

# Fingerprints and Money Trails

DRC's Election Chief Cuts Deals on Both Ends of the 2018 Vote

January 2021



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## Executive Summary

Protests demanding electoral reform have convulsed cities across the Democratic Republic of Congo in July 2020,<sup>1,2,3</sup> demonstrating the importance to the Congolese public of the proper and impartial administration of the national electoral commission, an official pillar of the DRC's fragile democracy.<sup>4</sup>

The public's desire for reform is in no small part driven by the December 2018 election cycle, which independent observers broadly recognize was tainted by serious irregularities, corruption, and violence.<sup>5,6,7</sup>



At a crucial moment during vote preparations, a key contract awarded by the DRC's electoral commission, or Commission électorale nationale indépendante (CENI), ran the unmistakable risk of self-dealing, according to evidence reviewed by The Sentry.

In January 2018, the CENI awarded a multimillion-dollar services contract to two companies, one of which was backed by would-be business partners of the commission's president, Corneille Nangaa Yobeluo. Other companies were unable to compete for the contract to remove duplicate voter registrations from among the tens of millions of entries in the DRC's electoral roll. Nangaa has since been placed under US sanctions for his alleged role in embezzling election funds,<sup>8</sup> charges he and the CENI have strongly denied.<sup>9</sup>

His future business partners included Roger Abotome Bekabisya, a national lawmaker from Nangaa's home province who prevailed in the elections the CENI president oversaw. After the vote results were announced in 2019, the pair collaborated on an abortive mining venture in resource-rich Haut-Katanga





province, records show. The US sanctions imposed on Nangaa caused the investors involved to abandon their plans, according to Abotome, who denied that these events involved corruption in any form or that his dealings with the CENI president had any bearing on his electoral success.<sup>10</sup>

The evidence pointing to the risk of impropriety at the CENI highlights the need for electoral and anti-corruption reform in the DRC. A wider system of kleptocracy has long plagued the country, creating incentives for leaders to cling to power and hijack state institutions, such as the electoral commission, for their own benefit and for that of their foreign and domestic facilitators.<sup>11</sup>



Corneille Nangaa, president of the DRC's electoral commission, or Commission électorale nationale indépendante (CENI), briefs the news media in January 2019. Photo: REUTERS/Jackson Njehia.

In response, the DRC's international partners must work with Congolese authorities and the banking sector to strengthen financial oversight and public procurement safeguards. Among other measures, these actors should investigate this CENI contract and audit the electoral commission.

Ahead of the next election cycle, such actions would help increase voter confidence in the electoral process and bolster political stability as the DRC works to consolidate gains from its first largely peaceful transfer of power since independence six decades ago.



## A ‘Dubious and Corrupt’ Voter Roll\*

The process of creating the DRC’s voter roll has been at the center of the political crises of recent years. In 2016, the CENI said elections could not be held that year as called for under the constitution, citing the time needed to register voters nationwide as a major factor in the delay.<sup>12</sup> Joseph Kabila, who was then president and is now senator for life,<sup>13</sup> was thus able to extend his time in office by more than two years after his constitutionally mandated final term expired,<sup>14</sup> raising doubts as to whether he would actually step down at all.<sup>15, 16</sup>

That year, the CENI awarded a major contract to the digital security firm Gemalto to overhaul the DRC’s biometric voter registry.<sup>17</sup> As The Sentry has previously reported, the commission’s handling of the matter exacerbated delays.<sup>18</sup> Still, as the elections grew nearer, CENI president Nangaa cited the importance of cutting costs and processing times by automating the handling of voter data.<sup>19</sup>

In July 2017, Nangaa signed a collaborative agreement with UAB Neurotechnology, a biometrics firm, and the Congolese company Bravo Tozali Compagnie SARL (BTC).<sup>20</sup> The two companies had formed a consortium to respond to a CENI letter of intent to award a contract for the removal of duplicate entries from the DRC voter roll, documents show.<sup>21</sup>

A Lithuanian company formed in the immediate aftermath of the Cold War, Neurotechnology says that its products have also supported elections in Bangladesh, Sierra Leone, and Venezuela.<sup>22, 23, 24</sup> The firm did not respond to The Sentry’s requests for comment.

