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INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING AHMADOU SADIO DIALLO
(REPUBLIC OF GUINEA v. DEMOCRATIC
REPUBLIC OF THE CONGO)**

**REPLY
OF THE REPUBLIC OF GUINEA**

VOLUME II

(Annexes)

19 November 2008

[Translation by the Registry]

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R.G. ANNEX 1

**Transcript of hearing of Mr. Ahmadou Sadio Diallo, drawn up on 29 October 2008
by Maîtres Boubacar Télimélé Sylla and Aboubacar Camara**

**Chambers of Maîtres Boubacar Telimele Sylla and Aboubacar Camara,
process servers for the courts and tribunals of Conakry
Tel. 60.25.21.81 / 64.33.96.27 / 64.25.92.72
(located near the Senegalese Mosque in the Koulewondy
Quarter, Commune of Kaloum)**

TRANSCRIPT OF VICTIM HEARING

On 29 October 2008 at 10.20 a.m.;

Before us, Maîtres Boubacar Télimélé Sylla and Aboubacar Camara, process servers for the courts and tribunals of Conakry (Republic of Guinea);

Appeared Mr. Ahmadou Sadio Diallo, a businessman of Guinean nationality, residing in the Taouyah Quarter in the Commune of Ratoma, who claims to have been arbitrarily arrested and detained by the Zairian authorities in 1983, 1988 and 1995, then expelled from the Democratic Republic of the Congo (DRC) in 1996, when he was the sole *associé* of the companies Africom-Zaire and Africontainers, which he was actively managing until the events leading to his arrest and expulsion; these claims are the basis for the case which bears his name and which the Republic of Guinea has brought against this country before the International Court of Justice in The Hague. At the same time he seeks a hearing, his answers to be recorded for whatever use may be appropriate.

In compliance with this request,

**We, Maîtres Boubacar Télimélé Sylla and Aboubacar Camara, process servers for the courts
and tribunals of Conakry (Republic of Guinea), residing in the said city, undersigned;**

Asked the individual concerned the following questions and received the following answers:

I. On the arrest of 1983

— Mr. Diallo, you say that you were arbitrarily arrested and detained by the Zairian authorities in 1983. Describe the events surrounding that arrest and detention.

Mr. Ahmadou Sadio Diallo: One day in 1983 when I returned home from work I discovered that my cook, a Burkinabe, had just been apprehended by agents from the National Documentation Centre. I went straight there, but when I asked why he had been detained, the agents immediately put me in a cell too. I spent three months there, sharing a cell with my cook. When President Mobutu was informed of the events surrounding my arrest he immediately stepped down as Administrator-General of the Centre, had all the detainees released and renamed the centre the National Documentation Agency. This was reported at the time in the *Jeune Afrique* newspaper.

I received no visits during my detention and was locked up in the cell for the entire three months. My food was ordered from hotels and paid for by my companies.

II. On the arrest of 1988

— Mr. Diallo, you say that you were arrested by the Zairian authorities in 1988. In this regard:

Question 1: Where were you apprehended? At home, in the street, or elsewhere? Give a precise answer, also indicating the time of your arrest.

Answer: I was apprehended in my office at the company Africontainers at around 1 p.m.; it was a Saturday.

Question 2: Who apprehended you? Men in uniform? If so, which uniform? Men in civilian clothes? What did they look like?

Answer: I was apprehended by a team made up of two people in civilian clothes and a policeman in uniform. The team burst into my office rather violently without first being announced by my personal secretary and while I was in conversation with two of my staff. One of the two people dressed in civilian clothes immediately seized me by the collar, which struck me as very odd. Initially I thought I was being abducted, but later I discovered that the people dressed in civilian clothes were in fact judicial officials from the Judicial Inspectorate.

Question 3: Did the people who apprehended you show you a document authorizing your arrest? Did they explain why you were being apprehended?

Answer: They did not show me a document of any kind authorizing my arrest. Neither did they explain why I was being arrested. They simply asked whether I had heard the news, nothing more.

Question 4: Did you agree to follow the people who apprehended you? Did you refuse?

Answer: I agreed to follow the people who apprehended me. However, in the light of their remarks, as specified above, I was careful to take with me a copy of the dossier that was making the headlines at the time. This related to the fact that the then Prime Minister, Mabi Mulumba, had taken advantage of the absence of the Minister of Finance at the beginning of 1988 to have a communiqué broadcast on national radio and television for one week stating that, in my capacity as managing director of Africom-Zaire, I had attempted to defraud the Treasury of the sum of 178,700,000 zaires; that sum actually represented payment for office supplies, which had been delivered in good and due form.

Question 5: Were you taken to a place of imprisonment, a place of interrogation or anywhere else? How were you transported to the place in question? How many people went with you? Were you handcuffed?

Answer: After my arrest, I was taken to a kind of interrogation centre and then to a place of imprisonment. From my office I was taken to a car with tinted windows, where they pointed a pistol at me and immediately extracted my Louis Vuitton wallet, which contained the sum of 156,000 zaires in big notes as well as the repair receipt for my Cartier watch, which has 16 small diamonds and which I had left at the Place Vendôme to be repaired, where I bought it in 1978. I was accompanied by three people and I was not handcuffed, but the pistol was pointed at me throughout the journey.

Question 6: Where were you taken immediately after being apprehended? To a police station, to an office, to a detention centre? How long did it take to get there?

