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Opposition parties hold a protest of over 500,000 people against president Alpha Condé's (2010-present) government. The protestors demand that Condé step down and call for a more responsive democracy. United States (US) federal prosecutors arrest Gabonese businessperson Samuel Mebiame, a former consultant for Och-Ziff Capital Management Group LLC, the largest publicly traded hedge fund in the US. The prosecutors are investigating allegations of bribery of government officials in Guinea, Niger and Chad, which would violate the US Foreign Corrupt Practices Act. The Dixinn tribunal in Conakry sentences opposition Union des Forces Démocratiques de Guinée (UFDG) member of parliament for Gaoual Prefecture (Boké Region) Ousmane Diallo, to two years in prison. The charges are defamation of Condé and death threats to three members of the ruling Rassemblement du Peuple de Guinée (RPG) – Bantama Sow, Malik Sankhon and Hady Barry.

Opposition parties hold protest against Condé

Opposition parties held a protest on 16 August against president **Alpha Condé** (2010-present) and the ruling **Rassemblement du Peuple de Guinée (RPG)**, holding banners with slogans such as “down with the dictatorship” and “Alpha must resign”.¹ Between 500,000 (according to the government) and 700,000 (according to the opposition) protestors took to the streets in the capital **Conakry**, calling for a more responsive democracy.² Reportedly, government forces killed at least one youth after shooting live rounds at protestors:

“This is one death too many during our protest. On the other hand, the situation is likely to get more difficult if it takes too much time to open dialogue. The death of the young man by a bullet was an isolated case and all parties condemn this. The opposition had itself even congratulated government forces for their restraint during the march.”³

The protest appeared to contradict previous statements from the opposition that claimed they did not seek the removal of Condé from power (see *ARC Briefing Guinea July 2016*). Several opposition party leaders now openly call for Condé to step down, including **Mamadou Mouctar Diallo** of the **Nouvelles Forces Démocratiques (NFD)**,

“We have said it and will not cease to say it: the opposition will continue its protests until it obtains a change in conduct. Condé has shown his limits. He came to destroy what few jobs the youth had in Guinea, and the opposition is ready to follow through with its fight. We will not accept this.”⁴

Cellou Dalein Diallo, leader of the main opposition party the **Union des Forces Démocratiques de Guinée (UFDG)** focused his criticism on the economic failures of Condé’s government,

¹ RFI, 17 Aug 2016.

² RFI, 17 Aug 2016.

³ Source, political analyst, Conakry

⁴ Mouctar Diallo, NFD leader, Conakry

*“Thanks to [Condé’s] incoherencies, blunders, incompetence, the only alumina factory in the country closed. [Mining firm] **Rio Tinto** [see ARC Briefing Guinea July 2016] promised 100,000 jobs... and through Condé’s incoherencies and blunders they have packed their bags.”⁵*

If the Guinean opposition manages to maintain its protest against the Condé government, there are significant concerns that potential investors will be risk averse, as local sources confirm:

“It’s obvious that these protests could be a danger for investment in Guinea, because an investor will never set foot in a country where people are closing shops, halting work in mines because of the suspension of transport services. Imagine ships are waiting for three days without being able to load their cargo of bauxite. It would be better for leaders and all political parties to get around a table and speak the same language so that investors can be reassured of a climate of peace.”⁶

US federal prosecutors arrest businessman Mebiame on bribery charges

United States (US) federal prosecutors on 16 August arrested Gabonese businessperson **Samuel Mebiame** on charges of bribing government officials in Guinea, **Niger** and **Chad**, in violation of the **US Foreign Corrupt Practices Act**.⁷ The allegations against Mebiame, if true, lend credence to the view that government corruption remains endemic in **West Africa**, and is indispensable in order to secure certain contracts. Mebiame is politically connected to the ruling party in **Gabon**, the **Parti Démocratique Gabonais**. Samuel Mebiame is the son of former Gabon prime minister **Léon Mebiame**, who served between 1975 and 1990 under president **Omar Bongo Ondimba** (1967-2009).⁸ Even though the allegations directly implicate Guinean government, it has refused to comment on the issue,

