

# THE PLATFORM TO PROTECT WHISTLEBLOWERS IN AFRICA



**P P L A A F**

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FIRST YEAR ACTIVITY REPORT

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A whistleblower is a person who discloses information regarding actions that are unlawful, illicit or against public interest, that he/she has witnessed, especially in the context of his/her work. By disclosing this information, whistleblowers take the risk of facing reprisal from those who are alleged of wrongdoing. PPLAAF was created to help whistleblowers whose revelations are related to Africa.

*"Integrity isn't about the right thing if it costs nothing. My decision to go public has cost me financially, emotionally. But it's a small price... My loyalty is to South Africa and they messed with the wrong black woman"*

**MOSILO MOTHEPU, PPLAAF WHISTLEBLOWER**

*"I found a sanctuary in PPLAAF"*

**BIANCA GOODSON, PPLAAF WHISTLEBLOWER**

*"PPLAAF founders are visionaries who understood the need for the protection of whistleblowers in the process of democratization of African countries, a guarantee of stability and revival of economic development."*

**JEAN-JACQUES LUMUMBA, PPLAAF WHISTLEBLOWER**

PPLAAF is a Senegalese non-governmental organisation founded in 2017 by lawyers, anti-corruption activists and investigative journalists with the mandate of supporting whistleblowers and leaks through legal strategy, funding, research, legislation, and technology.

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**WHISTLEBLOWERS  
WORKING  
WITH  
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**COUNTRIES WITH PPLAAF  
STAFF: SENEGAL,  
SOUTH AFRICA  
AND FRANCE**

≈100

**ACTIVISTS TRAINED BY PPLAAF  
AND ITS PARTNER AFRICIVISTES**



### **SECURE COMMUNICATION**

PPLAAF provides a secure web portal for sending information and documents, as well as secure hotlines at the disposal of whistleblowers in both French and English.



### **RESEARCH AND ADVOCACY**

PPLAAF advocates for the adoption of progressive whistleblowers protection laws by African governments and helps in writing them. PPLAAF also assesses current African legislation in these matters.



### **LEGAL ASSISTANCE**

PPLAAF has created an international network of law firms ready to provide whistleblowers with counsel and protection from all forms of retaliation, even if they lack the financial resources.



### **MEDIA ASSISTANCE**

PPLAAF assists whistleblowers to disclose information through its network of international and African journalists and media outlets. PPLAAF also supports whistleblowers and journalists in deepening investigations.