Answer: After being apprehended, I was taken straight to the office of a Judicial Inspector in the Ministry of Justice and then to a cell, also in the Ministry of Justice. This reassured me that I had not been abducted. That first journey took about 30 minutes. I was locked up in the cell in the Ministry of Justice for two days without seeing anyone and without food. On the Monday at about 10 a.m., when I was visibly exhausted, the Advocate-General himself, showing no concern for the state that I was in, put me in his car to take me to Makala, to the *Maison centrale* prison, which is 15 km from the city centre. Obviously it was his chauffeur who drove the car. This second journey took about an hour because of the heavy traffic.

Question 7: Where were you held? What was your cell number? Where was this cell located in the prison; on which floor and, if applicable, in which wing? Was anyone else in the same cell or were you alone? What was the name of the prison guard with whom you necessarily came into contact? What colour was his uniform?

Answer: At Makala I was taken straight to the office of the prison Director. The Advocate-General presented me to him, saying that he had received an order from the Secretary-General of the Ministry of Justice to keep me there until further notice. For his part, the Director first offered me a piece of bread and a tin of sardines — I was delighted, but it was his only gesture during my entire stay —; then he had me taken to Pavilion 3 where the prisoners sentenced to life imprisonment are held. I was in cell 2 with the head of the pavilion. That cell is on the ground floor on the left after the football pitch.

Two weeks later I was moved to Pavilion 8, which is reserved mainly for high-ranking government officials and businessmen. There I was put on my own in cell 1, which, by the way, has a reinforced door and was the cell that prisoners who had been sentenced to death passed through in times gone by. It is also on the ground floor, but on the right as you enter the prison.

I do not know the name of the person in charge of the prison and I did not have any particular dealings with him or his staff; we addressed him by his position, that is as “Monsieur le Directeur”. He always wore a Mobutu suit, sometimes in navy blue, sometimes in light blue.

Question 8: Did you receive any information during your time in prison about why you were being detained? Did you receive any visits?

Answer: I was told by the office of the Judicial Inspector that my arrest was related to the Prime Minister’s communiqué. I therefore produced my documentary evidence but, although apparently convinced of its relevance, the judicial officials in question were unable to release me because they were under strict instructions to detain me until further notice. I did receive visits during my time in prison, but only once I had been transferred to cell 1 and then only on Sundays.

Question 9: How many meals a day were you given as a rule? What food was served?

Answer: The detention centre did not give me anything to eat all the time I was at Makala. It was always my family that sent me food.

Question 10: Describe, in as much detail as you can, the conditions in which you were held.

Description: In Pavilion 3, like the other detainees, I was free in the mornings in the pavilion courtyard and from 2 p.m. I was locked up until the following day. In Pavilion 8 the conditions were more comfortable.

Question 11: How did you find out that you were going to be released? Who told you?

Answer: It was the Director of the *Maison centrale* himself who came running into my cell to tell me that I was going to be released immediately; moreover, a delegation from the Presidency of the Republic, led by Pr. Osseley, an adviser to President Mobutu, was waiting for me in his office. It was my compatriot, Mr. Siradiou Diallo, a journalist at *Jeune Afrique* who was visiting Zaire at the time, who had interceded on my behalf with President Mobutu.

Question 12: When were you released? How were you released? What did you do immediately after leaving prison? What did you do in the days that followed?

Answer: I was released on 3 January 1989 without trial, on the very day that the Presidency delegation came to the *Maison centrale*. From the prison, this delegation took me to the Ministry of Justice. There, an Order granting me a presidential pardon was drafted, precisely to legalize my long and arbitrary detention, that is to say cover up the excesses of the Prime Minister from President Mobutu. Curiously, on the same day, the Secretary-General of the Ministry, the same man who had ordered me to be imprisoned a year earlier, died in his office from a heart attack.

The Order granting a presidential pardon was signed the same day. Subsequently, the *procureur général* at the Court of Appeal of Kinshasa sent me letter 431 dated 28 January 1989, according to which I had been released, "for inexpediency of prosecution".

It should be noted that my release only came after I had spent about a year in prison without trial. This was despite my producing relevant documentary evidence of the debt owed to the company Africom-Zaire, as indicated above, and the Minister of Finance officially denying the contents of the Prime Minister's abovementioned communiqué at a press conference on his return home.

When I came out of prison, the Presidency delegation took me to the Ministry of Justice and then to my home. However, before even having a wash, I went straight to the Guinean Embassy in Kinshasa to thank the ambassadorial authorities for all that they had done on my behalf, as I was already aware of their efforts. I then went back home. There I was able to meet Mr. Siradiou, whom I thanked and who accompanied me to see President Mobutu to thank him as well. In the days that followed, before going back to work, I had a medical check-up followed by various treatment.

III. On the arrest of 1995

— Mr. Diallo, you say that you were arrested by the Zairian authorities in 1995. In this regard:

Question 13: Where were you apprehended? At home, in the street, or elsewhere? Give a precise answer, also indicating the time of your arrest.

Answer: I was apprehended at home, the 9th floor of the PLZ building, Boulevard du 30 juin, in the residential quarter; it was a Sunday at about 2.30 p.m.

Question 14: Who apprehended you? Men in uniform? If so, which uniform? Men in civilian clothes? What did they look like?

Answer: I was apprehended by three agents from the General Services. They were wearing civilian clothes. They told me that they had been ordered to take me away immediately, but gave no further information.

