

Laurenza, Melissa

From: Murry, Roger
Sent: Thursday, January 17, 2019 4:49 PM
To: Murry, Roger
Subject: DRC Elections Update - Major development today in Addis Ababa

All,

A major development today in Addis Ababa – the leaders of the AU, in collaboration with the leaders of the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC), “concluded that there were serious doubts on the conformity of the provisional results, as proclaimed by [CENI], with the verdict of the ballot boxes... called for the suspension of the proclamation of the final results of the elections...[and] agreed to dispatch shortly to the DRC a high-level delegation comprising the Chairperson of the Union and other Heads of State and Government, as well as the Chairperson of the AU Commission, to interact with all Congolese stakeholders, with the view to reaching a consensus on a way out of the post-electoral crisis in the country.”

We encourage Congress and the Administration to strongly support this process, keeping a clear focus on the ultimate goal of a consensus that respects the will of the Congolese people courageously expressed on December 30, 2018. The steps identified by the AU are necessary to provide for a credible and realistic democratic transition of power in the DRC, but we need your engagement throughout the process ahead.

Full statement is linked [here](#) and pasted below:

**COMMUNIQUE OF THE HIGH-LEVEL CONSULTATIVE MEETING OF HEADS OF STATE AND GOVERNMENT ON THE SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
ADDIS ABABA, ETHIOPIA, 17 JANUARY 2019**

Following consultations between the Chairperson of the African Union (AU) and President of the Republic of Rwanda, H.E. Paul Kagame, and leaders of the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC), a high-level consultative meeting of Heads of State and Government took place today, 17 January 2019, at the AU headquarters in Addis Ababa, to exchange views on the situation in the Democratic Republic of the Congo (DRC) in the wake of the presidential, national and provincial legislative elections of 30 December 2018 and agree on a way forward. This initiative is part of the African-led efforts, in the spirit of continental solidarity, to assist the DRC political stakeholders and people to successfully conclude the electoral process and preserve peace and stability in their country.

The meeting was chaired by the Chairperson of the AU, and attended by a number of Heads of State and Gouvernement or their representatives from SADC, the ICGLR and other African stakeholders, as well as by the Chairperson of the AU Commission.

The meeting was briefed on the electoral process in the DRC and subsequent developments by the Deputy Prime Minister and Minister of Foreign Affairs of the DRC.

The meeting also followed updates from the Chairpersons of the ICGLR, SADC and the AU Commission, and had in-depth exchanges of views thereafter.

The Heads of State and Government attending the meeting concluded that there were serious doubts on the conformity of the provisional results, as proclaimed by the National Independent Electoral Commission, with the verdict of the ballot boxes.

Accordingly, the Heads of State and Government called for the suspension of the proclamation of the final results of the elections.

The Heads of State and Government agreed to dispatch shortly to the DRC a high-level delegation comprising the Chairperson of the Union and other Heads of State and Government, as well as the Chairperson of the AU Commission, to interact with all Congolese stakeholders, with the view to reaching a consensus on a way out of the post-electoral crisis in the country. The meeting urged all concerned actors in the DRC to interact positively with the high-level African delegation in the interest of their country and its people.

The Heads of State and Government expressed their appreciation to the Chairperson of the Union for having taken the initiative of this consultative meeting. They also thanked the AU Commission and the Ethiopian authorities for the practical steps taken to ensure the successful holding of the meeting.

Roger P. Murry | Senior Policy Advisor

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: [+1 202.416.5119](tel:+12024165119) | Internal: 25119

Fax: +1 202.887.4288 | rmurry@akingump.com | akingump.com

This information is being disseminated by Akin Gump Strauss Hauer & Feld on behalf of Moise Katumbi and Martin Fayulu. Additional information is on file with the Department of Justice, Washington, DC.

Laurenza, Melissa

From: Murry, Roger
Sent: Friday, January 18, 2019 10:46 AM
To: Phelan, Michael (Foreign Relations); megan.gallagher@mail.house.gov
Subject: Belgium

Hi Michael and Meghan – A brief update for you: The essential and appropriate step for the U.S. – just support the AU. There is some confusion as to whether State will release a statement. Remarkable. They need to release a statement immediately.