#### **Contact**

<https://pplaaf.org>

#### **Twitter**

@PPLAAF

#### **Facebook**

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

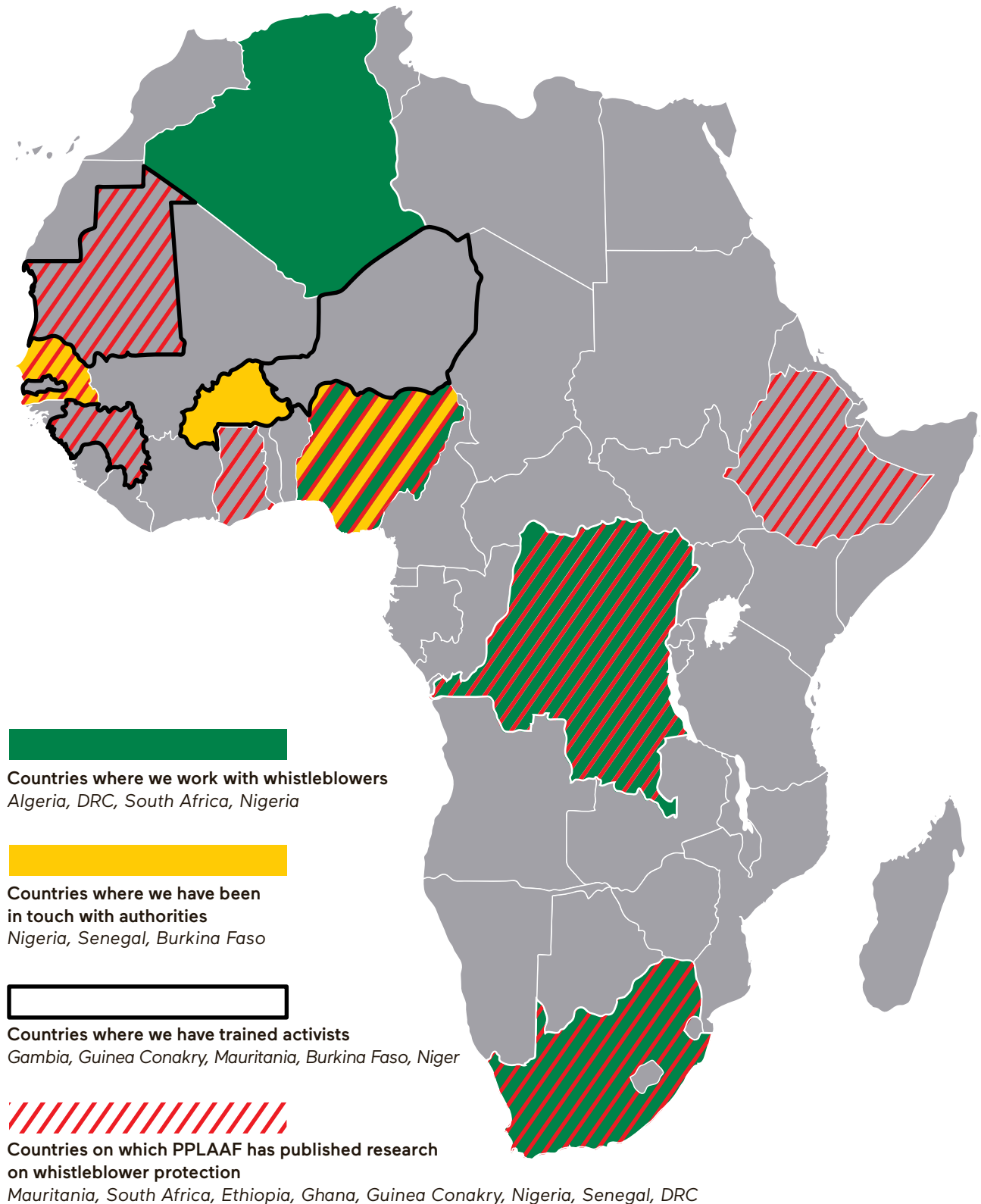
#### **Hotlines**

+27.10.500.23.22 (English)  
+33.1.76.35.01.11 (Français)

#### **Encrypted web portal**

<https://pplaaf.org/fr/send-us-info.html>

# PPLAAF ACTIVITIES







# Launch

## MARCH 2017

PPLAAF is launched in Dakar. The organization is backed by legal heavyweights such as Judge Baltazar Garson (Spain), human rights attorney Alioune Tine (Senegal) and whistleblower advocate Mark Worth (United States).

At the Dakar-based launch, William Bourdon declares: “We have decided to protect whistleblowers here in Africa, the continent where they take the greatest of risks and are the least protected”. The launch is covered in numerous media outlets, including Le Monde, The Guardian, RFI, France 24 and Al Jazeera.

The screenshot displays a collage of media coverage from March 2017. At the top, a snippet from **The Guardian** (International edition) shows navigation links like 'Find a job', 'Sign in', and 'Search', along with category tabs: 'ion', 'Sport', 'Culture', 'Lifestyle', and 'More'. Below this, a headline reads: "Rebels with a cause: Africa's whistleblowers need urgent protection".

In the center, a snippet from **Le Monde Afrique** features the headline: "William Bourdon: PPLAAF aims to support whistle-blowers". Below the headline, a sub-headline states: "Whistle-blowers in Africa under threat have little legal protection, says lawyer representing Assange, Snowden and more." The **LE SOIR** logo is visible below this snippet.

At the bottom left, a snippet from **Agence Afrique** (l'information panafricaine en action) includes the headline: "« Les lanceurs d'alerte africains ont un urgent besoin de protection »". Below this, a sub-headline reads: "Carte blanche : en Afrique, les lanceurs d'alerte ont aussi besoin de protection".



# Landmark Whistleblower Judgment in France

## *MARCH 2017*

The Paris-based administrative tribunal grants a PPLAAF protected whistleblower permission to enter French territory and to seek asylum ---- a critical precedent. The whistleblower, persecuted in his home country, now lives safely in France where he has been granted asylum.







# Nigeria's Whistleblower Protection Law

***JUNE 2017***

Soon after meeting with Nigerian deputies and activists in Abuja, PPLAAF presented a whistleblower bill to Nigeria's House of Representatives Commission on Financial Crimes. The bill, drafted in partnership with local organizations, is unprecedented in terms of broadening the definition and scope of whistleblower protection beyond the limited notion of those currently employed by a company and addressed issues of military, national security and intelligence. These often opaquely supercede laws governing a country.



# #GuptaLeaks

***EARLY 2017***

PPLAAF and alongside two media organizations receive what later came to be known as the 'GuptaLeaks': 540 000 pieces of information including bank transfers, contracts, documents, passports embedded in emails belonging to a senior Gupta associate. The leaks revealed the systemic hijacking, influence over key state-owned entities in South Africa and the raiding of tens of millions of dollars.

It also underscored the role that former President Jacob Zuma's son among others played. Eventually, PPLAAF's representation of key Gupta/Zuma whistleblowers alongside the Guptaleaks led to the ultimate resignation of former President Jacob Zuma in February 2018.



# Training African Activists

***JULY 2017***

Since July 2017, PPLAAF has trained a large volume of stakeholders including activists, journalists and bloggers with a West African network called Africтивistes. The training focused on security and communication for the purposes of avoiding surveillance. Focus countries included The Gambia, Guinea Conakry, Mauritania, Burkina Faso and Niger.



