

SUMMARY

Documented at the URL <https://thaurfin.com/ref/>

Related to the Mining Research Permit PR 1323, 1324 and 1325 covering the gold (target>2Moz) and iron (>1bt@65%Fe) deposit of Banalia

Following a procedure for granting in full compliance with mining legislation, 37 mining research permits (PR) were granted on 17/02/2006 by ministerial orders including 3PR 1323, 1324 & 1325.

On 9/03/2006, a fictitious applicant submitted an application for conversion of 36 alleged old mining permits prior to the mining code of 2002 covering 3PR 1323, 1324 & 1325.

This request violates Article 34 of the Mining Code, which prohibits the mining registry office from investigating any claim on an already affected area. This section means that two mining permits cannot co-exist on [a mining square](#). If one exists, the other does not.

On 01/09/2006, having not obtained the prospecting certificates of these 3PR in accordance with art 109 of the mining regulation, a meeting was held at the Registry Office. The PV acknowledges that 37PR had been granted by Ministerial Orders and that superficial taxes were paid. The Registry Office alleges that the 3PR would cover previous permits.

Since it is impossible for a mining square to be assigned to two different RPs, the Registry Office considered that 3PR never existed by signing unfavorable cadastral notices. The cadastral notices are issued at the end of the cadastral study, if they are negative, the application for PR is classified without further action. This means that these documents of 3PR [1323](#), [1324](#) & [1325](#) would never have existed.

These documents prove, on the contrary, that these 3PR were granted by Ministerial Orders in accordance with Article 10 of the mining code according to which only the Minister of Mines is competent to grant and revoke mining permits. Since the false unfavorable cadastral opinions consider the 3PR to be non-existent, it is not conceivable that they could have been revoked by Ministerial Orders.

The 3PR has therefore never ceased to be valid.

In response to a request from the mining agent of Thaurfin Ltd to issue research certificates, the [Director General of the Mining Cadastre responds by a letter](#) invoking these false documents to justify the alleged non-existence of 3PR. It confirms that these 3PR have never been canceled.

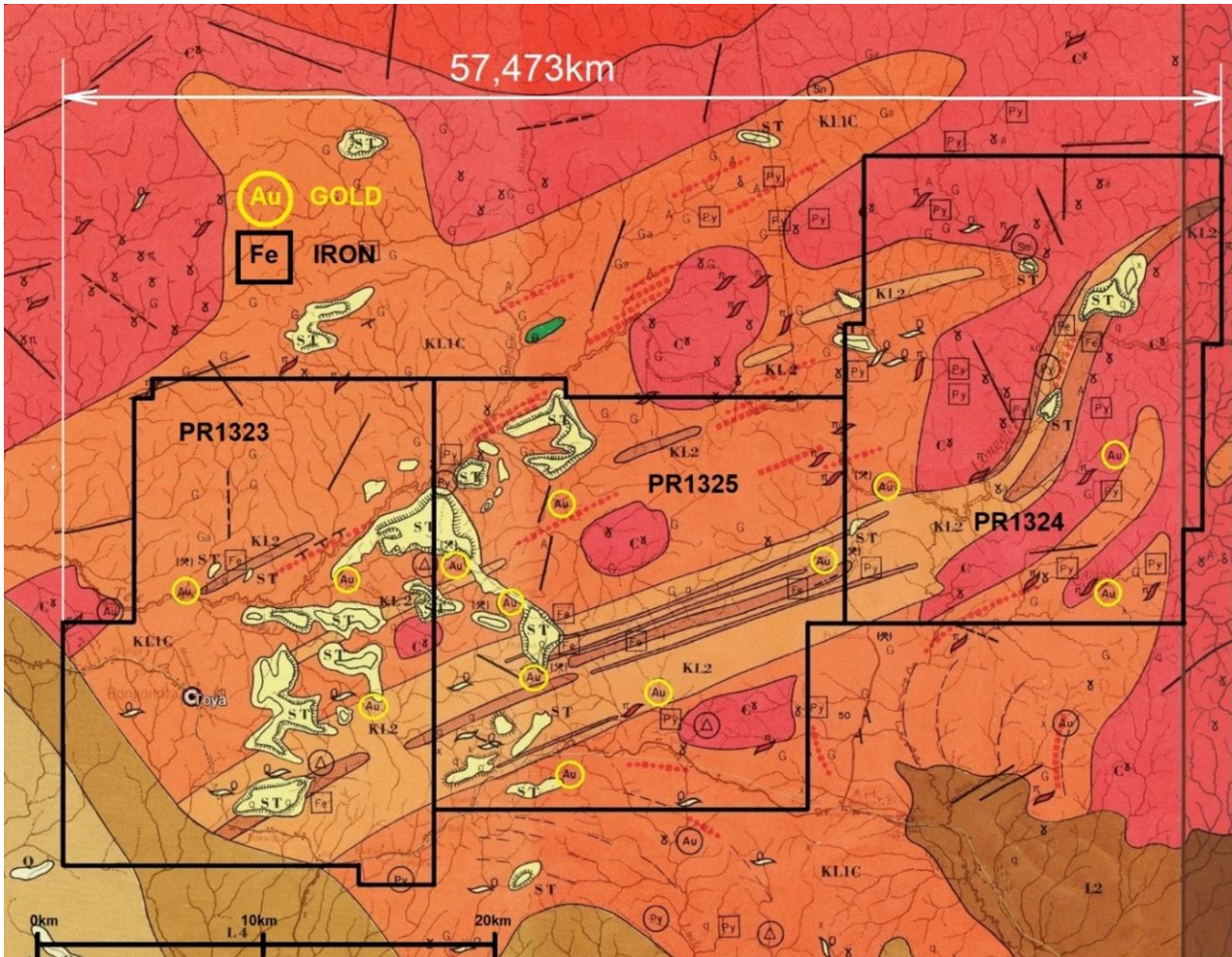
With no permits for many causes, Dan Gertler (Orico) was looking for 7b\$ to develop the exceptional iron deposit of more than 1bt@65%Fe. Any investor's basic due diligence would have concluded that these [36PR did not exist](#).



