

- i. Six judges will serve in the Trial Chamber, three of which will be appointed by the President of Liberia, and three appointed by the Secretary-General of the United Nations (hereinafter "Secretary-General").
  - ii. Six judges will serve in the Appeals Chamber, two of which will be appointed by the President of Liberia, two judges appointed by the Secretary-General of the United Nations one judge by the President of the European Union, and one judge by the Chairman of the Commission of the African Union.
  - iii. Judges will only serve in the Chamber to which he or she has been designated.
  - iv. Judges from each Chamber will elect by a majority a presiding judge who will conduct the proceedings in his or her designated Chamber. The presiding judge of the Appeals Chamber will serve as the President of the Court.
  - v. The President of the Court shall be competent to make general and special assignment of judges to any Chamber or Panel consistent with the Court's Rules of Evidence and Procedure.
  - vi. Two alternate judges will be appointed by the Government of Liberia, one will be assigned to the Trial Chamber and the other to the Appeals Chamber.
  - vii. In the event of a vacancy the appointing authority retains the right to appoint alternative judge(s) subject to the approval of the President of Liberia.
  - viii. The judges of the Trial and Appeals Chambers shall collectively be referred to as the Entirety of the Court.
2. At least one-third of all of the judges must be women.

#### **Article 4**

#### **Qualifications of Judges**

1. The judges of the Court shall be persons of high moral character, integrity and impartiality who have expertise in public international law or Liberian criminal law, and have at least ten years of legal experience.
2. No person may be a judge if there is evidence or a public perception that he or she is alleged to have committed any violations of human rights law or humanitarian law, or played any role in supporting armed conflict in Liberia.
3. Judges will be appointed for five year terms.

**Article 5**  
**Term of office**

1. The term of office of a judge shall be terminated:
  - i. on the expiry of the term of office under Article 3
  - ii. upon voluntary resignation, as confirmed by the Entirety of the Court;
  - iii. upon permanent inability to perform the duties of a judge due to his/her illness, disability, or weakness certified by a competent medical board and decided by the Plenum of the Court;
  - iv. upon being removed from office by the National Legislature after a request by the Court itself.

**Article 6**  
**Incompatibilities and Immunities**

1. Judges of the Court may not be employed by any other entity or hold office in political organs, political associations or foundations connected to them, nor be involved in any political or party activities of a public nature. Professorial duties or research of a juridical nature are exceptions to this rule.
2. Judges of the Court will receive the same privileges and immunities as judges of the Supreme Court of Liberia. Expatriates appointed to serve as judges (i.e. international judges) shall be entitled to full diplomatic privileges and immunities of foreign diplomatic personnel.

**Article 7**  
**Language**

1. English is the official language of the Court and in its communication with parties. Persons participating in proceedings have the right to speak in their native language. When requested by any persons participating in proceedings, the Court must provide qualified interpreters and transcribers.

**Article 8**  
**Rules of Evidence and Procedure**

1. The Rules of Evidence and Procedure will be established by a consensus of the Entirety of the Court. They must comport with international standards of due process and include minimum procedural safeguards.

2. The Rules of Evidence and Procedure of the Court shall be published in five newspapers in the Republic of Liberia and made available to persons upon request.

**Article 9**  
**The Budget of the Court**

1. The Court shall have its own budget, which shall derive from the Government of Liberia and voluntary contributions from donor/partner states, international institutions, non-governmental organizations and individuals.
2. The President of the Court is responsible for managing the budget of the Court. He or she will be assisted by the Chief Registrar.

**Article 10**  
**Counselors and Attorneys-at-Law**

1. To appear or practice before the Court, an attorney must be licensed or certified to practice law in Liberia or in another jurisdiction with a recognized and functioning bar association that is recognized by the Court.
2. An attorney that does not fulfill the requirements under paragraph 1 may be specially admitted by the Court.
3. Procedures for special admission of attorneys and for recognition of licensing authorities for attorneys shall be established by the Court in its Rules of Evidence and Procedure.
4. The Court will define in its Rules of Evidence and Procedure the qualifications for attorneys that seek to appear before it. It will also have the authority to impose sanctions upon any attorney that appears before it; except for those that have been accorded diplomatic privileges and immunities.

**JURISDICTION**  
**Article 11**  
**Criminal and Administrative Jurisdiction**

1. The Court shall have criminal jurisdiction over crimes defined in this Statute and in the TRC's Final Consolidated Report Volume II including those categorized as gross violations of human rights (GVHR), serious humanitarian law violations (SHLV) and egregious domestic crimes (EDC), and any other relevant crimes.

2. The crimes enumerated in Articles 11-13 are largely derived from the Rome Statute of the International Criminal Court (ICC); however, their substance is derived from conventional and customary international law that predates the ICC. Liberia signed the 1998 Rome Statute establishing the ICC in July 1998 and ratified it in September 2004; consequently, since 1998, it has had a positive duty to refrain from acts that would defeat its object and purpose.
3. The Court shall recognize that while human rights obligations generally apply to state actors, select GVHR including, for example, enslavement, genocide and crimes against humanity, sit atop the hierarchy of international human rights law and international humanitarian law, and increasingly extend to private persons and to private action.
4. The Court shall have administrative jurisdiction and competence to adjudicate final administrative acts of the institutions and or bodies of the Republic of Liberia, determine the legality of individual and general administrative acts taken under State authority, resolve property disputes and levy tort penalties in accordance with Liberian law and international standards.
5. The Court shall be competent to:
  - i. take a final and legally binding position on the implementation of domestic and international law including Liberian criminal or penal law, international treaties, customary international law and general principles of law.
  - ii. decide any issue relating to international and inter-entity criminal law enforcement, including relations with Interpol and other international police institutions, such as decisions on the transfer of convicted persons, and on the extradition and surrender of persons under its authority, requested from any authority in Liberia by foreign states or international courts or tribunals;
  - iii. decide any conflict of jurisdiction between the Court and any other courts.
  - iv. initiate criminal proceedings for crimes defined under the Statute.

## **Article 12**

### **Gross Violations of Human Rights**

#### **1. "Murder"**

The perpetrator purposely or knowingly caused the death of another human being or caused the death of another human being under circumstances manifesting extreme indifference to the value of human life; the perpetrator killed one or more persons.

#### **2. "Extermination"**

The perpetrator killed one or more persons, including by the intentional infliction of conditions of life, inter alia the deprivation of access to food and

medicine, calculated to bring about the destruction of part of a population. The conduct constituted, or took place as part of, a mass killing of members of a civilian population.

**3. "Enslavement"**

The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

**4. "Torture"**

The perpetrator intentionally inflicted severe physical or mental pain or suffering upon one or more persons. Such person or persons were in the custody or under the control of the perpetrator. Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions. In the context of IHRL, it is understood that no specific purpose need be proved for this crime, as distinct from torture as a "war crime".

**5. "Rape"**

The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent. The concept of "invasion" is intended to be broad enough to be gender-neutral. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

**6. "Sexual Slavery"**

The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.

**7. "Enforced Prostitution"**

The perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent; and the perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature. It is

understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

**8. "Enforced Sterilization"**

The perpetrator deprived one or more persons of biological reproductive capacity. The conduct was neither justified by the medical or hospital treatment of the person or persons concerned nor carried out with their genuine consent. The deprivation is not intended to include birth-control measures which have a non-permanent effect in practice. It is understood that 'genuine consent' does not include consent obtained through deception. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

**9. "Sexual Violence"**

The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. Such conduct was of a gravity comparable to the other offences in this section. The perpetrator was aware of the factual circumstances that established the gravity of the conduct.

**10. "Enforced Disappearance of Persons"**

The perpetrator arrested, detained or abducted one or more persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time. It is understood that under certain circumstances an arrest or detention may have been lawful.

**11. "Persecution"**

The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights. The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such. Such targeting was based on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law. The conduct was committed in connection with any act referred to above.

**12. "Deportation or Forcible Transfer of Population"**

The perpetrator deported or forcibly transferred or displaced, without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts. Such person or persons were lawfully present in the area from which they were so deported or transferred. The perpetrator was aware of the factual circumstances that established the lawfulness of such presence.

### **13. "Imprisonment or other Serious Deprivation of Physical Liberty"**

The perpetrator intentionally imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty. The gravity of the conduct was such that it was in violation of fundamental rules of international law. The perpetrator was aware of the factual circumstances that established the gravity of the conduct.

### **14. "Genocide"**

Genocide means any of the following acts, whether committed in time of peace or in war, committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- i. Killing members of the group;
- ii. Causing serious bodily or mental harm to members of the group;
- iii. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- iv. Imposing measures intended to prevent births within the group;
- v. Forcibly transferring children of the group to another group.

The following acts shall be punishable:

- i. Genocide;
- ii. Conspiracy to commit genocide;
- iii. Direct and public incitement to commit genocide;
- iv. Attempt to commit genocide;
- v. Complicity in genocide.

### **15. "Crimes against humanity"**

A "crime against humanity" is any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- i. Murder;
- ii. Extermination;
- iii. Enslavement;
- iv. Deportation or forcible transfer of population;
- v. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- vi. Torture;
- vii. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- viii. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- ix. Enforced disappearance of persons;

- x. The crime of apartheid;
- xi. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

For the purpose of the paragraph above:

- i. "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
- ii. "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
- iii. "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
- iv. "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
- v. "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
- vi. "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
- vii. "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
- viii. "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
- ix. "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

"Gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.



**Article 13**  
**Serious Humanitarian Law Violations**

**1. “Murder”**

The perpetrator intentionally killed one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. The term “religious personnel” includes those non-confessional non-combatant military personnel carrying out a similar function. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

**2. “Mutilation”**

The perpetrator subjected one or more persons to mutilation, in particular by permanently disfiguring the person or persons, or by permanently disabling or removing an organ or appendage. The conduct was neither justified by the medical, dental or hospital treatment of the person or persons concerned nor carried out in such person’s or persons’ interests. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

**3. “Attacking Civilians”**

The perpetrator directed an attack. The object of the attack was a civilian population as such or individual civilians not taking direct part in hostilities. The perpetrator intended the civilian population as such or individual civilians not taking direct part in hostilities to be the object of the attack. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

**4. “Cruel Treatment”**

The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

**5. “Torture”**

The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for

any reason based on discrimination of any kind. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

#### 6. "Taking of Hostages"

The perpetrator seized, detained or otherwise held hostage one or more persons. The perpetrator threatened to kill, injure or continue to detain such person or persons. The perpetrator intended to compel a State, an international organization, a natural or legal person or a group of persons to act or refrain from acting as an explicit or implicit condition for the safety or the release of such person or persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

#### 7. "Outrages upon Personal Dignity"

The perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons. The severity of the humiliation, degradation or other violation was of such degree as to be generally recognized as an outrage upon personal dignity. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict. For this crime, "persons" can include dead persons. It is understood that the victim need not personally be aware of the existence of the humiliation or degradation or other violation. This element takes into account relevant aspects of the cultural background of the victim.

**Protocol II** is particularly concerned with "**Outrages upon Personal Dignity**" that include, for example: Humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault:

- i. "**Cruel Treatment**" The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

- ii. **“Rape”** The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

The concept of “invasion” is intended to be broad enough to be gender-neutral. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

- iii. **“Enforced Prostitution”** The perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent. The perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.
- iv. **“Sexual Slavery”** The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

It is understood that such deprivation of liberty may, in some circumstances, include exacting forced labor or otherwise reducing a person to servile status as defined in the *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices*

*Similar to Slavery of 1956.* It is also understood that the conduct described in this element includes trafficking in persons, in particular women and children.

