

146 organisations condemn lawsuit brought by Dan Gertler against the *Congo is Not for Sale* anti-corruption coalition

17 April 2023

A group of 146 civil society organisations today express their serious concern about the legal proceedings filed in the Democratic Republic of Congo by Israeli businessman Dan Gertler against Congo's leading anti-corruption coalition, *Le Congo n'est pas à Vendre* (Congo is Not for Sale or [CNPAV](#)). The criminal lawsuit (*citation directe*) [filed](#) in early March targets CNPAV spokesperson Jean-Claude Mputu and his employer [Resource Matters](#), a Belgian civil society group and a member of the CNPAV coalition.

The lawsuit centers around an interview Mputu gave to news outlet [Actualite.cd](#) about the amount of money Gertler's companies had earned in the DRC. The CNPAV coalition [published](#) information to back-up its claim, yet Gertler has [sued](#) for defamation and is seeking one million Euros in damages.

Gertler and his network have initiated a wave of lawsuits against anti-corruption activists, whistleblowers, journalists and civil society groups over the past two years. These have included [legal action](#) against two other members of CNPAV – The Platform to Protect Whistleblowers in Africa (PPLAAF) and Global Witness – as well as against specialist website African Intelligence, the Israeli newspaper *Haaretz* and two of its journalists. Two whistleblowers employed at Afriland First Bank in Kinshasa who exposed allegations of apparent money laundering benefiting Gertler have also faced lawsuits. In a [deeply flawed](#) legal process in the DRC, the two whistleblowers were [sentenced to death](#) *in absentia*. The alleged money laundering concerns they reported have not been investigated.

“The lawsuits against the members of CNPAV are the latest in a deluge of cases brought by Dan Gertler and his network against those who are legitimately raising transparency and accountability questions about public contracts,” the organisations said. “We are extremely concerned that anti-corruption defenders and organizations are being targeted, threatened, intimidated and harassed simply for doing their work. Such intimidation may discourage others from working to hold the authorities and private actors to account.”

A contentious [Settlement Agreement](#) between Gertler and DRC authorities signed in February 2022 has resulted in extensive [public debate](#). The settlement stipulates that Gertler will sell back some of his oil and mining assets to the Congolese state and allows his company to retain the right to collect valuable royalty streams on three copper-cobalt mines for the next fifteen years. The settlement also shields Gertler and his network from judicial investigations in the DRC.

The deal further commits the Congolese government to assist Gertler's efforts to have US anti-corruption sanctions against him lifted. Since 2017 Gertler and dozens of linked companies have been [sanctioned](#) by the US government under the Global Magnitsky Human Rights Accountability Act. The press release announcing the sanctions against Gertler indicated that he had “amassed his fortune through hundreds of millions of dollars’ worth of opaque and corrupt mining and oil deals” in Congo. Following the initial sanctions in 2017, the US [sanctioned](#) an additional 14

companies affiliated with Gertler in June 2018, and [another 12](#) in December 2021. Gertler has repeatedly sought sanctions relief and denied wrongdoing.

On 7 February, Gertler [wrote](#) to CNPAV and a group of leading nongovernmental organisations stating that the US sanctions had been “crippling” and that he had “been punished”. He urged the groups to support the new agreement which he claimed was “the largest-ever consensual transfer in the history of the region.” In a [response](#) on 15 March, the groups said they could not back the settlement as too many outstanding questions remain about its substance, including the lack of transparency on the lucrative royalty rights Gertler would retain. In a separate [letter](#) on 8 March, a coalition of 25 civil society groups, including CNPAV, urged the US administration not to ease the sanctions against Gertler in the absence of appropriate accountability measures and a demonstrable change in behavior on his behalf.

The organisations said that they were extremely concerned that the lawsuits against Mputu and Resource Matters are Strategic Lawsuits against Public Participation or [SLAPPs](#). SLAPPs are a form of legal harassment used by those with deep pockets seeking to silence campaigners, journalists and other public watchdogs via legal intimidation and expensive legal procedures.

“The proper management of Congo’s abundant natural resources relies on transparency, accountability and public scrutiny to ensure the Congolese people are truly reaping the benefits. Protecting the rights of those raising legitimate questions is the responsibility of Congolese authorities and it is essential to achieving accountability and the rule of law. It is only the corrupt and the powerful who benefit when the voices of journalists and anti-corruption defenders are silenced.”

Note to editors:

Gertler announced legal proceedings against Jean Claude Mputu and Resource Matters for “*imputations dommageables*” (akin to defamation) at the Tribunal de Paix de Gombe in Kinshasa on 8 March. The next hearing is scheduled for 3 July 2023.

On April 13, Gertler sent a letter to a number of human rights and anti-corruption groups stating he would suspend some of the lawsuits he had initiated against civil society organisations and media outlets. He did not specify which ones. He issued a further [statement](#) on April 14. Given the multiple lawsuits Gertler has initiated, we await further clarification to confirm what concrete steps he and his network have taken to halt the SLAPP style proceedings. As far as we understand, none of the lawsuits have been withdrawn to date.