Question 15: Did the people who apprehended you show you a document authorizing your arrest? Did they explain why you were being apprehended?

Answer: They did not show me a document of any kind authorizing my arrest. Neither did they explain why I was being apprehended, despite my asking them to do so. What is more, when I asked them whose orders they were acting under they said that they had been told not to answer that question. Similarly, when I said that I wished to inform my embassy or my lawyer by telephone, they indicated that I did not have the right to telephone anyone. However, I was allowed to change my clothes, because I was wearing pyjamas. I therefore went into my bedroom to do so accompanied by an agent; that is how I came to be wearing an Yves Saint Laurent suit and tie when we left.

Question 16: Did you agree to follow the people who apprehended you? Did you refuse?

Answer: Yes! I agreed to follow the people who apprehended me.

Question 17: Were you taken to a place of imprisonment, a place of interrogation or anywhere else? How were you transported to the place in question? How many people went with you? Were you handcuffed?

Answer: Yes! After my arrest I was taken to a place of imprisonment. As regards how I was taken to the place in question, the agents took me down in the lift at the rear of the building, so without anyone seeing me, and then put me into a Starlet car with tinted windows, which had been parked on that side of the building for the purpose. I was accompanied by the three agents. I was not handcuffed.

Question 18: Where were you taken immediately after being apprehended? To a police station, to an office, to a detention centre? How long did it take to get there?

Answer: I was taken to the General Services Headquarters, which are just opposite where I live, but on the way the agents saw fit to make about an hour's detour. They held me there until 9 p.m.; then they put me in another car, also with tinted windows, and after driving for about one hour they left me at the SNIP, the documentation centre.

Question 19: Where were you held? What was your cell number? Where was this cell located in the prison; on which floor and, if applicable, in which wing? Was anyone else in the same cell or were you alone? What was the name of the prison guard with whom you necessarily came into contact? What colour was his uniform?

Answer: I was held at the SNIP, in cell 4, first alone and then successively with a Frenchman, a Portuguese and a Belgian. That cell is on the ground floor of the building. The premises were guarded by different military forces in turn, in this case by the "red berets". I did not have any particular dealings with any of them; I do not know any of their names. Like all "red berets" they wore khaki green fatigues.

Question 20: Did you receive any information during your time in prison about why you were being detained? Did you receive any visits?

Answer: No one told me anything about why I was being detained, but I knew full well that it was related to the debts due to my companies, in particular from the oil companies, especially as I had just had certain of their bank accounts seized under court decisions that had been handed down in favour of my companies. I did not receive any visits during the entire period of my detention.

Question 21: How many meals a day were you given as a rule? What food was served?

Answer: The detention centre did not give me anything to eat.

Question 22: Describe, in as much detail as you can, the conditions in which you were held. (Were you beaten? Were you kept in isolation? Were you poorly fed? Anything else?)

Description: During the first four days of my detention I was kept secretly in a mosquito-infested cell that was permanently illuminated by a very bright light and I was deprived of food. Subsequently, when the media picked up the story, I was moved to be with the other SNIP detainees; this enabled my family and the public to find out where I was, which undoubtedly saved my life. Each time that my family brought me food they were obliged to pay a bribe in zaires amounting to the equivalent of US\$20 or 25. My family also managed to have me seen by a doctor at their expense. Very soon, however, I was taken back to cell 4, where I now always had a fellow inmate. After two months in custody I was freed on President Mobutu's orders, but only for a short time, as I was immediately rearrested and detained for a further two weeks before being expelled by order of the Prime Minister. I was not beaten either when I was arrested or while I was in custody.

Question 23: Were you maltreated? (Were you beaten? Were you kept in isolation? Were you poorly fed? Anything else?)

Answer: During my detention I was definitely maltreated, as I have specified above, but I was not beaten.

Question 24: How did you find out that you were going to be released? Who told you?

Answer: The question is not applicable as I was subsequently expelled.

Question 25: When were you released? How were you released? What did you do immediately after leaving prison? What did you do in the days that followed?

Answer: As above.

IV. On the expulsion

— Mr. Diallo, you say that you were expelled from Zaire by the Zairian authorities in 1996. In this regard:

Question 26: Were you served with a deportation notice?

Answer: I was not served with a deportation notice. I was not aware that a notice of refusal of entry even existed until I reached Abidjan. It was the Ivorian head of immigration who handed it to me and when he did so he expressed his astonishment at the nature of the document and strongly criticized it. In Abidjan I was obliged to beg for money so that I could telephone my embassy, explain my misfortune and ask the authorities to come and help me. I only saw the expulsion Order itself for the first time following the exchange of documents before the Court.

Question 27: If so, how, by whom and on what date?

Answer: The question is not applicable.

Question 28: What were the precise circumstances in which you were repatriated from Congolese territory in January 1996? (Who drove you to the airport and under what conditions? How did you board the plane? Was force used to make you board the aircraft?)

Answer: Six agents from the General Services including two soldiers, “red berets” who were armed to the teeth, drove me straight to the airport from my cell in a car with tinted windows, after I had resided in the country for 32 years. The idea was to put me on a CAMAIR flight leaving for Abidjan. But I did not have any travel documents and it was for that reason, but also because I did not have any other equivalent valid legal document, that the members of the crew refused to let me board the aircraft.