- v. **“Sexual Violence”** The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent. The conduct was of a gravity comparable to that of a serious violation of Common Article 3 to the four Geneva Conventions. The perpetrator was aware of the factual circumstances that established the gravity of the conduct. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

#### **8. “Sentencing or Execution Without Due Process”**

The perpetrator passed sentence or executed one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. There was no previous judgment pronounced by a court, or the court that rendered judgment was not “regularly constituted,” that is, it did not afford the essential guarantees of independence and impartiality, or the court that rendered judgment did not afford all other judicial guarantees generally recognized as indispensable under international law. The perpetrator was aware of the absence of a previous judgment or of the denial of relevant guarantees and the fact that they are essential or indispensable to a fair trial. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict. These elements do not address the different forms of individual criminal responsibility.

#### **9. “Attacking objects or persons using the distinctive emblems of the Geneva Conventions”**

The perpetrator attacked one or more persons, buildings, medical units or transports or other objects using, in conformity with international law, a distinctive emblem or other method of identification indicating protection under the Geneva Conventions. The perpetrator intended such persons, buildings, units or transports or other objects so using such identification to be the object of the attack. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

#### **10. "Collective Punishment"**

The perpetrator inflicts a general penalty, pecuniary or otherwise, on the population on account of the act or acts of individuals for which it cannot be regarded as jointly and severally responsible because punishment is personal and can only be imposed on the perpetrator(s).<sup>11</sup>

#### **11. "Acts of Terrorism"**

The perpetrator engages in any act which is a violation of the criminal laws of the Republic of Liberia and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

- i. intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
- ii. disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- iii. create general insurrection in a State;

Any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (c).<sup>12</sup>

#### **12. "Enslavement"**

The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

#### **13. "Pillage"**

The perpetrator appropriated certain property. The perpetrator intended to deprive the owner of the property and to appropriate it for private or personal use. The appropriation was without the consent of the owner. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

---

<sup>11</sup> See, Article 50, *Hague Regulations of 1907*; and Article 7(2), *African Charter on Human and Peoples Rights*, Banjul, Gambia, adopted 27 June 1981. See also, Italy, Military Tribunal of Rome, *Priebeke case*, Judgment, 22 July 1997.

<sup>12</sup>Article 1(3), *OAU Convention on the Prevention and Combating of Terrorism*, Algiers, Algeria, 14 July 1999, entered into force 6 December 2002.

#### **14. "Using, Conscripting or Enlisting Children in Armed Conflict"**

The perpetrator conscripted or enlisted one or more persons into the national armed forces or used one or more persons to participate actively in hostilities. Such person or persons were under the age of fifteen years. The perpetrator knew or should have known that such person or persons were under the age of fifteen years. The conduct took place in the context of and was associated with an international armed conflict. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

### **Article 14 Egregious Domestic Crimes**

#### **1. Mercenarism.**

Offense. The crime of mercenarism is committed, a felony of the first degree, by an individual, a group, an association, representative or representatives of a State and the State itself with the intent of opposing by armed violence a process of self-determination or the territorial integrity of another State when the following acts are perpetrated:

- i. The sheltering, organizing, financing, assisting, equipping, training, promoting, supporting or employing armed forces partially or wholly and consisting of persons not nationals of the country being invaded or attempting to invade and merely or solely for money, personal gain, material or other reward; or
- ii. The enlisting, enrolling or attempting to enroll in the said armed forces; or
- iii. The allowing of the activities referred to in Sub-section (1)(a) to be carried out in any territory under the jurisdiction of another State or in any place under its control; or
- iv. The affording of facilities for transit, transportation or other operations for the armed forces and activities referred to in Sub-section (1)(a).

Grading: Mercenaries shall not in this Republic enjoy the status of combatants and shall not be entitled to the prisoners of war status. Assuming command over or giving orders to mercenaries shall be considered as an aggravating circumstance.

If the act of mercenarism results in the death of any non-participant in such mercenarism, other than a mercenary, the person convicted may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3. In the case of a State, such act of mercenarism shall be regarded as a declaration of war against the Republic of Liberia (d).

#### **2. Official Oppression.**

A person acting or purporting to act in an official capacity of taking advantage of such actual or purported capacity commits a first degree misdemeanor if he knowingly:

- i. Subjects another to unlawful arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or
- ii. Denies, or impedes another in the exercise or enjoyment of, any right, privilege, power or immunity.

### **3. Murder.**

A person is guilty of murder if he:

- i. Purposely or knowingly causes the death of another human being; or
- ii. Causes the death of another human being under circumstances manifesting extreme indifference to the value of human life. A rebuttable presumption that such indifference exists arises if the defendant is engaged or is an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit, treason, offenses defined in Sections 11.2 or 11.3 of this title, espionage, sabotage, robbery, burglary, kidnapping, felonious restraint, arson, rape, aggravated involuntary sodomy, escape, piracy, or other felony involving force or danger to human life.

Murder is a felony of the first degree but a person convicted of murder may be sentenced to life imprisonment.

### **4. Kidnapping.**

Offense. A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following purposes:

- i. To hold for ransom or reward;
- ii. To use him as a shield or hostage;
- iii. To hold him in a condition of involuntary servitude;
- iv. To facilitate commission of any felony or flight thereafter;
- v. To inflict bodily injury on or to terrorize the victim or another; or
- vi. To interfere with the performance of any governmental or political function.

Grading. Kidnapping is a felony of the first degree unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a felony of the second degree.

When removal or confinement is unlawful. A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat, or deception, or, in the case of a person who is under the age of 14 or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

### **5. Sexual Assault.**

A person who knowingly has sexual contact with another person or causes such other to have sexual contact with him or her, when they are not married to each other, has committed a second degree misdemeanor if:

- i. The actor knows that the contact is offensive to the other person when such other person is not a voluntary social companion or has not previously permitted sexual liberties to be taken;
- ii. The actor knows that the other person suffers from a mental disease or defect which renders such person incapable of understanding the nature of such conduct;
- iii. The other person is less than twelve years of age, provided the actor is sixteen years of age or older;
- iv. The actor has substantially impaired the other person's power to appraise or control his or her conduct by administering or employing without the other's knowledge intoxicants or other means for the purpose of preventing resistance;
- v. The other person is in official custody or detained in a hospital, prison or other institution and the act has supervisory or disciplinary authority over him or her;
- vi. The other person is less than twenty-one years of age and the actor is his or her parent, guardian or acts as his guardian; or
- vii. The other person is less than sixteen years of age and the actor is at least five years older than the other person.

## **6. Rape.**

Offense. A male who has sexual intercourse with a female not his wife has committed rape if:

- i. He compels her to submit by force, or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
- ii. Has substantially impaired her power to appraise or control her conduct by administering or employing without her knowledge intoxicants or other means with the purpose of preventing resistance, or
- iii. The female is less than sixteen years old, provided the actor is sixteen years of age or older.

Grade. Rape is a first degree felony if in the course of the rape the actor inflicts serious bodily injury upon the female, or if his conduct violates paragraph (1)(c) of this section, or if the female is not a voluntary companion of the actor and has not previously permitted his sexual liberties. Otherwise, rape is a second degree felony.

## **7. Fraud on the Internal Revenue of Liberia.**

A person is guilty of a first degree felony, if he:

- i. Knowingly conspires or colludes to defraud the Government of Liberia;
- ii. Knowingly makes an opportunity for any person to defraud the Government of Liberia or another;
- iii. Does or omits to do any act with intent to enable another to defraud the Government of Liberia;
- iv. Makes or signs any fraudulent entry in any book or record of any Ministry or Agency of Government or signs any fraudulent certificate, return or statement;



- v. Demands greater sums than authorized by law or receives any fee, compensation or reward for the performance of any duty except compensation from the Government of Liberia;
- vi. With intent to defeat the application of any provision of the Revenue and Finance Law of Liberia, fails to perform any of the duties of his office or employment;
- vii. Having knowledge of a violation of any Revenue and Finance Law of Liberia, or any fraud, fails to report in writing such information to the Commissioner of Internal Revenues or the Minister of Finance of Liberia;
- viii. Demands, accepts, attempts to collect, directly or indirectly, as a payment, gift or otherwise of sum or thing of value for compromise, adjustment or settlement of any charge or complaint.

#### **8. Theft and/or Illegal Disbursement and Expenditure of Public Money.**

A person is guilty of a first degree felony, if he:

- i. Knowingly fails to render his account or accounts for public money or property as provided by law, said person being an officer, employee or agent of the Government of Liberia or of any Ministry or Agency thereof or public corporation, having received public money which he is not authorized to retain as salary, pay or emolument;
- ii. Knowingly takes, misappropriates, converts, or exercises unauthorized control over, or makes unauthorized transfer of an interest in the property of another or the Government of Liberia, with the purpose of depriving the owner thereof or purposely deprives another of his property by deception, or by threat; or
- iii. Knowingly receives, retains or disposes of property of another or the Government of Liberia which has been stolen, with the purpose of depriving the owner thereof or the Government of Liberia [of such property].

#### **9. Possession, Distribution, Transportation and/or Use of Tools and Materials for Counterfeiting Purposes.**

A person is guilty of a first degree felony, if he:

- i. Knowingly and without any authority from the Government of Liberia, secretes within, or embezzles, or takes and carries away from any building, room, office, apartment, vault, safe, or other place where the same is kept, employed, used and placed, logged or deposited by authority of the Government of Liberia, any tool, implement, or thing used or fitted to be used in stamping or printing any kind or description of bond, bill, note, certificate, coupon, postage stamp, factional currency note, or other paper, instrument, obligation, device, or document, authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the Government of Liberia;
- ii. Knowingly and without such authority, so secretes, steals, or takes and carries away paper, parchment, or other material printed or stamped, in whole or in part, and intended to be prepared, issued, or put in circulation on behalf of

the Government of Liberia as one of such papers, instruments or obligations, or printed or stamped, in whole or in part, in the similitude of any such paper, instrument, obligation, whether intended to issue or put the same in circulation or not;

- iii. Knowingly and without such authority, so secrets, steals, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents;
- iv. with the purpose of deceiving or harming the Government of Liberia or another person, or with knowledge that he is facilitating such deception or harm by another person, he knowingly and falsely makes, completes or alters a forged or counterfeited writing or object;
- v. Knowingly sells, buys, imports, processes or otherwise has within his control any plate, stone, paper, tool, die, mild or other implement or thing uniquely associated with or fitted for the preparation of any forged or counterfeited security or tax stamp or any writing or object which purports to be made by the Government of Liberia, its agent or any foreign government or its agent.

#### **10. Misuse of Public Money, Property or Record.**

A person is guilty of a first degree felony, if he:

- i. Knowingly steals, takes, purloins, or converts to his own use and benefit or the use of another; or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the Government of Liberia or of any Ministry, or Agency thereof, or public corporation, or any property made or being made under contract for the Government of Liberia or any Ministry, Agency thereof or public corporation;
- ii. Receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been stolen, purloined or converted;
- iii. Disposes of, uses or transfers any interest in property which has been entrusted to him as a fiduciary, and in his capacity as a public servant or any officer of an institution, in a manner he knows is not authorized and that he knows to involve risk of loss or detriment to the owner of the property or to the Government of Liberia or other person for whose benefit the property was entrusted.

#### **11. Economic Crime**

A person is guilty of a first degree felony, if he/she:

- i. Engaged in any activity by a public or private person of any nationality, or domestic or international corporate entity conducting or facilitating business in or related to Liberia, or on behalf of the Liberian government, a Liberian business, or Liberian resident or citizen, that generates illicit profit<sup>13</sup> either individually or collectively or in any organized manner by engaging in,

---

<sup>13</sup> Illicit profit may be defined as the significant increase in the assets of a public official, private person, or corporate entity, which cannot reasonably be explained or justified in relation to ones position, income or corporate profit.

among others, the following activities: fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt malpractices, illegal arms deal, smuggling, sexual slavery, human trafficking and child labor, illegal mining, illegal natural resource extraction, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods, and any other activity unlawful under domestic or international law.