This deposit of gold (target>2MOzAu) and iron (>1bt@65%Fe) has been unexploited since 2006 due to a number of misdeeds.

While iron ore is enable the integrated development of Tshopo Province by financing export infrastructure, a 2000MW dam upstream of Kisangani and a steel industry through DRI/H2, the presence of gold is also enable the development of these 3PRs to be financed.

Gold is present on the 3 permits (see complete BRGM map : <http://thaurfin.com/carte-geo-3PR.jpg>)



According to a renowned geologist's estimate in 2017, gold reserves are estimated to be greater than 2 MOz. Since then, the price of gold has risen sharply, leading to a lower cut-off grade and thus an increase in reserves.

1. Brief history

The history is documented at the URL <http://thaurfin.com/references/> which presents the facts in chronological order with a hyperlink to its documentation.

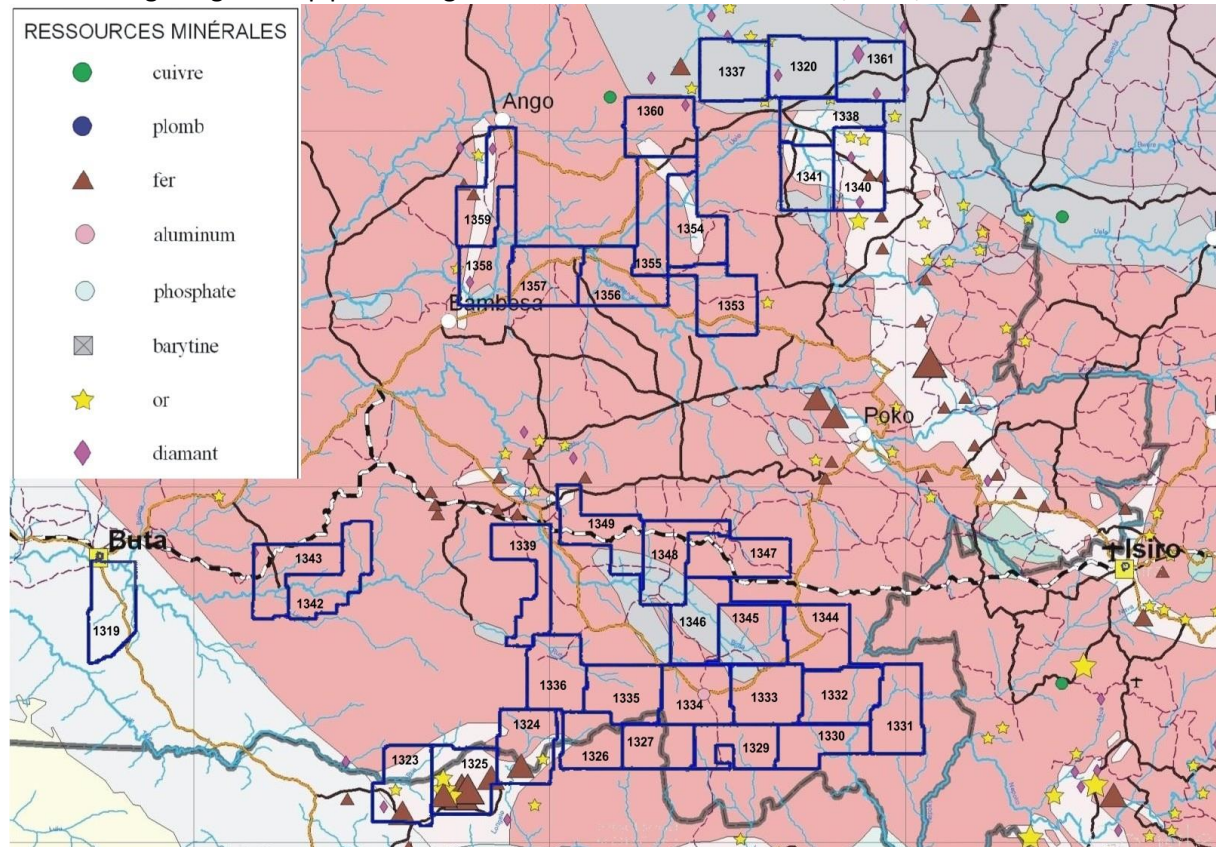
The JEKA company was founded on 11/21/1996 by 3 partners including Johnny Flament and his wife. It has obtained 2 very large Exclusive Research Zones (more than 12,000km² or 7190 mining squares). In 2002, a new mining code was promulgated limiting the surface area of permits to 471 mining squares and in 2003 the mining regulations gave applicants for old ZERs 3 months to transform them according to the new mining code, i.e. until June 26, 2003 JEKA missed this opportunity by a few days and was therefore forced to apply for 43 research permits (PR) dated July 9, 2003, including the 3PR that Thaurfin ltd holds

Mining square area is about 86ha cf <http://thaurfin.com/mining-square.pdf>

The mining cadastre required proof of the financial capacity which was provided by a partner who was integrated into a new company, Rubi River to which JEKA transferred its mining rights. Here is the certificate of financial capacity of \$5.5M issued : <http://thaurfin.com/references/AN17.pdf>

Favorable cadastral opinions were delivered to Rubi River for 37PR including those of Thaurfin Ltd. Following these favorable cadastral opinions, 37 mining permits were granted by Ministerial Orders on February 17, 2006 as required by [art 10 of the mining code](#) and of which here are those of Thaurfin Ltd. The surface taxes were paid on March 30, 2006 and Rubi River obtained the related receipts.

