

From: Craig Stevens

Sent: Tuesday, January 03, 2017 9:55 AM

Subject: DRC: Gov. Katumbi Applauds Historic Deal to Bring Democratic Presidential Elections to DRC in 2017; Katumbi to be Candidate

Good morning -

You should have received my email yesterday about the historic agreement in the Democratic Republic of Congo that will allow for a democratic presidential election in 2017. The deal also abides by the constitution by not allowing Joseph Kabila to run for a third term.

Gov. Katumbi released a statement, via Twitter earlier today. [A link to the tweet is here](#) and a translation of his full statement is at the bottom of this email. Gov. Katumbi concluded his statement by saying that he will be a candidate for president in 2017.

Excerpts from Gov. Katumbi's statement include:

I am very happy about this agreement that enables the brave people of Congo to enter 2017 with peace and hope. The Congolese people will be able to go through their first political change in our beautiful country, via democratically, inclusive, transparent and calm elections.

...

I want to pay tribute to the many political and outspoken prisoners, who have had the courage to defend the Constitution, in standing against what is wrong, and contributing to the strength of our young democracy.

Amongst all things, I pray for my bothers and sisters who have sacrificed their lives in order to offer to our country, a brighter and worthy future. The sacrifice of those martyrs will not be vain, the Republic will never forget them.

...

I want also to thank the President of the Republic, who has committed not to remain in his position for a third straight mandate, as it is prohibited in our Constitution. With this inclusive agreement, the President of the Republic cannot attempt to modify our Constitution during the transitional period, including via referendum. He committed as well, in front of the National and International Community, to not obstruct its application.

I remain more determined than ever in continuing my peaceful political battle, hand in hand with my fellow Congolese countrymen. I will continue to fight towards the rise of the Rule of Law and the accession of a successful and fairer DRC for all, in the heart of the African continent.

This is why I will be a candidate for the upcoming Presidential election in 2017.

FULL Statement following the Political Agreement of December 31, 2017

Brussels, January 3, 2017

On December 31, an historical and inclusive agreement was signed between the opposition and the Presidential majority in the DRC. I am very happy about this agreement that enables the brave people of Congo to enter 2017 with peace and hope. The Congolese people will be able to go through their first political change in our beautiful country, via democratically, inclusive, transparent and calm elections.

My congratulations go to CENCO, who, with patience and abnegation, has managed to lead towards an agreement, through a complex and difficult dialogue. I want to salute the work of all participants, from all political backgrounds, for putting their differences aside, and ensuring that interests of the Congolese people prevails. Everyone was able to let go of usual political quarrels in order to achieve such agreement.

From the bottom of my heart, I want to thank my fellow Congolese countrymen, whose thirst for liberty, justice, democracy, and political change, pushed us to conclude this deal. Today, it's this brave and courageous People that are the true hero. This is why I once again call upon your vigilance in order to ensure that this political agreement is respected. No voluntary delays, subterfuge, or blockade will be tolerated.

I want to pay tribute to the many political and outspoken prisoners, who have had the courage to defend the Constitution, in standing against what is wrong, and contributing to the strength of our young democracy.

Amongst all things, I pray for my bothers and sisters who have sacrificed their lives in order to offer to our country, a brighter and worthy future. The sacrifice of those martyrs will not be vain, the Republic will never forget them.

The countries of the region, the UN Security Council, African Union, European Union, USA, and the members of the International Community deserve our utmost recognition. By helping and supporting the Republic, by defending the interests of the Congolese People, they have worked towards the setting up of an inclusive dialogue under the leadership of CENCO. They have also ensured its outcome.

I want also to thank the President of the Republic, who has committed not to remain in his position for a third straight mandate, as it is prohibited in our Constitution. With this inclusive agreement, the President of the Republic cannot attempt to modify our Constitution

during the transitional period, including via referendum. He committed as well, in front of the National and International Community, to not obstruct its application.

As for me, in order to enable the signature of this historical agreement, preserve peace and National cohesion, I didn't want to make my situation a blockade to any deal, despite my unfair condemnation and judicial proceedings. I therefore accepted that my dossier would be handled by the bishops of CENCO, that I trust fully.

This isn't any resignation nor abdication from my part. I remain more determined than ever in continuing my peaceful political battle, hand in hand with my fellow Congolese countrymen. I will continue to fight towards the rise of the Rule of Law and the accession of a successful and fairer DRC for all, in the heart of the African continent.

This is why I will be a candidate for the upcoming Presidential election in 2017.

My best wishes and happy new year to all!

Moise Katumbi Chapwe

NOTE: *These materials are distributed by DCI Group AZ, L.L.C. for Akin Gump Straus Hauer and Feld LLP on behalf of Moise Katumbi, and additional information is on file with the Department of Justice, Washington, DC*

From: Craig Stevens

Sent: Monday, January 02, 2017 3:40 PM

Subject: DRC: Agreement to have Presidential Elections in 2017. Per Constitution, Joseph Kabila unable to run

Happy New Year.