Source: Democracy Works



# Democracy Defenders Conference

## *JULY 2017*

PPLAAF helped create Democracy Defenders conference at the Wits School of Governance in Johannesburg. Broadcasted around South Africa via eNCA with over 12 million viewers, William Bourdon, PPLAAF's chairman, alongside former Public Protector Thuli Madonsela, former Finance Minister Pravin Gordhan and chair of Democracy Works, William Gumede, debated the role and impact of whistleblowing in democratic countries specifically targeting the "state capture" affair involving former President Zuma and his son.

ENQUÊTE

## Girafes, buffles et zèbres en cargo ou les lubies animalières de Joseph Kabila

Pour assouvir sa passion, le président congolais n'hésite pas à faire venir de Namibie des centaines de bêtes sauvages en mobilisant tous ses réseaux d'affaires.

Par Khadija Sharife et John Grobler



# Lumumba Papers Story Breaks *JULY 2017*

Le Monde, OCCRP and PPLAAF published exclusive revelations concerning Congolese companies close to President Kabila, following an investigation lasting several months. The investigation was based on documents provided by PPLAAF whistleblower Jean-Jacques Lumumba, a former senior official at DRC-based BGFI bank.



# Bianca Goodson's Statement

## *SEPTEMBER 2017*

Bianca Goodson, former CEO of Trillian Management Consulting, one of several entities involved in South Africa's "state capture" scandal, opted to make a public disclosure including an affidavit, full data through PPLAAF. The process continues with the forthcoming State Capture Commission as well as a book deal organised by PPLAAF.



Source: Carte Blanche





Source: News365



# Mothepu and Goodson Testify

## *NOVEMBER/OCTOBER 2017*

Bianca Goodson and Mosilo Mothepu, another former CEO of Gupta-linked Trillian, testified with PPLAAF's support for South Africa's parliamentary Portfolio Committee on Public Enterprises. The focus included criminal collusion between US- listed McKinsey as well as large-scale planned raiding of up to hundreds of millions of US dollars from state-owned Eskom.



# **Court Orders Aaron Kaase's Reinstatement**

## ***NOVEMBER 2017***

The National Industrial Court of Abuja decides to reinstate whistleblower Aaron Kaase. Kaase was fired for disclosing fraud against the Police Services Commission's Chair. PPLAAF assisted him for several months prior with legal strategy, legal fees, general care and advocacy support.



# **South Africa Seizes Gupta-linked Assets**

## ***JANUARY 2018***

South-African Asset Forfeiture Unit (AFU) served McKinsey with an asset seizure order and moved to seize alleged illicitly obtained assets of Trillian. This followed the South African Federation of Trade Unions (SAFTU) in partnership with PPLAAF filing charges against Trillian to gather evidence in support of both criminal charges and civil forfeiture including fraud, theft, corruption and money laundering. PPLAAF actively supported both the AFU and the SATFU which relied on the same affidavits, evidence and legal strategy.



Source: AfricTivistes



# Meeting with Burkina Faso's President

## *JANUARY 2018*

The AfricTivistes team, and PPLAAF's Charles Sanches (4th from the left) meet with Roch Marc Christian Kaboré, president of Burkina Faso to discuss media security and democracy in Africa.





# **PPLAAF stands behind Algerian Whistleblower**

***FEBRUARY 2018***

PPLAAF voices its support of Algerian whistleblower Nouredine Tounsi, who denounced suspicious activities and misappropriation within the Port of Oran, linked to one of Algeria's strongest businessman. Since his disclosure, Tounsi has been the victim of severe judicial reprisals.



# **Banana Port Papers Break**

***MARCH 2018***

PPLAAF, through information disclosed by whistleblowers, reveals that DRC's government and port operator Dubai Port World are on the verge of concluding a multi-million-dollar deal tainted with corruption that will possibly allow the personal enrichment of dignitaries of the Congolese regime.

# Jean-Jacques Lumumba

## *Bank Revelations that Weaken DRC's President's Hold on Power*

“

I am one of the first whistleblowers in my country to be supported by PPLAAF. I am very happy with the legal protection and above all, the moral comfort it has given me. The action and the fight that I lead is the establishment of democracy and the rule of law in my country the Democratic Republic of Congo. William Bourdon is a visionary who understood the need for the protection of whistleblowers in the process of democratization of African countries, a guarantee of stability and revival of economic development.

”

“The greed of some politicians is so huge that they have taken Congo hostage. People are dying and are being tortured. Many cannot speak anymore,” Jean-Jacques Lumumba told in an interview for Deutsche Welle “We have returned to dictatorship because it is all about sustaining power.”