Here is the geological map presenting these 37PRs where the Thaurfin, 1323, 1324 & 1324 are located



Of these 37 PRs granted by Ministerial Decrees, only 17 research certificates were issued. 20 research certificates had not been issued in violation of art 109 of the mining regulations. Among these 20PRs, the research certificates for the 3PRs of Thaurfin Ltd have not been issued.

On March 9, 2006, a fictitious applicant requested the transformation (after the deadline) of 36 old mining permits, also fictitious. On April 11, 2006, this fictitious applicant transferred for free his 36PR to the company Iron Mountain Enterprise Ltd established in the BVI and owned by Dan Gertler.

Ir Pol HUART got involved as a JEKA consultant. He then obtained the 3PR 1323, 1324 & 1325 by the [jugement RCE1260 dated 13 of November 2017](#) which was [executed voluntarily](#) on the 14th of November 2017. In order to comply with the 2002 mining code, [Ir Pol HUART took up residence](#) with the mining agent, President Jean Mbuyu on November 20, 2017.

While the 2018 mining code no longer allowed a foreign individual to hold mining permits, they were transferred to Thaurfin Ltd.

[This transfer took place on February 15, 2018](#), and the [domiciliation of Thaurfin Ltd](#) with the mining agent, Jean MBUYU, was executed on the same day. This transfer and domiciliation were transmitted (with acknowledgment of receipt) to the mining cadastre [by letter PH-007-18 of February 19, 2018](#)

2. 3PR 1323, 1324 & 1325 have never ceased to be valid

THAURFIN LTD has permits granted by Ministerial Orders

The 3 Ministerial Orders 1323, 1324 & 1325 were issued in full compliance with the mining code of 2002 and the mining regulations of 2003. The surface taxes having been paid,

- <http://www.thaurfin.com/Doc-1323.pdf>
- <http://www.thaurfin.com/Doc-1324.pdf>
- <http://www.thaurfin.com/Doc-1325.pdf>

These 3 mining permits have never ceased to be valid because they have never been revoked by Ministerial Orders as required by Article 10 of the Mining Code

3. 3PRs 1323, 1324 & 1325 are in force majeure since their granting.

These 3 mining permits are in force majeure due to failure to issue prospecting certificates

The CAMI violated art 109 of the mining regulations by not issuing the prospecting certificates. In the absence of these certificates, the 3PR has remained in the event of force majeure until today.

According to Article 109 of the Mining Regulations, the Mining Registry issues exploration certificates as soon as the surface taxes have been paid. These taxes have been paid, and these certificates have not been issued, placing these 3PRs in force majeure. See <https://thaurfin.com/FORCE-MAJEURE.pdf>

The Ministerial Orders were signed on 17 February 2006. Not having obtained the search certificates for these RPs, a working session was held at CAMI on September 1, 2006, as reported to: <https://thaurfin.com/references/AN35.pdf> . This report is also published in the conclusions of CAMI on pages 171 and 172, see <https://thaurfin.com/references/P171-172.pdf> , this document is therefore irrefutable... It says: Out of 37 Research Permits granted and for which surface fees were paid, only 17 Research Certificates were issued.

Sur 37 Permis de recherches octroyés et dont les droits superficiaires ont été payés, seulement 17 certificats de recherches avaient été établis.

CAMI was therefore prohibited from agreeing to process, on 9 March 2006, an application for the conversion (out of time) of old permits covering 3PR 1323, 1324 & 1325 from a certain Bonana Misunu David. This was a violation of Article 34 of the Mining Code, which stipulates that a mining plot can only be allocated to one PR. If one exists, the other does not.

This account of this working session transmits two other information,

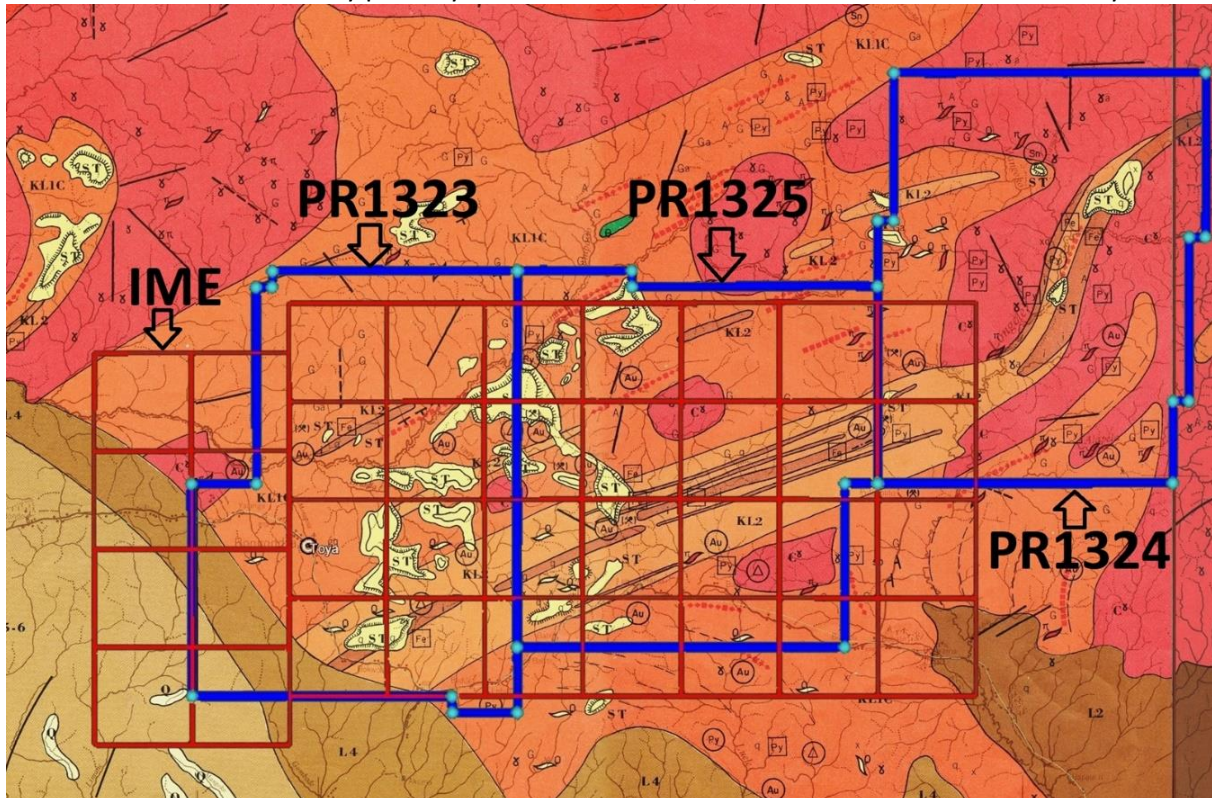
- As of September 1, 2006, 3PR 1323, 1323 and 1325 were issued and taxes were paid.
- The CAMI will amend the cadastral notices that were favourable