The consortium agreement stated that Neurotechnology would handle the technical aspects of the contract, while administrative and other ancillary matters would fall to BTC,<sup>25</sup> a company with a background in areas such as agriculture, mineral drilling, earth moving, and construction.<sup>26, 27</sup>

Under Congolese law, public procurement is subject to open tendering by default, with sole-source contracts permitted only under “extraordinary” circumstances, such as “extreme” or “pressing” urgency, among other conditions.<sup>28</sup> Six months after the collaborative agreement had been signed, in January 2018, the Budget Ministry granted the CENI special dispensation, as it had done on multiple other occasions, to award the \$8.4 million contract to the consortium without competitive bidding.<sup>29, 30, 31</sup>

Public procurement authorities said the CENI justified the move in part by pointing to the need both for voter roll deduplication to be completed in time for the National Assembly to adopt a law on the distribution of parliamentary seats—failing which the timeline for the elections could slip even further into the future—and for Neurotechnology to update infrastructure it had previously provided in 2011.<sup>32</sup>

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\*Reports by The Sentry are based on interviews, documentary research, and, where relevant, financial forensic analysis. In some cases, sources speak to The Sentry on the condition that their names not be revealed, out of concern for their safety or other potential retaliatory action. The Sentry establishes the authoritativeness and credibility of information derived from those interviews through independent sources, such as expert commentary, financial data, original documentation, and press reports. The Sentry endeavors to contact the persons and entities discussed in its reports and afford them an opportunity to comment and provide further information. Where responses are received, they are explicitly reflected in the report and incorporated into the analysis.



Whether Neurotechnology was the most suitable contractor may be open to question, as Gemalto advertised the fact that its technology helped eliminate duplicates by design.<sup>33</sup> Any urgency in granting approval for the no-bid award may also have been exacerbated by foot dragging, as demonstrated by the six-month period between the CENI's decision to work with the consortium and the ultimate authorization for the contract.

"They took their time and did almost everything at the last minute," Abotome, a BTC co-founder and minority partner, told The Sentry in an interview. "The manager told us we signed, we waited, we waited. It's at the end that they called us."<sup>34</sup>

BTC representatives say their cut of the contract was approximately \$2.3 million, or a little less than a third of the total, mostly reinvested in equipment.<sup>35, 36, 37</sup> Abotome said he believed Nangaa was unaware of the identities of BTC's owners.<sup>38</sup>

Abotome is also a member of the National Assembly representing Watsa territory in Nangaa's home province of Haut-Uélé. His political alliance, the Convention des Congolais unis et alliés (CCU, or United Congolese Convention and Allies) was aligned with the pro-Kabila Front commun pour le Congo (FCC, or Common Front for Congo), though CCU leader Lambert Mende recently announced the decision to join a new coalition formed by President Félix Tshisekedi.<sup>39, 40, 41</sup>

While voter registration was still underway in October 2017, Nangaa told political party representatives at the houses of Parliament in Kinshasa that the CENI intended to use "AFIS or ABIS" biometric technology to revise the new voter roll once the registration period ended.<sup>42</sup>

Following the contract award, Nangaa touted the use of AFIS technology, including during an appearance before the United Nations Security Council in February 2018.<sup>43</sup> The CENI's website also highlighted the presence of an AFIS/ABIS server bank at the CENI's newly renovated national data processing center,<sup>44</sup> the Centre national de traitement (CNT).<sup>45</sup>

In April 2018, Nangaa announced that the biometric technology had allowed the CENI to scrub almost 5.4 million duplicate registrations and more than 900,000 individuals under voting age from the electoral lists after the voter registration drive ended in January.<sup>46, 47</sup>

Neurotechnology also hailed the outcome, saying its biometric identification system had completed the job in less than two months, scanning tens of millions of facial and fingerprint records to help Congolese authorities cull more than 10% of the entries in their voter database.<sup>48</sup>

But in May 2018, an independent review of the voter roll by the Organisation internationale de la francophonie (OIF) found cause for concern. A quarter of voters had used unreliable identification documents, such as student or pension cards. Furthermore, while Neurotechnology claimed to have processed 46.5 million records, each containing 10 fingerprints and a facial biometric, the OIF said that nearly one in six registered voters, or 16.6%, had no fingerprints on file.<sup>49, 50, 51</sup>

The presence of so many registrations without fingerprints raised eyebrows. Under Congolese law, the chief of every voter registration center must personally authorize each instance in which fingerprints



are absent, typically in the case of amputations or when fingerprints are too worn down to make an impression.<sup>52</sup>

CNT chief Jonathan Seke Mavinga, who had significant experience with biometric databases,<sup>53</sup> reportedly resigned suddenly before the OIF could release its audit, saying he was ill. Word of his resignation only became public after the OIF audit ended.<sup>54</sup> In September 2018, the Comité laïc de coordination (CLC, or Lay Coordination Committee), an arm of the Roman Catholic laity, denounced the new voter roll as “dubious and corrupt.”<sup>55</sup>

