

Cover image: Voter outreach, June 2018.
Photo: CENI.

Delays and Red Flags: Elections in DR Congo

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Executive Summary

Elections in the Democratic Republic of Congo (Congo) are currently scheduled for December 2018. Those elections are nearly two years overdue, as President Joseph Kabila's mandate officially expired in December 2016. On August 8, Congo's Minister of Communications and Media Lambert Mende announced that Kabila will not seek another term, and named former interior minister Emmanuel Ramazani Shadary as the official candidate of Congo's ruling coalition. While the ruling coalition's recent announcement is an important one, numerous red flags remain in both the technical and political aspects of the electoral process. Electoral credibility in Congo – and in turn that of the government - will be determined by much more than who runs for office.

To date, election preparations in Congo have been characterized by delays, lack of transparency and allegations of corruption, ethical violations and potentially inappropriate government interference in technical aspects of the process. This report explores a number of alarming developments throughout the electoral process, including allegations of corruption in the allocation of voter registration contracts, lack of transparency in the National Independent Electoral Commission's (CENI) finances and unresolved questions regarding the integrity of voter rolls and security vulnerabilities in electronic voting machines. Taken together, these factors raise serious questions regarding the credibility of the electoral process, and the possibility that technical aspects of the election cycle have been and may continue to be manipulated.

According to media reports, CENI officials may have intentionally favored certain companies during election preparation to benefit their own personal financial interests. Representatives of a private company involved in the voter registration process also allege that the CENI may have deliberately sought an expensive and



technically complex voter registration procedure in order to delay the electoral calendar. In addition, corporate correspondence reviewed by The Sentry indicates that Léonard She Okitundu, Minister of Foreign Affairs, met with representatives of the multinational software company Gemalto SA prior to the official opening of the bidding process for biometric voter registration kits – a contract that was ultimately awarded to Gemalto.

Correspondence between the CENI and several commercial actors as well as commercial dispute rulings by a Congolese regulatory authority also raise questions as to whether the CENI pressured Gemalto to discontinue working with its originally-identified subcontractor. Representatives of a company involved in the dispute allege that this swap was motivated at least in part by the personal financial interests of CENI officials and may have granted the CENI more direct control over the voter registration process due to its relationship with the new subcontractor. While the CENI initially projected that voter registration could be accomplished in the space of two months, the process ultimately lasted approximately 18 months, following the CENI's decision to pursue a complex and costly method of biometric voter registration. Observers, including private commercial actors involved in the electoral process, allege that these factors delayed the electoral calendar.

The electoral process remains characterized by a significant lack of transparency. Whistleblowers and local civil society groups raise concerns regarding the opacity of CENI financing, including CENI budget formulations, the disbursement of funds and suspicious transactions at CENI-held bank accounts. CENI President Corneille Nangaa has rebuffed calls for an independent audit of voter rolls, despite the inclusion of nearly 17 percent of voters without any discernible fingerprints – a percentage technical experts flagged as abnormally high. The CENI has also resisted calls for a technical review of electronic voting machines proposed for use in the upcoming electoral cycle, despite popular distrust in the technology and serious security vulnerabilities in the machines, as The Sentry has recently reported. According to United Nations documents reviewed by The Sentry, the CENI is also refusing to share information with U.N. officials poised to provide logistical support to distribute electoral materials, potentially complicating the U.N. Organization Stabilization Mission in the Democratic Republic of Congo's (MONUSCO) ability to support the deployment of electoral materials in a timely manner.

These red flags raise serious questions regarding continued threats to the integrity of the electoral process and underscore the need for increased financial pressure against the Kabila government and its international facilitators in order to ensure a credible and peaceful democratic transition of power in 2018, and in turn, lay the foundations for a transparent, accountable government.

Introduction

Congolese state security forces shot and killed human rights activist Rossy Mukendi during a protest on February 25, 2018. The protest was certainly not Mukendi's first – Mukendi was a known activist in the Congolese human rights community, and held a leadership position within the Collective Citizen Movement 2016, a youth-led, pro-democracy movement.¹ At the time of his death, Mukendi was helping protesters enter a church to take refuge from police gunfire.² In one photo widely circulated on social media after his death, Mukendi holds a protest sign that reads "*le peuple gagne toujours*" (the people always win).³ He is staring straight at the camera with a determined expression.

Mukendi is among dozens of peaceful protesters killed in in the Democratic Republic of Congo (Congo) since December 18, 2016, when President Joseph Kabila's mandate officially expired.⁴ Since then, the Congolese government has repeatedly rejected domestic and international calls to organize credible elections, alternatively blaming security concerns, logistical or financial constraints while simultaneously violently repressing pro-democracy civil society groups.



In October 2017, United States Ambassador to the United Nations Nikki Haley visited Congo and delivered a clear message – the international community is tired of delays and excuses; hold elections by the end of 2018 or face consequences. In public remarks given in Kinshasa, Haley stated, “This is not a democracy unless people’s voices are heard. We will not support, we will not condone elections being put off any longer.”⁵

In response to Haley’s visit and significant pressure from Congolese civil society and opposition, Congo’s National Independent Electoral Commission (CENI), announced a new electoral calendar, with presidential elections scheduled for December 2018.

On August 8, Congo’s Minister of Communications and Media Lambert Mende announced that former Interior Minister Emmanuel Ramazani Shadary will stand as the ruling coalition’s official candidate.⁶ Following Mende’s announcement, observers have raised concerns regarding Shadary’s past, including his former role in Congo’s security sector. In May 2017, the European Union announced that it had placed sanctions on Shadary, who at the time occupied the post of deputy prime minister and minister of interior and security, for his involvement in “planning, directing or committing acts that constitute serious human rights violations.”⁷ In a nationwide opinion poll on prospective presidential candidates conducted in July 2017, Shadary did not garner enough votes to be included in the poll’s results.⁸

While Kabila’s announcement that he will not seek a third term is an important one, repression and intimidation tactics against pro-democracy activists continue and opposition groups are still denied the ability to fully exercise their freedom of assembly.⁹ At the same time, observers and technical experts have raised serious concerns about the lack of transparency and vulnerabilities in technical aspects of the electoral process.¹⁰ Observers have also expressed concern with the CENI’s decision to invalidate the candidacies of six opposition figures.¹¹ Shadary’s designation as ruling coalition candidate, given his implication in human rights abuses and lack of a popular base, has caused some observers to express concerns that Kabila may be trying to maintain power from behind the scenes.¹²

While Kabila’s announcement that he will not seek a third term is an important one, repression and intimidation tactics against pro-democracy activists continue.

This report examines red flags throughout the electoral process. Review of corporate correspondence, analysis of public statements of Congolese officials and comments from individuals with direct knowledge of specific aspects of election preparations raise questions regarding the allocation of state contracts, the technical basis for the CENI’s decision to pursue a highly complex and expensive voter registration procedure and the seeming lack of willingness of electoral officials to investigate potential areas of fraud and security vulnerabilities.

Taken together, these red flags raise serious concerns regarding the credibility of the electoral process – including the potential manipulation of technical aspects of the election in order to further Kabila’s political agenda. Combined, these factors cast serious doubt over the government’s intention of holding free and fair elections in 2018.

Mukendi and other activists like him died demanding their right to a credible, democratic transfer of power – a call that extends far beyond elections without Kabila as a candidate. There is still time for the international community to honor their legacy. The international community should act now to increase financial pressure in the form of both network sanctions and anti-money laundering actions, on key members of Kabila’s network to build the internal political will needed to support a credible and peaceful democratic election in December



2018, thus laying the groundwork for a transparent government accountable to its citizens and not the financial interests of elites.

The increased pressure should include additional sanctions designations of Kabila's inner circle and the companies they own or control, including senior financial advisors, family members and commercial facilitators, as well as robust enforcement of existing sanctions. Diplomatic incentives should also go hand-in-hand with that effort, linking sanctions relief to key components of the electoral process and increased transparency and accountability in the management of public finances more broadly, notably a full citizens audit of the voter registration list, equal access for opposition parties to state media during the campaign process, unequivocal freedom of assembly and expression for opposition and civil society groups, the release of political prisoners and dropping of politically-motivated charges, as well as abandoning the use of electronic voting technology in favor of paper ballots, and increased transparency in the extractives sector, including an independent, published audit of state-owned mining company Gécamines's financial accounts. The U.N. Security Council should amend existing listing criteria for sanctions to include the ability to sanction persons for obstructing the democratic process and engaging in illicit financial activity, in order to ensure that these measures are rendered most effective by targeting Kabila's financial enablers and facilitators. In addition, the European Union should amend existing sanctions criteria to add illicit financial activity such as to corruption to ensure coordination throughout the international community.