Under the leadership of the Catholic Church, the ruling and opposition parties in the Democratic Republic of Congo have come to an agreement to hold elections in 2017, over the past couple of days.

Under the agreement, Joseph Kabila will leave office after the election and cannot stand for a third term. While this is certainly progress, there continues to be concern that Mr. Kabila will continue to undermine the national election in an effort to stay in power indefinitely.

1. From the Associated Press in Kinshasa:

Political parties in Congo signed a deal late Saturday that calls for President Joseph Kabila to leave power after an election that now will be held by the end of next year instead of mid-2018 as his party originally proposed.

The New Year's Eve agreement comes after months of unrest that left dozens dead and threatened to further destabilize the vast Central African nation with a painful history of dictatorship and civil war.

Catholic church officials had mediated talks to reach a compromise and initially imposed a Christmas deadline. The negotiations reached a stalemate, though, and resumed again Thursday under mounting pressure to avoid major violence amid opposition calls for Kabila to step down.

Officials announced that a deal had been reached Saturday evening on the major issues though representatives did not sign it until around 11 p.m. local time on New Year's Eve.

2. The U.S. State Department hailed the deal as "laying the groundwork for the country's first democratic transfer of power". The State Department also commended the Catholic Bishops for their "tireless" work and called on the "government and opposition leaders to continue their cooperation as they work to implement this agreement and preserve the progress achieved on behalf of the Congolese people".

3. Rick Gittleman, the president and executive director of United for Africa's Democratic Future, cautiously applauded the accord saying:

"This agreement paves a course for a free, fair, and transparent presidential election in 2017 - the first peaceful transition of power in the country's history. It's imperative that Mr. Kabila abide by the agreement and that international powers including the United Nations, the United States, the European Union, and the African Union keep the

government on schedule and on task in holding this critical election. The Congolese people have suffered too much for too long and are very much deserving of this cherished democracy.

"Additionally, Mr. Katumbi should be commended for allowing the agreement to move forward without the express dismissal of the trumped-up charges against him. While he has placed his fate in the hands of the Catholic Church, the false charges against him must be dealt with and soon. Otherwise, the goal of inclusivity will not be met and the Congolese people will be denied democracy by other means."

4. **You'll recall that one of the judges for that case has already recanted, saying she issued it under duress.**
5. **Moise Katumbi, candidate for the presidency, had an interview with Jeune Afrique shortly after the accord was announced. Below is a rough English translation of some excerpts from the interview:**

As a gentleman and patriot, Moses Katumbi sacrificed his person by asking that his case not block the outcome of the dialogue, for the best interests of the nation. Felix Tshisekedi confirmed Saturday, December 31, the role played in the shadow by the former governor of Katanga for the protagonists to reach an agreement. Especially since the fate of the latter (Katumbi was sentenced to three years imprisonment in a case of property spoliation and charged with harm to the safety of the State) has long been one of the major bottlenecks of Negotiations.

...

Moise Katumbi: *The delegates for the Presidential Majority tried to put back on the table the possibility of a referendum during the period leading up to elections. We should not allow them to open this breach. That's why I asked the Gathering to make sure my case does not block the outcome of the dialogue. I asked that the interest of the nation be privileged: no referendum before the next elections, no third mandate. This is what our people are asking for, that is what we have achieved.*

JA: *Will your fate be examined by an ad hoc committee of magistrates?*

Moise Katumbi: *No. I place my case in the hands of the bishops. It is the same with that of Jean-Claude Muyambo who languishes in the prison of Makala. He was convicted in a case of property spoliation fabricated by the Greek national Stoupis. The same that was used for my condemnation. True political motivations.*

I hope, however, that our magistrates will soon recover their liberty to condemn the real culprits and to acquit the innocent. And that from now on, the National Intelligence Agency (ANR) will do its job in the best interests of the country.

...

IA: *How is this new agreement different from that concluded on 18 October after the first dialogue in which the Rassemblement did not take part?*

Moise Katumbi: *At the time, I had indicated, from New York, that a second dialogue would be needed to ease tensions and achieve a more inclusive political compromise. Edem Kodjo, then facilitator of these talks, which was, in reality, only a monologue, had retorted that demanding a second dialogue, a true dialogue, was a vast joke. The Kinshasa regime, through Lambert Mende (government spokesman, ndr) then rose to the niche to oppose the idea of direct negotiations between the camp of Joseph Kabila and that of the Rally.*

Everyone finally came to understand that the first agreement, was not correct and that it could not calmly lead the country towards calm elections. That is why, under the mediation of the National Episcopal Conference (CENCO), this second dialogue took place. And the agreement that was signed on 31 December 2016 finally provides the necessary guarantees for the first democratic alternation in our country.

...

IA: *Are you confident about the implementation of the agreement and the evolution of your fate?*

Moise Katumbi: *I remain confident. It is time that each of us contributes to the development of our country. I no longer want to count the victims, those heroes of democracy who fell because they fought for the respect of the Constitution.*

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