Subsequently, however, following heated discussions in the office of the head of the airport’s immigration service, one of the crew approached me to report that the Prime Minister had just been on the telephone threatening to stop CAMAIR flying to Zaire and that he had gathered that my life would be in danger if I were to spend that night there. He added that the airline had therefore agreed to take me on board the aircraft after all, despite the fact that I did not have a valid ticket. The four agents from the General Services and the two soldiers then escorted me to the aircraft and watched me board it. Of course I did not put up any resistance because I was going back to my country.

Question 29: What were your living conditions like in Guinea immediately after your repatriation? (Who did you stay with?) Have you had access to the property that you left behind in the Congo (material goods, bank accounts)?

Answer: When I arrived in Guinea after my expulsion from the DRC I was penniless and had no luggage, just the one suit. The only goods or items that are in my possession and that come from the DRC are the documents that form the basis for my claims before the Court; these had been sent to Guinea earlier, to my country’s authorities, so were already there when I arrived. Since being expelled I have been deprived of resources and live entirely on charity.

On my arrival in Conakry, I was met by Mr. Tyana Diallo, who like me is from Gaoual. Previously, when he was the Secretary of State for Water and Forests, I had sent him money to build me a villa in Conakry, together with some valuable gifts for third parties and a container with all the equipment and building materials necessary to build two prefabricated villas for my sisters, who had stayed in the village. I discovered, however, that the individual concerned had embezzled all of it and that he had even used the embezzled goods to build his own villa (for example, his doors are made of “Kamba” wood, a species that is said only to exist in the DRC and in any case not in Guinea). Since I arrived I have therefore been staying in one bedroom — which, by the way, is not air-conditioned — in the villa that should by rights be mine. I do not have any contact whatsoever with the landlord or his family and I do not have to pay them any rent. Nevertheless, I

am finding it difficult to make a legitimate claim to the goods mentioned above, as the documents that would prove my claim are still in the DRC.

Since I arrived in Guinea I have not been able to have access to the property I left behind in the DRC, including my personal effects and my bank accounts. Moreover, after my expulsion the company PLZ, which was my lessor, immediately broke down the door to my home to recover possession of it, despite the fact that a ruling had made repossession subject to the payment of a certain sum of money by way of compensation, which had not been made at the time of my departure. As a result, I have lost all of my personal effects, including cheque books, title deeds and evidence of debts owing to me, apart from the documents already lodged at the embassy.

Question 30: How have you maintained links with your commercial companies?

Answer: Of course I wanted to maintain links with my commercial companies, but because of my removal and, in particular, my state of total destitution, I have not been able to do so.

Question 31: Have you managed to find a new job? What have your living conditions been like since your repatriation from the Congo and your return to Guinea?

Answer: Since my expulsion from the DRC and my return to Guinea I have not yet managed to find work and am living from hand to mouth, relying on the charity of others.

V. On the fate of the companies Africom-Zaire and Africontainers since the expulsion

— Mr. Diallo, you were the active *gérant* of your companies until the events leading to your arrest and expulsion. Since then:

Question 32: Have you or could you have appointed another *gérant* for your companies? What has prevented you from doing so?

Answer: I have not appointed another *gérant* for my companies and I have not been able to do so, given that the companies were already encountering difficulties as a result of the deliberate misconduct of their business partners, but also the fact that I am far away with no chance of one day going there in person to see how the companies' businesses are faring; what is more, I am penniless and have no means of checking on what an agent would do.

Question 33: Could you have convened or organized a general meeting and had yourself represented at it? If so, what has prevented you from doing so?

Answer: I ought to have convened or organized general meetings of both companies, Africom-Zaire and Africontainers, and had myself represented at them. However, my expulsion, which reduced me to penury, has prevented me from doing so because of the costs involved, but then again I am the sole *associé* and *gérant* of these companies, and therefore supposed to know what position they are in, to the exclusion of anyone else.

Question 34: Have you monitored your companies' affairs in any way? Have you had sight of your companies' accounts, balance sheets or other documents?

Answer: Since my expulsion I have not monitored my companies' affairs in any way; I have been unable to do so for the reasons set out above. Furthermore, I have never received my companies' accounts, balance sheets or other documents.

Question 35: What has become of your employees? Who has administered your companies on a day-to-day basis?

Answer: According to news from the DRC, since my expulsion in circumstances which were, by the way, widely reported by the media, the containers belonging to the company Africontainers have been misused, misappropriated or stolen by my companies' business partners and certain authorities, the mayor for example. At one time, the State itself used the company's containers throughout the city of Kinshasa to block the roads to the rebels led by Kabila senior. After my expulsion and faced with a hostile environment, all of the employees of the Africontainers company therefore suddenly found themselves unemployed. The same goes for the employees of Africom-Zaire, as this company is an import/export business relying on bank loans and therefore the confidence of the banks. Needless to say, this confidence evaporated when I was expelled.

Since I was expelled, no one has administered the companies and, according to the same sources, most of their assets have been misappropriated. In any case, I have not been informed of this and I have not benefited from it.

Read, confirmed and signed in our presence.

IN WITNESS WHEREOF

We, the aforementioned and undersigned process servers, have drawn up this full transcript of the above on the date given, for any purposes for which it may be required.

