March 22, 2013

Mr. Fadi Chehadé
The President and Chief Executive Officer
Internet Corporation for Assigned Names & Numbers (ICANN)
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Marina Del Rey, CA 90292-6601,
United States of America

Dr. Stephen D. Crocker
The Chairman of the ICANN Board of Directors
(By email: steve.crocker@icann.org)

Dear Sirs,

Subject: An Official Complaint to Report a Possible Conspiracy of Traducement & Campaign of Objection against the .Africa new gTLD Application submitted by DotConnectAfrica Trust (Application ID: 1-1165-42560)

DotConnectAfrica Trust has submitted an official application for the .Africa new gTLD which is presently under evaluation by the various ICANN Evaluation Panels.

Even as the results of the Initial Evaluation and the outcome of the evaluation conducted by other specialized ICANN panels are being awaited, we wish to lodge an official complaint to report what we believe is a possible conspiracy of traducement and Campaign of Objection against the .Africa new gTLD application submitted by DotConnectAfrica Trust (Application ID: 1-1165-42560).

We are firmly convinced that this conspiracy has been hatched with the objective of derailing DCA's .Africa new gTLD application. We reached this conclusion after a careful reading of statements made in the public press by those we already know have shown a hateful and antagonistic disposition towards DCA's .Africa new gTLD application. We have also carefully analyzed other statements contained in a published report by the Independent Objector for the ICANN new gTLD program, and what is contained in the response submitted to the ICANN Independent Objector by a competing applicant for .Africa, UniForum ZA Central Registry. We wish to express our belief in the strongest possible terms that UniForum apparently constitutes the nexus of the possible conspiracy to destabilize and derail DCA's application and it is our earnest desire to bring this to the immediate attention of ICANN leaders.

Statements Attributed to the Independent Objector for the ICANN new gTLD Program

According to the report published by the Independent Objector for the ICANN new gTLD Program, Professor Alain Pellet, it was stated empathically that *"the IO is still convinced that the application by DCA Trust should not pass the Geographic Names Panel Evaluation."* (Please see http://www.independent-objector-newgtlds.org/english-version/the-independent-objector-s-comments-on-controversial-applications/africa-general-comment/) Our understanding is that, as far as official involvement in the entire ICANN new gTLD Program is concerned, the Independent Objector is only supposed to concern himself with filing objections on Limited Public Interest Grounds and Community Objections on behalf of the global public who use the Internet.

We are therefore very surprised that the Independent Objector has gone beyond the boundaries of his circumscribed responsibilities by publicly expressing his opinion on the anticipated outcome of the assignment that is being carried out by another ICANN Evaluation Panel, whose work is actually independent of the work of the Independent Objector for the ICANN new gTLD Program. We believe that this is action by the Independent Objector is *ultra vires*, and an unnecessary suggestion that could very well interfere with the possible outcome of the work of another duly constituted ICANN body; and entirely contrived to damage the prospects of DCA's application which is currently under evaluation. We believe that such biased commentary by the Independent Objector has been made to negatively influence the outcome of the Geographic Names Panel Evaluation against DCA's .Africa new gTLD application. One wonders why the Independent Objector should actually concern himself with making and publishing such a categorical statement against the backdrop that the Geographic Names Panel Evaluation is outside his direct purview. The statement emphasizes his obvious prejudice which is not only inappropriate in the present circumstances but also really uncalled for. There is no need to over-emphasize that DCA Trust is not happy with this statement which openly advocates that it should be made to fail a very crucial evaluation in the ICANN new gTLD Program. We are indeed horrified and scandalized by the Independent Objector's statements.

The Independent Objector had mentioned in his initial assessment that he would only consider to file an objection against DCA's .Africa new gTLD application, if DCA Trust passes the Geographic Names Panel Evaluation; and now that he has already decided not to file any Community Objection against DCA's application, presently insists publicly that DCA's application should not pass the Geographic Names Panel Evaluation. It is such evidence that has now led us to believe that the Independent Objector has determined evil against DCA's application by publicly advocating that DCA's application should not pass a certain ICANN Evaluation. We believe

that by making such unambiguous statements, the Independent Objector is unwittingly facilitating the cause of those who have been conspiring against DCA's .Africa new gTLD application.

Therefore, we wish to inform the ICANN executive leadership and the ICANN new gTLD Program Committee that DCA Trust would not accept a negative outcome of the GNP Evaluation if it were demonstrated that such an outcome has been unduly influenced by the views expressed by the ICANN Independent Objector. Our unshakeable position is that if the Independent Objector has already decided that he would not file any Community Objection against DCA's application, then he should no longer concern himself with DCA's application and its evaluation prospects with any of the ICANN Evaluation Panels.