The United States should enact special measures pursuant to the USA PATRIOT Act and other authorities related to entities and financial institutions in Congo engaged in laundering the proceeds of corruption. Drawing on existing authorities, including Presidential Proclamation 7750, the State Department should issue additional visa bans on corruption grounds against senior members of the Kabila family and close associates, including financial associates. The United States should also increase high-level engagement with the Congolese government and continue to publicly decry opacity in the electoral preparation process and the lack of transparency and corruption in state finances more broadly.

The United States, African Union, Southern African Development Community (SADC), U.N. Security Council and European Union should coordinate their public messaging and policy responses to the Congolese government's success or failure to move electoral benchmarks and increase financial transparency as well as any ensuing consequences. The African Peace and Security Council should pass a resolution calling for a credible and transparent democratic transition in Congo, in line with the December 31, 2016 Saint-Sylvestre accord. The resolution should also urge regional financial intelligence units to take robust steps to implement the Financial Action Task Force (FATF) guidelines to combat money laundering, including a focus on the laundering of proceeds of corruption.

Election Credibility: Built Step by Step

Election preparations in any country involve a series of technically complex and logistically demanding processes. Registering voters, revising and releasing voter rolls, mapping electoral districts, recruiting and training electoral officials, allocating and dispersing funds, procuring electoral materials, as well as voter outreach and education are all critical steps, each contributing to the overall integrity and credibility of an election cycle. However, the success or failure of these technical steps depends on the political will of those in power to facilitate or obstruct them.

The CENI's October 2017 electoral calendar left approximately 13 months to organize presidential, legislative and provincial elections in one of the most logistically challenging environments in the world. At the time of



the CENI's announcement, many of the steps outlined above had yet to be completed, and some had not even begun.



Voting simulation using a prototype of the electronic voting machine. Photo: CENI

Despite these challenges, international technical experts determined that the CENI's electoral calendar was ambitious but feasible. After all, the CENI had already initiated and made significant progress in voter registration. CENI leadership also has a strong background in the technical aspects of electoral preparations. CENI President Corneille Nangaa, for example, previously served as chief of party for the International Foundation for Electoral Systems (IFES) in Côte d'Ivoire and Niger, and worked on various electoral assistance programs for the U.N. Development Program.¹³ Members of the donor community also stood ready to assist in election preparations, including via financial and logistic support.¹⁴ The European Union, International Organisation of the Francophonie (OIF), SADC, and United Nations authorized the creation of a group of technical experts to provide additional assistance to the CENI.¹⁵ The U.N. peacekeeping mission MONUSCO's March 2018 mandate renewal included specific language regarding security for civilian populations and electoral process support.¹⁶

The critical missing component for success or failure in ensuring electoral credibility in Congo – more than economic resources, logistical hurdles or security – was and remains political will.

Voter Registration

Call for Tenders Chessboard

Voter registration is among the most crucial aspects of the overall integrity of any electoral process. It is also one of the most cost-intensive aspects of an electoral cycle, presenting the opportunity for private companies to win substantial contracts. Documents reviewed by The Sentry raise significant questions about the public



contract management process that has unfolded in Congo and the potential for manipulation of technical assessment criteria in a manner that favors specific companies. Journalists and Congolese lawmakers have alleged that the technical criteria to assess candidates for the biometric voter registration kit contract were intentionally manipulated to favor a specific candidate.¹⁷ In addition, according to documents reviewed by The Sentry, Foreign Minister Léonard She Okitundu met with representatives of the multinational software company Gemalto SA, which was eventually awarded the approximately \$44 million contract to provide biometric voter registration kits, prior to the start of the official bidding process.¹⁸ According to Belgian daily newspaper *Le Soir*, during his meetings with Gemalto employees, Okitundu was not accompanied by members of CENI technical staff.¹⁹ Okitundu's pre-bid meeting with Gemalto apparently flies in the face of Congolese law, which states that public tenders should be awarded without negotiating with bidders.²⁰ Despite attending these meetings, Okitundu was promoted to the post of deputy prime minister and minister of foreign affairs and regional integration in December 2016.²¹

In Congo, voter registration is a particularly sensitive issue, as the country has not held a census since 1984²² and voter rolls will serve as the basis for redistricting in 2018 presidential, legislative and provincial elections. Voter registration irregularities during the 2011 electoral cycle are widely regarded as a factor contributing to lack of credibility in the process.²³

The critical missing component for success or failure in ensuring electoral credibility in Congo – more than economic resources, logistical hurdles or security – was and remains political will.

Congolese law requires that public contracts be awarded via a competitive bidding process.²⁴ Bids are advertised and received by Congo's Central Coordination Office (BCECO).²⁵ Bids must then be evaluated on the basis of cost and previously established criteria detailed in the call for tender.²⁶ The law also states that this process should take place "without negotiation with (the) candidates."²⁷ The CENI announced a call for public contracts to support the voter registration process on February

10, 2016.²⁸ The BCECO's advertisement divided the bidding process into three contracts – the provision of 20,000 biometric voter registration kits and technical assistance for the registration process, the production of 54,000,000 voter identification cards and a contract to provide electrical power to support the process.²⁹

As is common in calls for tenders around the world, the BCECO also included more detailed information on assessment criteria for submitted bids. The criteria help interested bidders provide the most detailed bid possible to the assessment committee. According to *Le Soir*,³⁰ the assessment criteria for bids to provide biometric voter registration kits did not include prior data collection. In an October 29, 2016 article, *Le Soir* asserted that excluding prior data collection as an assessment criteria was hugely detrimental to Zetes, the Belgium-based company that provided biometric voter registration during Congo's 2011 electoral process.³¹

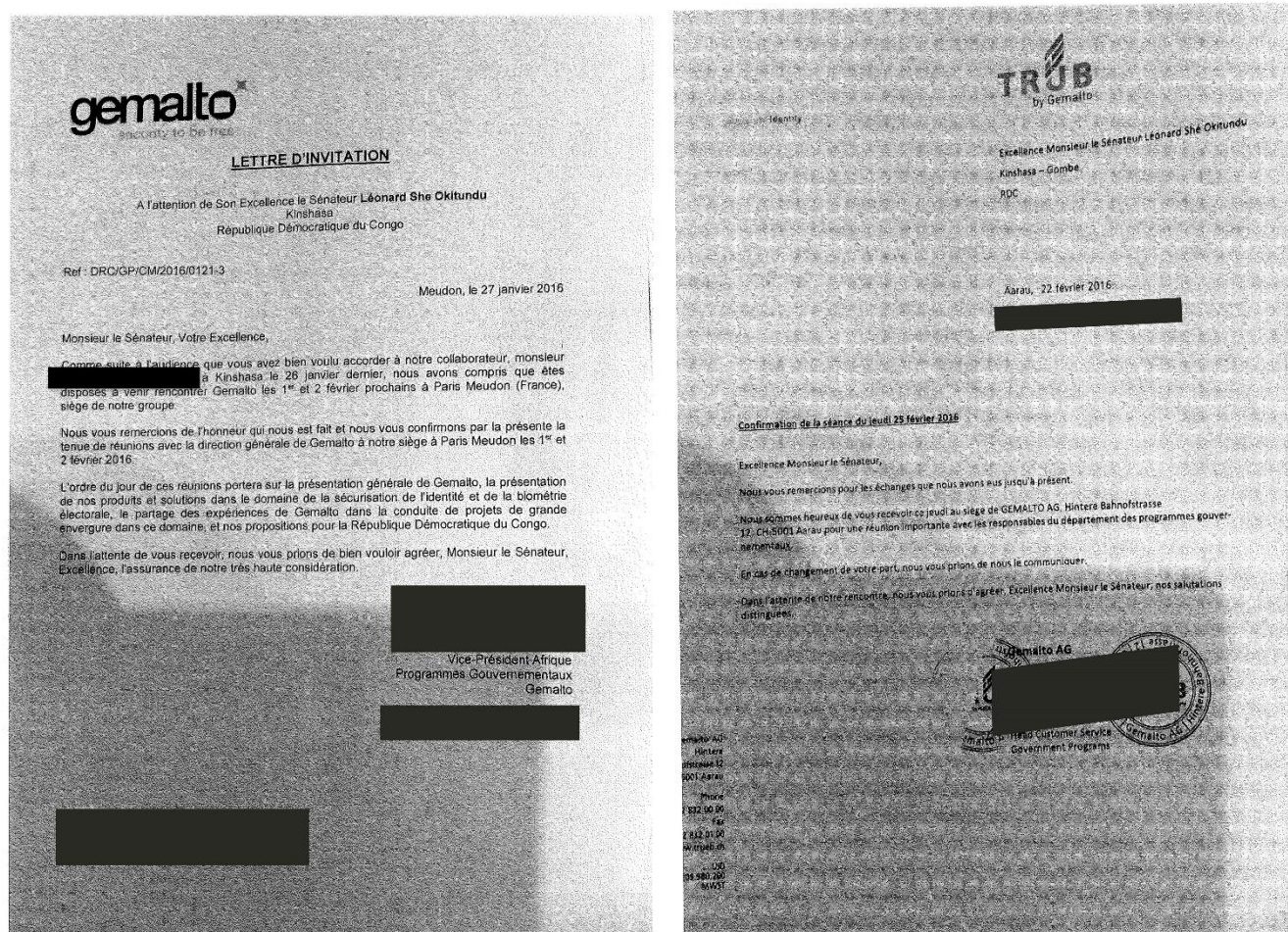
On March 3, 2016, Franck Diongo, a parliamentarian representing the opposition Mouvement Lumumbiste Progressiste (Progressive Lumumbists Movement - MLP) party, also suggested the assessment criteria for the bid was suspicious. Diongo publicly criticized the lack of technical specificity in the assessment criteria, noting that the only criterion for evaluating biometric voter registration kits was "appropriate software for enrolling voters."³²

