Fingerprints and Money Trails
DRC’s Election Chief Cuts Deals on Both Ends of the 2018 Vote
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Executive Summary

Protests demanding electoral reform have convulsed cities across the Democratic Republic of Congo in July 2020, demonstrating the importance to the Congolese public of the proper and impartial administration of the national electoral commission, an official pillar of the DRC’s fragile democracy.

The public’s desire for reform is in no small part driven by the December 2018 election cycle, which independent observers broadly recognize was tainted by serious irregularities, corruption, and violence.

At a crucial moment during vote preparations, a key contract awarded by the DRC’s electoral commission, or Commission électorale nationale indépendante (CENI), ran the unmistakable risk of self-dealing, according to evidence reviewed by The Sentry.

In January 2018, the CENI awarded a multimillion-dollar services contract to two companies, one of which was backed by would-be business partners of the commission’s president, Corneille Nangaa Yobeluo. Other companies were unable to compete for the contract to remove duplicate voter registrations from among the tens of millions of entries in the DRC’s electoral roll. Nangaa has since been placed under US sanctions for his alleged role in embezzling election funds, charges he and the CENI have strongly denied.

His future business partners included Roger Abotome Bekabisya, a national lawmaker from Nangaa’s home province who prevailed in the elections the CENI president oversaw. After the vote results were announced in 2019, the pair collaborated on an abortive mining venture in resource-rich Haut-Katanga.
province, records show. The US sanctions imposed on Nangaa caused the investors involved to abandon their plans, according to Abotome, who denied that these events involved corruption in any form or that his dealings with the CENI president had any bearing on his electoral success.\textsuperscript{10}

The evidence pointing to the risk of impropriety at the CENI highlights the need for electoral and anti-corruption reform in the DRC. A wider system of kleptocracy has long plagued the country, creating incentives for leaders to cling to power and hijack state institutions, such as the electoral commission, for their own benefit and for that of their foreign and domestic facilitators.\textsuperscript{11}

In response, the DRC’s international partners must work with Congolese authorities and the banking sector to strengthen financial oversight and public procurement safeguards. Among other measures, these actors should investigate this CENI contract and audit the electoral commission.

Ahead of the next election cycle, such actions would help increase voter confidence in the electoral process and bolster political stability as the DRC works to consolidate gains from its first largely peaceful transfer of power since independence six decades ago.
A ‘Dubious and Corrupt’ Voter Roll*

The process of creating the DRC’s voter roll has been at the center of the political crises of recent years. In 2016, the CENI said elections could not be held that year as called for under the constitution, citing the time needed to register voters nationwide as a major factor in the delay.\(^\text{12}\) Joseph Kabila, who was then president and is now senator for life,\(^\text{13}\) was thus able to extend his time in office by more than two years after his constitutionally mandated final term expired,\(^\text{14}\) raising doubts as to whether he would actually step down at all.\(^\text{15, 16}\)

That year, the CENI awarded a major contract to the digital security firm Gemalto to overhaul the DRC’s biometric voter registry.\(^\text{17}\) As The Sentry has previously reported, the commission’s handling of the matter exacerbated delays.\(^\text{18}\) Still, as the elections grew nearer, CENI president Nangaa cited the importance of cutting costs and processing times by automating the handling of voter data.\(^\text{19}\)

In July 2017, Nangaa signed a collaborative agreement with UAB Neurotechnology, a biometrics firm, and the Congolese company Bravo Tozali Compagnie SARL (BTC).\(^\text{20}\) The two companies had formed a consortium to respond to a CENI letter of intent to award a contract for the removal of duplicate entries from the DRC voter roll, documents show.\(^\text{21}\)

A Lithuanian company formed in the immediate aftermath of the Cold War, Neurotechnology says that its products have also supported elections in Bangladesh, Sierra Leone, and Venezuela.\(^\text{22, 23, 24}\) The firm did not respond to The Sentry’s requests for comment.

