

Congress of the United States
Washington, DC 20515

November 1, 2016

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We appreciate your Administration's efforts to promote good governance in the Democratic Republic of the Congo (DRC) by issuing sanctions designations on senior government officials who pose a threat to peace. However, we urge you to expand the scope of U.S. sanctions and coordinate with European partners in order to help avert what many observers, including Administration officials, predict will be further instability once the term of President Joseph Kabila expires on December 19 of this year, in accordance with the DRC's constitutionally-mandated two-term limit.

Publicly available evidence suggests that additional senior officials are appropriate targets for U.S. sanctions. This includes **Evariste Boshab**, the Vice Prime Minister in charge of the Ministry of the Interior who is believed to be one of the main architects of the effort to extend President Kabila's rule, and **Kalev Mutond**, head of the Agence Nationale du Renseignement, DRC's national intelligence agency, which is implicated in gross human rights abuses, including violent repression and extra-judicial detention of opposition and civil society activists, and blatant interference in the justice sector. Sanctioning individuals involved in such activities will send a clear signal the United States stands firmly with the Congolese people and their desire for a democratic transition of power.

Targeted financial sanctions against senior DRC officials have considerable potential. The DRC is a resource rich country. Unfortunately, evidence suggests that significant funds from industries such as mining have been diverted from the country's treasury to enrich members of the ruling elite. Countering the ability of these elites to benefit from stolen riches would help to remove a key driver of the current power struggle.

U.S. sanctions against such individuals could encourage European countries and the European Union to establish similar measures. Belgium, the United Kingdom, France and the EU have recently issued strong condemnations against President Kabila that threaten sanctions, while the Belgians have issued restrictions on visa lengths. U.S. leadership is essential to encourage these countries to take stronger steps.

Coordinating U.S. and European sanctions could be particularly effective with regard to DRC because, as the Enough Project recently explained, "Congolese elites bank

and conduct business in U.S. dollars and thereby transfer money through the U.S. frequently” and “bank and travel in Belgium, France, and the United Kingdom.” Sanctions should be paired with additional judicial investigations into kleptocratic activity by top DRC officials.

Therefore, we urge you to take the following actions:

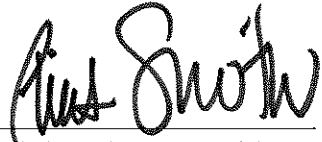
1. Instruct the Treasury Department’s Office of Foreign Assets Control (OFAC) and Financial Crimes Enforcement Network (FinCEN) and other relevant Federal agencies to work with their European partners to identify banks used by Congolese officials, including their correspondent banks in the U.S. and Europe, and work to freeze officials’ assets through those banks.
2. Direct the Department of Justice’s Kleptocracy Asset Recovery Initiative to investigate if any criminally-derived assets are held by DRC government officials in the United States or moved through U.S. banks.
3. Once an investigation is initiated, direct the Department of the Treasury, the Department of Justice, and other relevant Federal agencies to help locate financial assets and recent transactions by DRC government officials to find the proceeds of corruption.
4. If Treasury finds reasonable grounds for concluding that any specific financial institution is a “primary money laundering concern” with regard to the illicit financial activities of DRC government officials, then Treasury should require U.S. domestic financial institutions and financial agencies to take special measures against such entity, under Section 311 of the Patriot Act.
5. Encourage financial intelligence units (FIUs) in Europe to issue advisories to their banks, which many senior government officials and their families reportedly use.

Mr. President, greater instability in the Democratic Republic of the Congo’s would have serious implications for Central Africa and the broader international community. DRC borders nine nations on the African continent, and a sudden explosion of refugees would wreak havoc in a region in which South Sudan, the Central African Republic, and Burundi already are in crisis, while Republic of Congo and Gabon have also experienced recent political turmoil.

As you know, time is quickly running out given rising opposition to the extension of President Kabila’s rule. We urge your Administration to take the much stronger steps

we propose now to prevent a more serious crisis from befalling the Congolese people, the region and the rest of the international community.

Sincerely,



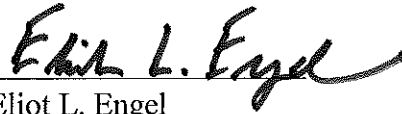
Christopher H. Smith
Chairman
House Subcommittee on Africa, Global
Health, Global Human Rights, and
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House Subcommittee on Africa, Global
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