On July 4, 2016, Gemalto announced on its website that it had won an international tender to supply the CENI with 22,000 mobile biometric voter registration kits³³ – chosen over Zetes and Super Tech Ltd, a Ghanaian information communication technology company.³⁴ The provisional contract published by the BCECO on June 3, 2016 was worth \$44,660,871.10 – the largest single voter registration contract.³⁵ In a press release, Gemalto declared that its technology "provides the DRC with a trusted foundation toward free, fair and transparent elections."³⁶ Gemalto's announcement did not include information about the behind the scenes



events that reportedly occurred prior to the official launch of the bidding process on February 10, 2016.

According to correspondence reviewed by The Sentry, Gemalto's vice president for African governmental programs invited Okitundu to visit Gemalto's offices in Paris on February 1-2, 2016, in order to discuss "our propositions for the DRC."³⁷³⁸ At the time, Okitundu, who now serves as foreign minister,³⁹ was a senator representing Kabila's ruling coalition.⁴⁰⁴¹



Letters of invitation from Gemalto and its affiliate Trüb to then-Senator Léonard She Okitundu for meetings in France and Switzerland. Photo: The Sentry.

The invitation letter referenced a prior meeting in Kinshasa between Okitundu and a Gemalto representative⁴² In a second letter dated February 22, 2016, the head of the customer service department for government programs at Gemalto affiliate Trüb⁴³ invited Okitundu to Gemalto offices in Aarau, Switzerland for an "important meeting with the directors of governmental programs."⁴⁴

Several press outlets have written about Okitundu's relationship with Gemalto and its potential implications for the electoral process. In its previously referenced October 2016 article, *Le Soir* profiled an article by Congolese daily newspaper *Le Potentiel* that stated that Okitundu traveled to Paris to finalize the details of the bid for support to the voter registration process with Gemalto.⁴⁵ In the article, *Le Soir* reported that Okitundu



was not accompanied by a member of the CENI or any technical staff competent to assess Gemalto's qualifications as a bidder.⁴⁶⁴⁷

Such communication with Gemalto staff by a government official about the biometric voter registration contract prior to the official call for tenders may be inconsistent with Congolese regulations governing the awarding of public contracting, which states that assessment of tenders should take place without negotiation with bidders.⁴⁸ Gemalto's proposal to Okitundu to come discuss the company's business "propositions" in Congo just prior to the official opening for the public tender process for contracts in support of voter registration raises concerns that Okitundu and Gemalto may have engaged in contract negotiations. Reports in *Le Soir* that Okitundu traveled without CENI technical staff raises concerns that the bidding process was politically influenced and not conducted on the basis of technical merit alone. And Okitundu was promoted in December 2016⁴⁹ in the wake of these contacts, despite concerns publicized in local and international press outlets regarding his involvement in the deal for biometric voter registration kits.

Subcontractor Swap

Under Congolese law, foreign bidders who identify a Congolese subcontractor to execute at least 30 percent of the total value of the contract receive a competitive advantage over those that do not.⁵⁰ As a result, international bidders often partner with Congolese businesses to execute larger contracts. In preparing its bid, Gemalto identified Kinshasa-based digital security company Sitele SARL as its local subcontractor to provide technical support during the voter registration process.⁵¹ In written correspondence to the CENI and Gemalto, Sitele representatives allege that the company lost the contract for technical support to the voter registration process due at least in part to the personal financial interests of several CENI officials.⁵² A Sitele representative further alleged that the ensuing contract dispute delayed the voter registration process and pushed back the overall electoral calendar.⁵³

The ARMP, the regulatory authority for public markets and Congolese government body that oversees public contract management, published its ruling on a dispute between Gemalto and Sitele in a document dated September 28, 2017.⁵⁴ According to the ARMP's summary of the case, Sitele alleged that Gemalto had identified it as the subcontractor for the biometric voter registration contract. In its complaint to ARMP, Sitele stated that Gemalto contracted the company to provide technical support for the biometric voter registration process and then broke with its agreement, ultimately using the services of another, unnamed company.⁵⁵ Sitele further alleged that it had already invested significant funds in executing its component of the contract when Gemalto began working with another subcontractor.⁵⁶ In its conclusion, the ARMP stated that Gemalto had won the contract for biometric voter registration kits partially due to Sitele's specific technical expertise and confirmed that Sitele was Gemalto's identified subcontractor at the time of bid submission.⁵⁷ The ARMP encouraged Gemalto to meet with Sitele to come to a settlement.⁵⁸⁵⁹

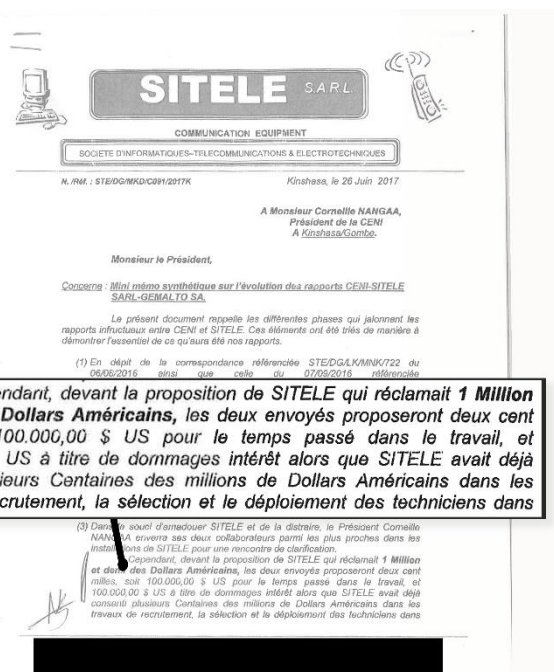
The ARMP case summary referenced several rounds of correspondence between Sitele and Gemalto and between Sitele and the CENI. The Sentry has reviewed copies of these exchanges. In a letter from Sitele to Gemalto dated September 7, 2016, Sitele accused Gemalto of proceeding with another subcontractor without informing them. The letter also referenced "two CENI advisors... motivated by personal interests."⁶⁰ In the letter, Sitele expressed concern that the voter registration process would be adversely impacted by these irregularities, including but not limited to additional delays.⁶¹

In a letter dated August 6, 2016, Sitele wrote to Nangaa summarizing its frustrations.⁶² The letter stated that during conversations with Gemalto employees, Sitele directors were informed that Gemalto was prohibited from acting to correct the situation "by precise oral instructions from two CENI advisors." In a letter from



Gemalto to Sitele dated August 22, 2016, a Gemalto representative stated that the company continued to wait for the CENI to notify them of its “operating plan” before it could “formalize its offer of technical support services with a local subcontractor.”⁶³ Sitele directly accused the CENI of taking steps to prevent Gemalto from fulfilling its contractual obligations in a letter to Nangaa dated September 2, 2016.⁶⁴

In a letter to Gemalto dated June 9, 2017, Sitele stated that Gemalto employees counseled Sitele managers to continue negotiating directly with the CENI.⁶⁵ The letter referenced an SMS text exchange between Sitele management and Nangaa. “The CENI has chosen to misappropriate the execution of technical support for its own profit,” Sitele concluded.



June 26, 2017 letter from Sitele to CENI President Corneille Nangaa alleging that the CENI offered \$200,000 in compensation for partial services rendered. Photo: The Sentry.

In a letter to the CENI dated June 26, 2017, Sitele alleged that Nangaa sent two representatives to Sitele to offer it \$200,000 as compensation for partial services rendered (see image to left).⁶⁶ According to the letter, Sitele declined the funding since the profit the company stood to gain from the original contract was valued at approximately \$1.5 million.⁶⁷ The letter also stated that Sitele was informed that its contract was turned over to another contractor, STIM Plus.⁶⁸

The Sentry also reviewed an additional letter from Gemalto to Oscar Mubiayi, Sitele’s legal representative. In the letter, Gemalto’s Central Africa commercial director acknowledged that Gemalto’s initial bid to the CENI identified Sitele as its designated subcontractor.⁶⁹ Gemalto’s representative then stated that the CENI approached Gemalto in September 2016 – after awarding Gemalto the contract – to rearrange its contractual obligations to adapt them to a new, expanded operating plan by separating after-sales support from technical support.⁷⁰ This new scope of work differed from the criteria initially provided in the call for tenders.⁷¹ Since Gemalto and Sitele did not jointly sign a contract with the CENI, Gemalto argued it had no further obligations to Sitele.⁷²

Gemalto’s letter to Mubiayi made no comment on the technical basis for the CENI’s change in the scope of work after awarding contracts for a complex, critical component of the electoral cycle.