### **Article 15**

#### **Individual Criminal Responsibility**

1. Any person that planned, instigated, ordered, committed, aided or abetted in the planning, preparation or execution of a crime referred to in Articles 11-13 of the Statute shall be individually responsible for the crime.
2. Any person, persons, groups or entities involved in a joint criminal enterprise or conspiracy including those that planned, instigated, ordered, committed, aided or abetted in the planning, preparation or execution of any crime referred to in Articles 11-13 of this Statute may be collectively prosecuted and held responsible for such crime(s).
3. The official position of a perpetrator or alleged perpetrator or accused, whether as President, Head of State, a government official, or elected representative, or irrespective of an accused persons citizenship or status, shall not absolve such person of criminal responsibility nor mitigate punishment.
4. A superior—during times of peace and armed conflict—is directly responsible for the acts of subordinates if he/she knew or had reason to know, by a preponderance of the evidence, that the subordinate would or did commit criminal acts under this Statute and failed to take reasonable and effective measures to prevent such acts or to punish the perpetrators thereof.
5. This Statute does not recognize any defense of superior orders—irrespective of whether a perpetrator or alleged perpetrator acted pursuant to Government, a non-state actor, rebel group, or corporation.

### **Article 16**

#### **Jurisdiction over Persons 17 years of Age**

1. The Court shall have no jurisdiction over any person that was under the age of 18 when the alleged crime was committed. The Court shall have jurisdiction over

any person that was 18 years of age or older when the alleged crime was committed.

**Article 17**  
**Amnesty**

1. The Court shall not recognize any amnesty granted to a person falling within the temporal jurisdiction of the TRC and the criminal jurisdiction—Articles 11 to 13— of this Statute.

**Article 18**  
**The President of the Court**

1. The Entirety of the Court elects the Court's President and Vice-President for one renewable term of five years.
2. The President and Vice-President are elected in a secret ballot by a majority of the Entirety of the Court, in a session at which the eldest judge presides.
3. If the President is temporarily incapacitated he or she shall be replaced by the Vice-President.

**Article 19**  
**Competencies of the President of the Court**

1. The President of the Court is responsible for:
  - i. Representing the Court in its external relations with state bodies and organizations;
  - ii. The appointment of judges to the different divisions and panels;
  - iii. Selecting one of the two alternative judges in the event of the disqualification of a judge;
  - iv. Setting the time table for sessions, handling cases and distributing the cases between the members of the Court and where necessary between the Divisions;
  - v. Summoning and presiding over the Entirety of the Court;
  - vi. The implementation of the budget of the Court;
  - vii. Performing general administration of the staff of the Court;
  - viii. Instituting disciplinary proceedings against judges, the Chief Registrar or a Deputy Registrar.

2. The President shall propose the Court's working schedule at the beginning of each calendar year, providing for the allocation of incoming cases in advance and according to objective criteria.

**Article 20**  
**The Entirety of the Court**

1. The Entirety of the Court shall consist of all members of the Court. The Entirety adopts its decision with a simple majority of all judges of the Court.
2. The Entirety of the Court:
  - i. Shall elect the President and the Vice-Presidents of the Court;
  - ii. Shall draw up and adopt the Rules of Procedure and Evidence of the Court;
  - iii. Shall select the Chief Registrar and two Deputy Registrars;
  - iv. Shall adopt the working schedule proposed by the president;
  - v. Shall confirm the procedures for disciplinary proceedings against judges, the Chief Registrar and Deputy Registrars;
  - vi. Shall recommend the removal of a judge pursuant to article 4;
  - vii. Shall adopt the draft budget of the Court.

**Article 21**  
**The Registry**

1. The Court shall have a Registry responsible for the administration and servicing of the Court and its Chambers.
2. The Registry is managed by a Chief Registrar and two Deputy Registrars, under the supervision of the President of the Court and under the conditions specified in the Rules of Evidence and Procedure of the Court.
3. The Registry shall consist of a Chief Registrar and two Deputy Registrars, elected by the Entirety of the Court.
4. The Chief Registrar and two Deputy Registrars shall be persons of high moral character, integrity and impartiality who have significant legal expertise.
5. The Chief Registrar shall be a foreign national with over 10 years of legal experience including work with international courts and tribunals and or internationalized domestic courts.

6. The Registry may employ experts and advisors as necessary for the fulfillment of the mandate of the Court.
7. No person may be a member of the Registry if there is a well-founded public perception that he or she are alleged to have committed any violations of human rights law or humanitarian law, or played any role in supporting armed conflict in Liberia.

## **Article 22**

### **The Prosecutor**

1. The Prosecutor shall be responsible for the investigation and prosecution of persons referred to the Court by the TRC in the Final Consolidated Report Volume II, any persons or members of armed groups or rebel factions the TRC has determined are responsible for committing GVHR, SHLV and EDC, and any other person(s) that the Prosecutor determines committed GVHR, SHLV and EDC under this Statute between January 1979 and 14 October 2003.
2. The Prosecutor shall act independently as a separate entity of the Court. He or she shall not seek or receive directives from any government or from any other source.
3. The Office of the Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct investigations within the territory of Liberia and in other states as necessary. The Government of Liberia shall, upon the request of the Prosecutor, provide the Office of the Prosecutor with effective assistance in carrying-out its mandate.
4. The Prosecutor shall be appointed by the President of the Republic of Liberia in consultation with the Secretary-General of the United Nations for a five-year term and shall be eligible for re-appointment. The Prosecutor shall be a person of high moral character, integrity, impartiality and professional competence, with extensive expertise in international criminal law, investigations and the prosecution of criminal cases.
5. The Prosecutor shall appoint a Deputy Prosecutor to assist him/her, which shall be a woman of high moral character, integrity, impartiality and professional competence, with extensive expertise in investigations and the prosecution of criminal cases. The Office of the Prosecutor shall employ other Liberian and international staff as required to fulfill the functions of the Office. Given the nature of the crimes committed and the particular sensitivities of girls, young women and children victims of rape, sexual assault, abduction and slavery of all kinds, special consideration shall be given to the appointment of prosecutors and investigators experienced in gender-related crimes and juvenile justice.

6. No person may be a prosecutor if there evidence of and or a public perception that he or she is alleged to have committed any violations of human rights law or humanitarian law, or played any role in supporting armed conflict in Liberia.

### **Article 23**

#### **Administrative Staff**

1. The Court shall have its own staff. The Court shall determine in respect of its staff the organizational structure in its Rules of Procedure and Evidence.
1. The Court shall determine the duties and responsibilities, reasons for non-attendance, replacements, absences, leave and holiday arrangements in respect of administrative staff.
2. Administrative staff shall be persons of high moral character, integrity and impartiality who have significant legal expertise.
3. No person may be a staff member if there is a well-founded public perception that he or she is alleged to have committed any violations of human rights law or humanitarian law, or played any role in supporting armed conflict in Liberia.

## **CRIMINAL PROCEDURE**

### **Article 24**

#### **Presumption of innocence**

1. A person shall be considered innocent of a crime until guilt has been established beyond a reasonable doubt by a final verdict of the Court.

### **Article 25**

#### **Rights of the Perpetrators and Alleged Perpetrators**

1. The term perpetrator refers to those persons that the TRC has determined are responsible for committing GVHR, SHLV and EDC. Alleged perpetrators are those persons that have been accused of committing GVHR, SHLV and EDC.
2. Any person subject to investigation by authorities of the Court or the Government of Liberia are not required to respond to any form of communication except for information related to his/her identify and place of residence. Agents of the court and law enforcement officials will inform persons of this right.

3. Perpetrators and categories of perpetrators referred to the Court by the TRC as well as any other alleged perpetrators have the right to request and have present defense counsel at any and all questioning. If the perpetrator or alleged perpetrator is deprived of liberty, he/she has the right to request the presence of defense counsel, if he/she is not able to afford defense counsel due to his/her financial circumstances, he/she will be provided a qualified counsel by the Court.
4. The Court and its agents have a duty to advise any perpetrator or alleged perpetrator of his/her rights set out in paragraphs 2 and 3 of this article. The accused must be informed about the charge against him/her and the grounds for the charge. The accused must be given without delay an opportunity to state his/her position concerning all facts and evidence against him/her and to present all facts and evidence in his/her favor.
5. It is unlawful to force a confession or any other statement from a perpetrator, alleged perpetrator, or other person participating in proceedings. The Court may not base its decision on evidence obtained unlawfully or by violating human rights and freedoms prescribed in the Constitution of Liberia or international law.
6. The Court may make judgments in absentia.
7. The provisions in this law do not in any way whatsoever restrict any rights guaranteed to the perpetrators, alleged perpetrators, and other accused persons by the Constitution of Liberia and international law including treaties and customary international law appended to it and generally accepted principles of international law.

**Article 26**  
**Ne bis in idem**

1. No person shall be tried before a court in the territory of Liberia for any offence, for which he/ she has already been tried by the Court.

**Article 27**  
**Defense Counsel**

1. In accordance with Article 25, a perpetrator or alleged perpetrator is entitled to effective defense counsel throughout the course of criminal proceedings.
2. A defense counsel may represent more than one person but not if the same criminal proceedings are being conducted against them all.



3. If a perpetrator or alleged perpetrator fails to, or is not able to, engage a defense counsel on his/her own, defense counsel may also be engaged ex officio or by his/her legal representative, spouse, extramarital partner, blood relative in a direct line, adopted parent, adopted child, brother, sister or foster parent. The Court may also appoint and retain defense counsel for the accused.
4. If a perpetrator or alleged perpetrator is mute, deaf or incapable of effectively defending him/herself, or if the proceedings are being conducted for a crime for which the penalty of extended imprisonment may be pronounced, he/she must have defense counsel from the very first examination.
5. No person may serve as defense counsel if there is evidence of, or a public perception that he or she are alleged to have committed any violations of human rights law or humanitarian law, or played any role in supporting armed conflict in Liberia.

**Article 28**  
**The Right to File an Appeal**

1. Appeals of persons convicted by the Trial Chamber can be lodged with the Appellate Chamber on the following grounds:
  - i. Substantial violation of criminal procedure regulations;
  - ii. An error as to a question of law invalidating the decision;
  - iii. A substantial error of fact which has occasioned a miscarriage of justice;
  - iv. An error as to a question of law or fact invalidating the penalty or sentence.
2. The Prosecutor may file an appeal either against or in favor of the accused.
3. An appeal against a decision may be filed within 10 working days from the date of delivery of the decision to the party.
4. The perpetrator or alleged perpetrator may waive the right of appeal only after the decision has been delivered to him/her. The prosecutor may waive the right of appeal against the interests of the accused from the moment when the decision is announced to the end of the period allowed for filing an appeal against the interests of the accused, and may withdraw an appeal already filed at any stage before a decision is rendered by the Appellate Division.
5. The waiver and withdrawal of an appeal cannot be revoked.

**Article 29**  
**Decisions on Appeals**

1. The President of the Court shall issue a decision rejecting an appeal which is lodged out of time.
2. The Appellate Chamber may confirm, reverse or revise decisions delivered by the Trial Chamber, according to the applicable law, procedural and legislation.

**Article 30**  
**Disqualification**

1. A judge may not perform his/her judicial duties in the following cases:
  - i. If she/he has been adversely affected by the crime;
  - ii. If the suspect or accused, his/her defence counsel, the injured party, their legal representative or authorised agent, is his/her spouse or extramarital partner or direct blood relative at whatever degree and in a lateral line up to the fourth degree, or a relative by marriage up to the second degree;
  - iii. If in the same criminal case he or she has performed actions as defence counsel, legal representative or authorised agent of the injured party, or has been examined as a witness or expert.
2. As soon as a judge learns that any of the grounds for disqualification exist, she/he must interrupt all work on that case and inform the President of the Court, who shall appoint his/her replacement. If it is a question of disqualification of the President of the Court, the Entirety of the Court shall vote by majority on his/her replacement.
3. If a judge feels that there are other circumstances which justify his/her disqualification, he/she shall so inform the President of the Court.