The Machinations of UniForum ZA Central Registry to Advocate an Objection against DCA's Application

In their response to the Independent Objector for the ICANN new gTLD Program, UniForum had urged the Independent Objector to object to DCA's .Africa application by stating unequivocally: *"we request that the Independent Objector should lodge an objection to DCA's application should it pass the initial evaluation procedures."*[1] UniForum also consented to the Independent Objector referring to all their comments in any objection made against DCA's application for delegation of the ".Africa" gTLD.[2]

It is quite obvious that UniForum has actually attempted to manipulate the Independent Objector to use its own authored comments as the basis of a contrived Community Objection against DCA Trust's application for the .Africa new gTLD. According to UniForum's own testimony, a disparate African Community with separate agendas would unlikely be able to submit a single, coherent objection, and this should be the justification for an objection to DCA's application by the Independent Objector. In a nutshell, UniForum has actually tried to elicit the support of the Independent Objector for the ICANN new gTLD Program to foster an illegitimate agenda, *to wit*: pressing the Independent Objector to assist the 'African Community' to file a Community Objection against DCA's

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[1] A copy of UniForum's response to the Independent Objector for the ICANN new gTLD Program is available at:
http://www.independent-objector-newgtlds.org/app/download/8743939/UniForum+SA+Response+to+the+IO.pdf
[2] Please refer to Item Nos. 21 and 22 in the same document written by UniForum

application because the African Community is too disparate and has many separate agendas and as such cannot file a single, coherent objection on its own.[3]

Again, our understanding is that the Independent Objector is supposed to work alone and impartially to protect the general interest of the Internet public and users; and not for a particular applicant to conspire to use the machinery of the Office of the Independent Objector for the ICANN new gTLD Program to achieve a certain partisan, yet sinister objective against a competing application especially when the two applications have been put in the same Exact Matching String Contention Set by ICANN.

Even though UniForum has already admitted that it would be difficult to coordinate a Community Objection against DCA's application, they have gone ahead to actually request the Independent Objection to file an objection against DCA's application. We see this Campaign of Objection effort by UniForum as another evidence of an open conspiracy against DCA's application.

Employing Obsequiousness in an Unabashed Manner in order to Blackmail ICANN

We also note that UniForum has been rather obsequious in its efforts to manipulate the Independent Objector for the ICANN new gTLD Program, and even the ICANN leadership, by arguing that: *"If ICANN were to delegate the gTLD to DCA despite the AUC's endorsement of UniForum, it is likely that the AUC would lose faith in ICANN and its structures."* [4]

We totally disagree with this point of view and decry the fact that UniForum is employing obsequiousness as a tool of blackmail in order to manipulate ICANN to decide in their favour simply to please the African Union Commission. We do not accept that in a multi-stakeholder Global Internet Governance Model, ICANN should be persuaded by anyone to act unjustifiably simply to satisfy the obsequious whim of a new gTLD applicant. We disagree with the insinuation that the .Africa new gTLD should not be delegated to DCA Trust since this would make the AUC "lose faith in ICANN and its structures"; thus implying that .Africa should be delegated to UniForum in order to please the African Union Commission and make them retain faith in ICANN. We therefore

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[3] Ibid. See item No. 20 in UniForum's document
[4] Ibid. See item No. 18 in UniForum's document

urge ICANN not to be swayed by this irrational act of blackmail that is being orchestrated by UniForum just to enable the AUC receive some preferential treatment in this matter.

UniForum's posturing is very unethical and entirely self-serving, since as an acknowledged applicant in contention for the .Africa new gTLD, UniForum would actually be the principal beneficiary of such a preferential decision that they are advocating to ICANN: *to wit*, "give .Africa to UniForum to make the AU happy and retain faith in ICANN" thereby hinting that there would be certain consequences for ICANN were it to take a (contrary) delegation decision on .Africa that will not favour the AUC. We think that ICANN must not be blackmailed by UniForum ZA Central Registry, and must be allowed to demonstrate its independence, and not be daunted by the political and diplomatic influence of the African Union Commission as an inter-governmental organization. It is quite obvious that UniForum is actually attempting to intimidate ICANN by holding up its presumed 'almightiness' of the AUC as something that should be factored by ICANN in the delegation decision of .Africa. We find this not only deplorable but also rather patronizing.

We again wish to emphasize our enduring position that the final delegation decision by ICANN for .Africa should actually be based on the outcome of the evaluated technical, financial and operational criteria; of course, leaving out the issue of governmental endorsement for the .Africa geographic name string which has since become very irrelevant because the process has been fraught with many gross irregularities and for this reason, is no longer credible or defendable.