From 60 Days to 18 Months: Voter Registration Delays

At the outset of the electoral process, voter registration was originally projected to last 60 days.⁷³ However, the process ultimately lasted nearly 18 months, ending January 30, 2018.⁷⁴ At various points during this timeframe, the CENI cited different reasons for delays to the process, including deteriorating security conditions in certain provinces.⁷⁵

A Sitele representative said that the CENI’s interference in Gemalto’s subcontractor agreement gave the electoral commission more direct control over the technical implementation of the voter registration process.⁷⁶



While voter registration in 2011 required two fingerprints per voter, voter registration in 2016-2018 required a full 10 fingerprints per voter, resulting in a more costly and time-consuming voter registration process.^{77 78} An opposition lawmaker accused the CENI of deliberately delaying the announcement of the public call for tenders so that it would be impossible to complete a credible voter registration process before Kabila's mandate expired in December 2016.⁷⁹ The significant discrepancy between the original amount of time foreseen for voter registration and the ultimate amount of time allocated combined with the timing of the official launch of the bidding process and expansion of the scope of work calls into question the motivations behind the CENI's technical choices.

Voter registration was originally projected to last 60 days. The process ultimately lasted nearly 18 months, ending January 30, 2018.

In a written statement to The Sentry, Mubiayi alleged that the CENI's efforts to swap subcontractors "was not only a means of misappropriating public funds to permit the lengthening of the electoral process, but also a means of assuring control of the voter registration process. Sitele... could demonstrate that it was technically possible to organize elections during a brief period of three months and not one year."⁸⁰

Collecting too few fingerprints can trigger false positives when reviewing the voter rolls for potential duplications, according to a 2011 study on election biometrics commissioned by the U.S. Agency for International Development (USAID).⁸¹ However, if too many fingerprints are collected, it becomes very difficult for voters to register and matches are harder to detect, raising the risk of more unidentified duplicate entries.⁸² According to the USAID study, the "current trend is to capture four prints: thumbs and index fingers of both hands."⁸³

Regardless of the number of prints collected, Automated Fingerprint Identification System (AFIS) technology removes duplicates.⁸⁴ No AFIS provider had yet been contracted when the CENI decided to expand biometric registration from two prints to 10. Diongo, the opposition lawmaker, referred to the original scope of work for public contracts in support of the voter registration process, and stated that, according to this document, the voter registration process was originally intended to last 60 days.⁸⁵ The technical basis for the CENI's decision to expand fingerprint collection from two to 10 remains unclear. However, it is clear that the CENI's technical choices – including the timing for launching the bidding process and the increased technical scope of work – resulted in a more expensive and time-consuming process.

Missing Fingerprints

In May 2018, the OIF released an audit of the Congo's voter rolls.⁸⁶ Although the OIF's report identified several points of technical concern, CENI leadership has rebuffed calls to investigate specific findings.

OIF's audit reported that 16.6 percent of all enrollees were missing any form of fingerprints. The report stated that approximately 94 percent of enrollees without any fingerprints were registered in Sankuru and Tshuapa, two areas that also had comparatively high levels of underage enrollees and duplicate entries.⁸⁷ Sankuru is considered a ruling coalition stronghold, according to observers.⁸⁸

According to Article 22 of the electoral code, the president of each registration center (a position held by CENI employees) must personally authorize biometric registration in cases of missing fingerprints.⁸⁹ Such overrides are typically reserved for cases where enrollees are missing a finger or hand, or in instances where fingerprints are too worn down to register a print, according to the OIF.⁹⁰ In these instances, enrollees may be able to



register some but not all of their fingerprints.⁹¹ But the 16.6 percent of enrollees with faulty data in the system were missing *all* fingerprints.⁹²

In its report, the OIF characterized the rate of enrollees without fingerprints – and their geographic concentration – as a threat to the integrity of the voter list and encouraged the CENI to investigate the actions of registration presidents in Sankuru and Tshuapa. However, in a June 2018 interview with Radio France Internationale (RFI), Nangaa stated that although the CENI “would implement certain OIF recommendations,” there would be no formal investigation into the anomalies exposed by OIF’s audit.⁹³

Electronic Voting Machines

The CENI’s insistence on using expensive and highly controversial electronic voting technology has emerged as a key electoral issue. Numerous observers, including The Sentry,⁹⁴ have expressed concerns about the machines’ security vulnerabilities, popular distrust of the technology, as well as allegations of corruption and self-enrichment of CENI officials in the awarding of a no-bid \$150 million contract.⁹⁵ At the time of writing, the CENI appears fully committed to using the machines on Election Day. However, the procurement and deployment schedule for the machines remains opaque. Due to these concerns, some policymakers and civil society activists call for a total abandonment of the technology in favor of paper ballots.

A component of MONUSCO’s mandate in Congo includes technical and logistics support to the electoral process.⁹⁶ As of February 2018, MONUSCO reported 16 aircraft available to support logistical aspects of the electoral process, as well as 180 electoral experts deployed throughout the country and ready to provide technical support.⁹⁷ However, according to a May 1, 2018 letter to the UNSC President summarizing developments in the electoral process,⁹⁸ MONUSCO had yet to receive an official request from the CENI to provide logistic support for the deployment of the electronic voting machines. The same U.N. documents⁹⁹ also noted a lack of clarity on the status of the procurement process of electoral materials. Without this information, MONUSCO will be unable to formulate a detailed plan for logistic support to the electoral process – potentially risking the missions’ ability to help deliver electoral materials in a timely manner.

On August 14, the CENI announced that it had procured seven helicopters, seven planes, 130 trucks, and 195 cross country vehicles to support the electoral process.¹⁰⁰ According to the CENI, pilots for the helicopters are currently being trained in South Sudan.¹⁰¹

In remarks at a August 27 UNSC briefing, Haley encouraged the Congolese government to allow MONUSCO to provide logistics and transportation support to the electoral process.¹⁰² In her remarks, Haley also questioned whether the CENI has procured enough machines for all of the approximately 90,000 polling stations and what measures were in place in the event of battery failure.

According to the CENI’s own electoral calendar, resources to support the disbursement of electoral material should have been made available to the CENI by April 2018.¹⁰³ The electoral calendar also includes references to traditional paper ballots instead of voting machines.

At the time of writing, the CENI reported that 70,000 electronic voting machines have been produced, with units scheduled for delivery from South Korea to Congo from September 9-12 and September 23-October 6.¹⁰⁴ However, the schedule for internal distribution of the machines remains opaque.

Despite numerous calls from opposition and civil society groups, the CENI has reportedly not yet allowed technical experts full access to the machines for the purposes of assessing and reviewing the technology for



potential vulnerabilities.¹⁰⁵ On August 21, pro-democracy group LUCHA called for protests against any use of electronic voting machines in the upcoming electoral cycle,¹⁰⁶ and protests occurred in several cities across Congo on September 3, 2018.¹⁰⁷

Popular distrust of the electronic voting technology, the CENI's apparent unwillingness to conduct a security audit of the machines and an opaque procurement and distribution process raises further concerns about the CENI's ability to organize elections in a timely and credible manner.

Ballooning Budget; Shrinking Bank Accounts

Throughout the electoral cycle, observers and whistleblowers have raised concerns about the lack of oversight into the CENI's budget and spending. Banking documents leaked by whistleblowers suggest large-scale misappropriation of electoral funds.¹⁰⁸ CENI budget documents and spending patterns by civil society observer groups reflect significant expenditures in new buildings for the CENI at the same time as staff salaries went unpaid, raising analogous concerns.

Whistleblower leaks appear to indicate that three individuals withdrew approximately \$7 million in cash from CENI bank accounts at BGFIBank DRC between May and July 2016.¹⁰⁹ Although the CENI stated that the individuals were CENI employees withdrawing funds on official business, the destination of the funds remains unexplained. Press reports suggest that the CENI paid at least \$2.4 million in "account management fees" to BGFIBank DRC – exceeding the bank's normal rate.¹¹⁰

Throughout the electoral cycle, observers and whistleblowers have raised concerns about the lack of oversight into the CENI's budget and spending.