2. Le CAMI notifiera à la Sprl RUBI RIVER les Avis cadastraux modifiés pour les permis de recherches n°s 1323, 1324 et 1325.

Indeed, we find in the CAMI conclusions on pages 172 to 170, the new unfavourable cadastral notices signed on 12 Sept 2006 cf <https://thaurfin.com/references/P162-170.pdf> .

4. The Congolese authorities issue 36 non-existent RPs to Dan Gertler

Here are its 36PRs which only partially cover the itabites, while the 3PRs cover them entirely.



These 36PR never existed for many factual reasons (cf <http://thaurfin.com/INEXISTENCE.pdf>)

- art 34 of the mining code was violated since it prohibits the mining registry office from investigating any new request on an area already affected
- The applicant is fictitious as are these 36PR (cf <http://thaurfin.com/FAUX-PERMIS.pdf>)
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According to [the memorandum of understanding between Dan Gertler \(VENTORA\) and the DRC](#) of February 24, 2022, Dan Gertler returned mining permits to the State. This protocol became public much later. On April 13, 2023, Dan Gertler published a letter announcing this restitution.

This was the opportunity to forward this letter <http://thaurfin.com/TH-042-23.pdf> dated 17th of April 2023 to the Authorities concerned and to Dan Gertler's lawyer to inform that permits that never existed cannot be returned . On the other hand, Thaurfin Ltd's 3PRs have never ceased to be valid and are in force majeure for failure to issue research certificates.

5. Many crimes were committed to try to make the 36PR exist

A mining square can only be assigned to one mining permit, [Article 34 of the Mining Code](#) therefore prohibits the Mining Cadastre from examining any application on an already allocated area. This means that if one exists, all others cannot exist.

As already alleged, in violation of this article 34, on March 9, 2006, a claimant (which turned out to be fictitious) requested the transformation (out of time) of 36 old mining permits, (equally fictitious).

On April 11, 2006, this fictitious claimant donated his 36PR to a company called Iron Mountain Enterprise Ltd., based in the BVI and owned by Dan Gertler.

Since any PR assigned to an already existing PR cannot exist, the solution found by the Congolese authorities is to consider non-existent the 3PR now belonging to Thaurfin Ltd. Thus, unfavourable cadastral notices were issued more than 6 months after the granting of 3PR by Ministerial Order. They are fakes, it is the [crime no. 4 of the long list](#).

It is easy to understand that these unfavourable cadastral notices would require going back in time, which is the only condition for considering that those documents of which Thaurfin Ltd holds the originals never existed

- Favourable cadastral opinions
- The Ministerial Orders
- Surface tax debit notes
- The receipts of payment of these taxes

Thaurfin Ltd holds the following documents:

- <http://www.thaurfin.com/Doc-1323.pdf>
- <http://www.thaurfin.com/Doc-1324.pdf>
- <http://www.thaurfin.com/Doc-1325.pdf>

These unfavourable cadastral notices also require that the temporary numbers given at the time of application have never been transformed into PR numbers (470>>P1323; 471>>PR1324; 472>>>PR1325) ... This implies granting of RPs!

Indeed, the cadastral notice closes the cadastral study. If it is negative, the application is closed without further action.

The very fact of invoking 3PR 1323, 1324 & 1325 is therefore sufficient evidence that cadastral notices have been issued.

Invoking these unfavourable cadastral notices more than 6 months after the granting of RPs by Ministerial Orders means that they would never have existed. [Article 10 of the Mining Code](#) (page10) is clear, the granting and revocation of mining permits is the exclusive competence of the Minister of Mines. If the CAMI considers that our 3PR have never existed, then they cannot have been deposed by Ministerial Decree >>>> so they have never ceased to be valid.

As well as the article of this file documents it, the General Director of the mining cadastre continues to invoke these unfavourable cadastral notices to consider the inexistence of 3PR 1323, 1324 & 1325

The numerous and well-documented offences committed to grant permits covering the gold and iron deposit of Banalia to Dan Gertler reveal that CAMI created an imaginary claimant who would have held 36 small (equally fictitious) PRs under the previous mining code from 2002.