**Article 31**  
**Costs**

1. The Court reserves the right to apportion in whole or in part—in its judgment—the costs of criminal proceedings to a perpetrator and or alleged perpetrator that it finds guilty. The proceeds from apportionment will be paid to the Court.

## **ADMINISTRATIVE PROCEDURE**

### **Article 32**

#### **Concurrent Jurisdiction**

1. The Extraordinary Criminal Court for Liberia and the national courts of Liberia shall have concurrent jurisdiction; except with respect to GVHR and SHLV.
2. The Extraordinary Criminal Court for Liberia shall have primacy over the national courts of Liberia, and may at any time request a national court to defer to its jurisdiction and competence in accordance with this Statute and the Rules of Evidence and Procedure of the Court.
3. The Extraordinary Criminal Court for Liberia may under paragraph 2 remove and transfer proceedings to any national court in Liberia, and in cases that pose a national security risk as determined by the President of the Republic, and with the consent of the President of the Court, conduct proceedings in foreign states.
4. The Court may, in consultation with the President of the Republic, enter into special agreements that authorize foreign states, particularly those with universal jurisdiction law, to arrest, detain and prosecute any persons that the TRC determined committed GVHR, SHLV and EDC perpetrators and alleged perpetrators

### **Article 33**

#### **Non bis in idem**

1. No person shall be tried before the Court for acts for which he/she has already been tried by the national courts, and no persons shall be tried before the national courts for acts for which he/she has already been tried by the Court; except if:
  - i. The national court proceedings were not just in-the-wake of the crime committed; were not impartial or independent; were not diligently prosecuted; or shielded the accused from criminal responsibility.

### **Article 34**

#### **Joinder of Parties**

1. The Court may join more than one action in one set of proceedings when they involve common issues of law and of fact, in particular:
  - i. when they involve the same act, decision or regulation;
  - ii. when they involve several acts, decisions or regulations, one being the implementation, confirmation or repetition of the other;

- iii. when they involve members of the same armed group, rebel group or warring faction, or entity.
2. The Court shall be entitled to join more than one action at any procedural stage.
3. An accused shall be entitled to challenge various acts, decisions or regulations and affiliation with an armed group in a single action. An action may be filed by more than one accused in respect of the same act, decision or regulation and affiliation with an armed group.

**Article 35**  
**Inquiries / Evidence**

1. The Court shall consult the full record of the case presented by the Prosecutor or other authorized representative.
2. The Court shall order the collection of evidence as necessary in the following areas:
  - i. Witnesses;
  - ii. Experts;
  - iii. Government agencies;
  - iv. Non-governmental organizations;
  - v. Corporations;
  - vi. International institutions;
  - vii. Documentation, including the full record to be provided by the Prosecutor or other authorized representative.

**DISPENSATION OF JUSTICE**

**Article 36**  
**Judgment**

1. The judgment of the Court shall be final and rendered by a majority of judges of the Trial Chamber or Appeals Chamber. It shall be delivered in public and accompanied by a written opinion, and separate concurring or dissenting opinions may be appended to it.
2. The judgment may include a declaration of inadmissibility, a complete or partial allowance of the action or its rejection, an award of damages in compensation as it determines, or an order for the payment of costs to the victim.
3. The applicant shall be informed of the decision, which is final and binding, within the time limits set out in the Court's rules of procedure.

**Article 37**  
**Penalties**

1. The Trial Chamber shall impose criminal sanctions on a convicted person for a specified period of time. The Court shall adopt sentencing guidelines consistent with prison sentencing practice in international courts and tribunals and in Liberian national courts.
2. In imposing sentences, the Trial Chamber shall consider the gravity of the offense, the age, background and circumstances of the convicted persons, and the impact of the crime on the victim and his/her family and society, generally.
3. The Court shall be particularly stern with persons convicted of killing, torture and gender-based crimes.
4. The Court may not recognize any amnesty or pardon granted prior to, or after, the adoption of this Statute for persons that the TRC has determined are responsible for committing, or is otherwise accused of, GVHR, SHLV and EDC.
5. The Trial Court may order forfeiture of property, proceeds and any assets to satisfy the costs of criminal proceedings and attach the property or proceeds of any assets acquired unlawfully irrespective of whether they are in Liberia or abroad.

**Article 38**  
**Execution of Judgment**

1. The Court has jurisdiction to enforce its judgment and hold in contempt any person or entity, including the Government of Liberia, that obstruct its decisions.
2. The Government of Liberia shall assist the Court in enforcing its judgments.
3. The parties must comply with the judgment within two months of the Decision being received, or within such other period as may be determined by the Court.

**Article 39**  
**Enforcement of Sentences**

1. Imprisonment shall be served in Liberia. If, however, the Government of Liberia determines that, for national security or capacity-related reasons, imprisonment should be served in another state, nothing in this Statute would prohibit it from relying-on or entering into an agreement for the enforcement of sentences with other states or institutions. The Court may, with the consent of the President of

the Republic, also enter into agreements for the enforcement of sentences with other states and institutions.

2. The conditions of imprisonment shall be governed by the law of the state enforcing sentences as long as such conditions are not violative of international standards subject to the supervision of the Court. The state or institution of enforcement shall be bound by the duration of the sentence and to Article 37(4) of this Statute.
3. A state enforcing a sentence may not amnesty, pardon or commute the sentence of any convicted and imprisoned person.

#### **Article 40** **Appellate Proceedings**

1. The Appellate Chamber shall review and hear appeals from persons convicted by the Trial Chamber or by motion of the Prosecutor on the following grounds:
  - i. A procedural error;
  - ii. A gross error on a question of law invalidating the decision;
  - iii. An error of fact that has resulted in a miscarriage of justice.
2. The Appeals Chamber may affirm, reverse, reconvene or revise a decision taken by the Trial Chamber. It may also assert jurisdiction over the matter.
3. The Appeals Chamber shall be guided by the Appeals Chambers of international or internationalized courts and tribunals, and the decisions of the Supreme Court of Liberia.
4. Decisions of the Appellate Chamber are final and binding.

#### **Article 41** **Reopening of Proceedings**

1. A person convicted and sentenced by the Court may request the reopening of his/her case if substantial facts are revealed and made known that were not known at the time of the conviction.

#### **Article 42** **Salaries, Allowances and Expenses**

1. Judges of the Court, the Prosecutor, the Deputy Prosecutor and the Registrar as well as international staff and consultants shall receive such salaries, allowances and expenses

commensurate with international standards as decided by the Entirety of the Court and the President of the Republic of Liberia. Salaries and allowances shall not be reduced.

2. The Registry will determine a salary scale for local staff commensurate with professional staff of the Supreme Court of Liberia.

### **Article 43** **Privileges and Immunities**

1. The Court shall be inviolable and enjoy such privileges and immunities as are necessary for the fulfillment of its purposes.
2. The judges, the Prosecutor, the Deputy Prosecutor and the Registrar as well as international staff shall, when engaged on or with respect to the business of the Court, enjoy full privileges and immunities accorded to heads of diplomatic missions and shall, after the expiry of their terms of office, continue to be accorded immunity from legal process of every kind in respect of words spoken or written and acts performed by them in their official capacity.
3. The Deputy Registrar, the staff of the Office of the Prosecutor and the staff of the Registry shall enjoy the privileges and immunities and facilities necessary for the performance of their functions.
4. Counsel, experts, witnesses or any other person required to be present at the seat of the Court shall be accorded such privileges and immunities as determined by the Court in the Rules of Evidence and Procedure.
5. The waiver of privileges and immunities will be determined by the Court in the Rules of Evidence and Procedure.

## **FINAL PART**

### **Article 44** **Publishing of the Law**

1. This Law shall be published without delay in at least three newspapers in the Republic of Liberia.

### **Article 45** **Entry into force of the Present Law**

1. This law shall enter into force five days after the date of its publication.

**Annex 3. Complete Listing of persons recommended for prosecution for gross Human rights violations and war crimes.**

**LEADERS OF WARRING FACTIONS**

<b>NO.</b>	<b>NAME</b>	<b>FACTION</b>
1	Charles G. Taylor	NPFL
2	Prince Y. Johnson	INPFL
3	Roosevelt Johnson*	ULIMO & ULIMO-J
4	Alhaji G.V. Kromah	ULIMO & ULIMO-K
5	George Boley	LPC
6	Thomas Yaya Nimely	MODEL
7	Sekou Damante Konneh	LURD
8	Francois Massaquoi*	LDF

**MOST NOTORIOUS PERPETRATORS**

<b>NO.</b>	<b>NAME</b>	<b>VIOLATIONS</b>
1	Prince Y. Johnson	Killing, extortion, massacre, destruction of property, force recruitment, assault, abduction, torture & force labor, rape
2	Moses Z. Blah	Torture, Abduction, Assault & Looting
3	William Sumo	Torture, Abduction, Assault & Looting
4	Mehnsayon Sayon	Torture, Abduction, Assault, Looting, force detention, force recruitment
5	John Gbetu	Torture, Abduction, Assault & Looting
6	Paulson Garteh alias Gen. Satan	Massacre, Torture & Extortion
7	Augustine Zor	Massacre, Arson & Torture
8	Joseph Kpeyon	Massacre
9	Mateus Paily	Massacre
10	Gen. Lawrence Guanuu	Force Labor & Massacre
11	Supt. Jonathan Banney	Torture
12	Albert Sumeh	Murder & Rape
13	Gen. Sampson	Murder
14	Christopher Vambo alias Gen. Mosquito	Murder & Torture
15	Col. Joloka	Rape, Torture & Murder
16	Prince Nagbe	Rape, Torture & Murder
17	Pat Ran Kennedy	Murder, Looting & Force Labor
18	Klehgbayee	Murder, Looting & Force Labor
19	Abel S. Gbalah	Torture, Rape & Murder
20	Gen. Nally	Rape, Force Labor & Murder
21	Macdonald Tarpeh	Rape, Mutilation & Murder
22	Anthony Ponnice	Rape, Mutilation & Murder
23	Alfred Payne	Rape, Mutilation & Murder
24	Gen. Greene	Conscription, Rape & Murder
25	Saywalaka	Conscription, Rape &



26	Chris Davis	Murder
27	Col. Boy Tarley	Murder, Conscriptoin, Torture & Rape
28	John Guain alias Gen. Norriega	Murder, Force Labor, Mutilation
29	Michael Davies alias Sundaygar Dear-boy	Massacre
30	Peter Giah children father	Looting, Torture, killing & Gang Rape
31	Coco Dennis, Gen. Gonda, (NPFL)	Killing
32	Carsacar Group (NPFL) Joseph (model)	Massacre, Killing, Force Labor, Canibalism
33	(LPC) Blood Sucker war boss	Massacre, Forced Labor Rape, Killing, Torture & Canibalism
34	Nuku Johnson - Gen. Nathan (LPC)	Massacre, Torture, Rape
35	(NPFL) Red Devil	Massacre
36	(LPC) Mohammeh Bah (Superman)	Killing, Rape
37	(LPC) Superman	Massacre
38	J.Y. NPFL (delta force)	Rape, Torture & Extortion
39	Chinese Jabber Philip Kamionggar (NPFL)	Killing, Rape, Torture, Forced Labor
40	LPC Debbah	Killing, Torture, Destruction
41	(NPFL Marine), Fasue, Gonkarnue	Torture, Detention
42	NPFL-Markdamie, Black Diamond	Massacre, Cannabalism
43	Gen. Freeman (NPFL)	Massacre
44	Sundaygar, young killer, skinny	Torture, Massacre
45	NPFL - Matthew gio	Killing, Massacre
46	(NPFL Gen. Gondah (Reginald Ballout)	Torture, Forced Labor, cannibalism or eating victim's human flesh
47	Citizens of Duo (single barrel) unit NPFL	Massacre
48	(NPFL) Mekarnu Goweh, Saye Boayou	Extortion, Torture
49	(LPC) George pee Solo Garsanoo	Killing, Destruction and Torture
50	Saah R. Gborllie	Murder, dismemberment of pregnant women
51	Richard Flomo	Torture and Killing
52	Jerry Risks	Massacre
53	John Garan (Junior Garan)	Torture, Killings & Massacre
54	Gen. Steven Wontoe	Torture, extortion & Killings
55	Gen. Joe Tuah	Torture, summary executions, conscription, forced labor and ritualistic killings
56	David Daniel	Torture, rape, summary executions, conscription, forced labor and ritualistic killings
57	Martina Johnson	Killings
58	Junior Mitchell	Torture, sexual slavery, forced labor & killings
59	Gen. Fasue	Rape, Massacre, looting & Summary killings
60	George Dweh	Murder, killing & torture
61	Gen. Charles Julu	Murder, killing, destruction of property & torture