Lumumba served as the head of the credit department at the Congolese BGFI Bank. In 2016, Lumumba started noticing shady activities: suspicious transactions of dozens of millions of dollars between President Kabila's family-controlled bank and organizations with close ties to the president. A few months after his suspicions begun, Lumumba alerted his superiors of these transactions. Threatened with a gun to stay quiet by the director of the bank, Joseph Kabila's adopted brother, Lumumba fled his homeland and bravely revealed this

massive corruption scandal. Lumumba is the grand-nephew of one of Congo's independence leaders Patrice Lumumba, who was executed seven months after becoming Congo's first democratically elected leader in 1960. At barely 30, he held a comfortable position as a bank executive in one of DRC's largest banks. It was his refusal to cooperate with the misuse of public funds that turned his life upside down. Does Lumumba regret his deed: “of course not. I did it for my country and this new generation who wants to build the Rule of Law in the DRC”, he told PPLAAF.







# **Mosilo Mothepu**

*Suspicious links between  
South Africa's president and  
the powerful Gupta Family*



“

I was excited to join my former employer whose vision was to change the landscape of financial services industry in South Africa. It soon became quite clear that the shareholders and executive management didn't share the same ethical and integrity ethos as myself. I left the company and reported my suspicions of impropriety to the public protector and parliament. PPLAAF assisted me with my legal fees and provided me with advice and compassion... PPLAAF is assisting South Africa's regain their hard-earned democracy in providing much needed support, whistleblowing is a long, difficult and often lonely decision but PPLAAF ensures protection and offers humanity.

”

*“I would say they have to resist if now they are being given an unlawful instruction by a superior”* Mosilo Mothepu said when asked what is her message to public servants in the South-Africa parliament. *“The fact that you don't have the courage to say ‘no’ breeds the cancer.”*

Mothepu served as Chief Executive Officer at Trillian Financial Advisory, a South-African consulting firm and a subsidiary of Trillian Capital. The firm is owned by Salim Essa, an associate of the powerful Gupta family, who's accused of growing rich of its strong relationship with President Zuma. When Mothepu noticed significant and questionable activities involving state-owned entities, and in the hopes of assisting Thuli Madonsela, the former public protector (an ombudsman whose independence is guaranteed by the constitution) with her investigation, she resigned and stepped forward. Key to her disclosure were the removals of South Africa's Finance Ministers from their posts due to the Guptas influence.

Although she feared legal consequences and defamation, she sent a statement to Madonsela, the former public protector. The statement was leaked by an unknown source to the Sunday Times which in October 2016 published a story on “State of Capture” showing the links between the Gupta Family and President Zuma.

The Sunday Times failed to confirm that Mothepu was not the source of the leak and she subsequently faced lawsuits from Trillian alleging cyber-crime, fraud, theft among other charges. The lawsuit, based on the perception of leaking information, is effectively preventing her from obtaining other employment. In a closed-door meeting with select media and flanked by PPLAAF's team, Mothepu spoke about her financial struggles, the legal threat of her former employers and the loneliness of whistleblowing. But she also spoke about having the courage to stand on the frontline for the truth. The following year, buried under the weight of political risk and financial vulnerability, Mothepu went one step further and testified in front of South-African parliament.

Mothepu had a bright future ahead of her, and her decision to give up on this prestigious position and speak up came at a price. “People always ask me, ‘Will you do it again?’ I say, ‘Yes, I will do it again.’ I didn't appreciate how my life would change but South Africa's worth it.” PPLAAF stood by Mothepu's side, evaluating the risks she might face after blowing the whistle, providing her with legal counsel and financial support, and assisting her with preparing herself and her testimony. PPLAAF has also promoted her case on national and international media.



# Bianca Goodson

## *Suspicious links between the South Africa's president and the powerful Gupta Family*

“PPLAAF understood my situation. This is their work and I was not the first whistle-blower that they have supported. Their presence in my life offered me something that no amount of money could ever buy – they gave me back my sanity and preserved it when I would lose it...Prior to my public disclosure, PPLAAF conducted an extensive risk assessment and paid for me to get an independent view from a counsel of my choice. For people considering taking brave actions as I did, the best lesson that I can impart is this – you will need people around you that you can depend on, trust and talk to consistently...I found a sanctuary in PPLAAF

”

“I always knew that the information I had would corroborate suspicions about Trillian's dealings with State-owned Enterprises.” Bianca Goodson said in an interview to the Daily Maverick. “I felt that I was being spineless not to speak up, I decided one day that I was allowing my experience to bully me.”

Goodson served as the Chief Executive Officer of Trillian Management, a South-African consulting firm and a subsidiary of Trillian Capital. The firm is owned by Salim Essa, an associate of the powerful Gupta family, who is accused of growing rich of its strong relationship with President Zuma. Goodson quickly started noticing shady activities: the firm was using its connections to land lucrative government contracts, such as from national energy company Eskom, then handing them to external partners.

Feeling lied to by her superiors about the company's activities, Goodson resigned from Trillian in April 2016, after a few months working in the company. Although she feared legal consequences and defamation, Goodson decided to speak up. She released a detailed statement on Trillian's activities through PPLAAF, and testified in front of South-African parliament in November 2017.