The mining cadastre has always refused to transmit the application forms for transformation of these 36PR . In accordance with [Article 97](#) of [DECREE N°038/2003 OF 26 March 2003 ON THE MINING REGULATIONS](#), below, an applicant is required to decline proof of his identity on a form completed by the applicant of the 3PR held by Thaurfin Ltd for PR1323. In the case of transformation of old RPs, references of the old RPs are also required

This is the form for the future PR1323 application, under transitional number 470



REPUBLIQUE DEMOCRATIQUE DU CONGO
CADASTRE MINIER

MINIER
09/07/03
13A
420
Article 83, 842 et 868 du Règlement Minier du 27 Mars 2003

DEMANDE OU DECLARATION
DE DROITS MINIER

DEMANDE ☒ DECLARATION ☐ N° 420

I - TYPE DE DEMANDE

<input checked="" type="checkbox"/> A PERMIS / AUTORISATION	Nbre carrés En lettres	471 Quatre cent septante d'un	Voir annexe	PR <input checked="" type="checkbox"/>
	SITUATION			PE <input type="checkbox"/>
Date dépôt	Province	Orientale		PER <input type="checkbox"/>
Heure dépôt	District			PEPM <input type="checkbox"/>
	Territoire			ARPC <input type="checkbox"/>
				AACP <input type="checkbox"/>
				AECT <input type="checkbox"/>

II - TYPE DE DECLARATION

<input type="checkbox"/> B RENOUELEMENT *	Sans renonciation <input type="checkbox"/>	No permis	
	Avec renonciation <input type="checkbox"/>	Type de permis	
	Nb carrés renoncés	Nombre de carrés	
<input type="checkbox"/> C TRANSFORMATION		No Arrêté Octroi	
<input type="checkbox"/> D EXTENSION [Substance(s)]		Date Octroi	
<input type="checkbox"/> E RENONCIATION [Carré(s)]	Totale <input type="checkbox"/>	Superficie	
	Partielle <input type="checkbox"/>	Localisation adm.	
	Nbre carrés		

III - IDENTIFICATION DU DEMANDEUR OU DECLARANT

		ABCDE		C	E
Personne	Nom	JEKA SPRL			
	Prénom *				
	Qualité *	Nationalité	CONGOLAISE		
Contact	Téléphone	Fax	003281401668		
	Email	jekasprl@hotmail.com			
Domicile	Ville /Village	Code Postal			
	Commune				
Siège	Rue - No	Boîte Postale	290		
	Territoire	District	BAS-UELE	Province	ORIENTALE
Personne physique *	No CI - Passeport	No RC			
	Date de naissance	Lieu			
Personne morale	X No ID National	F54244U	No RC	486	
	Forme juridique	SPRL	Part Capital		

IV - MANDATAIRE

		REPRESENTANT		[ABCDE]		C	E
Personne	Nom	Flament					
	Prénom *	Johnny					
	Qualité *	C.E.O.	Nationalité	Belge			
Contact	Téléphone	0032.473.57.10.73	Fax				
	Email	johnnyflament@yahoo.fr					
Domicile	Ville /Village	Code Postal	1180				
	Commune	Uccle					
Siège	Rue - No	J.P. Carsoel, 39	Boîte Postale	2			
	Territoire	Belgique	District		Province	Brabant	
Personne physique *	X No CI - Passeport	EC447932	No RC				
	Date de naissance	30/11/1948	Lieu	Mbandaka			
Personne morale	No ID National		No RC				
	Forme juridique						

6. The accessory follows the main

The 36PR have never existed for many causes (cf <http://thaurfin.com/INEXISTENCE.pdf>). According to the maxim the accessory follows the principal, any judicial decision considering the existence of these 36PR (the Accessory) is annihilated by their inexistence (the Principal)

7. Dan Gertler abandons the non-existent 36PR

According to [the memorandum of understanding between Dan Gertler \(VENTORA\) and the DRC](#) of February 24, 2022, Dan Gertler returned mining permits to the state. This protocol became public much later. On April 13, 2023, Dan Gertler published a letter announcing this restitution.

This was an opportunity to pass on the letter <http://thaurfin.com/TH-042-23.pdf> to the relevant Authorities and Dan Gertler's lawyer to inform them that permits that never existed cannot be returned. On the other hand, the 3PR of Thaurfin Ltd have never ceased to be valid and are in force majeure for failure to issue search certificates.

8. The fallacious arguments of the Director of the Mining Registry Office (CAMI)

On August 31, 2023, the President of the bar Jean Mbuyu and mining agent of Thaurfin Ltd submitted this letter <http://thaurfin.com/CAB-MBA-JML-nk-205-2023.pdf> which asks the new director of CAMI to repair violation of mining regulations and to issue, finally, prospecting certificates. A factual record having been presented

The response from CAMI's legal advisor, published on <http://thaurfin.com/CAMI-DG-1088-2023-29sept2023.pdf> , relates a deliberately false and vexatious narrative emanating from the former legal director of CAMI, documented in this file: <https://thaurfin.com/LES-ARGUMENTS-DU-CAMI.pdf>

These arguments sent by the Director General of the Mining Registry Office to our mining agent are favourable to us, since they corroborate to our own. [In these arguments](#), this Director General develops the fallacious and illegal mechanism used to consider this supposed non-existence of the 3PR.

The fallacious arguments presented provide evidence that the 3PRs are valid and in force majeure

- The unfavorable cadastral opinions issued more than 6 months after the granting of the Ministerial Orders are recounted : they consider, in fact, that these Ministerial Orders never existed, which is contradicted by these 3 files.
 - <http://www.thaurfin.com/Doc-1323.pdf>
 - <http://www.thaurfin.com/Doc-1324.pdf>
 - <http://www.thaurfin.com/Doc-1325.pdf>

Since it is not conceivable to revoke, by Ministerial Orders as required by Article 10 of the Mining Code, permits considered non-existent, this is proof that they are valid.

- The prospecting certificates not having been issued in violation of article 109 of the Mining Regulations implies the situation of force majeure of these 3PR

These arguments are vexatious because the CAMI wrongly considers that there was an intention to defraud on the part of JEKA and its lawyer, Mr. Paulin Bombashay, to file a summons for revocation of assignment.

[The new Legal Director, Professor Cims MULUNGULUNGU NACHINDA, appointed on November 3, 2023,](#) cannot endorse the forgery and use of forgery that the former CAMI officials considered to try to make people believe that 3PR 1323, 1324 and 1325 never existed. Numerous crimes were committed (see <https://www.thaurfin.com/DELITS.pdf>) in an attempt to bring into existence the 36 PRs granted to Dan Gertler via a fictitious applicant.