(Signatures and stamps)

R.G. ANNEX 2

**Transcript of hearing of His Excellency Mr. Abdoulaye Sylla, drawn up on 28 October 2008
by Maîtres Boubacar Télimélé Sylla and Aboubacar Camara**

**Chambers of Maîtres Boubacar Telimele Sylla and Aboubacar Camara,
process servers for the courts and tribunals of Conakry
Tel. 60.25.21.81 / 64.33.96.27 / 64.25.92.72
(located near the Senegalese Mosque in the Koulewondy
Quarter, Commune of Kaloum)**

TRANSCRIPT OF WITNESS HEARING

On 28 October 2008 at 10.10 a.m.;

Before us, Maîtres Boubacar Télimélé Sylla and Aboubacar Camara, process servers for the courts and tribunals of Conakry, and at the request of Mr. Ahmadou Sadio Diallo, a businessman of Guinean nationality, residing in the Taouyah Quarter in the Commune of Ratoma, whose expulsion in 1996 from the Democratic Republic of the Congo (DRC) forms the basis for the case which bears his name and which the Republic of Guinea has brought against this country before the International Court of Justice in The Hague;

Appeared **His Excellency Mr. Abdoulaye Sylla**, diplomat and former Ambassador of the Republic of Guinea to Kinshasa, to give evidence in the above case;

In compliance with this request,

We, Maîtres Boubacar Télimélé Sylla and Aboubacar Camara, process servers for the courts and tribunals of Conakry, residing in the said city, undersigned;

Asked the individual concerned the following questions and received the following answers:

- Mr. Sylla, what do you know about the circumstances in which Mr. Ahmadou Sadio Diallo was at various times arrested and detained by the Zairian (Congolese) authorities, and what do you know about the circumstances surrounding his expulsion from the DRC by the same authorities?
- **His Excellency Mr. Abdoulaye Sylla:** I was the Ambassador of the Republic of Guinea to Kinshasa from August 1988 to December 1999. When I took up my post I discovered that Mr. Ahmadou Sadio Diallo had already been in prison for several months. When I looked into his case, I realized that he was the victim of an account settlement issue: he was still being detained despite the fact that documents existed to prove that he had correctly fulfilled his obligations under the contract in respect of which the then Prime Minister had accused him of attempted fraud and had him placed in detention. I then took steps to have him released, but he was not released until the beginning of 1989 and then without trial.

Another time — it was some time in 1995 — Mr. Diallo informed me that three judicial decisions had just been handed down in his favour, one ordering the company PLZ to pay a certain sum of money to the company Africom-Zaire and the other two ordering the companies FINA and Shell respectively to pay sums of money to the company Africontainers. At the same time he told me that he was experiencing serious difficulties in having them enforced and that, in the case of

Shell, the account seizures carried out by the National Judgment Enforcement Service had had no effect. I therefore referred the matter to the Minister of Justice, who in turn passed it on to his technical staff. When I subsequently came back to the Minister of Justice, he told me that the enquiry had revealed that the ruling was correct and that he was therefore going to strive to ensure that justice took its course by having the judicial decision enforced.

Subsequently, a Zairian, Mr. Katende, Chairman of Shell's Board of Directors, came to see me one day to ask me to persuade Mr. Diallo to abandon his claim to the interest on arrears due to him and to allow the debt to be paid in instalments. At the same time he offered me the sum of US\$30,000, which he himself described as a reward for giving him satisfaction. I declined his offer, which I regarded as an attempt to bribe me to the detriment of my compatriot, and I suggested that he would be better talking to Mr. Diallo himself.

The very next day, however, the Prime Minister invited me to a meeting to be held in his office the following day. I went to tell the Minister of Justice about how I had been approached in such an unusual way by Shell.

When I went to see the Prime Minister in response to his invitation, I was received not by him but by one of his staff, who told me that the meeting was about the case between Mr. Diallo and Shell. During the meeting, the Prime Minister's representative made it abundantly clear that if Mr. Diallo continued to pursue his claims his situation would become worse, far worse than he could ever imagine. I was frightened and, as soon as I was back at the embassy, I summoned Mr. Diallo to tell him what had been said and to advise him to leave Zaire immediately, being careful to take with him the originals of the documents that proved his claims. I also explained that there were specialized legal practices that would be able to deal with his case. However, Mr. Diallo did not take my advice, so I personally severed all contacts with him until I was informed of his arrest.

I had already received information confirming the threats that the Prime Minister's representative had made during our meeting, but it was only when I learnt that Mr. Diallo had been arrested that I resumed my work on his behalf. I went straight to see the Prime Minister in person. He said straight out that it was his reputation that was at stake in this case and that he was not therefore going to budge. I immediately informed my superiors in Conakry; in response they asked me to monitor the case closely. I therefore tried to arrange a meeting with President Mobutu, but was unable to do so, as at the time he was preoccupied with his illness.

About two months later, I received information to the effect that very soon Mr. Diallo was going to be expelled from Zairian territory and that the powers that be in Shell had, with the Prime Minister's agreement, even already purchased his air ticket from the airline CAMAIR. I was astonished. I therefore went in person to check this information with the airline, who confirmed it. I referred the matter to the Minister of Justice.

I also sent a letter to the Zairian Ministry of Foreign Affairs protesting at such an act, which violated the rules of protocol, the Zairian authorities having neglected to inform the Embassy in advance.

CAMAIR subsequently confirmed the same information to the General Services. Once they had this proof that the oil companies were involved in the proposed expulsion of Mr. Diallo, they arrested Mr. Katende as the chief protagonist in these companies. The next day, however, Mr. Katende was released on the Prime Minister's instructions. The Administrator-General of the General Services therefore went in person to Gbadolité to report to President Mobutu. Mobutu then ordered the immediate release of Mr. Diallo, which was done as soon as the Administrator-General returned. Thus it was that Mr. Diallo came to the Embassy to tell me and to thank me.