The consortium agreement stated that Neurotechnology would handle the technical aspects of the contract, while administrative and other ancillary matters would fall to BTC,\(^\text{25}\) a company with a background in areas such as agriculture, mineral drilling, earth moving, and construction.\(^\text{26, 27}\)

Under Congolese law, public procurement is subject to open tendering by default, with sole-source contracts permitted only under “extraordinary” circumstances, such as “extreme” or “pressing” urgency, among other conditions.\(^\text{28}\) Six months after the collaborative agreement had been signed, in January 2018, the Budget Ministry granted the CENI special dispensation, as it had done on multiple other occasions, to award the $8.4 million contract to the consortium without competitive bidding.\(^\text{29, 30, 31}\)

Public procurement authorities said the CENI justified the move in part by pointing to the need both for voter roll deduplication to be completed in time for the National Assembly to adopt a law on the distribution of parliamentary seats—failing which the timeline for the elections could slip even further into the future—and for Neurotechnology to update infrastructure it had previously provided in 2011.\(^\text{32}\)

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*Reports by The Sentry are based on interviews, documentary research, and, where relevant, financial forensic analysis. In some cases, sources speak to The Sentry on the condition that their names not be revealed, out of concern for their safety or other potential retaliatory action. The Sentry establishes the authoritativeness and credibility of information derived from those interviews through independent sources, such as expert commentary, financial data, original documentation, and press reports. The Sentry endeavors to contact the persons and entities discussed in its reports and afford them an opportunity to comment and provide further information. Where responses are received, they are explicitly reflected in the report and incorporated into the analysis.
Whether Neurotechnology was the most suitable contractor may be open to question, as Gemalto advertised the fact that its technology helped eliminate duplicates by design.\textsuperscript{33} Any urgency in granting approval for the no-bid award may also have been exacerbated by foot dragging, as demonstrated by the six-month period between the CENI’s decision to work with the consortium and the ultimate authorization for the contract.

“They took their time and did almost everything at the last minute,” Abotome, a BTC co-founder and minority partner, told The Sentry in an interview. “The manager told us we signed, we waited, we waited. It’s at the end that they called us.”\textsuperscript{34}

BTC representatives say their cut of the contract was approximately $2.3 million, or a little less than a third of the total, mostly reinvested in equipment.\textsuperscript{35, 36, 37} Abotome said he believed Nangaa was unaware of the identities of BTC’s owners.\textsuperscript{38}

Abotome is also a member of the National Assembly representing Watsa territory in Nangaa’s home province of Haut-Uélé. His political alliance, the Convention des Congolais unis et alliés (CCU, or United Congolese Convention and Allies) was aligned with the pro-Kabila Front commun pour le Congo (FCC, or Common Front for Congo), though CCU leader Lambert Mende recently announced the decision to join a new coalition formed by President Félix Tshisekedi.\textsuperscript{39, 40, 41}

While voter registration was still underway in October 2017, Nangaa told political party representatives at the houses of Parliament in Kinshasa that the CENI intended to use “AFIS or ABIS” biometric technology to revise the new voter roll once the registration period ended.\textsuperscript{42}

Following the contract award, Nangaa touted the use of AFIS technology, including during an appearance before the United Nations Security Council in February 2018.\textsuperscript{43} The CENI’s website also highlighted the presence of an AFIS/ABIS server bank at the CENI’s newly renovated national data processing center,\textsuperscript{44} the Centre national de traitement (CNT).\textsuperscript{45}

In April 2018, Nangaa announced that the biometric technology had allowed the CENI to scrub almost 5.4 million duplicate registrations and more than 900,000 individuals under voting age from the electoral lists after the voter registration drive ended in January.\textsuperscript{46, 47}

Neurotechnology also hailed the outcome, saying its biometric identification system had completed the job in less than two months, scanning tens of millions of facial and fingerprint records to help Congolese authorities cull more than 10% of the entries in their voter database.\textsuperscript{48}