Signed by:

11.11.11

350Africa.org

ACAT CONGO

Accountability Counsel

ACEDH

Action Contre l'Impunité pour les Droits Humains (ACIDH)

Action des jeunes pour le développement et la défense des droits humains

Action Mines Guinée
Action Paysanne Contre la Faim
Actions pour la Défense et la Promotion des Droits Humains (ADPDH)
ADDH
AEMAPRI
Africa Institute for Energy Governance (AFIEGO)
Afrikki
Agir ensemble pour les droits humains
Alliance Communautaire pour la Nature et le Développement (ACND)
Alliance for Food Sovereignty in Africa
Amnesty International
Andrew Lees Trust
ASADHO
BEST
BLOOM
Blueprint for Free Speech
C4GA
Cadre de Concertation de la société civile de l'Ituri sur les Ressources Naturelles (CdC/RN)
Cadre de Concertation Provincial de la Société Civile du Kasaï Central (CCPSC -KA)
Cadre de Consertation pour la Reforme des Services de Sécurité et la Justice
CARITAS BUNIA/CDJP
Cenadep
Center for Environmental Research and Agriculture Innovations (CERAI)
Center for Transnational Environmental Accountability
Centre congolais pour le droit du développement durable (CODED)
Centre for Applied Legal Studies (University of Witwatersrand, South Africa)
Centre pour la Justice et la Réconciliation (CJR)
Centre Régional Africain pour le Développement Endogène et Communautaire (CRADEC)
Cetri
CNCD-11.11.11
Coalition Nationale Publiez Ce Que Vous Payez (RDC)
Coalition pour la Gouvernance des Entreprises Publiques (COGEP)
Collectif des ONG œuvrant dans le secteur de Mines, Environnement et Electricité (COMEE)
Commission Diocésaine Justice et paix Kabinda
Commission Diocésaine Justice et Paix Belgique
Communities First

Conseil Regional des Organisations Non Gouvernementales de développement
Corap
Core Care Africa(CCA)
Corner House
Corporate Accountability Lab
CREDDHO
Détectives Experts pour les Droits au Quotidien (DEDQ)
Dimension Humaine
Dynamique des femmes pour l'environnement et son développement (DYFED)
EarthRights International
Earthworks
EG Justice
Environmental Investigation Agency (EIA USA)
European Network for Central Africa (EurAc)
FILIMBI
Forum Tunisien pour les Droits Economiques et Sociaux
Foundation For Environmental Rights Advocacy & Development (FENRAD)
Friends of Angola
Friends of the Earth Europe
Global Legal Action Network (GLAN)
Global Witness
Goma Actif
Goma Slam Session
Green Advocates International
Heartland Initiative
HEDA Resource Centre
Human Rights Foundation
Human Rights Watch
Inclusive Development International
Index on Censorship
Initiative pour la bonne gouvernance et les droits humains
Initiatives pour la Paix et les Droits Humains (iPeace)
Innovation pour le Développement et la Protection de l'Environnement
International Lawyers Project
International Rivers
IPDHOR

IPIS - International Peace information Service

Jamaa Resource Initiatives

JICOM

Justice Pour Tous

L'Observatoire d'Etudes et d'Appui à la Responsabilité Sociale et Environnementale (OEARSE)

L'Observatoire de la gouvernance de la sécurité privée (L'Observatoire)

La Maison des Lanceurs d'Alerte

Les Mêmes Droits pour Tous (MDT)

Ligue pour la transparence dans le secteur Extractif (LITRASE)

Lliga dels Drets dels Pobles

London Mining Network

LUCHA RDC

Lumière Synergie pour le Développement

MABOKO OKO

MiningWatch Canada

Mouvement des jeunes en actions pour le changement (Mojac-RDC)

Mouvement pour les Droits de l'Homme et la Reconciliation (MDR)

Muslims for Human Rights (MUHURI)

Natural Justice

Natural Resource Governance Institute (NRGI)

Never Again Coalition

New Media Advocacy Project

No Business With Genocide

Nouvelle Dynamique de la Société civile en RDC (NDSCI)

Observatoire de la Dépense Publique

OIP TRUST

Oisillons

ONG ACOMB

ONG Créativité & Développement

ONG-AJUPE

Open Contracting Partnership

OPENDRC

Organisation pour la protection de l'environnement et le développement durable (OPED)

ORGANISATION TCHADIENNE ANTI-CORRUPTION (OTAC)

Organized Crime and Corruption Reporting Project

Oxfam America

PAX

Peace Point Development Foundation (PPDF, Nigeria)

Plateforme de Protection des Lanceurs d'Alerte en Afrique (PPLAAF)

PowerShift e.V.

Public Eye

Publiez Ce Que Vous Payez - Gabon

Publish What You Pay - United States

Publish What You Pay - Madagascar

Radio Workshop

Research and Support Center for Development Alternatives - Indian Ocean (RSCDA-IO)

Réseau des défenseurs des droits humains de Lomami (RDDH-LOMAMI)

Resource Matters

Rights and Accountability in Development (RAID)

Save Lamu

Save My World

Secteur Media

Sherpa

Solsoc

SOMO

Synergie de la Société Civile pour la promotion des Droits Humains et de l'Environnement (SYDHE)

The Carter Center

The Future We Need

The Oakland Institute

The Sentry

Transparency International

Transparency International Initiative Madagascar

UGANDA CONSORTIUM ON CORPORATE ACCOUNTABILITY

UNISHKA Research Service

Wacam

Women Working Worldwide

Youth For Green Communities (YGC)