### Ties to Hezbollah Financiers?

In choosing to form a consortium with BTC, Neurotechnology did not collaborate with the Congolese business Data6tems SARL, even though the websites of both Neurotechnology and Data6tems say the latter is Neurotechnology’s local reseller in the DRC.<sup>56, 57</sup>

Data6tems is a Kinshasa-based company created by Rashid Brown Shomari, Abdul Rahim Bakhsh, and Hilali Saidi.<sup>58</sup> Documents suggest Bakhsh and Saidi may have tangential connections to Hezbollah, the militant and political organization based in Lebanon, which they deny.<sup>59</sup>

Bakhsh, who also appears to use the name Abdul Rahim Malik,<sup>60</sup> and Malik Munir are two of Saidi’s business partners in a different venture, the shipping company Afroliner SARL.<sup>61</sup> As of 2016, the two men jointly owned the customs clearance firm Pacific Trading SARL,<sup>62</sup> which shares an address with Afroliner.<sup>63</sup>

An audit report commissioned by the Congolese government from a private firm in 2013 described Pacific Trading as a shipping agent controlled by Congo Futur,<sup>64</sup> a Hezbollah-tied enterprise subject to US sanctions.<sup>65</sup>

Afroliner’s name is nearly identical to that of a Belgian company once reportedly targeted by local authorities investigating Kassim Tajideen,<sup>66, 67, 68</sup> who in 2018 pleaded guilty in the US to laundering funds for Hezbollah.<sup>69</sup>

However, Pacific Trading told The Sentry in a statement that the audit report was mistaken, and that Congo Futur had never controlled Pacific Trading, which is independent and solely active in DRC. The firm previously performed customs clearance work for Congo Futur with “no exclusive business relationship,” the company added.<sup>70</sup>

The Congolese entity Afroliner is unaffiliated with the Belgian enterprise of a similar name, although Pacific Trading has in the past processed cargo for the Belgian company, the statement said. It added that neither Pacific Trading, nor the Congolese Afroliner, nor Data6tems had any connection to Hezbollah.

Data6tems, meanwhile, told The Sentry that it had no role in the CENI contract awarded to Neurotechnology, on whose behalf Data6tems does not seek to negotiate business.<sup>71</sup>





## Nangaa-Abotome Business Ties

In February 2019, shortly after the announcement of the election results that granted Abotome his post as lawmaker, he and Nangaa joined other investors in creating the mineral exploration and mining company General Ressources [sic] and Services SARL, records show.<sup>72,73</sup>

Three other companies owned GRS at its creation: Domaine agro-pastoral des Uélés SARL (DAU), BTC Mining and Services SARL (BMS), and Société coopérative Grand Katanga pour le développement SARL (SCGKD). DAU held 64.7%, while BMS held 15.4%. SCGKD, a company controlled by the businessman Jean Paul Kaduwa, had the rest.<sup>74,75</sup>

DAU, in turn, was wholly owned by Nangaa and his wife, Yvette Lubala Nazinda,<sup>76</sup> who also won a seat in the Kinshasa provincial legislature in the 2018 elections.<sup>77</sup> About 80% of both Bravo Tozali Compagnie SARL and BMS, BTC's mining-focused successor, was owned by the same four individuals, including Abotome, who held 30% of BMS and was named its general manager.<sup>78,79</sup>

According to a memorandum of understanding between DAU, BMS, and SCGKD, the three entities formed GRS for the purpose of exploring and developing mineral deposits in artisanal mining zones covering a little more than nine square kilometers (3.5 square miles) in Kambove territory in the copper- and cobalt-rich Haut-Katanga province.<sup>80,81</sup> DAU, the company controlled by Nangaa and his wife, agreed to pay \$400,000 as "key money" ("pas-de-porte") to SCGKD, which held the title to the mining areas.

BMS received a 15% stake in GRS in return for its planned provision of drilling and earth-moving services, according to Abotome, who estimated its worth at between \$50,000 and \$60,000. However, when it emerged soon afterward that Nangaa was subject to US sanctions, the joint owners of GRS dropped their plans, according to Abotome, who said that no money changed hands as a result.<sup>82</sup>

Both Abotome and Erick Bombabo Ateba, who served as general manager of BTC, adamantly denied there had been any corruption in their dealings with Nangaa.<sup>83</sup>

"I can't be judged for a business that never worked," said Abotome. "Maybe it was a mistake, because there are sometimes mistakes in life, a mistake to sign with him. But thank God we did nothing. We never gave any money to Nangaa."<sup>84</sup>

Nangaa referred The Sentry's queries to attorneys in Washington, who did not respond to requests for comment.<sup>85</sup>



## A Broken Record

The CENI's short history since its creation in 2011 is rife with alleged embezzlement, theft, and other misconduct, much of which, if proven, would thoroughly discredit its political independence.<sup>86</sup>

In 2016, banker and whistleblower Jean-Jacques Lumumba alleged that the CENI illegally borrowed \$25 million from the Kabila-connected lender BGFIBank DRC at 8.5% per annum, with commissions and fees amounting to another 4% of the principal. Over a four-month period, CENI representatives withdrew \$7.5 million in cash.<sup>87</sup> The CENI allegedly took these steps despite having \$55 million in cash on hand. Lumumba said his objections were personally overruled by Francis Selemani Mtwale, the managing director of BGFIBank DRC and Kabila's brother,<sup>88</sup> part of the series of events that ultimately resulted in Lumumba's exile.