However, later that same day the Minister of Justice had a report broadcast on radio and television saying that the debts were legally due to Mr. Diallo's companies and would be paid no matter what. As a result, the following day, on the instructions of the Prime Minister, Mr. Diallo was again arrested and put back in prison with a view to being imminently expelled. This open defiance of President Mobutu had everyone in Kinshasa saying that he might be in power, but he no longer had any power, because in the past, "when he spoke the walls trembled". The split between Mobutu's clan and that of the Prime Minister, Kengo Wa Dondo, was now plain for all to see.

These were the circumstances in which Mr. Diallo was expelled from Zairian territory some two weeks later.

In response to a question: I cannot comment on Mr. Diallo's detention conditions in 1988 or 1995-1996 and certainly not in 1983. This is because I never had access to his place of detention and, as far as his detention in 1983 is concerned, I had not even arrived in Zaire at that time.

Read, confirmed and signed in our presence.

IN WITNESS WHEREOF

We, the aforementioned and undersigned process servers, have drawn up this full transcript of the above on the date given, for any purposes for which it may be required.

(Signatures and stamps)

R.G. ANNEX 3

[Provided by Guinea in English]

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Match 263 DB Rec# - 56,011 Dataset-WOFACT

Source :CENTRAL INTELLIGENCE AGENCY
Source key :CI
Program :WORLD FACTBOOK
Program key :CI WOFACT
Update sched. :Annually
ID number :CI WOFACT 263
Title :ZAIRE
Data type :TEXT
End year :1994
Date of record:02/16/1994

Keywords 3 :

| ZAIRE

Text :

ZAIRE

GEOGRAPHY

Location: Central Africa, between Congo and Zambia

Area:

total area: 2,345,410 km2

land area: 2,267,600 km2

comparative area: slightly more than one-quarter the size of US

Land boundaries: total 10,271 km, Angola 2,511 km, Burundi 233 km, Central African Republic 1,577 km, Congo 2,410 km, Rwanda 217 km, Sudan 628 km, Uganda 765 km, Zambia 1,930 km

Coastline: 37 km

exclusive fishing zone: 200 nm

territorial sea: 12 nm

International disputes: Tanzania-Zaire-Zambia tripoint in Lake Tanganyika may no longer be indefinite since it is reported that the indefinite section of the Zaire-Zambia boundary has been settled; long section with Congo along the Congo River is indefinite (no division of the river or its islands has been made)

Climate: tropical; hot and humid in equatorial river basin; cooler and drier in southern highlands; cooler and wetter in eastern highlands; north of Equator - wet season April to October, dry season December to February; south of Equator - wet season November to March, dry season April to October

Terrain: vast central basin is a low-lying plateau; mountains in east

Natural resources: cobalt, copper, cadmium, petroleum, industrial and gem diamonds, gold, silver, zinc, manganese, tin, germanium, uranium, radium, bauxite, iron ore, coal, hydropower potential

Land use:

arable land: 3%

permanent crops: 0%

meadows and pastures: 4%

forest and woodland: 78%

other: 15%

Irrigated land: 100 km2 (1989 est.)

Environment: dense tropical rain forest in central river basin and eastern highlands; periodic droughts in south

Note: straddles Equator; very narrow strip of land that controls the lower Congo River and is only outlet to South Atlantic Ocean

PEOPLE

Population: 41,345,738 (July 1993 est.)

Birth rate: 48.43 births/1,000 population (1993 est.)

Death rate: 16.91 deaths/1,000 population (1993 est.)

Net migration rate: 0.52 migrant(s)/1,000 population (1993 est.)

Infant mortality rate: 113.2 deaths/1,000 live births (1993 est.)

Life expectancy at birth:

total population: 47.26 years

male: 45.45 years

female: 49.12 years (1993 est.)

Total fertility rate: 6.7 children born/woman (1993 est.)

Nationality:

noun: Zairian(s)

adjective: Zairian

Ethnic divisions: over 200 African ethnic groups, the majority are Bantu; four largest tribes - Mongo, Luba, Kongo (all Bantu), and the Mangbetu-Azande (Hamitic) make up about 45% of the population

Religions: Roman Catholic 50%, Protestant 20%, Kimbanguist 10%, Muslim 10%, other syncretic sects and traditional beliefs 10%

Languages: French, Lingala, Swahili, Kingwana, Kikongo, Tshiluba

Literacy: age 15 and over can read and write (1990)

total population: 72%

male: 84%

female: 61%

Labor force: 15 million (13% of the labor force is wage earners; 51% of the population is of working age)

by occupation: agriculture 75%, industry 13%, services 12% (1985)

GOVERNMENT

Names:

conventional long form: Republic of Zaire

conventional short form: Zaire

local long form: Republique du Zaire

local short form: Zaire

Digraph: CG

Type: republic with a strong presidential system

Capital: Kinshasa

Administrative divisions: 10 regions (regions, singular - region) and 1 town* (ville); Bandundu, Bas-Zaire, Equateur, Haut-Zaire, Kasai-Occidental, Kasai-Oriental, Kinshasa*, Maniema, Nord-Kivu, Shaba, Sud-Kivu