The CENI estimated the budget for its 2016-2018 operations at \$1.3 billion.¹¹¹ But only 24.97 percent of allocated funds for election preparations were disbursed between 2014 and late September 2017, according to an analysis by the public spending observatory ODEP, a Congolese civil society group.¹¹²

In its analysis, ODEP also underscored recurring back pay issues for CENI staff who were paid at a rate of only 11.1 percent of what had been budgeted in 2016 and 0.54 percent in 2017.¹¹³ In its analysis,

ODEP stated, "This poor disbursement of funds meant to pay salaries could encourage mismanagement and corruption of the electoral process just as the country struggles with a deep political and economic crisis."¹¹⁴ In December 2017, the CENI released a more detailed breakdown of its electoral budget projecting \$432.6 million from December 2017 to December 2018 for election preparations.¹¹⁵ In addition to some \$157.7 million in costs for electronic voting machines, the budget also included approximately \$65.4 million for salary costs (including projected overtime).¹¹⁶

In its analysis of the CENI'S 2014-2017 budget and spending, ODEP also noted that some allocated funds were used to purchase and renovate buildings for the CENI, allegedly to save money on renting temporary space and "increase the (CENI's) autonomy."¹¹⁷ In its analysis, ODEP noted that the CENI spent 790.6 percent more than was allocated for "leasing and rehabilitating warehouses" to support the voter registration process from 2016-2017 at the same time as staff salaries went unpaid.¹¹⁸ ODEP further noted that the CENI also exceeded its budget allocation for the broad category of "economic, social, scientific and cultural events" by 1,493.43 percent between 2015 and 2017.¹¹⁹

In a September 2018 report, ODEP further noted a discrepancy between the amount of funding paid by the Congolese government to the CENI between 2014-2017 (\$483,515,758.58) and the amount of funding the



CENI declared in its 2014-2017 budget reports (\$652,048,940.40).¹²⁰ In its report, ODEP stated that this difference suggests that the CENI received \$168,533,181.82 in funding outside of the state's formal budget. ODEP further stated that "This behavior violates article 103, paragraph 2 of the law related to public finances."

The CENI argues that using electronic voting machines reduces costs, but it has failed to produce a comparison budget for using paper ballots, making it impossible to verify this claim.

Partially in response to push back from the international community about using electronic voting machines in this electoral cycle, Kabila announced that the government plans to self-fund its electoral process.¹²¹ Observers worry the government will turn to the mining sector and seek to strike short-term deals in order to finance the voting machines and other parts of the electoral process, opening the door to further possible corruption.

Conclusion

Nearly three months after his death, Congolese authorities finally released Mukendi's body to his family in May 2018.¹²² On May 23, police used tear gas to disperse the procession of mourners escorting his body to the ceremony.¹²³

In the nearly two years since the end of Kabila's mandate, the United States and European Union have demonstrated some willingness to increase pressure on the Kabila regime and its facilitators, issuing a series of sanctions designations against high-ranking Congolese government and security sector officials in 2016 and 2017.¹²⁴ In December 2017, the United States sanctioned Israeli billionaire and key Kabila financier Dan Gertler, as well as 19 of his companies and one individual acting on his behalf.¹²⁵ In June 2018, the State Department issued visa bans against unnamed senior Congolese officials due to their role in serious corruption in the electoral process,¹²⁶ as well as additional sanctions designations against 14 Gertler-associated companies.¹²⁷

While pressures are welcomed, more needs to be done in the way in which sanctions are implemented and enforced to change the Congolese government's calculus. Indeed, the Kabila government is still failing to meet key electoral benchmarks, including releasing political prisoners, dropping politically-motivated charges and allowing civil society groups full access to the voter registration list for the purposes of a citizen's audit. Civil society and opposition groups continue to report intimidation tactics and repression, and the government insists on using expensive and potentially vulnerable electronic voting technology. At the same time, civil society and observer groups continue to raise concerns regarding the opacity of public finances more broadly, particularly in relation to the extractives sector.¹²⁸

The Congolese establishment's apparent unwillingness to hold credible elections is mirrored by the failure of the United States, European Union, and United Nations to enact additional, targeted financial sanctions.

The red flags cited in this report – from awarding of public contracts for the voter registration process to opacity in the CENI's budget and spending to security vulnerabilities – raise questions about potential manipulation of technical aspects of the electoral process in furtherance of Kabila's political agenda and highlight a lack of political will to hold credible elections. These red flags also underscore the need for sustained international pressure against the Kabila regime ahead of the December election. It will take much more than Kabila



stepping down as president to ensure a credible transfer of power in December 2018 and meaningful systemic change to the system of kleptocracy perpetuated by the country's elites.

Kabila and his financial facilitators will only change their current strategy of self-enrichment and manipulation under additional pressure where it matters most – the pocketbooks of his inner circle. Otherwise, Kabila has little incentive to hold a credible election, or to support increased accountability and transparency in government more broadly.

The Congolese establishment's apparent unwillingness to hold credible elections is mirrored by the failure of the United States, European Union, and United Nations to enact additional, targeted financial sanctions that could meaningfully impact Kabila's calculus and help lay the foundation for a transparent, accountable government in Congo. International pressure should continue, regardless of Kabila's recent announcement that he will not seek a third term. Rather, sustained financial pressure in support of a credible, peaceful transfer of power in December 2018 is needed now more than ever.

Recommendations

The current strategy of periodic bouts of increased pressure combined with long periods of inaction is a losing one. Although signs indicate that Congo is moving toward an election in December, numerous red flags continue to dominate election preparations, indicating continued lack of political will to facilitate a credible, transparent political transition of power. Increased financial pressure can and should be applied to do more than just encourage elections without Kabila in 2018. It should serve to ensure a credible democratic process, a key step in laying the foundation for ending the decades of poor governance and corruption that have plagued the Congolese people. The international community should escalate and then sustain financial pressure against the Kabila regime, in the form of both network sanctions and anti-money laundering actions both to ensure credible elections in December and to transform Congo's violent kleptocratic system.

Specifically, the United States, European Union and U.N. Security Council should:

- Impose targeted, network sanctions against senior members of Kabila's inner circle and the companies they control, including senior financial advisors, family members and commercial facilitators.
- Combine sanctions with diplomatic incentives, linking sanctions relief to key components of the electoral process and increased transparency and accountability in the management of public finances more broadly – notably, a full citizens' audit of the voter registration list, equal access for opposition parties to state media during the campaign process, freedom of assembly and expression for opposition and civil society groups, an end to violent crackdowns and intimidation against protesters and activists, the release of political prisoners and abandoning the use of electronic voting technology in favor of paper ballots, and an independent audit of state-owned mining company Gécamines' accounts.
- Increased enforcement of existing sanctions.

The United States, European Union, African Union., SADC and U.N. Security Council should

- Devise a coordinated diplomatic strategy to increase regional and international pressure on Kabila to hold a credible democratic transition, and offer him an exit strategy.
- Coordinate public messaging on the Congolese government's success or failure to meet electoral benchmarks and ensuing consequences.



The European Union should:

- Amend its existing sanctions authority for Congo to add designation criteria targeting corrupt individuals, including the misappropriation of state assets, expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery and the transfer or the facilitation of the transfer of the proceeds of corruption.

The U.N. Security Council should:

- Amend existing Congo sanctions listing criteria to add (i) obstructing the democratic process and (ii) engaging in illicit financial activity, including corruption.

The African Union and U.N. Security Council should:

- Pass a strongly worded resolution calling for a credible and transparent democratic transition in Congo, in line with the December 31, 2016 Saint-Sylvestre accord. The resolution should also call for regional financial intelligence units to ensure that they are taking robust steps to implement the FATF guidelines to combat money laundering, including a focus on money laundering using corruption proceeds.

The United States should:

- Undertake special measures pursuant to the USA PATRIOT Act and other authorities against financial institutions in Congo that are engaged in laundering the proceeds of corruption.
- Increase high-level engagement with the Congolese government.
- Continue public messaging decrying opacity and violent repression in the electoral preparation process.
- Drawing on existing authorities, including Presidential Proclamation 7750, the State Department should issue visa bans on corruption grounds against senior members of the Kabila family and close associates, including financial associates.

The donor community should:

- Fund and support civil society groups efforts to observe the electoral process, and increase aid for civil society groups supporting the democratic process.



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The Sentry follows the illicit money in order to create consequences for those benefiting from genocide or other mass atrocities in Africa, and to build leverage for peace and human rights.

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The statements made and views expressed are solely the responsibility of The Sentry.



