1</sup><http://www.congomines.org/reports/1194-reglement-a-l-amiable-de-och-ziff-sur-la-corruption-dans-ses-investissements-en-afrique>

<sup>2</sup><http://www.bloomberg.com/news/articles/2016-10-04/congo-backs-billionaire-gertler-after-u-s-och-ziff-allegations>

NGOs express their concern about the behavior of public office-bearers involved in different deals which prejudices the Congolese penal code specially the article 147 of the Book I, and the Decree-law n° 017/2012 of October 3<sup>rd</sup> 2002 on the Code of conduct of State officials set out in articles 6, 7, 9 al.2 et 4, 12 et 16.

Given the above, signatory organizations recommend to:

**The Office of the Attorney-General of the Republic to:**

- Initiate investigations that should verify the transparency and the cost of the deals made between Swanmines (Africo), Kinga Miambo Tailings (KMT) and the “Société Minière de Kabolela et Kimpese” (SMKK);
- Investigate Congolese public officials who were involved in the acquisition mining and gas licenses at preferential prices ;
- Compensate the DRC in claiming the right payment for mining and gas licenses that are already granted

**The Congolese government to:**

- Suspend officials involved in this matter;
- Calculate the country's shortfalls;
- Re-assess the government's shareholding in the concerned companies;
- Impose administrative and financial sanctions on concerned companies.

**Both chambers of the Parliament to:**

- Initiate a parliamentary investigation that could provide estimations of the concluded deals on natural resources made between 2005 and 2015;
- Call the prime minister to account so that he provides clarifications on the allegations of corruption according to the government understanding of the facts.

**The civil society to:**

- Take advocacy actions so that the State is compensated, and persons involved in the illicit deals are prosecuted and punished by the law.

**Lubumbashi October 11<sup>th</sup> 2016**

## Signatory organizations

N°	Organizations	Chairpersons
1.	Action Contre l'Impunité pour les Droits Humains (ACIDH) ;	MPIANA Donat
2.	AfricanResources Watch (AFREWATCH) ;	MUKENA Richard
3.	Association Africaine de Défense des Droits Humains (ASADHO)	Jean-Claude KATENDE
4.	Cadre de Concertation sur les Ressources Naturelles ;	MUNGURIEK UFOY Jimmy
5.	Coalition PCQVP	KATANDE Jean-Claude
6.	Comité de Suivi pour la Contribution des Communautés et Eglises à la Transformation Humaine (COSCCET)	Père NYEMBO Angelos
7.	Détectives Experts pour les Droits Humains au Quotidien (DEDQ)	TSHIMPUKI Georges
8.	Groupe d'Actions Non Violentes Evangéliques (GANVE)	LUKANDA Godefroid
9.	Initiative Bonne Gouvernance et Droits Humains (IBGDH)	KAMBOLADonat
10.	Institut de Recherche en Droits Humains (IRDH)	TSHISWAKA Hubert
11.	Ligue Congolaise de lutte Contre la Corruption (LICOCO)	MPARARO Ernest
12.	Observatoire d'Etudes d'Appui à la Responsabilité Sociale et Environnementale (OEARS)	KASONGO Freddy
13.	Organisation Congolaise des Ecologistes et Amis de la Nature (OCEAN)	KASS MUTEBAAlidor
14.	Organisation pour la Protection de l'environnement et le Développement Durable (OPED)	KALONJI Serge
15.	Protection des Ecorégions de Miombo au Congo (PREMICONGO)	BWENDA Christian
16.	Synergie pour la Gouvernance des Ressources Naturelles / Kongo-Central Encore SGRN	BAKULU Jacques

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