62	Augustine Nagbe alian Gen. Power	Torture, looting & destruction of property
63	Marcus High Gray	Torture, killing & looting
64	J. Appollo Swen	Killing & extortion
65	Sando Johnson	Killing & force recruitment
66	Joseph Marzah alian Zigzag Marzarh	Murder
67	Kai Farley	Massacre & killing
68	Varmuyah	Rape, torture & force labor
69	Amos Barclay	Rape, torture & force labor
70	Larry Murphy	Killing & torture
71	Mike Tyson	Massacre, torture & arson
72	Gen. Ofori Diah, alias Iron Jacket	Force labor
73	George Warpo	Massacre, Arson & Torture
74	Co. Zero-Zero	Massacre, Arson & Torture
75	Peter Dahn	Massacre, Arson & Torture
76	Co. Kortor	Massacre, Arson & Torture
77	Tommy B. Wongba	Massacre, Arson & Torture
78	Peter Pewee, alias Gen. Katali	Killing & torture
79	Gen. Ericson Bardio	Rape, sexual slavery & force labor
80	Benjamin Yeaten	Murder, torture & abduction
81	Roland Duo	Murder, torture & abduction
82	Felix Washington	Murder
83	Senegalese	Murder, torture & force displacement
84	Moses Tarley alias Co. Crab	Torture & murder
85	Co David	Torture & extortion
86	Siafa Norman	Abduction & arson
87	Sakou Donzo	Arson
88	Adolphus Dolo	Murder
89	Melvin Sogbandi	Killing, torture, massacre & looting
90	Mango Menlor	Murder, abduction & rape
91	Mark Guahn	Killing, genocide & murder
92	Moses Thomas- former	Torture, Murder
93	Maj. Jerry Gban	Torture, Murder, Looting
94	Waheeb Saab	Torture, Murder
95	Maj. Harry Johnson	Torture, Murder
96	Zico Nah Darliah	Murder, torture & force displacement, Rape, Genocide, Massacre
97	Lieutenant Andrew Gaye	Torture, Murder
98	Arthur Nyenabo	Torture, Murder

## **Annex 4: Economic Crime details**

### **Economic Crimes, Plunder and Exploitation of State & Natural Resources**

Economic actors and economic activities played a crucial role in contributing to, and benefiting from, armed conflict in Liberia. Successive governments, including the Taylor regime, established a massive patronage system with domestic and foreign-owned corporations in several critical economic sectors, such as timber, mining and telecommunications, and granted illegal benefits to the corporations in exchange for financial and military support.

### **Definition of Economic Crimes**

Economic crimes are:

any activity by a public or private person of any nationality, or domestic or international corporate entity conducting or facilitating business in or related to Liberia, or on behalf of the Liberian government, a Liberian business, or Liberian resident or citizen, committed with the objective of generating illicit profit<sup>14</sup> either individually or collectively or in any organized manner by engaging in, among others, the following activities: fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt malpractices, illegal arms dealing, smuggling, sexual slavery, human trafficking and child labor, illegal mining, illegal natural resource extraction, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods, and any other activity unlawful under domestic or international law.<sup>15</sup>

### **Economic Crimes in the Timber Sector**

Economic crimes committed in the Liberian timber industry, one of Liberia's most critical economic sectors, impacted national and regional peace, security and rule of law in several ways. Logging revenue was unlawfully used by political elites and warring factions to fund armed conflict. Logging companies shipped, or facilitated the shipment of, weapons and other military material to warring factions. Logging companies also facilitated, and contributed to, the movement of suspicious funds and illegal economic gains out of Liberia and utilized security forces that operated as, or were, in fact, militia units that committed

---

<sup>14</sup> Illicit profit may be defined as the significant increase in the assets of a public official, private person or corporate entity, which cannot be explained or justified in relation to one's position, income or corporate profit.

<sup>15</sup> This definition was drawn from the meaning of economic crimes in domestic law both in Liberia and in other states and international law and doctrine in the regional context (e.g. the African Union Convention on Preventing and Combating Corruption).

grave human rights abuses in Liberia and throughout the region. Lastly, the companies unintentionally contributed to conflict when logging operations were looted by warring factions.

### **Violations of Domestic Law and Forestry Regulations**

Between January 1979 and October 14, 2003, successive governments were unwilling, if not unable, to regulate the timber sector leading to tremendous uncertainty regarding which entities and individuals had a legal right to log in Liberia. Logging companies were awarded concessions based on a patronage process that rewarded their ability to provide illegal financial, political and logistical support to controlling governments. Furthermore, successive governments provided new concessions to favored companies without regard to existing logging rights.

Throughout the Liberian conflict, smaller logging companies and civilians were violently removed from their land and from logging concessions by larger logging operations that functioned with the support of government militia and rebel factions.

Oriental Trading Company (OTC) and other logging companies also committed widespread violations of logging regulations, such as clear cutting and cutting undersized trees. Clear cutting has devastating environmental effects. It substantially raises the risk of land erosion by leaving only bare dirt after a harvest. Furthermore, forests that are clear cut will not naturally regenerate, rendering the area useless for future forestry. Clear cutting also entirely destroys the habitat of natural fauna.

Tax evasion by logging companies in the timber sector was widespread and systematic. The Forestry Concession Review (FCR) Committee, which was established as a key mechanism to foster the transparent management of the logging industry, estimated accumulated minimum tax arrears of \$64 million USD.<sup>16</sup> It is estimated that loggers paid the Government of Liberia (GOL) less than 2-3% of taxes due. Logging companies also paid millions of US dollars in exchange for illegal tax credits and improperly wrote off tax liability.

Nearly all logging companies failed to comply with their contractual obligations to Liberian local communities in the logging areas. Timber concession holders were obligated to build hospitals, schools and roads and hire locals as unskilled labors and provide them with training opportunities. Notwithstanding, the overwhelming majority of companies did not provide any benefit to the local community in the regions that they operated, according to

---

<sup>16</sup> Report of the Forest Concession Review Committee, Phase III, May 31, 2005. (hereinafter "FCR Report") at 36.

the FCR Committee.<sup>17</sup> For example, the University of Liberia granted 284,000 acres of university forest to OTC, in exchange for \$2 million USD in renovations to the University of Liberia and 50% of profits, according to President Taylor. No payments were ever made.<sup>18</sup>

Logging companies and individuals in the logging sector made millions of dollars of illegal payments to government officials and leaders of warring factions. OTC reportedly made at least \$7.9 million in payments directly into Charles Taylor's bank accounts in exchange for tax credits, according to the FCR Committee.<sup>19</sup> OTC also made \$13.4 million in other payments to unknown bank accounts that included \$1.9 million to known arms traffickers.<sup>20</sup>

### **The Logging Industry's Use of Security Forces**

The security forces of the OTC, Mohammed Group of Companies (MGC), Maryland Wood Processing Industries (MWPI) and Inland Logging Company (ILC) each committed gross violations of human rights and/or war crimes to maintain control over their respective logging areas, the local community and their employees. The security forces of the logging companies were nearly indistinguishable from the former NPFL rebels. For instance, OTC security members that violated directives were sent to the war front as punishment.<sup>21</sup>

NPFL fighters, under the command of Roland Duo, looted and extorted other logging companies to occupy more territory for the benefit of the NPFL and OTC. Between 1996 and 1997, the NPFL intimidated Carlton Resources (CR), a logging company owned by John Gbedez that operated in Sinoe County, by unlawfully detaining a Carlton Resources employee after he refused to pay Roland Duo \$1,000 USD after Duo seized a company vehicle.<sup>22</sup> In 1997, NPFL fighters, acting on the direction of Duo, allegedly destroyed CR logging equipment. CR personnel fled the concession and traveled to Monrovia.<sup>23</sup> In February 2003, OTC militia shot and killed a civilian, Mike Massa, who removed a log stump from an OTC yard.<sup>24</sup>

MWPI security forces, led by Col. William Sumo, attacked hundreds of civilians in Freetown and Salor because the local community had denied the militia access to the area. Sumo also directed the killing of civilians at Youghbor, near Fish Town. The United Nations Mission in

---

<sup>17</sup> See FCR Report.

<sup>18</sup> Anderson, Richmond, *Report of Public Affairs Director*, The News, Apr. 6, 2000.

<sup>19</sup> Bank Statements for Charles Taylor showing deposits by Natura Holdings (associated with Kouwenhoven and OTC)

<sup>20</sup> *Id.*

<sup>21</sup> TRC interview with a former financial assistant to OTC.

<sup>22</sup> TRC ECU Interview with former Carlton Resources employee, employed Jan. 1996 – Aug. 1997.

<sup>23</sup> *Id.*

<sup>24</sup> FCR Committee Report, at 29.

Liberia (UNMIL) Civilian Police (CIVPOL) Serious Crimes Unit later discovered more than 200 bodies at the site to corroborate witness testimony.<sup>25</sup>

Mohammed Group of Companies (MGC), along with an associated company, BIN, transported military forces to Grand Gedeh County to violently suppress civil unrest against the company. The MGC brought in Taylor's elite Anti-Terrorist Unit (ATU) forces to physically assault members of the Garr clan in Saniquellie, after they attempted to stop the MGC from cutting down trees on their land.<sup>26</sup>

ILC security forces controlled the port of Greenville and allegedly threatened other loggers that utilized the port. It also looted other logging companies, such as LTPOC, a small logging concession.

OTC strictly segregated its workers based on race and nationality at logging camps, according to a TRC witness that worked in OTC's Camp D, which he believed was located on the border of Grand Gedeh County.<sup>27</sup>

According to the Buchanan Port Authority, OTC evaded approximately \$20 million USD annually in docking fees and paid only an annual docking fee of \$1,000,000 USD.<sup>28</sup> The company also discriminated against its Liberian workforce. For instance, foreign truck drivers were routinely paid \$100 USD for safely delivering a load of logs, whereas Liberian drivers were only paid \$10 USD.<sup>29</sup>

---

<sup>25</sup> TRC ECU Report on The Role of Timber and Mining in the Liberian Conflict.

<sup>26</sup> TRC ECU Interview with Stanley N. Mahn, General Manager, and Moses Dahn, CEO, Liberia Agricultural Logging and Mining Corporation, Oct. 15, 2007.

<sup>27</sup> Prince Alex Diahkah, former OTC production clerk in Camp D and plywood factory machine operator in Buchanan, 2002 – 2003, TRC Interview.

<sup>28</sup> Samuel Togba, Buchanan Port Authority General Supervisor, TRC Interview; According to the witness' statement, four OTC ships docked at Buchanan every month. Vessels engaged in logging transportation are each typically charged \$100,000. Based on fifty-two weeks of operations, OTC would accrue \$20,800,000 USD in docking fees.

<sup>29</sup> Obediah Zangar Sr., Mayor of Buchanan City, TRC Interview.