“Mebiame’s arrest in the US is currently not present in people’s minds in Guinea. Despite the government’s commitment to cooperate with the US justice to validate the truth, politicians are refusing, for now, to communicate on this, even if they accuse the Condé government of corruption in the Guinean mining sector.”⁹

The federal prosecutors allege that Mebiame bribed several officials in order to secure mining rights in Guinea. Specifically, they allege that Mebiame gave a **Mercedes Benz** vehicle to, and rented an **Airbus** jet for, a government official.¹⁰ Prosecutors claim that Mebiame worked as a consultant for a joint venture called **Africa Management Ltd**.¹¹ Press sources believe that **Och-Ziff Capital Management Group LLC**, the largest publicly traded hedge fund in the US with over \$39 billion in assets under management, and **Turks and Caicos**-based investment firm **Palladino Holdings Ltd** co-owned the venture.¹² The prosecutors allege Mebiame previously admitted that the venture paid him \$3.5m and an unspecified stake in the joint venture to bribe officials.¹³ The prosecutors cite an email that Mebiame allegedly sent to an unnamed colleague at African Management, which states that the company systematically used corruption to acquire its assets in Africa.¹⁴

Civil society quickly responded to the allegations. **Addourahama Sano**, president of the **Plateforme des Citoyens Unis pour le Développement (PCUD)**, which represents over 300 organisations, committed to independently investigate the case to support the US inquiry,

⁵ RFI, 17 Aug 2016.

⁶ Source, mining journalist, 24 Aug 2016.

⁷ WSJ, 16 Aug 2016.

⁸ Jeune Afrique, 18 Aug 2016.

⁹ Source, journalist, Conakry

¹⁰ WSJ, 16 Aug 2016.

¹¹ WSJ, 16 Aug 2016.

¹² WSJ, 16 Aug 2016.

¹³ WSJ, 16 Aug 2016.

¹⁴ WSJ, 16 Aug 2016.

“We will give particular attention to this case... The PCUD is investigating the information, but already we congratulate the US justice for fighting against corruption in the mining sector in Guinea... For now we will seek to acquire documentation on this case.”¹⁵

The **International Consortium of Investigative Journalists (ICIJ)** reports that Mebiame was a shareholder in the now defunct **British Virgin Islands (BVI)**-based **Miri Associates Inc** between 2006 and 2007.¹⁶ The ICIJ claims Miri Associates was an intermediary of BVI-based **Steval Management SARL**, indirectly linked to **Belarussian** business magnate **Anatoly Ternavsky**, who is listed on **European Union (EU)** sanctions lists for illegal payments to government bodies.¹⁷

Judge sentences UFDG MP to two years in jail for defamation

The **Dixinn** tribunal in Conakry on 12 August sentenced UFDG member of parliament (MP) for **Gaoual Prefecture (Boké Region) Ousmane Diallo** to two years in prison and a GNF1m (\$110) fine for defaming Condé and issuing death threats to three members of the ruling RPG – **Bantama Sow**, **Malik Sankhon** and **Hady Barry**.¹⁸ The prosecution alleged that Diallo had made the defamatory and threatening comments in the lead up to the proposed march against Condé on 4 August, which was later postponed to 16 August (see above):¹⁹ Local media reported Diallo’s comments:

“Condé said that the opposition send children to the streets to be killed. A head of state that says this is no longer president. He is nothing more than an ambulant criminal because [a president] shouldn’t kills Guineans, but protect them... We must on 4 August remind these apprentice dictators, the pyromaniacs called Sow, Sankhon and Barry, who are sowing seeds of the next civil war in this country, that the right to organise a counter-protest is nowhere enshrined. May the counter-protest prepare itself, because that will probably be the day when the civil war commences, because we shall protest.”²⁰