A promising executive at a young age, Goodson's refusal to stay silent in front of the misuse of public funds was not easy and took a personal and professional toll. “Doing the right thing is never, ever easy. If you find yourself in a situation such as mine, it's probably because you have the strength to deal with it”, she told The Daily Maverick.

PPLAAF stood by Goodson's side, providing her with a legal counsel of her choice, assisting her with preparing herself and her testimony, evaluating the risks she faced and promoting her case on national and international media.

A year after quitting her job, Goodson found a job at Sage, a global accounting software business. While she kept her employer informed of her whistleblowing intention, offering her resignation if the company suffers any backlash, the company decided to process her resignation immediately after she went public. Since then, Goodson has found a new employment. “We need to have more people coming forward with evidence of corruption but they're not going to do so, if the consequences of that is that they lose their livelihoods” said her new employer in an interview to BizNews.







# Aaron Kaase

## *Fraudulent activities of Nigeria's Head of Police Services*

"I blew the whistle out of conviction. The current leadership of this important public office ran it to the ground. It was dangerous, but I had to do it." Aaron Kaase said when asked why he unraveled significant corruption in the Nigerian Police Services Commission (PSC) and its current chair, Mike Okiro.

Kaase has been working as a senior officer with the PSC, an agency that oversees the Nigeria Police Force, since 2003. In May 2015, Kaase had strong suspicions of fraud: the PSC has assigned hundreds of thousands of dollars to train 900 members although the entire force has less than 500 members.

Kaase then petitioned both the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). As a result, he has been arrested, detained and harassed, as well as being suspended from his work.

For a few months, Kaase has also received threats by telephone. He has written to the police repeatedly.

"I want to commend PPLAAF for being a voice for whistleblowers in Africa. From 2015 to date, I have become a victim of high wired reprisals after I blew the whistle on procurement and other fraudulent financial acts involving the Chairman of Police Service Commission, an agency that oversees the Nigeria police force, where I work...PPLAAF has been wonderful by offering financial assistance to support the litigation processes after over two years of on-

going legal battles, while serving an illegal suspension without pay has taken a toll on me. The effort of this organization to put this matter on the front burner is also commendable."

But Kaase does not regret his decision. His message to other whistleblowers? "it has to come from your strength. You must work for a better society. You can do it in your own name or through an NGO, but if no one speaks out society will not get better."

On November 30th, 2017, the National Industrial Court of Abuja decided to reinstate Kaase for having disclosed alleged fraud against the Police Services Commission's Chair. The court ordered the PSC to "pay the claimant all his emoluments and entitlements accruable to him during the period of his suspension" and stated it "failed to present" any evidence his suspension was done in the proper manner.

PPLAAF has been standing by Kaase's side, providing counsel to his lawyers, promoting his case on local media and assisting him with financial support for his legal proceedings. The Human and Environmental Development Agenda (HEDA) has also been assisting Kaase in his case.





“

I want to commend PPLAAF for being a voice for whistle blowers in Africa. From 2015 to date, I have become a victim of high wired reprisals after I blew the whistle on procurement and other fraudulent financial acts involving the Chairman of Police Service Commission, an agency that oversights the Nigeria police force, where I work...PPLAAF has been wonderful by offering financial assistance to support the litigation processes after over two years of ongoing legal battles, while serving an illegal suspension without pay has taken a toll on me. The effort of this organization to put this matter on the front burner is also commendable.”

”

## South African police raid Gupta home, pressure cranks up on Zuma

Published 1:47 AM ET Wed, 14 Feb 2018 Updated 4:31 AM ET Wed, 14 Feb 2018

Reuters

- Gupta family member arrested, SABC says
- "This is a crime scene" - police outside Gupta home

# State capture

## *Suspicious links between South Africa's president and the powerful Gupta Family*

The principal charge against South-African former President Jacob Zuma, originating with claims from whistleblowers working with the Platform to Protect Whistleblowers in Africa (PPLAAF) is of "state capture". The local term is in widespread use. State capture is more than simple corruption. It is the pillage of national companies and institutions, corrupting the people of power, as well changing the country's laws, so they would all work in the private interest's interest.

The three Gupta brothers moved from India to South Africa in the 1990s and turned a computer parts business into a conglomerate with properties in media, mining and professional services. One of President Zuma's sons, Duduzane, has worked for the family. Mosilo Mothepu is the first whistleblower to

have stepped forward. Mothepu served as Chief Executive Officer at Trillian Financial Advisory, a South-African consulting firm and a subsidiary of Trillian Capital. The firm is owned by Salim Essa, an associate of the Gupta family.

Feeling lied to by her superiors about the company's activities, Mothepu resigned from Trillian in June 2016. Although she feared legal consequences and defamation, Mothepu decided to speak up. She sent a statement to Thuli Madonsela, the former Public Protector, an ombudsman whose independence is guaranteed by the constitution, which resulted in the publication in October 2016 of "State of Capture", a report on the links between the Gupta Family and President Zuma. She then testified in front of South-African parliament in October 2017.