## Looting of Logging Companies by Armed Factions

The amount of property looted from the logging sector by government forces, rebel groups and logging company security forces cannot be calculated because many logging corporations did not report claims to the TRC. According to claims submitted by less than 15% of the logging sector that operated in Liberia, more than \$133 million USD in equipment were looted by militia and the security forces of other logging companies.

In August 1990, Liberian Logging and Wood Processing Corporation (LLWPC) abandoned its camp to escape armed conflict. LLWPC estimated that \$25 million USD in equipment was looted by unknown individuals.<sup>30</sup> In May 2003, Togba Timber Company (TTCO), a logging company that operated in Maryland County, was looted and vandalized by MODEL fighters and TTCO incurred approximately \$4 million USD in damages.<sup>31</sup>

Between 2002 and 2003, LURD fighters looted the property of several logging companies. On December 6, 2001, the LURD looted an estimated \$337,000 USD in logging equipment from TUTEX Wood Management Corporation in Gbarpolu County.<sup>32</sup>

## Logging Industry Involvement in Illegal Arms Dealings

During the period of 1979 – 2003, timber was used extensively as an asset to exchange for arms shipments and military support. OTC paid for and organized numerous weapons deliveries to Liberian militia and the RUF regime in Sierra Leone through the port of Buchanan, which it controlled, in violation of UN Security Council Resolution 788. The TRC has identified at least eight arms shipments that were organized by OTC; six of the arms shipment arrived via sea, while at least two shipments were delivered via air. In addition, OTC paid for at least four arms shipments in 2001.<sup>33</sup>

At least seventeen logging companies either supported militias in Liberia, participated in, or facilitated, illegal arms trafficking, or otherwise aided or abetted civil instability:<sup>34</sup>

- a. BIN Liberia Inc. (BLI)
- b. Cavalla Timber (CT)
- c. Exotic Tropical Timber Enterprise (ETTE)

---

<sup>30</sup> TRC ECU interview, Nassir Charafeddine, President of TTCO and LLWPC, Oct. 9, 2007.

<sup>31</sup> *Id.*

<sup>32</sup> TRC ECU Interview, John S. Deah, President of TUTEX Wood Management Corporation, Oct. 9, 2007.

<sup>33</sup> Excerpts from International Intelligence Sources received by the TRC ECU. According to OTC invoices obtained by the TRC ECU dated from September 2001 – November 2001, OTC purchased thousands of AK-47 assault rifles and ammunition, hand grenades, anti-personnel land mines, anti-air craft missiles and other weapons.

<sup>34</sup> FCR Report at 28.

- d. Forestry and Agricultural Products Corporation (FAPC)
- e. Inland Logging Corporation (ILC)
- f. Jasus Liberian Logging Corporation (JLLC)
- g. Liberia Forest Development Corporation (LFDC)
- h. Lofa Logging Company (LLC)
- i. Maryland Wood Processing Industry (MWPI)
- j. Natura Liberia Inc. (NLI)
- k. Mohammed Group of Companies (MGC)
- l. Oriental Timber Corporation (OTC)
- m. Royal Timber Corporation (RTC)
- n. Salami Mohammed Inc. (SMI)
- o. Timber Management Corporation (TMC)
- p. Togba Timber Corporation (TTCO)
- q. United Logging Corporation (ULC)

### **Crimes in the Mining Sector**

Because the NTGL did not conduct a concession review of the mining sector or the Ministry of Lands, Mines, and Energy for the period of 1979 – 2003, the TRC has limited information about economic crimes committed by mining corporations.

However, the evidence available to the TRC demonstrates that a devastating amount of economic crimes were committed in the Liberian mining sector. Much like the timber sector, Liberia's mineral wealth was systematically exploited by the Liberian political elite for personal benefit through networks and partnerships with opportunistic foreigners. Licenses for the mining sector were not allocated in a transparent and legal manner, and corporations consistently failed to pay appropriate taxes. The sector also facilitated money laundering, terrorism, bribery of public officials and illegal arms trafficking. Security forces associated with mining companies also committed grave violations of human rights.

### **Government, Armed Factions and Foreign Involvement in the Mining Sector**

In the 1980s, Samuel Doe sought to centralize control over the mining sector by transferring mining rights to corporations run by compliant foreign investors. As a result, most of the large mining companies abandoned their operations during his period in office. Prior to 1991, official government diamond sales in Liberia equaled \$150 million yearly. However, after the war began in 1991, diamond sales dropped to only \$30 million, indicating approximately \$100 million in yearly revenue to rebel factions.<sup>35</sup>

---

<sup>35</sup> Prkic, Francois, *The Phoenix State: War Economy and State Formation in Liberia*, in Schlichte, Klaus (ed.), "The Dynamics of States" (Ashgate Publishing, 2005) at 123.



In 1990, the Liberian Mining Corporation (LIMINCO) began making payments of \$10 million USD monthly to Charles Taylor in exchange for the ability to mine and the cooperation of the NPFL.<sup>36</sup> In 1994, Taylor allegedly gained a 5 -10% stake in the partnership.<sup>37</sup> In 1995, the entire mine site was looted after it closed during the civil war.

In February 2000, Liberia passed the Strategic Commodities Act (SCA) which provided President Taylor with the sole legal authority to negotiate and execute all commercial contracts and agreements with domestic and foreign investors related to the exploitation of strategic commodities. After the SCA became law, all agreements signed by President Taylor had the same legal effect as a treaty to which Liberia is a party.<sup>38</sup>

After his election as President, Charles Taylor also received various large payments from known diamond smugglers as “political donations”. In May 2001, Abbas Macky, an associate of diamond smuggler Aziz Nassour, paid \$600,000 to Taylor’s National Patriotic Party (NPP). In July 2001, Nassour reportedly paid Taylor \$250,000 cash as a “political donation” at a political rally in Maryland County.<sup>39</sup> After Taylor accused NPP Chairman Cyril Allen of stealing some of the money, he was removed from his position in the party.<sup>40</sup>

As early as 1992, Roger D’Onofrio Ruggiero, a retired Italian agent of the United States Central Intelligence Agency (CIA), smuggled arms into Liberia in exchange for Liberian and Sierra Leonean diamonds.<sup>41</sup> D’Onofrio and Michele Papa, Ruggiero’s representative in business deals with the Libyan government, established International Business Consultant Limited (IBC), a Liberian corporation. IBC later transferred 50% of its ownership to Charles Taylor and began selling weapons exclusively to the NPFL in 1993.<sup>42</sup> According to D’Onofrio’s testimony to Italian prosecutors in 1995, IBC earned more than \$3 million USD in 1993.<sup>43</sup>

The lack of transparency and government oversight of the diamond sector made it an attractive sector for money laundering. In September 1998, Al Qaeda entered the diamond sector, after the United States froze \$240 million in Taliban and al Qaeda assets, shortly after the bombings of US embassies in Kenya and Tanzania.<sup>44</sup> Al Qaeda used the diamond trade

---

<sup>36</sup> Economic Intelligence Unit, *Ghana, Sierra Leone, Liberia*, 4<sup>th</sup> Quar. 1992, at 32.

<sup>37</sup> *Id.*

<sup>38</sup> Strategic Commodities Act 2000, Section 3.

<sup>39</sup> *For a Few Dollars More*, Global Witness, Apr. 2003.

<sup>40</sup> *Id.*

<sup>41</sup> Transcribed Testimony of Roger D’Onofrio Ruggiero (1995), as reported in TRC Institutional and Thematic Hearing on Economic Crimes, Immants Liepens, investigative journalist, Latvian Public Investigation Bureau, Monrovia, Feb. 19, 2009.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Farah, Douglas, *Report Says Africans Harbored Al Qaeda*, Washington Post, Dec. 29, 2002.

for four main purposes: (1) as a means of raising funds; (2) to conceal money targeted by financial sanctions; (3) to launder the profits of criminal activities; and (4) to convert cash into a stable and easily transportable commodity.<sup>45</sup>

### **The Diamond Industry's Use of Security Forces**

Diamond companies also financially supported and hired private security forces that committed gross violations of human rights in Liberia between 1979 – October 14, 2003.

In November 1983, a group of Gio and Mano fighters led by former General Thomas Quiwonkpa allegedly attacked the Plant Protection Force (PPF), LAMCO's private security force, in Yekepa, in an effort to kill Charles Julu, the Director of the PPF, and avenge Quiwonkpa's dismissal from the People's Redemption Council (PRC) and the Armed Forces of Liberia. At the time of the attack, known as the Nimba Raid, Julu was visiting Ghana, but the raid resulted in the death of several members of Julu's family. Quiwonkpa, Sam Dokie and Cooper Teah were alleged to be the leaders of the attack.

In 1985, Julu led a PPF attack that killed hundreds of Gio civilians near Yekepa in response to a failed coup attempt against Samuel Doe and to avenge the attack on his family.

"Julu rounded up Gio civilians in the compound of the Lamco iron-ore mine and ordered soldiers to flog them. He used Lamco trucks to transport Gio soldiers and civilians to the Sika valley in the Nimba mountains near Yekepa, and slaughtered them before throwing them down a disused mine shaft. Lamco security guards, who Julu commanded, led the slaughter. The company, which at that time was partly owned by a Swedish company, Grangers, in a joint venture with the Liberian government, did not even dock the pay from the employees from the time they had taken off to murder and mutilate."<sup>46</sup>

In 1997, 450 former child combatants allegedly were used for gold mining in the ITI logging company's concession. The children were allegedly under the control of Roland Duo, the former NPFL chief of staff for River Cess County.<sup>47</sup>

### **Economic Crimes in the Petroleum and Telecommunications Sectors**

On September 25, 2003, the Liberia Petroleum Refining Corporation (LPRC), acting under the authority of Edwin Snowe, former LPRC Managing Director and Montserrado County

---

<sup>45</sup> *For a Few Dollars More*, Global Witness, Apr. 2003.

<sup>46</sup> Huband, Mark, *The Liberian Civil War*, (Routledge 1998) at 40.

<sup>47</sup> United Nations Liberia Humanitarian Situation Report, June 30, 1997.

Senator, executed a credit agreement with West Oil Investment (WOI) for \$10 million USD. The agreement designated WOI as the importer and distributor of petroleum products in Liberia in exchange for the credit. While the LPRC has not justified its decision to obtain the credit, shortly thereafter, the company made a series of suspicious payments beginning in 2003 through 2006.<sup>48</sup>

Lone Star Communications Corporation (LSC), Liberia's only mobile phone service provider from 2000 to 2004, allegedly committed an array of economic crimes including tax evasion, bribery and telecommunications fraud. LSC was owned by two corporations: (a) Investcom Global Limited, a Lebanese corporation, that owned 60% of LSC; and (b) PLC Limited, a corporation owned jointly by Charles Taylor and Benoni Urey and Emmanuel Shaw II, two of Taylor's financial advisors. Because Liberia has no functioning, land-based telephone system, LSC greatly profited from its status as the only company in the telecommunications sector.

In 1999, PLC Limited obtained an exclusive license to operate a global system for mobile communications (GSM) service without entering into a competitive bidding process.<sup>49</sup>

In 2001, Investcom LLC attempted to purchase a GSM license in Liberia.<sup>50</sup> Investcom LLC is a subsidiary of Investcom Holdings S.A. and Investcom Global, two corporations owned by Lebanese nationals and incorporated in Luxembourg and the British Virgin Islands, respectively.<sup>51</sup> The government of Liberia informed Investcom that no GSM license was available and that the company should purchase 60% of PLC Limited to enter the telecommunications market in Liberia. As a result, Investcom LLC allegedly acquired 60% of PLC Limited for \$30,000 USD.<sup>52</sup> Between 2000 to 2004, LSC generated approximately \$36 million USD in revenue.<sup>53</sup>

It also allegedly engaged in unlawful price fixing and charged \$.50 US cents per minute for local calls and \$1.25 USD per minute for calls to the United States. LSC also charged \$65 USD for a subscriber identity module (SIM) card, which is mandatory for all mobile phone

---

<sup>48</sup> Documents and invoices received by the TRC regarding LPRC, Monrovia, Mar. 7, 2008; In 2008, Snowe, Sheriff and several others were indicted for crimes related to their management of LPRC, including economic sabotage, bribery, theft of property, and criminal conspiracy.