But in May 2018, an independent review of the voter roll by the Organisation internationale de la francophonie (OIF) found cause for concern. A quarter of voters had used unreliable identification documents, such as student or pension cards. Furthermore, while Neurotechnology claimed to have processed 46.5 million records, each containing 10 fingerprints and a facial biometric, the OIF said that nearly one in six registered voters, or 16.6%, had no fingerprints on file.\textsuperscript{49, 50, 51}

The presence of so many registrations without fingerprints raised eyebrows. Under Congolese law, the chief of every voter registration center must personally authorize each instance in which fingerprints
are absent, typically in the case of amputations or when fingerprints are too worn down to make an impression.\textsuperscript{52}

CNT chief Jonathan Seke Mavinga, who had significant experience with biometric databases,\textsuperscript{53} reportedly resigned suddenly before the OIF could release its audit, saying he was ill. Word of his resignation only became public after the OIF audit ended.\textsuperscript{54} In September 2018, the Comité laïc de coordination (CLC, or Lay Coordination Committee), an arm of the Roman Catholic laity, denounced the new voter roll as “dubious and corrupt.”\textsuperscript{55}

### Ties to Hezbollah Financiers?

In choosing to form a consortium with BTC, Neurotechnology did not collaborate with the Congolese business Data6tems SARL, even though the websites of both Neurotechnology and Data6tems say the latter is Neurotechnology’s local reseller in the DRC.\textsuperscript{56, 57}

Data6tems is a Kinshasa-based company created by Rashid Brown Shomari, Abdul Rahim Bakhsh, and Hilali Saidi.\textsuperscript{58} Documents suggest Bakhsh and Saidi may have tangential connections to Hezbollah, the militant and political organization based in Lebanon, which they deny.\textsuperscript{59}

Bakhsh, who also appears to use the name Abdul Rahim Malik,\textsuperscript{60} and Malik Munir are two of Saidi’s business partners in a different venture, the shipping company Afroliner SARL.\textsuperscript{61} As of 2016, the two men jointly owned the customs clearance firm Pacific Trading SARL,\textsuperscript{62} which shares an address with Afroliner.\textsuperscript{63}

An audit report commissioned by the Congolese government from a private firm in 2013 described Pacific Trading as a shipping agent controlled by Congo Futur,\textsuperscript{64} a Hezbollah-tied enterprise subject to US sanctions.\textsuperscript{65}

Afroliner’s name is nearly identical to that of a Belgian company once reportedly targeted by local authorities investigating Kassim Tajideen,\textsuperscript{66, 67, 68} who in 2018 pleaded guilty in the US to laundering funds for Hezbollah.\textsuperscript{69}

However, Pacific Trading told The Sentry in a statement that the audit report was mistaken, and that Congo Futur had never controlled Pacific Trading, which is independent and solely active in DRC. The firm previously performed customs clearance work for Congo Futur with “no exclusive business relationship,” the company added.\textsuperscript{70}

The Congolese entity Afroliner is unaffiliated with the Belgian enterprise of a similar name, although Pacific Trading has in the past processed cargo for the Belgian company, the statement said. It added that neither Pacific Trading, nor the Congolese Afroliner, nor Data6tems had any connection to Hezbollah.

Data6tems, meanwhile, told The Sentry that it had no role in the CENI contract awarded to Neurotechnology, on whose behalf Data6tems does not seek to negotiate business.\textsuperscript{71}
Nangaa-Abotome Business Ties

In February 2019, shortly after the announcement of the election results that granted Abotome his post as lawmaker, he and Nangaa joined other investors in creating the mineral exploration and mining company General Ressources [sic] and Services SARL, records show.72, 73

Three other companies owned GRS at its creation: Domaine agro-pastoral des Uélés SARL (DAU), BTC Mining and Services SARL (BMS), and Société coopérative Grand Katanga pour le développement SARL (SCGKD). DAU held 64.7%, while BMS held 15.4%. SCGKD, a company controlled by the businessman Jean Paul Kaduwa, had the rest.74, 75