Citations

- ¹ "Killing of pro-democracy defender Rossy Tshimanga Mukendi During Protest in Kinshasa." FrontLine Defenders. February 26, 2018. <https://www.frontlinedefenders.org/en/case/killing-pro-democracy-defender-rossy-tshimanga-mukendi-during-protest-kinshasa>
- ² *Ibid.*
- ³ "RDC, la douleur des proches de l'activiste Rossy Mukendi." TV5 Monde. February 27, 2018. <https://afrique.tv5monde.com/information/video-rdc-la-douleur-des-proches-de-lactiviste-rossy-mukendi>
- ⁴ For reports on the deaths of peaceful protesters linked to pro-democracy demonstrations, see: Cocks, Tim; Ross, Aaron. "Congo forces kill 26 protesters against leader Kabila." Reuters. December 20, 2016. <http://www.reuters.com/article/us-congo-politics/congo-forces-kill-26-poresters-against-leader-kabila-idUSKBN1490HY> Sawyer, Ida "Overview of the Political Crisis in DR Congo and the Human Rights, Security and Humanitarian Consequences." Human Rights Watch. April 9, 2018. <https://www.hrw.org/news/2018/04/09/overview-political-crisis-dr-congo-and-human-rights-security-and-humanitarian>
- ⁵ Gearan, Anne. "Haley Urges Congo leader to hold elections soon or risk international backlash." The Washington Post. October 27, 2017. https://www.washingtonpost.com/politics/haley-urges-congo-leader-to-hold-elections-soon-or-risk-international-backlash/2017/10/27/29177cea-bb4a-11e7-a908-a3470754bbb9_story.html?utm_term=.af902b459a95
- ⁶ *Ibid.*
- ⁷ "Council Implementing Decision (CFSP) 2017/905 of 29 May 2017 implementing Decision 2010/788/CFSP concerning restrictive measures in the Democratic Republic of the Congo." Official Journal of the European Union. Vol 60. May 29, 2017. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2017:138I:FULL&from=EN>
- ⁸ Mwarabu, Amedee. "DRC's Kabila will not run in December elections, here's what you need to know." Reuters. August 8, 2018. <https://uk.reuters.com/article/uk-congo-politics/congos-kabila-will-not-stand-in-presidential-election-idUKKBN1KT1LF>
- ⁹ "DR Congo: Repression Persists as Election Deadline Nears." Human Rights Watch. June 29, 2015. <https://www.hrw.org/news/2018/06/29/dr-congo-repression-persists-election-deadline-nears>
- ¹⁰ "Electronic Voting Technology DRC: Security Vulnerabilities and Déjà vu." The Sentry. June 20, 2018. <https://thesentry.org/reports/electronic-voting-technology-drc>
- ¹¹ "Présidentielle en RDC: les six candidats invalidés préparent leur contre-attaque." Radio France Internationale. August 26, 2018. <http://www.rfi.fr/afrique/20180826-presidentielle-rdc-six-candidats-invalides-preparent-leur-contre-attaque>
- ¹² Mwarabu, Amedee. "DRC's Kabila will not run in December elections, here's what you need to know." Reuters. August 8, 2018. <https://uk.reuters.com/article/uk-congo-politics/congos-kabila-will-not-stand-in-presidential-election-idUKKBN1KT1LF>
- ¹³ For Corneille Nangaa Yobeluo's biography on the CENI's website, see: <https://www.ceni.cd/portraits/corneille-nangaa-yobeluo>
- ¹⁴ "Elections Organization." MONUSCO. <https://monusco.unmissions.org/en/elections-organization>
- ¹⁵ "European Parliament Resolution on 18 January 2018 on Democratic Republic of the Congo." European Parliament. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0015+0+DOC+XML+V0//EN&language=EN>
- ¹⁶ "Unanimously Adopting Resolution 2409 (2018), Security Council Extends Mission in Democratic Republic of the Congo Until March 31, 2019." United Nations Security Council. March 27, 2018. <https://www.un.org/press/en/2018/sc13265.doc.htm>
- ¹⁷ "Diongo fustige l'appel d'offres de la CENI, selon lui, ce marché vise un troisième mandat pour Kabila." March 3, 2016. C-News. <https://www.rdc-news.com/single-post/2016/03/03/Diongo-fustige-lappel-doffres-de-la-CENI-selon-lui-ce-march%C3%A9-vise-un-3ieme-mandat-pour-Kabila>
- ¹⁸ "La Corruption du régime Kabila vue de l'intérieur." Le Soir. No. 254. October 29 and 30, 2016.
- ¹⁹ Letter from Gemalto vice president for Africa government programs to Senator Léonard She Okitundu. January 27, 2016. On file with The Sentry.
- ²⁰ Letter from Trüb head of customer service for government programs to Senator Léonard She Okitundu. February 22, 2016. On file with The Sentry



- ¹⁹ Braeckman, Colette. "Pour préparer les élections, Gemalto évince Zetes." *Le Soir Blog*. October 29, 2016. <http://blog.lesoir.be/colette-braeckman/2016/10/29/gemalto-la-rivale-de-zetes/>
- ²⁰ "Loi Relative aux Marchés Publics." Congo president's office. April 2010.
- ²¹ "Ordonnance N 16/100 du 19 décembre 2016 portant nomination des vice-premiers ministres, des ministres d'État, des ministres et des vices-ministres." December 20, 2016. <http://acpcongo.com/acp/ordonnance-n-16100-19-decembre-2016-portant-nomination-vice-premiers-ministres-ministres-detat-ministres-vice-ministres/>
- ²² Linard, Catherine; Altare, Chiara; Guha Sapi, Debarati. "Estimating the number of malnourished children in the Democratic Republic of the Congo: potential from the AfriPop and CEDAT databases." <http://www.kaowarsom.be/documents/Conferences/LINARD.pdf>
- ²³ "Democratic Republic of the Congo 2011 Presidential Elections: Eastern Congo Initiative's Final Report." Eastern Congo Initiative. January 2012. http://webiva-downton.s3.amazonaws.com/916/89/f/143/ECI_Final_Report_e10.pdf; McElroy, Damien "UK pays £22.4 million for 'questionable' Democratic Republic of the Congo election." October 16, 2011. <https://www.telegraph.co.uk/news/worldnews/africaandindianocean/democraticrepublicofcongo/8830144/UK-pays-22.5-million-for-questionable-Democratic-Republic-of-Congo-election.html>
- ²⁴ Note: The law allows for some exceptional cases of no-bid contracting based on specified criteria in the legal code. "Loi Relative aux Marchés Publics." Congo president's office. April 2010.
- ²⁵ See the website of the DRC Central Coordination Office, or BCECO: <http://www.bceco.cd>
- ²⁶ Loi Relative aux Marchés Publics." Cabinet du Président de la République RDC. April 2010.
- ²⁷ *Ibid.*
- ²⁸ "Diongo fustige l'appel d'offres de la CENI, selon lui, ce marché vise un troisième mandat pour Kabila." March 3, 2016. C-News. <https://www.rdc-news.com/single-post/2016/03/03/Diongo-fustige-lappel-doffres-de-la-CENI-selon-lui-ce-march%C3%A9-vise-un-3ieme-mandat-pour-Kabila>
- ²⁹ "Fourniture des kits d'enrôlement des électeurs, des cartes d'électeur et des sources d'énergie pour de la révision du fichier électoral par la commission électorale nationale indépendante." 14 March 2016. BCECO. <http://www.bceco.cd/v2/index.php/2015-12-06-09-50-01/appels-offre/item/26-fourniture-des-kits-d-enrolement-des-electeurs-des-cartes-d-electeur-et-des-sources-d-energie-pour-de-la-revision-du-fichier-electoral-par-la-commission-electorale-nationale-independante-ceni>
- ³⁰ "La Corruption du Régime Kabila Vue de l'Intérieur." *Le Soir*. No. 254. October 29 and 30, 2016.
- ³¹ *Ibid.*
- ³² "Diongo fustige l'appel d'offres de la CENI, selon lui, ce marché vise un troisième mandat pour Kabila." C-News. <https://www.rdc-news.com/single-post/2016/03/03/Diongo-fustige-lappel-doffres-de-la-CENI-selon-lui-ce-march%C3%A9-vise-un-3ieme-mandat-pour-Kabila>
- ³³ "The Democratic Republic of the Congo selects Gemalto mobile biometric enrollment solution to support fair elections." Gemalto. July 4, 2016. <https://www.gemalto.com/press/pages/the-democratic-republic-of-congo-selects-gemalto-mobile-biometric-enrollment-solution-to-support-fair-elections.aspx>
- ³⁴ For Super Tech Ltd's website, see: <https://www.stlghana.com/>
- ³⁵ "Décision d'attribution provisoire No. 686/BCECO/DG/DPM/NNT/2016/MF." BCECO. June 3, 2016.
- ³⁶ "The Democratic Republic of the Congo selects Gemalto mobile biometric enrollment solution to support fair elections." Gemalto. July 4, 2016. <https://www.gemalto.com/press/pages/the-democratic-republic-of-congo-selects-gemalto-mobile-biometric-enrollment-solution-to-support-fair-elections.aspx>
- ³⁷ Letter from Gemalto vice president for Africa government programs to Senator Léonard She Okitundu. January 27, 2016. On file with The Sentry.
- ³⁸ Congolese daily newspaper *Le Potentiel* also referenced correspondence between Gemalto and Okitundu in a September 12, 2016 article: "Coupable implication européenne dans le glissement de Kabila: une tricherie CENI-Gemalto." *Le Potentiel*. September 12, 2016. <https://7sur7.cd/new/coupable-implication-europeenne-dans-le-glissement-de-kabila-une-tricherie-ceni-gemalto/>
- ³⁹ www.presidentrdc.cd
- ⁴⁰ Kiboko, Amedee Mwarabu. "UN Security Council presses for peaceful Congo transition on trip." Reuters. November 13, 2016. www.reuters.com/article/us-congo-un-idUSKBN1380UA
- ⁴¹ The previously referenced September 12, 2016 article by *Le Potentiel* also refers to Okitundu as a senator representing the majority coalition. "Coupable implication européenne dans le glissement de Kabila: une tricherie CENI-Gemalto." *Le Potentiel*. September 12, 2016. <https://7sur7.cd/new/coupable-implication-europeenne-dans-le-glissement-de-kabila-une-tricherie-ceni-gemalto/>



⁴² Letter from Gemalto vice president for Africa government programs to Senator Léonard She Okitundu. January 27, 2016. On file with The Sentry.

