

DAN GERTLER
RAMAT GAN, ISRAEL.

07/02/2023

Mrs. Anneke Van Woudenberg

Executive Director

Rights and accountability in development (RAID)

By mail raid@raid-uk.org

Dear Mrs. Anneke Van Woudenberg,

I hope this letter finds you well.

I am writing in the spirit of transparency and collaboration. Having spent the majority of my lifetime amongst the people of the DRC, like you I care deeply about the future of this great nation. From the lush mountains of Katanga to the lively meeting-grounds of Kinshasa, the vivid landscapes and vibrant locals remain an abiding source of inspiration. While you and I might not agree on the nature of my initial investments – I strongly believe I built critical infrastructure, created employment, and catalyzed development of the natural resource sector – we share an enduring commitment to the DRC and to the well-being of the Congolese people.

As you may know, I recently concluded an historic Settlement with the democratically elected government of the DRC. With an estimated 2 Billion dollars combination of cash and assets being transferred by me to the DRC, this settlement represents the largest-ever consensual transfer in the history of the region. Just imagine what these funds could do to improve the lives and livelihoods of everyday citizens. From building new schools and hospitals to providing food to the hungry and medicine to the sick, this massive influx of revenue will mean a great deal to so many who so urgently need it .

Whilst various non-governmental organizations have paid much attention to my sale of assets in the DRC, there has always been less interest and focus on the scope and scale of my investments, acquisitions and costs in the DRC. If these are a point of interest or inquiry, I would be pleased to share further details and documentation in full transparency. If this is indeed the case, I encourage you to please be in touch.

From the start of negotiations toward this settlement I have sought to anchor inclusivity and transparency – with particular respect for the crucial role of civil society and democratic processes – at the core of our agreement. That is why a broad and inclusive cross-section of grassroots Congolese leaders have shown support for the Settlement and embraced the unprecedented transfer of assets and value to the DRC. They have also recognized that if the Settlement is not completed in accordance with its terms, it will likely trigger an unwanted impasse and an inevitable adverse impact on the returned assets that the DRC Government wish to sell .

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In continuing with this transparency, I invite you to review the full copy of the Settlement, included in addendum, and would be pleased to provide any further details that might be of interest .

Your advocacy efforts brought this major Settlement to fruition. Although I am adamant that I should not have been sanctioned by the US under the Magnitsky Act, more than five years later, the reality is that proponents of Global Magnitsky can see that in my particular case, the sanctions have had their desired effect. The essence of the sanctions is not merely to punish - it is equally envisaged that for the sanctions regime to work they should promote positive change. Faced with crippling sanctions (including at the behest of NGOs), I had no choice but to end all of my activities in the DRC; transfer significant assets via this historic Settlement; and my group has implemented thorough compliance procedures. The sale by the DRC of the assets transferred to the Government will be achieved transparently as the DRC moves to uphold the rule of law and further democratization. I have been punished and as a result of the Settlement positive change has been promoted.

Accordingly, you have achieved the desired changes being sought. Opposing the Settlement would therefore be punitive, both towards me and the Congolese people and as mentioned above, any obstacle to its performance could potentially have a very damaging effect for the DRC.

On that basis, to oppose this Settlement is to say that continuing my suffering is more important than improving the lives of the Congolese people .

In contrast, your support for this historic Settlement would be an enduring lesson and legacy regarding the role of civil society to effect change. It would strengthen sustainable development, stabilize the situation on the ground, and contribute toward democratic consolidation. Most importantly, it would transform the lives of so many across the DRC.

At a time of political instability and economic uncertainty across the globe, the good news of this Settlement – what it means for improvements in democracy, development, and the rule of law – and the critical role of civil society leaders like you in making it a reality, will be a source of hope and optimism for many .

I hope that you will consider the merits of the Settlement in the same good faith that underpins this letter to you. I would be pleased to engage in further dialogue with you, and invite you to discuss any points in greater detail with me. I welcome the role of civil society and the free press — the important democratic oversight it provides, of which all of us who cherish freedom and fundamental rights are the beneficiaries – and look forward to continuing this conversation.

Thank you for your consideration.

Sincerely,

Dan Gertler