The US Treasury Department designated three top CENI officials under a sanctions program in 2019, including Nangaa.<sup>89, 90</sup> The US accused the CENI chief of using shell corporations to embezzle funds through fraudulent invoicing, kickbacks, and contract padding. Nangaa allegedly enriched himself, while the scheme also purportedly backed Kabila's political operations by financing bribery at the Constitutional Court. Voter registration was allegedly further delayed as a result, helping push back the vote date, which in turn kept the president in power beyond the expiry of his second mandate.<sup>91</sup> The CENI rejects the Treasury's allegations.<sup>92</sup>

In prior years, the CENI had repeatedly sought special dispensation from the Budget Ministry to eschew the public tendering process, even for purchasing automobiles, according to the civil society group Observatoire de la dépense publique, which monitors public spending. ODEP said these special allowances jeopardized the CENI's credibility and cast doubt on its strict compliance with the law.<sup>93</sup>

With the next election cycle looming, the question of how to reform the CENI remains a vital concern for the Congolese public and civil society, as well as for the international community. Any reform package should overhaul the CENI's contract procurement procedures.



## Recommendations

Several actions by Congolese authorities and other stakeholders could strengthen voter confidence in the electoral process and bolster political stability for future election cycles. To that end, The Sentry offers the following recommendations:

The US Department of State, the European Union and its member states, and the African Union should urge the Congolese government to enact key electoral reforms:

- **Investigate the voter roll data contract.** Court of Cassation prosecutors should investigate the voter roll deduplication contract and the extent to which connections between Nangaa and BTC's owners might have played a role in the CENI's decision to include BTC in the contract award. Should any misconduct be discovered, they should then enforce all applicable laws.
- **Make no-bid contracts the exception, not the rule.** In line with Congolese civil society recommendations,<sup>94</sup> the prime minister's office should issue a decree limiting the use of special authorizations for contracts to be awarded "gré à gré," that is "by mutual agreement" with vendors and without competitive bidding.
- **Prevent future conflicts of interest.** Both during and for a predetermined period of time after an election cycle, top CENI officials should be formally prohibited from doing personal business with CENI contractors, their shareholders, or employees. Candidates in a given election cycle should also be barred from ownership of or employment at CENI contractors.
- **Audit the CENI's books.** The National Assembly, the Court of Auditors, and the procurement regulator—the Autorité de régulation des marchés publics (ARMP)—all have key roles to play in a thorough, independent, and transparent audit of the CENI's finances for the previous election cycle, the results of which should be made public. The audit should be conducted by an entity with no prior relation to politically-connected business interests.
- **Ensure that the public corporate registry is comprehensive, accurate, and updated.** The DRC government has created a searchable online public registry of corporate entities. Public registries that include shareholder and beneficial ownership information can help improve corporate transparency, public oversight, and accountability. The government should ensure that the registry includes all corporate entities and that it is accurate, updated, and available to financial institutions, law enforcement, and the general public.
- **Apply—and enforce—public procurement laws and regulations.** The Direction générale du contrôle des marchés publics (DGCMP, or General Directorate of Public Procurement) should ensure contract awards strictly comply with the DRC's law on public procurement, which sets out precise, narrow conditions for allowing no-bid contracts. The government should also provide the ARMP with the staffing and resources it needs for the proper oversight of public contract awards.



#### Banks and relevant financial institutions:

- **Conduct enhanced due diligence.** Regional and local banks should conduct enhanced due diligence on transactions involving the senior CENI officials who are now subject to sanctions, their companies, and persons or entities acting on their behalf. Financial institutions should submit suspicious activity reports to their respective financial intelligence units.

#### US government:

- **Hold corrupt actors accountable.** The United States should investigate possible corruption and use the Global Magnitsky sanctions authority to issue sanctions and visa bans on those involved in corrupt activity. The United States should also provide anti-money laundering technical assistance to improve Congolese authorities' abilities and capacity to tackle corruption and increase transparency.





## Endnotes

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- 25 See note 21.
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