⁴³ "Gemalto acquires Trüb AG's secure document business further strengthening its world leadership in digital identity programs for governments." Gemalto. February 10, 2015. <https://www.gemalto.com/press/pages/gemalto-acquires-trub-ag-s-secure-document-business-further-strengthening-its-world-leadership-in-digital-identity-programs.aspx>

⁴⁴ Letter from Trüb head of customer service for government programs to Senator Léonard She Okitundu. February 22, 2016. On file with The Sentry.

⁴⁵ "Affaire de Corruption au Congo." *Le Soir*. October 29-30, 2016.

⁴⁶ *Ibid.*

⁴⁷ Note: The original article by *Le Potentiel* has been removed from the publication's website. However, it can be accessed at the following link. <https://fr.allafrica.com/stories/201703240866.html>

⁴⁸ Loi relative aux marchés publics." Congo president's office. April 2010.

⁴⁹ "Léonard She Okitundu Lundula." Wikipedia. https://en.wikipedia.org/wiki/L%C3%A9onard_She_Okitundu

⁵⁰ "Loi relative aux marchés publics." Congo president's office. April 2010.

⁵¹ "Avis N°05/17/ARMP/CRD du 28 septembre 2017 du comité de règlement des différends de l'autorité de régulation des marchés publics statuant en commission des litiges sur le recours de la société Sitele SARL, relatif au marché sous le DAOI N°524/CENI/BCECO/DG/DPM/NNT/2016/MF: fourniture de kits d'enrôlement des électeurs pour la révision du fichier électoral de la République démocratique du Congo, attribué à la société Gemalto." Autorité de régulation des marchés publics (ARMP). October 3, 2017. <http://www.arpmp-rdc.org/index.php/fr/publications-2/avis-du-comite-de-reglement-des-differends>

⁵² Correspondence between Sitele SARL, Gemalto SA and the CENI reviewed by The Sentry; email from Oscar Mubiyai to The Sentry. See footnotes 44-53.

⁵³ Email from Oscar Mubiyai to The Sentry. July 11, 2018.

⁵⁴ "Avis N°05/17/ARMP/CRD du 28 septembre 2017 du comité de règlement des différends de l'autorité de régulation des marchés publics statuant en commission des litiges sur le recours de la société Sitele SARL, relatif au marché sous le DAOI N°524/CENI/BCECO/DG/DPM/NNT/2016/MF: fourniture de kits d'enrôlement des électeurs pour la révision du fichier électoral de la République démocratique du Congo, attribué à la société Gemalto." ARMP. September 28, 2017. <http://www.arpmp-rdc.org/index.php/fr/publications-2/avis-du-comite-de-reglement-des-differends>

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ In a March 2017 article, *Le Potentiel* reported that the CENI had revoked Sitele's subcontract in favor of a company thought to be financially linked to Super Tech, the Ghanaian company which lost the bid for provision of biometric voter kits, as a sort of consolation prize. The original article by *Le Potentiel* has been removed from the publication's website. However, it can be accessed here: <https://fr.allafrica.com/stories/201703240866.html>

⁶⁰ Letter from Sitele SARL director to Gemalto SA-France director general for government programs September 7, 2016. Letter on file with The Sentry.

⁶¹ *Ibid.*

⁶² Letter from Sitele SARL director to CENI President Corneille Nangaa. August 6, 2016. Letter on file with The Sentry.

⁶³ Letter from Gemalto SA executive senior vice president for government programs to Sitele SARL manager. August 22, 2016. Letter on file with The Sentry.

⁶⁴ Letter from Sitele SARL director to CENI President Corneille Nangaa. September, 2016. Letter on file with The Sentry.

⁶⁵ Letter from Sitele SARL director to Gemalto SA. June 9, 2017. Letter on file with The Sentry.

⁶⁶ Letter from Sitele SARL director to CENI President Corneille Nangaa. June 26, 2017. Letter on file with The Sentry.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.* STIM Plus is described as a "French provider of IT equipment and services for businesses" according to Gemalto's website. See: "Gemalto Appointed as Prime Contractors for the Electronic Health Card Program in Gabon." May 6, 2009. https://www.gemalto.com/press/pages/news_557.aspx. In addition, publicly listed LinkedIn profiles of at least two Kinshasa-based individuals identify their current employer as STIM Plus and their job functions as providing technical support to the voter registration process. See the LinkedIn



profiles of Yves Kinzumbi and Patrick Kasereka: <https://www.linkedin.com/in/yves-kinzumbi-49ab08139/>;
<https://www.linkedin.com/in/patrick/kasereka-4044050/>

⁶⁹ Letter from Gemalto commercial director for Central African government programs to Oscar Mubiyai, October 30, 2017. Letter on file with The Sentry.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ In a public address, Congolese lawmaker Franck Diongo stated that page 48 of the original public call for tender document for contracts in support of the voter registration process specified that the voter registration process should last 60 days. Individuals with direct knowledge of the voter registration process separately confirmed this timing. "Diongo fustige l'appel d'offres de la CENI, selon lui, ce marché vise un troisième mandat pour Kabila." C-News: Actualités intégrale de la RDC." <https://www.rdc-news.com/single-post/2016/03/03/Diongo-fustige-lappel-doffres-de-la-CENI-selon-lui-ce-march%C3%A9-vise-un-3ieme-mandat-pour-Kabila>

⁷⁴ Voter registration began on July 2016 and concluded on January 31, 2018.

Clowes, William. "Voter enrollment starts in Congolese capital." Voice of America. June 1, 2017.

<https://www.voanews.com/a/voter-enrollment-starts-in-congolese-capital/3883763.html>

"Congo Electoral Commission finishes registering 46m voters." Reuters. January 31, 2018.

<https://www.reuters.com/article/us-congo-politics/congo-electoral-commission-finishes-registering-46-million-voters-idUSKBN1FK2UB>

⁷⁵ see "New DR Congo Electoral Calendar Faces Skepticism Amid More Protests, Repression." Human Rights Watch. November 6, 2017. <https://www.hrw.org/blog-feed/democratic-republic-congo-crisis>

⁷⁶ Email from Oscar Mubiyai to The Sentry. July 11, 2018.

⁷⁷ "La biométrie électorale au service du recensement et de l'authentification des électeurs." Gemalto.

<https://www.gemalto.com/france/gouv/inspiration/biometrie-electorale>

⁷⁸ Bungu, Bechir; Mavinga, Seke. "Processus d'enregistrement biométrique des électeurs. Cas de la République Démocratique du Congo." Presentation given in Mombasa, Kenya. March 5-9, 2012.

⁷⁹ "Diongo fustige l'appel d'offres de la CENI, selon lui, ce marché vise un troisième mandat pour Kabila." C-News. <https://www.rdc-news.com/single-post/2016/03/03/Diongo-fustige-lappel-doffres-de-la-CENI-selon-lui-ce-march%C3%A9-vise-un-3ieme-mandat-pour-Kabila>

⁸⁰ Email from Oscar Mubiyai to The Sentry. July 11, 2018.