<sup>49</sup> Letter dated 24 May 2007 from the Panel of Experts on Liberia addressed to the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003), United Nations Security Council, S/2007/340, at 24.

<sup>50</sup> TRC ECU Interview with Khalid Makkawi, Chief Executive Officer, Lone Star Communications, Mar. 10, 2008

<sup>51</sup> Project Summary, Spacotel Benin, S.A.R.L., Multilateral Investment Guarantee Agency, available at [http://www.miga.org/projects/index\\_sv.cfm?pid=503](http://www.miga.org/projects/index_sv.cfm?pid=503)

<sup>52</sup> Letter dated 24 May 2007 from the Panel of Experts, *supra* note 125, at 24.

<sup>53</sup> Following Taylor's Money: A Path of War and Destruction, Coalition for International Justice, May 2005, at 11.

users on the network, and allegedly inflated the cost of scratch cards, which provide subscribers with pre-paid phone minutes.<sup>54</sup> After LSC's monopoly on the Liberian telecommunications market was broken in 2004, the price of calls fell to \$.20 cents USD and \$.40 cents USD, for local and United States calls, respectively.<sup>55</sup>

In 1997, shortly after Charles Taylor became President, Liberia established an exclusive rice importation agreement with Bridgeway Corporation (BC), a subsidiary of Haddad Group International and owned by George Haddad.<sup>56</sup> BC then began to provide approximately 75% of Liberia's rice.<sup>57</sup> The company allegedly earned tax credits in exchange for selling rice to the government of Liberia.<sup>58</sup> Charles Taylor used BC imported rice as a gift for former NPFL soldiers and his supporters.<sup>59</sup>

---

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Jablasone, Cheechiay, *Liberia: Reporter's Notebook*, 2007 Assessment, Global Integrity Report, available at <http://report.globalintegrity.org/Liberia/2007/notebook> (last visited June 15, 2009).

<sup>57</sup> Nah Tiepoh, Geepu, *The Rice Importation Liberalization Agenda in Liberia: Some Critical Policy Issues*, The Perspective, available at <http://www.theperspective.org/riceimport.html> (last visited June 15, 2009).

<sup>58</sup> TRC ECU Interview with George Haddad, Haddad Group International, Sept. 16, 2008.

<sup>59</sup> Jablasone, Cheechiay, *supra* note 125.

## **ADDITIONAL RECOMMENDATIONS**

### **Additional Recommendations to Address the Needs of Women and Girls and to Advance Gender Equality in Liberia**

This report has shown that Liberia 's 14 year civil war, buttressed by over a century of violence, oppression and inequality did not spare women and girls from being used, abused, killed, maimed, mutilated, tortured, raped, gang raped, abducted, forced into sexual slavery and drugged. Their houses, property and possessions were destroyed and looted, they were internally displaced and turned into refugees and suffered the loss of their breadwinners and livelihoods. This report therefore finds that women and girls were violated in every category of violations and that the ensuing harms, impact and consequences of these violations extended far beyond their direct physical experience.

This report determines that through the investigations of the TRC, many of the causes and origins of violence against women during wartime are rooted in the socio-cultural, traditional and political history of Liberia. It is also firmly linked to the low socio-political status of women, with the added perception of male superiority. This rendered women and girls extremely vulnerable to exploitation and violence during both war and peace. It has also taken into account the multiplicity and complexity of women's roles in the armed conflict, recognizing that women took on the added roles of perpetrator, collaborator as well as peacemaker and mediator.

These recommendations are therefore based on the need to not only address the direct consequences of the conflict in Liberia but also the root causes and origins of the violations that women continue to experience in the aftermath of the conflict. Women continue to experience the secondary harms from the increase in single parenting, unwanted pregnancies, health problems from sexually transmitted diseases, increasing poverty, prostitution, discrimination and increased responsibility due to the loss of breadwinners, livelihoods and the adoption of orphans.

These recommendations are informed by the recommendations elicited from women throughout the lifespan of the TRC, through all the projects and activities aimed at engaging women and girls in Liberia from its inception through June 2009.

#### **General**

The ratification and subsequent incorporation of international human rights instruments into national law is crucial to the advancement of women's rights. It imposes on states an obligation to interpret national law in a manner consistent with their duty to their population. Liberia ratified CEDAW in 1984 and is about to present its first and sixth report to the CEDAW committee in July 2009. This report comprehensively covers the status of women in Liberia today and makes a wide

range of pledges to advance substantive gender equality in Liberia. The Committee will make a number of recommendations to the Liberian government for them to fulfill their obligation to eliminate all forms of discrimination against women. It is therefore strongly recommended that a mechanism be established to monitor and report on the implementation of the CEDAW committee's recommendations.

### **Health and Wellbeing**

For full recovery and transformation of Liberian society, the work initiated in the post-conflict process must be continued. It is therefore recommended as a first step that a comprehensive database of service providers throughout the country be compiled and made available and accessible to the Liberian population, especially to the women. This activity should be implemented jointly between civil society, the government and UN agencies to avoid overlaps and to ensure that it is comprehensive, covering every small community based organization offering services of any kind that will contribute to the health and wellbeing of the nation.

More clinical and psychosocial services need to be provided and accessible to all, at decentralized levels, especially reaching out to the rural population. This includes the establishment of decentralized health clinics. Parts of these services should be tailored to accommodate survivors of sexual violence and ex-combatants paying special attention to reaching women and girls associated with the fighting forces.

### **Active Economic Participation**

Since many women associated with the fighting forces were not able to participate in the skills training programs provided on demobilization, and that many women requested vocational training during the TRC process, it is recommended that skills training programs be decentralized and made accessible to all, especially to women and girls outside of Monrovia. It is further recommended that these training programs are designed based on an assessment of marketable skills needed in Liberia and is coordinated, vetted and certified by both the Ministries of Gender and Development and Labour to ensure that the training is appropriate and the quality is standardized. Furthermore, government should develop incentives for all employers to offer skills training by setting up a levy that employers pay which they can access for the skills training of employees.

It is noted that for many who have undertaken skills training there is an absence of opportunities to practice the skills as well as the lack of accessible markets. It is recommended that the Ministry of Gender and Development and partners explore opportunities for women to utilize the skills acquired and for market opportunities where their goods can be sold.

The current legal and regulatory environment must be reworked to allow for the development of the microfinance sector and the provision of micro-credit for the poor and vulnerable especially women. The provision of these services must be linked to programs dealing with the root socio-cultural and traditional causes of gender inequality to avoid the backlash of violence that inevitably follows such financial empowerment programs.

Micro-credit schemes should especially target women associated with the fighting forces, internally displaced women, female single parents and caregivers, and war widows. Those providing micro-

credit should be compelled to incorporate a basic business management course into the provision of micro-credit especially for semi-literate or illiterate women.

Donor funded support to microfinance has been limited. UNDP programs in some counties have been the only means of financial support for rural women. Donors need to look into more support for microfinance.

Training to build capacity and expertise in microfinance implementation must happen at all levels – national, county and community.

The Legal and regulatory framework also needs to be reworked to allow greater access for women to financial and banking services including training women and girls on how to conduct and manage their finances effectively. Academic, vocational and practical skills training should be provided. All loans should only be approved along with a mandatory training on how to use finances effectively for the purpose intended, and especially on how to start small businesses.

Agriculture and subsistence farming are a major source of income for women. Female extension workers must be recruited and trained to ensure that extension services are gender responsive. New farming technologies must be identified and taught to women farmers along with the provisions of farm tools and network support with other women farmers.

Community farming should be encouraged through training on sustainable farming, and empowerment through setting up of co-operatives with tools and seed provided initially.

## **Education**

Government needs to urgently and effectively implement specific interventions addressing challenges in education, especially the engagement of qualified teachers to schools in the country's more remote locations, which historically have suffered from poor levels of education.

The bias against women receiving formal education must be addressed at all levels, socially, economically and politically. The National Girl Child Education Policy must be implemented to address some of the following issues: Free and compulsory education for girls up to senior secondary level is recommended. Girls who become pregnant while at school must not be expelled. Government should ensure that counseling services are available at all schools as well as adequate sex education and awareness as preventative measures. In the event of girls becoming pregnant, services must be available for the girl to complete her education in a way that takes her health status into account. Teachers impregnating girls must be severely dealt with, through the setting up enforceable codes of conduct for teachers and students.

Accurate data must be collected and analyzed annually on the enrolment of girls in school, and the obstacles they are facing should the enrolment not be reaching adequate levels. Government should also go further and investigate the dropout rate by keeping statistics on the numbers of girls graduating or completing their educational cycle, to ensure that the graduation figures match the enrolment figures.

It is further recommended that the Ministry of Education in conjunction with the Ministry of Gender and Development, UN and Civil society partners establish decentralized adult education programs, including night schools for women in which basic literacy and numeric skills can be taught. This needs to take all the socio-economic concerns of women into account, like safe transport, child care and affordability.

Poor learning environments must be assessed and improved to avoid teachers, ministry officers and students working and learning in substandard environments without desks, materials or electricity.

All unqualified teachers must be put on up skills programs for basic teaching qualifications based on the fact that 65% of children in primary schools are taught by unqualified teachers. Forty-five percent of teachers have not completed high school.

Steps must be taken to organize the technical and vocational education and training system of Liberia which can provide the best opportunities for girls and also boys to acquire skills for income generation.

Increase access to quality basic education through physical rehabilitation of educational facilities, supply of teaching and learning materials, curriculum development, teacher training, school feeding, Accelerated Learning Programs (ALPs), and girls education programs.

Build management capacity of the Ministry of Education at central and county levels.

### **The Law and Discriminatory Practices**

Although the statutory laws prohibit discriminatory practices, they make no specific provisions against discrimination in the private or domestic sphere. Access to justice is limited for women, particularly in the rural areas, and availability of legal aid is severely limited.

It is recommended that public education and awareness-raising be done on the existing national laws first, as well as international human rights conventions to which Liberia is a signatory.

It is recommended that more judges, prosecutors, magistrates are trained and sensitized on gender and discrimination. This includes clerks and other staff in the judicial system, whose negative attitudes towards women and their limited knowledge of rights, further limits women's access to the justice system.

It is recommended that a formal legal aid system is set up, coordinated and supported by the government and the judiciary to deal with the fact that poverty and illiteracy limits women's access to justice.

Public education on the law needs to be linked to literacy programs, since high illiteracy among women attempting to access justice, particularly in the counties and rural areas, limits their success. Since literacy is not a precondition for legal literacy, focus must be placed on educating women on their rights through different forms of communication as well.



An affirmative action policy or law must be developed and implemented to ensure that women's participation and inclusion does not rely on goodwill.

All current laws must be implemented rigorously, for example, the rape law. Monitoring systems must be established to investigate the weak implementation of the current laws.

All workplace discrimination within state institutions, particularly the traditionally male dominated sectors like the security sector, must be investigated and corrected with sanctions in place for sexual harassment, unequal incentive schemes, operational structures and bureaucratic procedures. Furthermore, substantive equality must be practiced to ensure that women are not further discriminated against, by treating everybody the same.

A sensitive action research study of the nature and prevalence of female genital mutilation / cutting must be done. Public education of the outcomes, the dangers and the choices women have regarding this practice must then follow. Laws must be enacted to protect women and girls who choose not to follow this practice.