DAU, in turn, was wholly owned by Nangaa and his wife, Yvette Lubala Nazinda,76 who also won a seat in the Kinshasa provincial legislature in the 2018 elections.77 About 80% of both Bravo Tozali Compagnie SARL and BMS, BTC’s mining-focused successor, was owned by the same four individuals, including Abotome, who held 30% of BMS and was named its general manager.78, 79

According to a memorandum of understanding between DAU, BMS, and SCGKD, the three entities formed GRS for the purpose of exploring and developing mineral deposits in artisanal mining zones covering a little more than nine square kilometers (3.5 square miles) in Kambove territory in the copper- and cobalt-rich Haut-Katanga province.80, 81 DAU, the company controlled by Nangaa and his wife, agreed to pay $400,000 as “key money” (“pas-de-porte”) to SCGKD, which held the title to the mining areas.

BMS received a 15% stake in GRS in return for its planned provision of drilling and earth-moving services, according to Abotome, who estimated its worth at between $50,000 and $60,000. However, when it emerged soon afterward that Nangaa was subject to US sanctions, the joint owners of GRS dropped their plans, according to Abotome, who said that no money changed hands as a result.82

Both Abotome and Erick Bombabo Ateba, who served as general manager of BTC, adamantly denied there had been any corruption in their dealings with Nangaa.83

“I can’t be judged for a business that never worked,” said Abotome. “Maybe it was a mistake, because there are sometimes mistakes in life, a mistake to sign with him. But thank God we did nothing. We never gave any money to Nangaa.”84

Nangaa referred The Sentry’s queries to attorneys in Washington, who did not respond to requests for comment.85
A Broken Record

The CENI’s short history since its creation in 2011 is rife with alleged embezzlement, theft, and other misconduct, much of which, if proven, would thoroughly discredit its political independence.86

In 2016, banker and whistleblower Jean-Jacques Lumumba alleged that the CENI illegally borrowed $25 million from the Kabila-connected lender BGFIBank DRC at 8.5% per annum, with commissions and fees amounting to another 4% of the principal. Over a four-month period, CENI representatives withdrew $7.5 million in cash.87 The CENI allegedly took these steps despite having $55 million in cash on hand. Lumumba said his objections were personally overruled by Francis Selemani Mtwale, the managing director of BGFIBank DRC and Kabila’s brother,88 part of the series of events that ultimately resulted in Lumumba’s exile.

The US Treasury Department designated three top CENI officials under a sanctions program in 2019, including Nangaa.89, 90 The US accused the CENI chief of using shell corporations to embezzle funds through fraudulent invoicing, kickbacks, and contract padding. Nangaa allegedly enriched himself, while the scheme also purportedly backed Kabila’s political operations by financing bribery at the Constitutional Court. Voter registration was allegedly further delayed as a result, helping push back the vote date, which in turn kept the president in power beyond the expiry of his second mandate.91 The CENI rejects the Treasury’s allegations.92

In prior years, the CENI had repeatedly sought special dispensation from the Budget Ministry to eschew the public tendering process, even for purchasing automobiles, according to the civil society group Observatoire de la dépense publique, which monitors public spending. ODEP said these special allowances jeopardized the CENI’s credibility and cast doubt on its strict compliance with the law.93

With the next election cycle looming, the question of how to reform the CENI remains a vital concern for the Congolese public and civil society, as well as for the international community. Any reform package should overhaul the CENI’s contract procurement procedures.
Recommendations

Several actions by Congolese authorities and other stakeholders could strengthen voter confidence in the electoral process and bolster political stability for future election cycles. To that end, The Sentry offers the following recommendations:

The US Department of State, the European Union and its member states, and the African Union should urge the Congolese government to enact key electoral reforms:

- **Investigate the voter roll data contract.** Court of Cassation prosecutors should investigate the voter roll deduplication contract and the extent to which connections between Nangaa and BTC’s owners might have played a role in the CENI’s decision to include BTC in the contract award. Should any misconduct be discovered, they should then enforce all applicable laws.