The “State of Capture” report investigated claims of “alleged improper and unethical conduct by the president and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of ministers and directors of State Owned Entities (SOEs) resulting in improper and possibly corrupt award of state contracts and benefits to the Gupta family’s businesses.” President Zuma unsuccessfully applied for a court order to prevent the publication of the report on 14 October 2016, Madonsela’s last day in office.

Within days of Madonsela’s report publication, Trillian’s then-chairman, Tokyo Sexwale, announced a wide-ranging internal probe into the former executive’s allegations, led by attorney Geoff Budlender. The investigation ended in the publication of “The Budlender Report”.

Mothehu’s statement was then leaked by an unknown source to the Sunday Times which resulted in the publication in October 2016 of an article showing the links between the Gupta Family and President Zuma. The Sunday Times failed to confirm that Mothehu was not the source of the leak and she subsequently faced lawsuits from Trillian alleging cyber-crime, fraud, theft among other charges. Another Trillian whistleblower, inspired by Mothehu’s action, decided to speak up: Bianca Goodson. Goodson served as the Chief Executive Officer of Trillian Management, another subsidiary of Trillian Capital. Noticing shady activities as well, Goodson left Trillian in April 2016. A year later, Goodson released a detailed statement on Trillian’s activities through PPLAAF and testified in front of South-African parliament in November 2017.

In early 2017, two media organisations alongside PPLAAF received what was then called the ‘GuptaLeaks’: hundreds of thousands of documents, emails, etc. sent between the Guptas and their associates, showing the extent of the Gupta family’s control over politicians and state-owned companies, and the involvement of many international firms with the Gupta family’s businesses.

Many other revelations were made concerning the case, exposing government firms such as state-owned electricity-utility company Eskom and international firms HSBC and consulting firm McKinsey, among others. McKinsey was involved in landing Eskom contracts for Trillian and received illegal payments from the company.

On December 13th, 2017, a South African high court ordered President Zuma to establish a

judicial inquiry into the alleged claims that he and his son Duduzane were involved in state capture. In a separate ruling, the court stated President Zuma’s attempt to block the release of the “State of Capture” report by the Public Protector was abusive. The government investigation was officially launched on January 25th, 2018.

On January 16th, 2018, McKinsey South Africa’s branch has been served with an asset seizure order initiated by the Asset Forfeiture Unit, part of the National Prosecuting Authority. This order arises from the illegal payment of monies from state owned electricity utility, Eskom, to McKinsey and Trillian. McKinsey has had 1.1 billion rands seized and Trillian 95m rands.

On January 19th, 2018, with PPLAAF’s support, the South African Federation of Trade Unions (SAFTU), comprised of 700.000 South African union workers, filed charges against Trillian to gather evidence in support of both criminal charges and civil forfeiture including fraud, theft, corruption and money laundering. In another procedure, South Africa’s state-run Asset Forfeiture Unit (AFU) has moved to seize alleged illicitly obtained assets of Trillian.

PPLAAF stood by Goodson’s and Mothehu’s sides, providing them with a legal counsel of their choice and financial support, assisting them with their testimonies, evaluating the risks they faced and promoting their cases on national and international media.

PPLAAF has also partnered with South African media amaBhungane and Daily Maverick, to provide access to the GuptaLeaks through a single portal – Investigative Dashboard via the Organised Crime and Corruption Reporting Project (OCCRP) with the support of Finance Uncovered.

PPLAAF has also worked with the AFU and SAFTU team that recently achieved the promising milestone of seizing the assets of Trillian as being the suspected proceeds of crime.

The organization continues to move the issue forward by preparing for the State Capture Commission, settling the affidavits of new whistleblowers and developing suits to pursue further asset recovery.



# The Lumumba Papers

***The Lumumba Papers reveal the suspicious activities of the BGFI RDC bank, a subsidiary of Gabonese Bank Banque Gabonaise et Française et Internationale (BGFI) in the Democratic Republic of Congo, and its involvement in corruption and misappropriation of public funds. Largely based on internal documents disclosed by the former employee of the bank Jean-Jacques Lumumba, the case also reveals the existence of suspicious transactions between the BGFI and the National Independent Electoral Commission.***

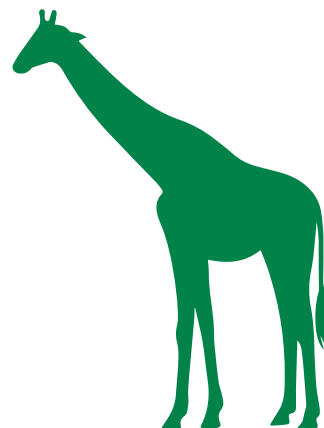
The Gabonese bank BGFI has branches in a dozen countries, including the DRC, Ivory Coast and France. The owners of the Congolese subsidiary are, among others, the BGFI Holding Corporation (60%) and Gloria Mteyu - the sister of President Kabila (35%).