9. The JEKA sarl 34PR were heavily impacted

JEKA's 34PR were impacted by the scam committed on Thaurfin's 3PR.

[JEKA sarl is invited as a principal volunteer intervenor](#) in the event that Thaurfin Ltd is forced to file an arbitration request AT ICSID

10. Development projects of the Republic

The company Thaurfin Ltd offers development projects for the Republic which are based on the valorization of its 3PR in a win/win spirit see <https://thaurfin.com/3PR-THAURFIN.pdf>

11. Only gold is listed on research permits, expansion to iron is a right

According to section 59 of the mining code, The extension of a mining permit to other mineral substances is a logical right since only one permit can be granted on a mining land. If this extension was not a right, these other mineral substances could not be recovered.

Article 59 : De l'extension du permis à d'autres substances

- a) le Permis de Recherches est en cours de validité ;
- b) le titulaire décrit l'information qui lui fait croire à l'existence des substances minérales pour lesquelles l'extension du permis est demandée.

12. Friendly solution is favourable to the DRC and its people

As the [many letters sent to the Congolese authorities](#) testify, Thaurfin Ltd has always favoured an amicable outcome that is beneficial to the DRC. No action has been taken

This solution is nothing other than compliance with mining legislation, that is, the issuance of research certificates and the payment of damages, which would be negotiated. This solution is advantageous for the Republic because it allows the development of this Banalia deposit, which has been frozen since 2006, to begin.

Rather than having the gold present on the 3PR plundered by the Chinese, as denounced [in our letters](#), professional prospecting will be carried out, the primary gold will be mined in compliance with the law by CIL leaching, while the alluvial gold will be entrusted to Congolese diggers assisted by [this mining cooperative](#).

The development of an iron ore deposit depends on its logistics. The solution is provided by innovative river transport, but must also be pursued through the construction of a rail infrastructure that can be financed by an annual export of 50 million tonnes. This comparison (see <https://thaurfin.com/BANALIA-VS-SIMANDOU.pdf>) between the SIMANDOU deposit in Guinea and the Banalia deposit shows that the Republic has every interest in developing it.

A request for arbitration to ICSID would result in a very heavy penalty for the Republic while revealing practices that endanger investors. The Republic's image would be further tarnished.

13. Coercive solution, much more interesting for Thaurfin Ltd.

[This recent update from Investment Treaty News dated October 9, 2024](#), confirms the inviolability of the principle of "full reparation." The article states:

A well-known example is the case between Tethyan Copper and Pakistan (ICSID Case No. ARB/12/1), in which a mining conglomerate that had been denied an operating license received over US\$4 billion in compensation (an amount calculated using the DCF method) and nearly US\$2 billion in additional interest. The tribunal ruled that it should not take into account the fact that the investor had only invested approximately \$150,000, and that the final compensation amounted to 2% of the debt-ridden country's GDP.

The shortfall since the granting of the 3PR on February 17, 2006 amounts to several hundred million USD. The arguments of the mining cadastre presented by its current director general will facilitate the condemnation of the DRC because these arguments only confirm the validity of the 3PR and the numerous crimes committed

14. Research certificates are not required for development

Nemo auditur propriam turpitudinem allegans,
"no one can claim his own turpitude",

According to a general principle of law that translates the Latin adage, no one can invoke his own fault to justify the right he claims

This was the case in the [dispute between Vodacom and the Ministry of PTNTIC](#), These illustrious experts should however know that «Nemo auditur propriam turpitudinem allegans» ; A responsible state cannot hold the administered party liable for alleged errors in its administration.

As this file shows, research permits granted by Ministerial Orders take precedence over search certificates that must be issued by the mining cadastre upon presentation of the research permits and the receipt for payment of surface taxes.



According to this Latin expression, the CAMI has no legitimacy to prohibit the development of these 3PR because, doing so, it would only allege its own turpitude.

15. JEKA sarl & Thaurfin ltd stand together

JEKA sarl and Thaurfin ltd are defending the same case, it is perfectly established that JEKA's 34PRs were impacted by the scam committed on Thaurfin ltd's 3PRs as documented in the invitation sent to JEKA to intervene in a possible summons for recovery of rights and damages as set out in §6-a

16. Reminder of the notions of the mining code and regulations

The terminology

- the “**mining right**” (droit minier) is issued by the Minister of Mines by ministerial decree, according to art 10 of the mining code, also called “**mining permit**” (permis minier), there are 2 classes,
 - the research permit (PR)
 - the operating permit (PE)
- The **mining permit** gives the right to a **prospecting certificate** issued by the mining registry office (CAMI), also called a **mining title**, under art 109 of the mining regulations.
- **mining permits** granted by the Minister of Mines take precedence over **prospecting certificates** issued by the mining registry office

Thaurfin ltd has mining permits issued by ministerial decrees which have never been revoked

The articles of the mining code and regulations.

- **Article 109 of the mining regulations**
The issuance of the Research Certificate
Upon presentation by the applicant of the receipt for payment of surface rights, the Mining Registry Office (CAMI) issues the Prospecting Certificate in accordance with the “first paragraph of article 47” of the Mining Code.
- **Article 10 of the mining code: From the Minister**
In accordance with the provisions of this Code, the Minister is competent to:
 - a) grant or refuse to grant mining and/or quarrying rights for mineral substances other than construction materials for current use;
 - b) withdraw mining and/or quarrying rights, disqualify the holder of a mining or quarrying right, take note of declarations of waiver of mining and/or quarrying rights and record the expiration of mining and quarrying rights
- **Article 47 of the mining code On the issuance of the title**
In the event of a granting decision or in the event of a legal registration decision provided for in Article 46 of this Code, the Mining Cadastre issues the mining or quarry titles to the applicant, upon payment of the relevant annual surface rights. noting the rights requested. At the time of delivery of the title, the Mining Cadastre gives a receipt for payment of annual surface rights to the applicant and registers the mining or quarry title in the corresponding register
- **Article 184: Registration and enforceability of the deed of transfer**
In the event of partial transfer of **mining rights** (mining permit) or research quarries, the Mining Cadastre issues a new mining title (prospecting certificate) or quarries.

