



Ventora Development

To: Congo n'est pas à Vendre Coalition (Congo is not for sale Coalition) (CNPAV)

Copy: Human Rights Watch

Resource Matters (also a member of CNPAV)

Rights and Accountability in Development - RAID (also a member of CNPAV)

The Sentry

13 September 2023

Dear all,

Thank you for your letter of 30 August 2023, which we were grateful to receive after several weeks of silence from the Coalition. Your confirmation that you remain willing to proceed with arranging a joint meeting and are committed to establishing an open, objective and transparent dialogue is encouraging. For the avoidance of doubt, we reiterate our commitment to fulfilling this mutual ambition.

In this spirit, we welcome your suggestion of a preliminary call between representatives of both parties in order to determine the administrative details for a meeting between Mr Gertler and yourselves. Given that this brief session will be a straightforward discussion of logistics, protocols and organisational items, we anticipate that the virtual meeting will only require one person per party on a telephone call.

We are sure that you will appreciate that these administrative measures must be discussed freely by both participants, without the pressure of their statements being open to misinterpretation and publicity. We would therefore suggest that the conversation happens on a without prejudice basis. By this we mean that any agreements that are made about administration and logistics for the round-table meeting are to be shared only within the coalition - much as they will be shared purely only with Mr Gertler's admin, operational and advisory team, and not externally. Likewise, the agreements made by the two administrators and operational planning individuals will not be published or made publicly available by either party. This will prevent the outcome of what is purely a planning meeting potentially prejudicing the substantive meeting yet to be arranged and facilitated. We are happy to outline brief terms of reference for this conversation in a separate letter for your consideration, to ensure that we are fully aligned on the conditions and they are agreed in writing.

Your agreement to publish all of our correspondence in chronological order, as was previously the case, is also encouraging. We look forward to seeing this happening as a matter of some urgency and hope that, going forward, you are able to maintain full and transparent publication of our correspondence, with the exception of that which is deemed by all parties as without prejudice or is mutually accepted as confidential.



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Turning to the other points raised in your letter, and in particular one we have asked you to consider as ‘material’ in each of our recent correspondence, we remain especially concerned about the ongoing lack of resolution on the matter relating to the defamation proceedings in DRC. In our view, the lack of a mutually acceptable conclusion to this fundamental matter continues to prevent us jointly moving forward with a constructive dialogue free from distraction or dispute.

To provide some context to this situation from our perspective, earlier this year, your coalition expressed how you were “extremely concerned” about the lawsuits in France and DRC. In your letter to Mr Gertler in March of this year, you said that ‘for such a meeting to be productive, there would need to be a “halt to all legal process” and that the lawsuits represented a “discrepancy” between the “spirit of transparency and collaboration you [Mr Gertler] invoke in your letter”.

Since April of this year, Mr Gertler has acted swiftly, seeking to bring all proceedings to a close, making clear his concurrence with your position that these lawsuits must be halted. In France proceedings have halted. In DRC, they have not, and cannot be halted until there is affirmative action by both of the parties within the proceedings. This is defined in DRC law.

Therefore, in good faith, to enable the very first step towards the pre-meeting we have mutually agreed to hold, it is logical that the parties engaged in the DRC proceedings BOTH carry out the steps required to halt the Court process. As you will be aware, our legal representatives in DRC have sent a letter to the legal representatives of the parties cited in the Court papers today, re-iterating Mr Gertler’s desire to achieve a mutual withdrawal of the defamation case and thus bring proceedings to a halt. Given the context above, it is our view that both parties now need to do all they can to ensure this happens. This step will be fundamental to building the right environment in which our nominated administrators can commence their planning and operational dialogue. In line with your previously expressed priorities, the discussion of organisational details cannot proceed until we achieve clarity on your position in relation to the defamation cases.

We look forward to receiving your response as we mutually seek to ensure the very best outcome for the DRC and its people through constructive dialogue.

Very best,

Ventora Development (Communications Team)