Police detained Diallo on 2 August and kept him in custody for at least four nights, before releasing him to appear for his trial.²¹ The tribunal sentenced Diallo to three years less than the maximum sentence of five years, which public prosecutor **Sidi Souleymane Ndiaye** had called for.²² Tribunal member **Antoine Pépé Lama** claimed that the decision was a “*strong signal to political players that they are from now encouraged to make statements with decency and moderation*”.²³ Diallo’s defence, however, claims that there was

“... neither defamation, threats nor offense to [Condé]. We fold at this current decision. But this does not mean that we will not use our right to appeal this decision.”²⁴

UFDG leader Cellou Diallo accused the government of using the judiciary to weaken the opposition and “*settle accounts*” for comments he said are not abusive.²⁵ Law professor **Mohamed Camara** claims that the proceedings are a violation of legal procedure,

“Even if [Diallo’s] comments are extremely bad, in legal terms, the form determines the background. His comments effectively weaken the social fabric. These are comments which are legally condemnable. Nonetheless, the procedure must be respected. MPs benefit from parliamentary immunity. The law stipulates that if the breach was made during a parliamentary

¹⁵ Source, PCUD leader, Conakry

¹⁶ www.icij.org

¹⁷ Multiple sources: European Sanctions, 21 May 2015; www.icij.org; www.lexology.com

¹⁸ RFI, 13 Aug 2016.

¹⁹ Jeune Afrique, 4 Aug 2016.

²⁰ Jeune Afrique, 4 Aug 2016.

²¹ Jeune Afrique, 4 Aug 2016.

²² RFI, 13 Aug 2016.

²³ RFI, 13 Aug 2016.

²⁴ RFI, 13 Aug 2016.

²⁵ Jeune Afrique, 4 Aug 2016.

session, the authority of parliament is required to lift this immunity. And if it is outside the parliamentary session, as was the case, it needed the authorisation of the parliamentary office.”²⁶

One of Diallo’s lawyers, **Salifou Béavogui**, claimed that defending the opposition in Guinea is “*extremely difficult*”.²⁷ Béavogui believes that the objective of the legal procedure is to “*silence, muzzle [Diallo]*”.²⁸

Implications

The continuation of opposition protests against Condé and the RPG presents a significant risk to political and economic stability in Guinea. The scale of the protest – over 500,000 people, at least 4% of Guinea’s total 12 million population²⁹ – shows the level of disillusionment with Condé’s government. He appears to be facing more than a simple opposition protest, especially after Rio Tinto announced in July that the **Simandou** mine, Guinea’s single largest economic prospect, would be shelved until further notice (see *ARC Briefing Guinea July 2016*). The death of protestors, even though the government strongly condemned this, will only further inflame the opposition, which appears very firm in its demands for a change in power.

The implications of the US inquiry are a risk for the government. If the allegations reveal corruption in the Guinean mining sector, this would consolidate the view that corruption is endemic in the sector. This is especially important following the very high profile **Beny Steinmetz Group Resources (BSGR)** bribery scandal under the **Lansana Conté** (1984-2008) government (see *ARC Briefing Guinea February 2016* and *November 2015*) and the **Global Witness** allegations against **Sable Mining Africa Ltd** in May (see *ARC Briefing Guinea May 2016*).

The tribunal’s conviction and sentencing of Diallo, even though the government’s claims of defamation may be legitimate, are ill-timed for Condé’s government, as it is likely that this will only exacerbate opposition criticism. Furthermore, if the Guinean judiciary is in fact ignoring legal procedure, it raises concerns about its legitimacy and independence. So far, no international actors have commented on the case, but an external legal view would certainly help contextualise what appears to be a highly politicised case.

²⁶ Source, law professor, Conakry

²⁷ Source, defence lawyer, Conakry

²⁸ Source, defence lawyer, Conakry

²⁹ www.stat-guinee.org

About Africa Risk Consulting:

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