⁸¹ Holtved, Ole, International Foundation for Electoral Systems. "Biometrics in Elections: Georgia: De-duplication or voter registration and verification of voter identity using biometrics." United States Agency for International Development. February 9, 2011. https://www.ifes.org/sites/default/files/biometrics_in_elections_2011_0.pdf

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ In a public address, Congolese lawmaker Franck Diongo stated that page 48 of the original public call for tender document for contracts in support of the voter registration process specified that the voter registration process should last 60 days. Individuals with direct knowledge of the voter registration process separately confirmed this timing. "Diongo fustige l'appel d'offres de la CENI, selon lui, ce marché vise un troisième mandat pour Kabila." C-News. <https://www.rdc-news.com/single-post/2016/03/03/Diongo-fustige-lappel-doffres-de-la-CENI-selon-lui-ce-march%C3%A9-vise-un-3ieme-mandat-pour-Kabila>

⁸⁶ "Audit du fichier électoral national de la République démocratique du Congo: Rapport final." International Organization of the Francophonie. May 6-25, 2018. <https://www.francophonie.org/CP-rapport-final-mission-audit-fichier-electoral-RDC-48958.html>

⁸⁷ *Ibid.*

⁸⁸ "Six millions de doublons signalés dans le fichier électoral: le Sankuru et la Tshuapu en tête." Politico.cd. April 5, 2018. <https://www.politico.cd/actualite/la-une/2018/04/05/6-millions-de-doublons-signalés-fichier-electoral-sankuru-tshuapa-tete.html>

⁸⁹ Page 7 of OIF's final report provides an overview of Article 22 of the electoral code. "Audit du fichier électoral national de la République démocratique du Congo: Rapport final."

International Organization of the Francophonie. May 6-25, 2018.

https://www.francophonie.org/IMG/pdf/rapport_final_audit_fichier_electoral_rdc_2018_.pdf



⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ Morice, Florence. "Corneille Nangaa: En RDC, 'ma mission n'est pas d'être audité mais d'organiser les élections.'" Radio France Internationale. June 22, 2018. <http://www.rfi.fr/emission/20180622-rdc-mission-auditer-organiser-elections>

⁹⁴ "Electronic Voting Technology DRC: Security Vulnerabilities and Déjà Vu." The Sentry. June 2018.

<https://thesentry.org/reports/electronic-voting-technology-drc/>

Smaldone, Javier. "Las pruebas de que las máquinas de #VotoElectrónico del Congo se diseñaron para Argentina." Border Periodismo. June 28, 2018.

<http://borderperiodismo.com/2018/06/28/las-pruebas-de-que-las-maquinas-de-votoelectronico-del-congo-fueron-disenadas-para-usarse-en-argentina/>

⁹⁵ Ross, Aaron; Lewis, David. "In Congo, Voting Machines Raise Suspensions Among President's Foes." Reuters. March 9, 2018. <https://www.reuters.com/article/us-congo-election/in-congo-voting-machines-raise-suspensions-among-presidents-foes-idUSKCN1GL13W>

⁹⁶ "Unanimously Adopting Resolution 2409 (2018), Security Council Extends Mission in Democratic Republic of the Congo Until March 31, 2019." United Nations Security Council. March 27, 2018.

<https://www.un.org/press/en/2018/sc13265.doc.htm>

⁹⁷ "MONUSCO at a Glance." Strategic Communication and Public Information Division. February 2018.

https://monusco.unmissions.org/sites/default/files/factsheet_monusco-feb_2018_2.pdf

⁹⁸ Update of the Secretary General on progress in the electoral process and implementation of 31 December 2016 political agreement (26 April 2018). May 1 2018. Letter reviewed by The Sentry.

⁹⁹ *Ibid.*

¹⁰⁰ "DRC to Buy Planes to Transport Voting Material." Agence de Presse Africaine. August 14, 2018.

<http://apanews.net/index.php/en/news/drc-to-buy-planes-to-transport-voting-materials>

¹⁰¹ *Ibid.*

¹⁰² Haley, Nikki. "Remarks at a UN Security Council Briefing On the Situation Concerning the Democratic Republic of the Congo." United States Mission to the United Nations. August 27, 2018.

<https://usun.state.gov/remarks/8556>

¹⁰³ "Décision No. 65/CENI/BUR/17 du 05 Novembre 2017 portant publication du calendrier des élections présidentielle, législatives, provinciales, urbaines, municipales et locales." CENI. November 5, 2017.

<http://www.ceni.cd/articles/calendrier-electoral-decision-n065-ceni-bur-17-du-05-novembre-2017-portant-publication-du-calendrier-des-elections-en-rdc>

¹⁰⁴ "RDC: Une série de manifestations annoncées ce lundi contre le machine à voter." Actualite.cd. September 2, 2018.

<http://actualite.cd/2018/09/03/rdc-une-serie-de-manifestations-annoncees-ce-lundi-contre-la-machine-voter>

¹⁰⁵ Morice, Florence. "Corneille Nangaa: En RDC, 'ma mission n'est pas d'être audité mais d'organiser les élections.'" Radio France Internationale. June 22, 2018. <http://www.rfi.fr/emission/20180622-rdc-mission-auditer-organiser-elections>

¹⁰⁶ Mudiayi, Auguy. "RDC: Lucha appelle à une mobilisation contre la machine à voter." Actualité.Cd. August 21, 2018.

¹⁰⁷ "RDC: Une série de manifestations annoncées ce lundi contre le machine à voter." Actualite.cd. September 2, 2018.

<http://actualite.cd/2018/09/03/rdc-une-serie-de-manifestations-annoncees-ce-lundi-contre-la-machine-voter>

¹⁰⁸ "La corruption du régime Kabila vue de l'intérieur." Le Soir. October 29 and 30, 2016. N. 254.

<http://www.congoforum.be/upldocs/Le%20Soir%20-%20Corruption%20Kabla.pdf>

¹⁰⁹ *Ibid.*

¹¹⁰ In 2016, whistleblower leaks revealed that the CENI paid at least \$2.4 million in fees to BGFI Bank DRC, including overdraft charges between double and quadruple the bank's typical overdraft rate. See: Clowes, William. "DRC: Kabila critics want probe into ties between family-run bank, electoral commission." Voice of America. November 3, 2016.

<https://www.voanews.com/a/drc-congo-kabila-election-commission-bgfi-bank-ties/3579560.html>

Xavier Counasse and Colette Braeckman, "Corruption au Congo: les preuves qui accablent le régime Kabila," Le Soir, October 29, 2016, available at <http://plus.lesoir.be/66290/article/2016-10-29/corruption-au-congo-lespreuves-qui-accablent-le-regime-kabila>

¹¹¹ "Technical Analysis of Utilization of Allocated Funds for Electoral Process in DRC 2014-2017." Observatoire de la dépense publique. October 2017

¹¹² *Ibid.*



See also ODEP's Facebook page for more information about their activities:

<https://www.facebook.com/ObservatoireDeLaDepensePublique/>

¹¹³ *Ibid.*

¹¹⁴

¹¹⁵ Kibangula, Trésor. "Exclusif: Machine à voter, parapluies, véhicules... les détails du budget électoral en RDC."

Jeune Afrique. December 21, 2017. <http://www.jeuneafrique.com/504312/politique/exclusif-machines-a-voter-parapluies-vehicules-les-details-de-budget-electoral-en-rdc/>

¹¹⁶ *Ibid.*

¹¹⁷ "Technical Analysis of Utilization of Allocated Funds for Electoral Process in DRC 2014-2017." Observatoire de la dépense publique. October 2017

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ "Citizen Control Over Various Public Markets Carried out by the CENI from 2014-2017." Observatoire de la dépense publique. September 2018.

¹²¹ Mawanamalongo, Saleh. "Congo's President Still Coy on Role in Long-Delayed Election." Associated Press. July 19, 2018. <https://www.apnews.com/e2d4e246e55d4c1aa7c9c9fb1d494d69>

¹²² Sarr, Lucy. "DR Congo Protest Marches: Murdered Catholic Activist Finally Buried." La Croix International.

<https://international.la-croix.com/news/dr-congo-protest-marches-murdered-catholic-activist-finally-buried/7649#>

¹²³ *Ibid.*

¹²⁴ "DR Congo: EU, US Sanction Top Officials." Human Rights Watch. June 1, 2017.

<https://www.hrw.org/news/2017/06/01/dr-congo-eu-us-sanction-top-officials>

¹²⁵ "United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe." US Department of the Treasury. December 21, 2017. <https://home.treasury.gov/news/press-releases/sm0243>

¹²⁶ "US State Department Imposes Visa Ban on Several DR Congo Officials." Reuters. June 21, 2018.

<https://www.reuters.com/article/us-usa-congo-sanctions/us-state-department-imposes-visa-ban-on-several-drcongo-officials-idUSKBN1JI043>

¹²⁷ Hume, Neil. "US Targets Israeli businessman Dan Gertler with fresh sanctions." Financial Times. June 15, 2018.

<https://www.ft.com/content/b650e53a-70c4-11e8-852d-d8b934ff5ffa>

¹²⁸ See Clowes, William; Wilson, Tom. "Congo's Gecamines Accounts Missing \$750 Million, Group Says." Bloomberg. November 3, 2017. <https://www.bloomberg.com/news/articles/2017-11-03/congo-s-gecamines-accounts-missing-750-million-group-says>