The EU statement is simple and clear. The U.S. should follow suit. Or even shorter, the Belgium's Foreign Minister (tweet here): "As #UNSC member we back African efforts for a successful electoral process in #DRC #peace & #stability Following serious doubts on provisional results African leaders called for suspending the final announcement & will send a high-level delegation to DRC #AU #SADC #ICGLR

The AU delegation arrives Monday. We are hearing from a few sources that Kabila has asked South Africa for asylum. To calibrate what the regime is thinking, look for comments from Kikaya, not Mende. If you want an inside look at the behind the scenes of yesterday, these two read outs have it about right, to my knowledge – Kagame put his foot down:

<http://www.rfi.fr/afrique/20190118-elections-rdc-dessous-communique-precedent-union-africaine?ref=tw>
<https://congolibere.com/coup-de-tonnerre-comment-lua-la-sadc-et-la-cirgl-ont-mis-fin-a-la-mascarade-electorale-en-rdc/>

Many thanks,

Roger P. Murry | Senior Policy Advisor

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From: Murry, Roger
Sent: Friday, January 18, 2019 2:33 PM
To: Murry, Roger
Subject: FT profile on Martin Fayulu
Attachments: Martin Fayulu, Congo's outsider scents power _ Financial Times.pdf

All,

Given Martin Fayulu's relative unknown status in Washington, I wanted to share with you the attached profile from today's FT.

To learn how Kabila's plan to throw the election to Felix Tshisekedi came together, see this [Reuters article](#). It confirms what we knew to be true: "An agreement was reached, they said, under which Tshisekedi would be president, Kabila would be guaranteed protection for himself, his family and assets, and his supporters would retain significant control over parliament and the financial and security apparatus...Kabila's aides assured the loyalists they would retain their positions and their interests would be protected."

Many thanks for reading and your continued attention to the DRC elections.

Roger P. Murry | Senior Policy Advisor

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Person in the News DR Congo

Martin Fayulu, Congo's outsider scents power

Other African leaders have rallied to his cause after huge electoral fraud



Tom Wilson 2 HOURS AGO

Martin Fayulu may be the most wronged man in world politics. The oil executive turned political leader won the Democratic Republic of Congo's historic presidential vote last month by a massive margin only for the country's electoral commission to declare someone else the victor.

The huge electoral fraud, uncovered this week by the Financial Times, threatens to halt a remarkable rise for the former Exxon Mobil man. But if Congo's rightful president-elect feels aggrieved he shows no signs of bitterness — yet.

“I won't let the victory of the Congolese people be stolen,” he says over a patchy phone line from the heaving riverside capital, Kinshasa. “If they don't get the truth now, no one will trust any election ever again.”

Mr Fayulu is a rare breed among senior Congolese politicians, most of whom sit at the head of a large party or have ricocheted between opposition groups and government posts as the giant copper-producing country has lurched from crisis to crisis.

Elected to the capital's provincial assembly and the national parliament in 2006, much of Mr Fayulu's political career has been spent mobilising grassroots support in the country's biggest city — a warren of teeming slums, pulsating music and crumbling colonial villas. The political party he

formed in 2009 had only three seats in parliament before last month's election. Its scruffy headquarters opposite the country's national stadium was often without electricity, cloaked in darkness.

During the election campaign, though he sat at the head of a popular coalition, his rivals said he was a marginal figure who lacked experience in public office. For many Congolese people, who have suffered for years at the hands of corrupt and self-serving officials, it was his very status as an outsider that meant they voted for him.

The FT's analysis of two separate sets of voting data showed Mr Fayulu won 59.4 per cent of the vote — a conclusion supported by the election observation mission run by the country's Catholic Church.

"Martin has spent less energy making his case to internationals than earning the respect of the Congolese people, who feel sold out by the entire political class," says Tom Perriello, a former US Special Envoy to Congo. "I was always struck in meetings how he focused on principles, not personal gain. That's rare in any country, including my own."

It would be a game changer in Congo, a nation created at the end of the 19th century as the personal fiefdom of the Belgian King Leopold II that has been plundered to enrich its leadership ever since.

Born in Congo's capital in 1956 in the final years of Belgian rule, Mr Fayulu was the seventh of eight children. His father was employed at a Belgian-Congolese industrial plant and his mother was a market trader, hawking home-made doughnuts and other goods. The family was lower-middle-class at best, he says, and after his parents divorced he made it to university in Paris only through the generosity of his extended family.

He studied economics in France and later received an MBA from the European University of America. A 19-year career in the oil industry took him, his wife and his three boys around the world to the US, Cote d'Ivoire and Kenya, and to Mali and Ethiopia where he ran Exxon's operations.

But his links to Congo remained strong. And after returning to Kinshasa full time from 2003 he developed a reputation as one of President Joseph Kabila's most courageous and consistent critics. While some opposition leaders announced anti-government protests from the safety of their offices, Mr Fayulu was one of the few to lead from the front, often marching on Kinshasa's wide boulevards with his supporters.