Independence: 30 June 1960 (from Belgium)

Constitution: 24 June 1967, amended August 1974, revised 15 February 1978; amended April 1990; new constitution to be put to referendum in 1993

Legal system: based on Belgian civil law system and tribal law; has not accepted compulsory ICJ jurisdiction

National holiday: Anniversary of the Regime (Second Republic), 24 November (1965)

Political parties and leaders: sole legal party until January 1991 - Popular Movement of the Revolution (MPR); other parties include Union for Democracy and Social Progress (UDPS), Etienne TSHISEKEDI wa Mulumba; Democratic Social Christian Party (PDSC), Joseph ILEO; Union of Federalists and Independent Republicans (UFERI), NGUZ a Karl-I-Bond; Unified Lumumbast Party (PALU), leader NA

Suffrage: 18 years of age; universal and compulsory

Elections:

President: last held 29 July 1984 (next to be scheduled by High Council, the opposition-controlled transition legislature); results - President MOBUTU was reelected without opposition

Legislative Council: last held 6 September 1987 (next to be scheduled by High Council); results - MPR was the only party; seats - (210 total) MPR 210; note - MPR still holds majority of seats but some deputies have joined other parties

Executive branch: president, prime minister, Executive Council (cabinet)

Legislative branch: unicameral National Parliament; anti-Mobutu opposition claims National Parliament replaced by High Council

Judicial branch: Supreme Court (Cour Supreme)

Leaders:

Chief of State: President Marshal MOBUTU Sese Seko Kuku Ngbendu wa Za Banga (since 24 November 1965)

Head of Government: Interim Prime Minister Faustin BIRINDWA (since 18 March 1993)

Member of: ACCT, ACP, AfDB, CCC, CEEAC, CEPGL, ECA, FAO, G-19, G-24, G-77, GATT, IAEA, IBRD, ICAO, ICC, IDA, IFAD, IFC, ILO, IMF, IMO, INTELSAT,

Diplomatic representation in US:

chief of mission: Ambassador TATANENE Manata

chancery: 1800 New Hampshire Avenue NW, Washington, DC 20009

telephone: (202) 234-7690 or 7691

US diplomatic representation:

chief of mission: Deputy Chief of Mission John YATES

embassy: 310 Avenue des Aviateurs, Kinshasa

mailing address: APO AE 09828

telephone: 243 (12) 21532, 21628

FAX: 243 (12) 21232

consulate general: Lubumbashi (closed and evacuated in October 1991 because of the poor security situation)

Flag: light green with a yellow disk in the center bearing a black arm holding a red flaming torch; the flames of the torch are blowing away from the hoist side; uses the popular pan-African colors of Ethiopia

ECONOMY

Overview: In 1992, Zaire's formal economy continued to disintegrate. While meaningful economic figures are difficult to come by, Zaire's hyperinflation, the largest government deficit ever, and plunging mineral production have made the country one of the world's poorest. Most formal transactions are conducted in hard currency as indigenous banknotes have lost almost all value, and a barter economy now flourishes in all but the largest cities. Most individuals and families hang on grimly through subsistence farming and petty trade. The government has not been able to meet its financial obligations to the International Monetary Fund or put in place the financial measures advocated by the IMF. Although short-term prospects for improvement are dim, improved political stability would boost Zaire's long-term potential to effectively exploit its vast wealth of mineral and agricultural resources.

National product: GDP - exchange rate conversion - \$9.2 billion (1992, at 1990 exchange rate)

National product real growth rate: -6% (1992 est.)

National product per capita: \$235 (1992, at 1990 exchange rate)

Inflation rate (consumer prices): 35-40% per month (1992 est.)

Unemployment rate: NA%

Budget: revenues \$NA, expenditures \$NA, including capital expenditures of \$NA

Exports: \$1.5 billion (f.o.b., 1992 est.)

partners: US, Belgium, France, Germany, Italy, UK, Japan, South Africa

Imports: \$1.2 billion (f.o.b., 1992 est.)

commodities: consumer goods, foodstuffs, mining and other machinery, transport equipment, fuels

partners: South Africa, US, Belgium, France, Germany, Italy, Japan, UK

External debt: \$9.2 billion (May 1992 est.)

Industrial production: growth rate NA%

Electricity: 2,580,000 kW capacity; 6,000 million kWh produced, 160 kWh per capita (1991)

Industries: mining, mineral processing, consumer products (including textiles, footwear, and cigarettes), processed foods and beverages, cement, diamonds

Agriculture: cash crops - coffee, palm oil, rubber, quinine; food crops - cassava, bananas, root crops, corn

Illicit drugs: illicit producer of cannabis, mostly for domestic consumption

Economic aid: US commitments, including Ex-Im (FY70-89), \$1.1 billion; Western (non-US) countries, ODA and OOF bilateral commitments (1970-89), \$6.9 billion; OPEC bilateral aid (1979-89), \$35 million; Communist countries (1970-89), \$263 million; except for humanitarian aid to private organizations, no US assistance was given to Zaire in 1992

Currency: 1 zaire (Z) = 100 makuta

Exchange rates: zaire (Z) per US\$1 - 2,000,000 (January 1993), 15,587 (1991), 719 (1990), 381 (1989), 187 (1988), 112 (1987)