- **Make no-bid contracts the exception, not the rule.** In line with Congolese civil society recommendations,94 the prime minister’s office should issue a decree limiting the use of special authorizations for contracts to be awarded “gré à gré,” that is “by mutual agreement” with vendors and without competitive bidding.

- **Prevent future conflicts of interest.** Both during and for a predetermined period of time after an election cycle, top CENI officials should be formally prohibited from doing personal business with CENI contractors, their shareholders, or employees. Candidates in a given election cycle should also be barred from ownership of or employment at CENI contractors.

- **Audit the CENI’s books.** The National Assembly, the Court of Auditors, and the procurement regulator—the Autorité de régulation des marchés publics (ARMP)—all have key roles to play in a thorough, independent, and transparent audit of the CENI’s finances for the previous election cycle, the results of which should be made public. The audit should be conducted by an entity with no prior relation to politically-connected business interests.

- **Ensure that the public corporate registry is comprehensive, accurate, and updated.** The DRC government has created a searchable online public registry of corporate entities. Public registries that include shareholder and beneficial ownership information can help improve corporate transparency, public oversight, and accountability. The government should ensure that the registry includes all corporate entities and that it is accurate, updated, and available to financial institutions, law enforcement, and the general public.

- **Apply—and enforce—public procurement laws and regulations.** The Direction générale du contrôle des marchés publics (DGCMP, or General Directorate of Public Procurement) should ensure contract awards strictly comply with the DRC’s law on public procurement, which sets out precise, narrow conditions for allowing no-bid contracts. The government should also provide the ARMP with the staffing and resources it needs for the proper oversight of public contract awards.
Banks and relevant financial institutions:

- **Conduct enhanced due diligence.** Regional and local banks should conduct enhanced due diligence on transactions involving the senior CENI officials who are now subject to sanctions, their companies, and persons or entities acting on their behalf. Financial institutions should submit suspicious activity reports to their respective financial intelligence units.

US government:

- **Hold corrupt actors accountable.** The United States should investigate possible corruption and use the Global Magnitsky sanctions authority to issue sanctions and visa bans on those involved in corrupt activity. The United States should also provide anti-money laundering technical assistance to improve Congolese authorities' abilities and capacity to tackle corruption and increase transparency.
Endnotes


6. The Catholic Church and all major observer missions, including those of the African Union and the Southern African Development Community, reportedly showed that Martin Fayulu was the outright winner and not Félix Tshisekedi. See: Associated Press, “The Latest: Opposition Candidate Fayulu Denounces Results,” January 10, 2019, available at: apnews.com/64b3de3ee6e148268216654b20f517e


13. See note 4, Article 104, Part 2, Section 2, Chapter 1, Title III.

14. Under the 2011 constitution, Congolese presidents are limited to two terms of office. Kabila won a second term in December 2011, meaning he was due to step down in December 2016. See: Note 4, Article 70, Part 1, Section 1, Chapter 1, Title III.

See also:

Thales Group’s acquisition of Gemalto closed in April 2019. See:


Neurotechnology’s memorandum of association is dated February 1991. However, the company’s website says it was founded in 1990. See:


See note 21.


Democratic Republic of Congo Budget Ministry, Direction générale du contrôle des marchés publics (General Directorate of Public Procurement), Memorandum of special dispensation, January 12, 2018.

Thales Group’s acquisition of Gemalto closed in April 2019. See note 17.


“Project implementation” (“mise en œuvre du projet”) charges, including logistics in Kinshasa, hiring of local staff, local travel, and accommodation, amounted to $2,322,428.10. See: Bravo Tozali Compagnie SARL, “Cotation” (price quote), January 4, 2018.

The Sentry interview with former BTC SARL general manager Erick Bombabo Ateba and Roger Abotome Bekabisya, November 13, 2020.


Nangaa was referred to as an Automated Fingerprint Identification System or Automated Biometric Identification System. See:


OIF’s final report describes this process under Article 22 of the electoral code. See note 48.