The distinction between **mining right** (*mining permit*) and **mining title** (*prospecting certificate*) is fundamental

- The **mining right** (research permit or PR) is granted by Ministerial Decree, it remains in the name of the first holder (unless it is partially transferred, each new holder must have a copy of the fraction obtained)

- The **mining title** (prospecting certificate) is issued by the mining registry office. It bears annotations of the different transfers to different holders

Thus, Thaurfin Ltd holds 3 research **mining permits** (PR) issued in the name of Rubi River, these mining permits are granted by the Minister of Mines by a document called Ministerial Order.

Any mining permit (PR) is revoked by another Ministerial Decree called a contrary act.

Here are the grant documents and the ministerial decrees relating to these 3PRs, as well as the slips of surface taxes paid according to the debit note established by CAMI

- <https://thaurfin.com/Doc-1323.pdf>
- <https://thaurfin.com/Doc-1324.pdf>
- <https://thaurfin.com/Doc-1325.pdf>

According to art 109 of the mining regulations, upon presentation of the ministerial decree and the payment slip for surface taxes, the CAMI issues prospecting certificates also called “mining title”. This article is recalled in art 7 of the Ministerial Decrees (here is that of PR1323)

Article 7 :

Sur présentation du récépissé du paiement des droits superficiaires annuels par carré prorata temporis pour la première année, le Permis de Recherches n°1323 donne lieu à la délivrance d'un Certificat de Recherches.

Article 7

Upon presentation of the receipt for payment of surface rights per square pro rata temporis for the first year, RESEARCH PERMIT No. 1323 gives rise to the issuance of a PROSPECTING CERTIFICATE

We note in these grant documents that the Orders have been issued (page 5,6,7 & 8) and that the mining registry office has issued the debit note relating to surface taxes (page 9) and the receipt for payment of taxes surface areas (page 10).

The mining registry office did not issue these prospecting certificates in violation of this article 109 of the mining regulation, the mining registry office is at fault. Having not received these research certificates, the 3PR have been in force majeure since their grants.

The facts are perfectly documented at the URL <https://thaurfin.com/references/>

- The 3PR 1323, 1324 and 1325 of Thaurfin Ltd were granted in full compliance with the 2002 mining code and the 2003 mining regulations, the surface taxes were paid.
- The 3PR 1323, 1324 and 1325 of Thaurfin Ltd have never ceased to be valid.
- These 3PRs are in the event of force majeure upon their granting for failure to issue research certificates
- This failure to issue is a violation of art 109 of the mining regulations

Ces 3PR ont aussi été en force majeure car ils ont été couverts par d'autres PR octroyés à la société Iron Mountain Entreprise de Dan Gertler, nous avons également toutes les preuves qui montrent que ces n'ont jamais existé cf <http://www.thaurfin.com/INEXISTENCE.pdf> ; n'ayant jamais existé, toute décision judiciaire les considérant existants est anéantie.

These 3PRs were also in force majeure because they were covered by other PRs granted to Dan Gertler's Iron Mountain Enterprise. We have all the documented evidence that shows that these never existed cf <http://www.thaurfin.com/INEXISTENCE.pdf> ; having never existed, any judicial decision considering them existing is wiped out.

Article 3 of the ministerial decrees provides that this research permit confers the exclusive right of prospecting

Article 3 :

Le Permis de Recherches n°1323 confère à la Société RUBI RIVER Sprl le droit exclusif d'effectuer, à l'intérieur du périmètre défini à l'article 2 ci-dessus, les travaux de prospection et de recherches des substances minérales suivantes : diamant, or et coltan.

Ce droit consiste en l'exécution des travaux de surface ou en profondeur nécessaire pour établir la continuité des indices des substances minérales susvisées, d'en établir les conditions d'exploitation et conclure éventuellement à l'existence d'un ou des gisements exploitables.

Les travaux d'exploitation sont donc interdits.

Article 3

Research Permit No. 1323 confers on the Company RUBI RIVER sprl the exclusive right to carry out, within the perimeter defined in article 2 above, prospecting and research work for the following mineral substances: diamonds , gold and coltan

This right consists of the execution of surface or in-depth work necessary to establish the continuity of the indices of the above-mentioned mineral substances, to establish the conditions of exploitation and possibly conclude on the existence of one or more exploitable deposits.

Exploitation work is prohibited.

These mining permits were issued for diamonds, gold and coltan. According to article 59 of the mining code, the extension of the PR to other substances is a right as long as this PR is valid and this substance exists. Iron extension is therefore a right. Diamond and coltan will be excluded

- Article 59: Extension of the permit to other substances
Before proceeding with active research for mineral substances other than those for which his Research Permit has been established, the holder must obtain the extension of his permit to these other substances. Such an extension is legal if:
 - a) the Exploration Permit is currently valid;
 - b) the holder describes the information which makes him believe in the existence of the

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The terms of the extension procedure are determined by the Mining Regulations.

According to Chapter I entitled MINING RESEARCH, page 199 of the new mining code of 2018

Access to mining research is authorized to any eligible person holding a **Research Permit** whose duration is four years, renewable twice for a period of two years at each renewal for precious stones, and five years, renewable twice. for the same duration for other mineral substances.