Open Admission in the Internet Media that DCA's Application will be "killed off"

The Internet web site Domain Incite (http://www.domaincite.com/) that is edited by Mr. Kevin Murphy recently reported that **"DCA is the laughing stock of the industry, a status it will continue to hold until its .africa bid is killed off a few weeks from now"**. (Please see http://domainincite.com/12044-nutty-dotconnectafrica-gives-di-a-good-kicking). Domain Incite did not elaborate how such 'killing' effort will be accomplished, but we are quite concerned that an Internet web site that reports frequently on ICANN Internet governance activities and the ICANN new gTLD program would openly mention that a certain application that is still under evaluation with ICANN **"will be killed off a few weeks from now"**. We see this as a Campaign of Traducement that has been contrived to make people believe that DCA's .Africa new gTLD application will not be approved by ICANN; simply

to destabilize and damage DCA's prospects at a time that official evaluation processes by the respective ICANN Evaluation Panels are still ongoing and have not yet been completed.

Since Domain Incite has already adopted an antagonistic posturing against DCA's application, and has openly supported UniForum, DCA Trust is quite convinced that Domain Incite is being used to traduce DCA's .Africa new gTLD application so as to promote a tendentious view and in the process, help the conspirators to achieve their sinister objective that is being worked to fail DCA's application.

Suggesting a Way Forward

The preponderant evidence clearly suggests that DCA's .Africa new gTLD application is the target and victim of a coordinated and determined conspiracy and we urge the ICANN leaders to please take note.

We believe that this ugly situation has been created by UniForum who do not want DCA's .Africa application to succeed. We have already made our case against UniForum publicly, and have stated our grievances, and also escalated our issues to the United States Congress asking for their earnest intervention; so we think that there is no need to repeat the allegations of possible illegality as part of this communication to ICANN. Even so, we seriously believe in due process of transparency and accountability, and vehemently deplore any secret plots that have been hatched by conspirators to openly work against DCA's application; similar to the type of illegal process that was used during the IGF in Baku, Azerbaijan in November 2012 to coordinate the contrivance of a spurious 'cut-and-paste' GAC Early Warning against DCA's application.

We have already mentioned in our official response to the ICANN GAC Early Warning, that many African country governments were never actually consulted, and it was simply an act of manipulation. In our estimation, it was a Machiavellian scheme to distribute an already prepared template to people who attended the IGF and request them to sign on to it as a means of demonstrating that their African country supports a GAC Early Warning in opposition to DCA's .Africa new gTLD application.

Therefore, we believe that a Way Forward now is for ICANN to cancel the endorsement criteria for .Africa new gTLD, and base the final decision to delegate the name string only on the evaluated outcome of the other technical, financial and operational criteria alone. As previously stated, the entire endorsement process has been

overtly politicized and tainted by accusations of irregularities and corruption. UniForum has used its suppositious AUC support to garner spurious ccTLD endorsements from different African countries, and has tried to pass them off as governmental endorsements from African Country governments. Such endorsements are not really valid and we hereby insist that they should not be the basis for the Independent Objector for the ICANN new gTLD Program to openly suggest that UniForum should pass the Geographic Names Panel Evaluation whilst openly advocating that DCA Trust should not pass the Geographic Names Panel Evaluation.

For example, the Namibian ccTLD is run by a single individual, Dr. Eberhard Lisse, who has provided UniForum with an endorsement. Everyone would agree with DCA's position that such a specious 'endorsement' from a 'one-man show ccTLD operation' hardly qualifies as an official endorsement received from the Namibian Government. We therefore urge all ICANN leaders, the ICANN Board and the ICANN new gTLD Program Committee to be quite vigilant and to be fully aware of such travesties that are being committed simply to achieve the wicked objective of a conspiracy against DCA's application for the .Africa new gTLD.

Thanking you in anticipation as we count on your earnest consideration and full cooperation regarding the issues that we have highlighted in this communication.

Most respectfully yours,

Sbekele

Ms. Sophia Bekele, B.S., M.B.A., C.I.S.A, C.C.S, CGEIT
For: DotConnectAfrica Trust (An Applicant for the .Africa gTLD) Application ID: 1-1165-42560

cc: Cherine Chalaby, Chair, New gTLD Program Committee
cc: Heather Dryden, Chair, Government Advisory Committee
cc: Christine Willett, General Manager, New gTLD Program
cc: The Honorable Suzanne Sene, U.S. Representative to ICANN Government Advisory Committee
cc: Dr. Olivier M.J. Crépin-Leblond, Chair, ICANN At Large Advisory Committee
cc: Mandy Carver, Global Stakeholder Engagement Executive Director
cc: Sally Costerton, Senior Advisor to the President — Global Stakeholder Engagement
cc: John Jeffrey, ICANN General Counsel
cc: Chris LaHatte, ICANN Ombudsman
cc: Professor Alain Pellet, Independent Objector for the ICANN new gTLD Program
cc: Dr.Tarek Kamel, ICANN Sr. Advisor to CEO (ICANN Africa Strategy)
cc: Pierre Dandjinou, ICANN Vice-President, Stakeholder Engagement (Africa)