

Ref: TC/AFR 62/2014.004

Malta David Forrest  
CEO and Vice President  
Groupe Forrest International S.A.  
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25 November 2014

Dear Mr Malta David Forrest

Thank you for your letter dated 17 November 2014.

I would like to take this opportunity to respond to the points you make.

In response to Amnesty International's question about how *Groupe Forrest International* (GFI) can maintain its denial that the homes and businesses of Kawama villagers were demolished, given the evidence we present (satellite images, photographs, prosecutor's data, video footage and witness testimony), you state:

*"Our answer is simple: We are not refuting anything." (GFI to Amnesty International, 2014)*

But you yourself clearly did refute this in a letter to Amnesty International dated 2013 in which you stated:

*"According to our sources, no villagers' residence was touched by the operation of the mining police." (GFI to Amnesty International, 2013)*

Your representative also made this claim in a meeting with Amnesty International in May 2013.

The demolitions were carried out on the mine concession in which your subsidiary, *Entreprise Générale Malta Forrest* (EGMF), was the operator, using EGMF bulldozers operated by company drivers. Your sources could not but know the truth.

We can only take it that the overwhelming evidence presented to you makes further denial impossible. We regret however that you have not acknowledged how damaging your denial has been to the efforts of the people of Kawama to secure justice.

Your refer in your letter to a number of factors that you believe Amnesty International has not considered, including the actions of the police and the current situation at the mine. As you can see from our report, we have considered all of those factors and communicated with a wide range of actors as part of our investigation in this case. What we presented in our letter to GFI were the elements of the case where we believe – based on the evidence – the company has a case to answer. Your letter in fact ignores almost all of the evidence we presented to you.

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Your letter states that we refused to share satellite images with you. This is incorrect. Amnesty International shared the images and analysis. We forwarded you the response of American Association for the Advancement of Science explaining that they were unable to share the raw imagery because of the terms of their license. GFI was – and remains - free to purchase the satellite images itself to review them.

I would note that each element of our evidence – all presented to you to review, in English and French – stands alone and each piece of data corroborates the other sources. Your version of the demolitions does not stand.

You state that: *“The fact that the company has no responsibility in the matter was highlighted by a Congolese judicial investigation, by the national contact point for the OECD in Belgium to which the case had been presented, by a series of Congolese NGOs active in Kawama and in Katanga and by the various witnesses of the events ...”*

This is not correct. The Congolese investigation was stalled as we show in our report. The Belgian national contact point for the OECD confirmed to Amnesty International in writing that it did not do any investigation as it had no capacity to do so. The case was brought by Congolese and international NGOs, one of whom took photographs in Kawama two days after the evictions. We are not aware of witnesses to the events who absolved GFI of responsibility other than those employed by the company itself – and, as we note, not all of the testimony of employees actually does so. The testimony of some of the drivers of the bulldozers calls into question the extent to which the company offered any meaningful protest to the misuse of its vehicles and staff to carry out unlawful demolitions over two days.

In short, GFI repeatedly attempts to suggest that other actors have absolved the company of responsibility, but fails to engage with the considerable and irrefutable evidence of a central fact. You denied the homes and business of villagers were destroyed. This was a lie.

International standards on business and human rights are clear: a company should act with due diligence to become aware of, and prevent, human rights abuses and violations linked to its business operations. GFI took no meaningful action to prevent the demolitions and forced evictions. It is impossible to conclude otherwise given GFI denied that demolitions and forced evictions of homes and businesses of villagers of Kawama even happened.

GFI owes the people of Kawama an apology. GFI should pay compensation – whether in cooperation with the Congolese authorities or on its own – to address the losses of the people of Kawama. This compensation must take account of the fact that the losses increased because the truth of the situation was denied for so long.

We urge GFI to urgently engage in resolving this case.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Audrey Gaughran', with a stylized flourish at the end.

Audrey Gaughran  
Director, Global Issues



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Lubumbashi, 27 November 2014

Your ref: TC AFR 62/2014.004  
Our ref: CEO/MDF/oal/271114

Dear Director,

I have received your letter of 25 November. I take note and observe that the arguments put forward by Amnesty are henceforth limited to accusing me, and my Group, of "lying", namely and I quote you, *"having denied that homes and shops were destroyed. This was a lie."*

To defend this viewpoint, you quote an excerpt of my letter to Amnesty of June 2013 in which I wrote to you: *"According to our information, no house belonging to a villager was affected by the mine police operation"*. This is true since we did not have this information. Therefore we are not lying.

In our exchanges of November 2014, you asked me whether we challenged, in the light of the photographs that you sent us, that bricks and mortar buildings had been destroyed. I replied as follows: *"We are not refuting anything. But it is of no importance whether we refute or recognise that there was any destruction. Having no direct or indirect responsibility in it, it is not our role to seek out such elements."* Again this is not a lie. We note a fact and recall our lack of responsibility in the police operation at Kawama.

In a concern for intellectual honesty, it seems important to me to state that is it not because two people have differing sources of information that either person is lying. I do not believe that you will challenge this obvious fact.

I once again repeat to you that the events of November 2009 at Kawama are serious. We have condemned them on several occasions. The people responsible for this destruction (decision and implementation) have recognised the facts before the Congolese judicial authorities. Contrary to what you have stated, they do not belong to our Group or to one of its subsidiaries.

Yours sincerely,

Malta David Forrest,  
CEO and Vice-President