

These 3PR 1323, 1324 & 1325 are valid

- Two mining permits cannot coexist on a [mining square](#), as stipulated by [Article 34 of the Mining Code](#), which prohibits the Mining Registry from processing any new application on an area already allocated.
- The previous authorities granted [36PR to Iron Mountain Enterprise](#) (Dan Gertler), overlapping the 3 concessions already granted to Thaurfin Ltd.
- In order for these 36PRs to exist, the 3PRs had to be considered as never having existed.
- The Mining Registry issued [unfavorable cadastral advices](#) more than six months after the granting of the 3 concessions, which had been granted following favorable cadastral opinions. By signing these unfavorable cadastral opinions, the mining cadastre violated [Article 48 of the Mining Code](#), which concludes the cadastral study upon notification of the favorable cadastral advice.
- The violation of this Article 34 is sufficient to consider the IME 36PR as never having existed

>>> unfavorable cadastral notices are therefore FALSE; they are even non-existent administrative acts, since such an operation would require going back in time.

<https://thaurfin.com/favorable-defavorable-EN-FR.jpg>

<p>REPUBLIQUE DEMOCRATIQUE DU CONGO the FAVORABLE cadastral notice of March 10, 2005 Avis cadastral FAVORABLE au 10 mars 2005</p> <p>Kinshasa, le 10 MAR 2005</p> <p>CADASTRE MINIER</p> <p>N°Réf/CAMI/DGI 411 /2005</p> <p>A Monsieur l' Administrateur-Gérant de la société RUBI RIVER Sprl 290, avenue Lubumbashi, à BUTA (Province Orientale)</p> <p>While the mining permit was granted on February 17, 2006 and that the surface taxes were paid on May 2, 2006 et que les taxes superficielles ont été payées le 2 mai 2006</p> <p>Concerner: Notification avis cadastral favorable.</p> <p>Monsieur,</p> <p>En réponse à votre demande de Permis de Recherches n° 470 introduite en date du 09/07/2003 par la Société RUBI RIVER Sprl et conformément aux dispositions de l'article 104 du Règlement Minier, nous avons l'honneur de vous notifier l'avis cadastral favorable émis par le Cadastre Minier quant à l'octroi du Permis de Recherches sollicité. Le Permis de Recherches à octroyer portera le numéro 1323.</p> <p>Le Périmètre de Permis de Recherches demandé est composé de 471 carrés contigus, uniformes et indivisibles conformes au quadrillage cadastral ;</p> <p>Les coordonnées géographiques des sommets du périmètre couvert par le Permis de Recherches ci-dessus sollicité et ses carrés codés correspondants se trouvent sur la liste en annexe.</p> <p>Vous voudrez bien trouver ci-joint copie dudit avis cadastral.</p> <p>Vous voudrez bien trouver ci-joint copie dudit avis cadastral.</p> <p>Jean-Patrice INTIOMALE MBONINO MOKFE Directeur Technique a.i.</p> <p>Patrick MAYUBA MAVUNGU Directeur Général a.i.</p> <p>Avenue de la Justice 239, Kinshasa / Gombe</p> <p>Téléphone : +243 139 87 07 Email : cam@ic.cd</p>	<p>REPUBLIQUE DEMOCRATIQUE DU CONGO</p> <p>1104</p> <p>Kinshasa, le 12 SEP 2006</p> <p>CADASTRE MINIER</p> <p>BECOMES devient</p> <p>UNFAVORABLE on September 12, 2006 défavorable le 12 septembre 2006</p> <p>N°Réf/CAMI/DGI 3440 /2006</p> <p>A Monsieur l'Administrateur-Gérant de la société RUBI RIVER Sprl 290, avenue Lubumbashi, à BUTA (Province Orientale)</p> <p>Concerner: Notification avis cadastral défavorable.</p> <p>Monsieur,</p> <p>En réponse à votre demande de Permis de Recherches n° 470 introduite en date du 09 juillet 2003 par la Société RUBI RIVER Sprl et conformément aux dispositions de l'article 104 du Règlement Minier, nous avons l'honneur de vous notifier l'avis cadastral défavorable émis par le Cadastre Minier quant au refus d'octroi du Permis de Recherches sollicité.</p> <p>Vous voudrez bien trouver ci-joint copie dudit avis cadastral.</p> <p>Vous voudrez bien trouver ci-joint copie dudit avis cadastral.</p> <p>Pour le Directeur Technique ai empêché, Chantal BASHIZI LEMBO Directeur Administratif</p> <p>Jean-Félix MUPANDE KAPPA Directeur Général</p>
--	---

Mining permits that are considered never to have existed cannot be legally revoked.

The 3PRs have never ceased to exist, whereas Dan Gertler's [36PRs never existed for several reasons](#)

- For violating Article 34 of the Mining Code.
- For having been requested by a [fictitious person](#) who allegedly held former permits under the 2002 Mining Code and who requested to convert them (after the deadline) into permits compliant with the 2002 legislation.

Under the maxim 'the accessory follows the principal,' any judicial decision invoking the 36PR (the accessory) is nullified by their non-existence. Unjust decisions obtained through corruption therefore do not exist.

The 3PR 1323, 1324 & 1325 are in force majeure

Article 297 : De la force majeure

Constitue un cas de force majeure, tout événement imprévisible, irrésistible, insurmontable et indépendant de la volonté du titulaire l'empêchant, malgré ses meilleurs efforts, d'exécuter en tout ou en partie ses obligations ou occasionnant un retard important dans l'exécution de celles-ci.

Article 297: Force majeure

Force majeure shall mean any unforeseeable, unavoidable, insurmountable event beyond the control of the holder which, despite their best efforts, prevents them from performing all or part of their obligations or causes a significant delay in the performance thereof.

Article 297 of the Mining Code clearly defines the concept of force majeure as an unforeseeable event beyond the control of the mining licence holder that prevents them from fulfilling their obligations.

The 3PR 1323, 1323 & 1325 were duly granted by Ministerial Decrees, and the surface taxes were paid, as shown by these three receipts issued by the mining registry.

According to Article 109 of the mining regulations, once the surface taxes have been paid following the granting of the 3PRs by Ministerial Decrees, the exploration certificates must be issued by the mining registry.

Article 109 : De la délivrance du Certificat de Recherches

Sur présentation par le requérant du récépissé du paiement des droits superficiaires, le Cadastre Minier délivre le Certificat de Recherches conformément à l'alinéa premier de l'article 47 du Code Minier.

Article 109: Issuance of the Certificate of Research

Upon presentation by the applicant of the receipt for payment of surface rights, the Mining Registry shall issue the Certificate of Research in accordance with the first paragraph of Article 47 of the Mining Code.

As the mining registry did not issue them, in violation of Article 109 of the mining regulations, force majeure prevailed.

This situation of force majeure resulting from the non-issuance of exploration certificates was reinforced by the granting of non-existent 36PRs to Dan Gertler's Iron Mountain Enterprises.