Fiscal year: calendar year

COMMUNICATIONS

Railroads: 5,254 km total; 3,968 km 1.067-meter gauge (851 km electrified); 125 km 1.000-meter gauge; 136 km 0.615-meter gauge; 1,025 km 0.600-meter gauge; limited trackage in use because of civil strife

Highways: 146,500 km total; 2,800 km paved, 46,200 km gravel and improved earth; 97,500 unimproved earth

Inland waterways: 15,000 km including the Congo, its tributaries, and unconnected lakes

Pipelines: petroleum products 390 km

Ports: Matadi, Boma, Banana

Merchant marine: 1 passenger cargo ship (1,000 GRT or over) totaling 15,489 GRT/13,481 DWT

Airports:

usable: 235

with permanent-surface runways: 25

with runways over 3,659 m: 1

with runways 2,440-3,659 m: 6

with runways 1,220-2,439 m: 73

Telecommunications: barely adequate wire and microwave service; broadcast stations - 10 AM, 4 FM, 18 TV; satellite earth stations - 1 Atlantic Ocean INTELSAT, 14 domestic

Defense forces

Branches: Army, Navy, Air Force, paramilitary National Gendarmerie, Civil Guard, Special Presidential Division

Manpower availability: males age 15-49 8,879,731; fit for military service 4,521,768 (1993 est.)

Defense expenditures: exchange rate conversion - \$49 million, 0.8% of GDP (1988)

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Zaire

Currency

In 1967 the Congolese franc was replaced by the zaire, a nonconvertible unit with a value of US\$.50 to the zaire. This exchange rate held good until March 1976 when the zaire was revalued to Z1.1 to the SDR. A succession of devaluations in 1978, 1979, 1980, and 1981 temporarily gave the zaire a realistic value, but, because the fixed link with the SDR was retained, the black market quickly took over again as the principal market for exchange. A few exporters, notably Gécamines and other government-owned companies as well as the offshore oil consortium, normally observed the official exchange rate, a policy that inevitably had an adverse impact on their cash flow because the local currency they were paid was considerably less than the real value of their foreign-exchange earnings.

The overvaluation of the zaire led to consistent shortages of hard currency at the official rate, making it difficult for local industries to import necessary inputs and spare parts. This limitation and restrictions on repatriating profits by overseas investors gave rise to a black market where the zaire sold at a fraction of its official value. For example, the parallel rate stood at five times the official rate in September 1983.

The parallel rate was the principal currency vehicle for business. Recorded diamond exports dropped sharply as smuggling offered a considerably higher profit margin than operating officially. Diamonds were sold at one point by nondiamond-producing Burundi. Coffee exporters were required to present their export documents to official channels in order to register their allocated percentage of Zaire's international coffee organization quota. However, it was common practice to ask bankers to deliver foreign-currency receipts to another customer, who would then pay the exporter zaires at the parallel rate minus a commission. Some exporters simply smuggled coffee to neighboring countries. Access to limited and grossly undervalued foreign exchange depended on political and family connections. In this way, many members of the Zairian elite gained easy access to hard currency, as opposed to those Zairians and foreigners engaged in more entrepreneurial pursuits.

Throughout the early 1990s, the Zairian government accelerated its attempts to acquire hard currency and to control foreign-exchange transactions. In October 1993, the regime required all Zairian exports to be paid for in advance in foreign currency. In addition, all incoming foreign exchange had to be "sold" to the central bank for domestic currency within forty-eight hours of receipt.

In terms of the United States dollar, the zaire has registered a dramatic decline in value since 1985, when Z50 equaled US\$1, and 1986 when Z60 equaled US\$1. The average annual value of the zaire per US\$1 was registered as Z112 in 1987, Z187 in 1988, Z381 in 1989, and Z719 in 1990. The zaire was devalued in August 1991 in order to match the official exchange rate with the black-market rate, resulting in a new official rate of US\$1 = Z15,300. But in 1992 the rate plummeted to US\$1 = Z114,291 and continued to deteriorate. The official rate was Z1,990,000 = US\$1 by December 1992 (the average annual rate for 1992 was Z645,549 = US\$1).

In January 1993, the regime attempted to introduce a new Z5 million note. But opposition forces denounced the move as inflationary and encouraged merchants to refuse to accept the note. When

many of them did so, soldiers who had been paid in the notes went on a rampage, and extensive rioting and looting occurred. By March 1993, the exchange rate was Z2,529,000 = US\$1.

In October 1993, the regime again attempted to resolve its chronic liquidity crisis by announcing the introduction of a new zaire (nouveau zaire--NZ), each supposed to be worth 3 million of the old zaire and set at an official rate of three new zaires to the United States dollar; the old currency was to be withdrawn from circulation. The change had not been implemented by the end of 1993. The result of the announcement alone has, however, been a drastic plunge in the exchange rate in the black market and another surge in prices. The zaire traded against the United States dollar at a seemingly ridiculous rate of 8 million to one in October 1993; by December the rate was a patently absurd Z110 million to the dollar and still rising. Once again some rioting and looting occurred when opposition forces promoted a boycott of the new currency.

Data as of December 1993

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R.G. ANNEX 4

**Order [*Ordonnance*] No. 67-483bis on the consultation procedure
of the aliens consultative committees**

[Relevant excerpts are translated in the body
of the Reply (see para. 1.84).]

R.G. ANNEX 5

**Law No. 004 of 21 February 2002 establishing
the Investment Code**

[Relevant excerpts are translated in the body
of the Reply (see para. 2.99).]