Lumumba has been a senior executive in the credit division of the BGFI RDC since 2014. In 2016, Lumumba discovered the existence of several suspicious transactions worth tens of millions of dollars between the Congolese bank, run by relatives of President Kabila and by companies, also controlled by relatives of the President. Lumumba has tried to alert his superiors internally. Threatened with a firearm by the bank's managing director, Francis Selemani Mtwale, President Kabila's adopted brother, Lumumba left his country and bravely revealed this massive corruption scandal.

In October 2016, the Belgian newspaper *Le Soir* published an in-depth article on the revelations. In December 2016, Bloomberg published an article describing the wealth of Kabila and his family, relying partially on Lumumba's documents. The various members of the Kabila family have,

according to the article, shares in dozens of companies, including mining companies and bankers. The article also mentions the misdeeds of the BGFI.

Since January 2017, PPLAAF has been working closely with Lumumba, providing pro bono legal advice, analyzing and researching the documents it has provided, and using specialized researchers to analyze documents it has kept since its creation. transition to BGFI.



## **The Independent National Electoral Commission (CENI)**

The documents given by Lumumba to PPLAAF contain statements from CENI's bank account at BGFI. These documents reveal unexplained financial transactions that are inconsistent with the responsibilities of the CENI. They show, for example, that CENI officials made cash withdrawals totaling \$ 7.5 million over a three-month period in 2016, without giving any explanation for these transactions.

In addition, the BGFI DRC allegedly granted a bank loan to the CENI of \$ 25 million dollars, which constitutes a breach of the internal procedure of the bank as well as the blacklisting of the CENI by the Central Bank of Congo decided on May 22, 2014. According to Instruction N.13 of the Central Bank, blacklisting entails, on the listed entity, the suspension or the prohibition of the benefit of services from all credit institutions. According to Lumumba, this credit was validated by the bank's deputy director General on the orders of the Director General, despite the blocking of the account requested by Lumumba.

## **Trafficking wild animals**

Research conducted by PPLAAF, Le Monde and OCCRP show how EGAL was used to import wildlife animals from Namibia to the DRC, presumably for the private interests of President Kabila. Two businessmen and close associates of Kabila, Alain Wan and Marc Piedboeuf, sold in 2010 the company Grands Elevages du Congo (GEL) to Kabila, which now is the property of the aforementioned company of Kabila: Ferme Espoir.

Ferme Espoir is headed by Piedboeuf, who also remained General Manager of GEL.

President Kabila intends to turn Ferme Espoir into an amusement park. EGAL buys the wild animals and sends them to Ferme Espoir. In May 2017, for example, 450 wild animals including antelopes, giraffes and zebras were transferred to Matadi at the request of the President. The animals are transported by the boat El Nino, property of All Ocean Logistics.

## **EGAL**

The General Company of Food and Logistics (EGAL) is, officially, an importer of food products. EGAL has received, through a bank account within BGFI, \$ 42.9 million from the Central Bank of Congo, although the latter does not have the authority to transfer money to private companies. At the time, the director of the Central Bank, Albert Yuma, was also a member of the board of directors of EGAL.

In 2013, BGFI granted EGAL, in the form of unsecured loans, over \$ 42 million.

Much of this money was then transferred to foreign companies, some of which belong to the owners of EGAL: Samaki in Namibia, All Ocean Logistics in the Faroe Islands and African Trading and Maintenance in Hong Kong. These companies were then used for the purchase, in Namibia, of wild animals and their transport to the DRC where they were delivered to Ferme Espoir, a company owned by President Kabila. In addition, according to EGAL's 2014 Annual Report, the company has received significant tax cuts.

EGAL's board of directors includes Albert Yuma, president of the Congolese Employers Federation, Eric Monga, a close friend of Kabila, Marc Piedboeuf, administrator of Ferme Espoir, and Alain Wan, director of construction company MW AFRITEC.

According to EGAL's bank statements, the company has no income except loans granted by the Central Bank of Congo.

## **Gécamines case**

Gecamines, a Congolese state-owned company, is a mining company chaired by Albert Yuma. According to Le Soir's article developed using Lumumba's evidence, the company opened a \$30 million overdraft line at BGFI. The repayment was to be made over a year with an interest rate of 11.5%.

Lumumba revealed in the press that the bank claimed their interest twice a month, doubling the sum. This led to an overpayment of 2.7 million US dollars by BGFI.

After the revelations, the bank repaid the overpayment to Gécamines.





# The Banana Port Papers

***The Banana Port Papers describe the negotiations between the Government of the Democratic Republic of Congo («DRC») and the global port operator Dubai Port World («DPW») regarding the construction in the city of Banana of DRC's largest deep-water port to date. They disclose that the multi-million-dollar deal is completely tainted with allegations of corruption.***

PPLAAF has received this information through whistleblowers who participated in the negotiations between the Government and DPW. Having doubts about the contract's legality, at least one of the whistleblowers notified his superiors who did not act. Concerned about their inaction and the lack of other alternatives, they connected with PPLAAF to aid them in revealing how the negotiations took place.