In person he is much more executive than streetfighter. In his election poster he appears in a shirt and tie, rolling up his sleeves.

His friends talk about his discipline, consistency and desire to collaborate. “Mr Fayulu is the ultimate democrat,” says Jean Claude Mwalimu, his long-term friend and adviser. “He has convictions but he also always listens to opinion and looks to build consensus.”

His critics have tried to suggest he’s a pawn, even a non-entity. The four opposition leaders who backed his candidacy include the powerful Congolese kingmakers Moise Katumbi and Jean-Pierre Bemba, both of whom were excluded from the vote. “Having strong people with me doesn’t mean that I am weak,” Mr Fayulu responds. “Congolese wanted a common candidate, they are fed up with what is going on here, and that’s why they wanted change.”

His long career at Exxon suggests he was adept at navigating the greasy pole of one of the world’s biggest corporations, but he is untested in public office. One thing that seems likely is that a Fayulu presidency would be principled. “Ever since I traded the comfort of the business world for the murky waters of Congolese politics, my fight for justice and the rule of law has been relentless,” he wrote in his campaign materials.

He may still get the opportunity to fight on. In a stunning move yesterday other African heads of state weighed in on Mr Fayulu’s behalf, questioning the published results. “I will be the president to restore the rule of law so Congo can recover its dignity,” Mr Fayulu says. “Dignity is what is important.”

The writer is the FT’s East Africa correspondent

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Laurenza, Melissa

From: Murry, Roger
Sent: Saturday, January 19, 2019 10:47 AM
To: Murry, Roger
Subject: Quick update

The Constitutional Court is meeting currently. It is quite possible, although not confirmed, that the court, ahead of the AU head of state delegation's arrival on Monday, could move to finalize the fraudulent results. The notice came out 45 minutes before the hearing started...

We understand that because of this court hearing, the interagency is likely to meet later today or tomorrow to hash a U.S. statement. There is significant uncertainty as to whether the U.S. statement will be strong. Messaging from Congress, if there is any chance for it, should argue the US government should not recognize the fraud or send any representation to the inauguration. Unfortunately, a UN press statement today was suspiciously close to Kabila regime talking points. The US statement must starkly contrast with that. Thank you for your consideration on this holiday weekend.

Happy to discuss - 202-577-9211

Roger Murry
Akin Gump

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Laurenza, Melissa

From: Murry, Roger
Sent: Saturday, January 19, 2019 11:01 PM
To: Murry, Roger
Subject: Martin Fayulu rejects court ruling, calls for peaceful protests
Attachments: Martin Fayulu, Congo's outsider scents power _ Financial Times.pdf

All,

Late tonight, Kabila's Constitutional Court declared Felix Tshisekedi the winner. Martin Fayulu's response: "I now consider myself the President-elect of the DRC. I am making a pressing call on our people to take its destiny in its hands by organizing peaceful demonstrations across the country in order to defend its sovereignty in conformity with article 64 of our Constitution."

We can still avoid forcing the Congolese people to take to the streets to secure a democratic transition. The AU Heads of State will arrive on Monday. This past Thursday, the AU "called for the suspension of the proclamation of the final results of the elections," which tonight Kabila ignored. The delegation seeks to reach "a consensus on a way out of the post-electoral crisis in the country."

The United States must speak forcefully and with moral clarity as soon as possible, endorsing the AU mission, stating that those party to the backroom deal will be promptly sanctioned, and rejecting the selection of Felix Tshisekedi. We have all the information necessary to act decisively. We know:

- Martin Fayulu won the election with about 60% of the vote, *three times that of Tshisekedi* (ET);
- Martin Fayulu is "rare breed among senior Congolese politicians" known for focusing "on principles, not personal gain," and seeks "to restore the rule of law so Congo can recover its dignity" (from FT, attached);
- Kabila cut a deal with Tshisekedi to allow Felix to serve as head of state but the current regime to keep all of the power (Reuters);
- CENI and the Constitutional Court are deeply flawed extensions of the regime (Congo Research Group);
- What stability means in Kabila's Congo (BBC);
- The Kabila regime has just committed one of the most incompetently rigged elections in history, for all the world to see; and,
- The EU, Canada, Belgium and others are supporting the AU effort.

We have reached the end game. Now is the time for the United States to speak up.

Many thanks,

Roger P. Murry | Senior Policy Advisor

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