Mining rights 1323, 1324 & 1325 (research permit) were transferred by these acts

- From Jeka sprl to Rubi River by transfer contract <http://thaurfin.com/irrefutable/AN16.pdf> of November 3, 2003, (it is a question of **mining rights** since the research permits had not been granted, they were by Ministerial Order of February 17, 2006)
- From Rubi River to Jeka sarl by judgment RCE 9842 of the Kisangani High Court of May 5, 2011 (see <http://thaurfin.com/irrefutable/AN58.pdf>) : “says as a matter of law **that mining rights**.... now constitute the exclusive property of JEKA sprl »
- From Jeka sarl to Ir Pol HUART by judgment RCE 1260 of the Kisangani Commercial Court of November 13, 2017 (see <http://thaurfin.com/irrefutable/AN82.pdf>) “condemns the company JEKA sarl to transfer to Pol HUART the 3 **research permits**.... »
- From Ir Pol HUART to Thaurfin ltd by deed of transfer of February 15, 2018 entitled “deed of transfer of mining rights”.... “I, the undersigned Pol Huart, assign my **mining rights**...” cf <https://thaurfin.com/references/AN91.pdf>

All these four mining rights transfers were transmitted to the mining cadastre with acknowledgment of receipt

- 1) **JEKA to RUBI RIVER**, the deed of transfer is transmitted by the CAMI in its conclusions on page 171 cf <https://thaurfin.com/references/P171.pdf> the CAMI has therefore received it.
- 2) **RUBI RIVER to JEKA** by judgment RCE 9842 transmitted to CAMI by letter from the Mutombo & Associés firm dated September 9, 2011, ref PBK/CAB.01/255/04/2011 published at the URL <https://thaurfin.com/references/AN60.pdf> which CAMI received on September 13, 2011 under number 02073 and the Ministry of Mines, the same day under number 06138
- 3) **JEKA to Ir POL HUART**, by letter PH-068-17 of December 15, 2017 of which the CAMI acknowledged receipt the same day under reference 1899, transmitting judgment RCE1260, the certificate of no appeal and the domiciliation of Ir Pol Huart to the mining agent, Lawyer Jean Mbuyu, letter published at the URL <https://thaurfin.com/references/AN88.pdf>
- 4) **Ir POL HUART to THAURFIN ltd**, by letter PH-007-18 of February 19, 2018, transmitted to the Mining Cadastre with acknowledgment of receipt of February 20, 2018, bearing the reference 0306 as well as to the Commercial Court of Kin/Matete , the same day, under reference 117, letter published at the URL <https://thaurfin.com/references/AN93.pdf> ; this letter these annex,
 - a) the legalized transfer deed of 02/15/2018: <https://thaurfin.com/references/AN91.pdf>
 - b) Thaurfin’s domiciliation with Me Mbuyu: <https://thaurfin.com/references/AN92.pdf>
 - c) the directors of Thaurfin ltd <https://thaurfin.com/Thaurfin-doc.pdf>
 - d) the power of attorney to Me Daddy MBALA <https://thaurfin.com/references/Procuration-MeMbala.pdf>

These 4 transfers never invoke prospecting certificates (or mining titles) but rather transfer **mining rights** (or research permits) which have never ceased to exist.

There can therefore be no ambiguity; it is indeed the 3 mining research permits granted by Ministerial Decree which have been the subject of 4 transfers. Thaurfin ltd is therefore the holder of these 3PRs even though the research certificates have never been issued.

According to article 185 of the 2002 mining code, the CAMI had 20 days to carry out the technical instruction and, in particular, to verify the financial capacity of the transferee. According to this article, any refusal to transfer mining rights must be justified. As these transfers were not refused within the legal deadline, they were accepted and were all carried out under the 2002 mining code.

Article 185: Transfer of rights

Subject to the provisions of articles 40 and 178 of this Code, the technical examination of the file for the transfer of mining rights or the Permanent Quarry Exploitation Authorization in the name of the transferee is carried out within twenty days working days from the date of transmission of the application file to the Mines Directorate by the Mining Cadastre.

The technical instruction consists of:

- a. verify the financial capacity of the transferee;
- b. verify the assumption of the obligations of the assignor by the assignee;
- c. determine, where applicable, that any change that the transferee proposes to make in the initial documents on the basis of which the mining right or the Permanent Quarry Exploitation Authorization was granted does not modify the technical conclusions on the project.

Any refusal to transfer mining rights or Permanent Quarry Exploitation Authorization must be justified and gives right to the remedies provided for by the provisions of Articles 315 and 316 of this Code.

The transfer of the mining right or the Permanent Quarry Exploitation Authorization is entered in the appropriate register kept by the Mining Cadastre in accordance with article 172 immediately after notification of the decision approving the transfer to the transferor and the transferee.

17. Conclusions

From all this documented information we conclude

- The 3 PRs of Thaurfin Ltd ensure absolute security for investors
- These 3PRs have never ceased to exist
- The various transfers made since their requests were carried out in accordance with the requirements of the mining code and were accepted according to art 185 of the 2002 mining code.
- The 3PRs have been in force majeure since they were awarded for failure to issue exploration certificates in breach of art 109 of the mining regulations.
- Heavy damages are legitimately due for the spoliation committed

The Congolese authorities have gone to great lengths to poison the issue with disinformation, which has been destroyed by the well-documented facts of the case.

18. ICSID Arbitration Request: Final Outcome

Under [Art. 36\(2\)](#) of the [ICSID Arbitration Rules](#), each party bears the burden of proving the facts relied upon in support of its claim or defence.

These elements of a request for arbitration were transmitted to the law firm of Thaurfin Ltd.

Thaurfin Ltd has always campaigned for an amicable solution which is advantageous for all parties, whereas an arbitration request to the ICSID would lead to a very heavy condemnation of the Republic while exposing practices which put investors in danger. The Republic's image would be further tarnished.

In the event of arbitration, JEKA will be invited to participate, as its [34PR have been heavily impacted](#) by the fraud perpetrated on Thaurfin Ltd's 3PRs.

Ir Pol HUART

Ingénieur Civil des Mines AIMs76 MINES-ParisTech84

Directeur de Thaurfin Ltd

www.thaurfin.com

A blue ink signature is written over a circular blue stamp. The stamp contains the text "THAURFIN LTD" around its perimeter.