The contract to be signed by the DRC government and DPW for the construction and operation of the Banana port is expected to create a corporate structure, allowing the personal enrichment of several political figures, including Congolese President Kabila. The whole of the negotiations, on a project exceeding one billion US dollars, would be tainted with corruption. The project concerns the construction and management of a port and free trade area in Banana, the only city in the DRC with access to the Atlantic Ocean, at a cost of more than 1 billion US dollars.

The negotiations took place without a call for tender as the Congolese law dictates. Following the first negotiations with DPW, President Kabila allegedly told businessman Moise Ekanga, a close associate of his who was involved in the negotiations, that he wanted a guarantee that he would have a personal profit from the construction and operation of the port. On October 4th, 2016, in this context, Sultan

Ahmed Bin Sulayem addressed a letter to President Kabila. This letter ensures the intention to grant a percentage of the capital of the company that will build the port to a new Congolese state company.

The letter proposes to give 40% of the managing company to this private company.

The private company may be a company ultimately owned by President Kabila.

The managing company would, therefore, be a «subsidiary of DPW», owned 40% by a private company, presumably for President Kabila's benefit.

According to the document presenting the assumptions to President Kabila, such an arrangement would allow the private company to earn more than 45.3 million dollars in seven years. The public will know that a joint venture, called during the negotiations «Port Autonome de Banana», will be created by a Congolese state company and DPW.

This joint venture should then enter into a concession agreement with the DRC government. The state company in the joint venture should have logically been one of the Congolese public authorities in charge of the ports (the National Transport Office of the Democratic Republic of Congo or the OEBK), but they have been allegedly put aside in favor of this new state entity.



# WHAT'S NEXT?



*Following this very successful first year, PPLAAF plans to expand even more next year*

## **HOLDING THE POWERFUL ACCOUNTABLE**

PPLAAF in coordination with public authorities and NGOs, will develop legal strategies to bring companies and individuals mentioned in its reports to justice, in Africa or abroad.

## **STRENGTHENING PROGRESSIVE WHISTLEBLOWERS LEGISLATION**

PPLAAF will continue issuing reports on the legislative protection offered to whistleblowers in African countries and promoting proper whistleblower legislation laws where they are needed.

## **KEEP EXPANDING**

PPLAAF has been active in 10 countries during its first year. We intend to improve that number in our second year, helping more whistleblowers and exposing more wrongdoings.

## **RESEARCHING BETTER**

PPLAAF will continue researching the information it received during this first year, exposing more of the public and private officials involved in shameful corruption.



# OUR BOARD



## **William Bourdon CHAIR**

William Bourdon is a lawyer and member of the Paris bar, specialized in corporate, media and criminal law. William represents whistleblowers Edward Snowden and Antoine Deltour.



## **Alioune Tine ADMINISTRATOR**

Alioune Tine is a prominent Human rights defender in Western Africa, the ex-president of the Human Rights Senegalese Committee and Director of Amnesty international for Western Africa.



## **Mark Worth ADMINISTRATOR**

Mark Worth is an investigative journalist. He is the co-founder and co-coordinator of the Southeast Europe Coalition on Whistleblower Protection.



## **Baltazar Garzón ADMINISTRATOR**

Baltazar Garzon is a Spanish Judge, specialized in the investigation of crimes against Humanity. He is President of the International Foundation Baltazar Garzón (FIBGAR) and the “International Legal Office for Cooperation and Development” (ILOCAD).



## **Jihan El-Tahri ADMINISTRATOR**

Jihan El-Tahri is an Egyptian award-winning director, writer, producer and visual artist.



## **Henri Thulliez ADMINISTRATOR**

Henri Thulliez is a human rights lawyer and a member of the Paris bar, and the ex-coordinator at Human Rights Watch of Hissène Habré's, former president of Chad, trial in Sengal.

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# STAFF

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**Khadija Sharife** is PPLAAF's director. Khadija Sharife is an award-winning investigative journalist, researcher and editor with the Organised Crime and Corruption Reporting Project.



**Charles Sanches** is a project manager at PPLAAF in Dakar. Charles is a jurist experienced in issues of freedom of speech and human rights in the digital age.



**Lee-Ann James** is a Senior Paralegal at PPLAAF. Lee-Ann has extensive experience in employment law and has been supporting legal practitioners for many years.



**Gabriel Bourdon-Fattal** is a project manager at PPLAAF. Gabriel is a lawyer experienced in human rights and public campaigns.



**Heinrich Bohmke** is a legal consultant at PPLAAF. Heinrich is an investigator and prosecutor based in South Africa.



**Jaysen Naidoo** is a web developer at PPLAAF. Jaysen has years of experience in application and software development.

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# **Help us support African whistleblowers**

**PPLAAF is working daily to protect whistleblowers, provide them with support and advice, and bring their stories to the world. We are working solely on donations, and your support can help us make a vital change.**

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