Under the Organization for the Harmonization of Business Law in Africa’s corporate law reforms, the SPRL legal designation for companies (société privée à responsabilité limitée) no longer exists, leaving most entities to opt to become SARLs (société à responsabilité limitée). See:
Journal Officiel de la République démocratique du Congo, “Data6tems SPRL Statuts, 23 juillet 2008” (Data6tems SPRL Articles of Incorporation, July 23, 2008), April 1, 2010, Col. 33.

Email correspondence from Pacific Trading SARL to The Sentry, November 9, 2018.

Incorporation documents for Data6tems, Afroliner SARL, and Pacific Trading SARL provide the same date, place of birth, and residential address for Abdul Rahim Malik and Abdul Rahim Bakhsh.

“Afroliner SARL Statuts coordonnés” (Afroliner SARL Coordinated Articles of Incorporation), October 2014.

“Pacific Trading SARL. Statuts coordonnés” (Pacific Trading SARL Coordinated Articles of Incorporation), April 2016.

See note 60.


Annual financial statements on file with the Belgian central bank identify Kassim Tajideen as a “merchant” (“Handelaar”) at corporation number 455.533.867 as of 1997. That company changed its name from “De Strael BVBA” to “Afro Liner Services NV” in 2000, when Kassim Tajideen was replaced by board member Ibrahim Tajeddine. See:


Email correspondence from Pacific Trading SARL to The Sentry, November 9, 2018.

Email correspondence from Data6tems SARL to The Sentry, November 9, 2018.

Democratic Republic of Congo Justice Ministry, Guichet unique de création d’entreprise (Guichet Unique Office to Register Companies), “GENERAL RESSOURCES [sic] AND SERVICES En Sigle G.R.S. SARL Statuts” (General Ressources [sic] and Services, Abbreviated GRS SARL, Articles of Incorporation), February 4, 2019.


Ibid.


“Domaine Agro-Pastoral des Uélés : Statuts” (Domaine Agro-Pastoral des Uélés Articles of Incorporation), January 5, 2018.


“Bravo Tozali Compagnie SARL : Statuts” (Bravo Tozali Compagnie SARL Articles of Incorporation), June 15, 2016.

Ministry of Justice of the Democratic Republic of Congo, Guichet unique de création d’entreprise (Guichet Unique Office to Register Companies), “BTC Mining and Services Statuts” (BTC Mining and Services Articles of Incorporation), April 9, 2018.

Under Congolese law, one quadrangle, the basic unit of the DRC mining cadastral grid, is equal to nearly 85 hectares (210 acres). See:
Democratic Republic of the Congo, “Décret n°038/2003 du 26 mars 2003 portant règlement minier tel que modifié et complété par le décret n°18/024 du 08 juin 2018,” (Decree No. 38/2003 of March 26, 2003 officializing the mining regulation, as modified and completed by decree No. 18/024 of June 8, 2018), 2018, Title III, Chapter II, Article 39.

Democratic Republic of Congo Ministry of Justice, “Protocole d’accord” (Memorandum of Understanding) between Domaine agro-pastoral des Uélés SARL, Société coopérative Grand Katanga pour le Développement SARL, and BTC Mining and Services SARL, February 8, 2019.
82 Response from Roger Abotome Bekabisya to The Sentry, October 30, 2020.
83 The Sentry interview with former BTC SARL general manager Erick Bombabo Ateba and Roger Abotome Bekabisya, November 13, 2020.
85 Statement to The Sentry by Corneille Nangaa Yobeluo, November 2, 2020.
86 The CENI replaced the former Commission électorale indépendante in 2011 by virtue of Article 211 of the 2011 constitution and is governed primarily by virtue of a 2010 organic law amended in 2013.
89 See note 8.
91 See note 8.
92 See note 9.
93 Observatoire de la dépense publique, “Contrôle citoyen sur les différents marchés publics effectués par la CENI de 2014 à 2017” (Citizen Audit of the Contracts Awarded by the CENI Between 2014 and 2017), August 2018, p. 6.
94 Ibid.