### **Reparations**

In the aftermath of conflict or authoritarian rule, the state is responsible for reparations to victims whether in the form of restitution (restoring the victim to the original situation before the violation), compensation for economic damages, rehabilitation (medical and psychological care, legal and social services), satisfaction (public disclosure of the truth, public apologies, commemorations and tributes to victims), or guarantees of non-repetition through reform of state institutions.

- \* All women who suffered sexual violations must receive free medical services
- \* All women who suffered physical violence and are suffering as a result must receive free medical services
- \* Psychosocial/trauma counseling for women must be continued
- \* Scholarships must be provided to the children of women whose husbands, partners or breadwinners were killed
- \* Individual reparation to be determined on a case-by case basis must be given to all women who either gave statements to the TRC or who testified at the public or in-camera hearings
- \* GOL must facilitate the reunification of women who were used as sex slaves, bore children for fighters but whose children were taken away from them by fighters at the end of the war, and who want to be reunited with their children the opportunity to be reunited with their children. Must women have said this will facilitate their healing and promote the ends of justice.

### **Women Associated with the Fighting Forces**

A rehabilitation centre is crucial. Those who fought for years need total rehabilitation of the mind and need to learn new marketable skills. Facilities need to be decentralized and made available to people living in rural areas. These should be in the form of schools, clinics, training centers and so forth. Adult education is very necessary. Many girls are now parents and cannot go back to school.

### **The disabled**

Special support is needed for families with disabled members. They need to be empowered to start businesses and regain their dignity so that they can move on. Community empowerment and training needs to be done with community leaders and church groups etc to sensitize them to the impact of mocking people who have suffered in the war and who have lost limbs etc

### **Victims of sexual violence**

There should be specialized clinics for women to deal with the specific problems resulting from the violence of the war. Free and consistent healthcare must be provided for all survivors of rape and sexual violence medically and psychologically.

### **The elderly**

A large number of elderly women have been rendered destitute and without families, must be re-integrated into society, and government and civil society are called upon to develop innovative programs that will restore these women's dignity and pride. Examples of this can be taken from other countries where the elderly have been taken into homes as child minders (adopt a grandmother), or to offer some assistance to families struggling to recover their family values. Homes for the elderly should be established in the main urban centers, subsidized by government where no family member or family can be found to 'adopt' the person. All the elderly women should be given free medical attention.

### **War widows**

Women rendered widows by the war need to be empowered to understand their rights, and steps need to be taken to ensure that those who were working their husband's lands are granted access and ownership to that land. All war widows should receive free psychosocial counseling.

### **Displaced and homeless**

Women who lost track of their children and families need a special service to be established that they can access, to reunite them with their missing family, and to be assisted to return to their original homes if that is what they deem appropriate. These women have also lost their properties and homes so a rebuilding plan is essential. Building materials should be subsidized and made available to women who can present a rebuilding plan. In the interest of reconciliation, the perpetrators who destroyed homes should be involved in this plan as part of community reparations to the victims.

### **Memorialization**

The increased recognition of memorialization within the transitional justice field is exemplified by the recommendations made by various truth commission reports, which endorse the idea of symbolic reparations in the form of memorials, sites of memory, commemorative days, the renaming of public facilities in the names of victims, and other artistic/cultural endeavors. Collective memories built around war and violence play an important role in the process of rebuilding positive ties between the different segments of a society. Particularly crucial in such a process are the public and private rituals and narratives that sustain collective and individual memories of the history,

causes and course of mass crime, and allow the re-interpretation and re-assertion of the belief systems. However, while memorialization can be a bridge between past and future and contribute to reconciliation and healing projects, in many instances it further marginalizes women. Women's experiences, contributions, struggles for change, and campaigns for peace in Liberia, must be mainstreamed into the memorialization practice to ensure that they serve as mechanisms for inspiration and motivation for current and future generations. This would also encourage civic engagement around women's experiences of conflict, breaking cultures of silences and shame, and furthering the course towards gender equality.

Throughout the work of the TRC Gender Unit, there were persistent calls for memorials and ways to commemorate the dead especially from the women. It is therefore recommended that government and civil society work together with the communities, to identify sites to build monuments where they are appropriate and most honoring of those whose lives were lost during the civil war. It is especially important to memorialize sites of massacres, to hold mourning days, rites or feasts, or to write the names of the people who died during the war. Government is called upon to devise creative ways to engage the population and ensure that the voices of those remaining, particularly the women participate in devising and deciding who and what will be remembered where and how.

### **Institutional Reform / Vetting**

Under institutional reform, vetting is increasingly implemented to address human rights abuses. It is defined as a formal process for the identification and removal of individuals responsible for abuses from public office. Vetting is becoming an integral part of the process of restoring trust in organs of the state, in an attempt to ensure that the structures that facilitated human rights abuses in the past no longer exist. The collapse of the rule of law during the war with the army and the police involved in perpetrating acts of violence on civilians makes credible institutional reform essential for citizens, especially women, to regain their trust in the state organs. It is also vital that Liberian state institutions reform and transform so as to promote and foster gender equality. The institutional reform process should transform such institutions into efficient and fair institutions that respect human rights, maintain peace, and preserve the rule of law. Institutional reform measures in Liberia are recommended to create the following in all public institutions such as the police and the military:

- \* the creation of oversight, complaint and disciplinary procedures;
- \* public education and awareness campaigns to train the public, especially women, on how to access recourse if the system discriminates against them or is harmful, especially the translation of such procedures into Liberian English and other accessible forms of communication.
- \* the reform or establishment of new legal frameworks;
- \* the development or revision of ethical guidelines and codes of conduct;
- \* the provision of adequate salaries, equipment and infrastructure;
- \* the reform of all institutions by screening and removing personnel who are deemed unsuitable for public employment, due to their willing participation in acts of violence and destruction during the war, from, for example, the security forces, the police or the judiciary.

The State needs to further ensure that women-friendly environments are developed within the police and judiciary for the reporting of sexual and GBV. More females must be recruited into the security sector and trained adequately to build their capacity, and more must be promoted into management and decision making positions as well. Adequate sexual harassment policies must be adopted and enforced within these sectors. Attractive incentives must be created to recruit women; including child care, promotional opportunities, and evidence that gender stereotyping is absent.

### **The Media**

All forms of media in Liberia are powerful socializing agents and must be reformed and transformed to reflect the nation's serious commitment to gender equality. More women must be trained and advanced to take up leadership positions within the media. Media monitoring and watchdog mechanisms should be established to ensure that the messaging from the media is not perpetuating harmful gender stereotypes, and/or objectifying women and girls.

### **Truth-Telling and Reconciliation**

Truth-telling and truth-seeking is not just the prerogative of the TRC and is a vital component to lasting unity and reconciliation amongst and between people. It is also a pre-requisite for closure and healing to take place. This is most meaningful at the community level. It is therefore recommended that community forums, 'palava hut' forms, and other broader national and regional mechanisms be set in place for more truth-telling to take place, which will lead to community reconciliation. Furthermore, peace-building should be included into educational curricula and taught in schools, with more awareness placed on reconciliation, what it means, and how it can be effected at community level and between perpetrator and victim. Traditional leaders, especially female leaders, should be trained to facilitate reconciliation and to use their influence at the community level to foster unity and peace.

### **The Human Rights Commission (HRC)**

This is an important institution which will follow on after the TRC. It needs to be reconstituted immediately so that it can begin to work alongside or soon after the closure of the TRC to avoid too big a gap between the two institutions. A special task force should be created to look into the issue of reparations, with the HRC holding full responsibility for the monitoring of this process and holding it accountable. The HRC should be given the same mandate as the TRC in terms of ensuring that women's needs are catered for and that gender equality remains high on their list of priorities.

### **Prosecutions and Amnesty**

The culture of impunity in Liberia has had a severe impact and dire consequences for women and girls. The state failed completely to protect them as civilians during the war and even in the post conflict periods, deepening this culture and allowed women's bodies to become the battlefield through which the war was fought. For women and girls, it is absolutely imperative to end the

culture of impunity. It is therefore recommended that war-lords and heads of fighting factions be punished for initiating, encouraging, participating in and perpetuating crimes against women during the war and in the post conflict periods. This punishment must be real, and justice must be seen to be done. This should involve jail-time, hard labor, and seizure of property or other ill-gotten gains. Public apologies from the warring factions must be mandated and reparations sought from them personally. Amnesty should only be considered with full disclosure and remorse for crimes against women. All child soldiers should be given conditional amnesty with the condition being mandatory rehabilitation.

### **Civil Society**

Civil society needs to get together and form a strong coalition body that will critically look at itself, accept the criticisms and fill the gaps that are identified. They should ensure that they remain independent from government to maintain their watchdog status to hold government accountable, and to work more effectively alongside government programs.

### **Government**

It is recommended that the boundaries between civil society and the Ministry of Gender and Development be clarified to ensure that the two work in tandem with transparent systems for vetting and choosing partners from civil society.

#### **Advancing Women's Rights beyond the TRC**

After all the testimonies, hearings, workshops, and the end of the TRC, it is critical that women ensure that their rights are advanced and harm committed against them is repaired. It is therefore further recommended that:

\* Sensitization of women's rights happens through media, drama, or workshops since many women do not know their rights in Liberia. They have lost their husbands, land has been taken away and so forth, and they need to know exactly what rights they have and how to access them. (Right to Knowledge; Access to Information).

\* All the national and international laws need to be disseminated in a simplified way throughout Liberia, so that everyone knows what they are and how to use them. Only two people from a group of 25 at the national conference knew about the Inheritance Law which has already been enacted. Throughout Liberia there is still confusion when traditional marriages are dissolved. (Equal Right to Inherit for Men and Women)

\* All women should be assisted to regain their lost livelihoods and/ or be given the information they need to understand that they have a right to claim these losses. Many women lost businesses during the war, and also their male relatives who were helping them. They are left with small children and no means of income. There should be a scheme to assist these women to go back to their business and to start over. (Right to Work; Right to an adequate standard of living).

\* Illiteracy is highest amongst women. Market women need to be literate. Many live in communities where there are no public schools. Women are being charged fees to attend school, when education

up to grade 9 is free. So they need literacy programs, more primary schools in rural communities and knowledge about the system. (Right to education).

\* Many women are living at the mercy of family and friends having lost their homes in the war. Low cost housing schemes must be provided. (Right to Housing).

\* The DDDR did not cater for victims. They need assistance such as skills training, medical care, and scholarships for their children, and trauma counseling. A resettlement fund should be made available, victims identified and given assistance to go back to their homes and start over.

\* Legal Aid must be provided to women who are being thrown out by their husbands and husbands' relatives.

### **Recommendation on the Media**

The TRC's engagement with the media considered certain realities as expressed in the three day workshop spent with panelists assessing today's media culture in the country, from the level of press freedom to the many challenges at hand and the media's readiness to contribute to the process of national development and reconstruction. There was a consensus that the press in Liberia (print and broadcast) is perhaps at its most difficult period in history, plagued by a myriad of issues resulting from the fourteen year civil war. As panelist Abdullai Kamara of the group, Journalists for Human Rights, put it, "Like all other sectors of Liberia, the media was completely devastated..." by the conflict. The ensuing problems could be summarized into the following sub-topics:

- A. Lack of Trained Manpower
- B. Ethical Transgressions
- C. Poverty in the Media

Workshop participants and panelists agreed that the media's role in the national reconstruction process is crucial. It provides a space for open and critical discussions and debates on national issues, and in the case of community radio, is increasingly becoming an educational tool – promoting local development in a number of areas. But to more effectively take on its responsibilities in the national reconstruction process, the media itself needs to be rehabilitated, addressing the points noted above.

A. Lack of Trained Manpower: As already noted the Liberian media suffered immensely from the civil war, losing a large percentage of its trained or more experienced manpower. Today many of those with any formal education in journalism and other veterans of the craft are either practicing out of the country or have taken up employment with NGOs or government agencies. There are no statistics on how many of the best of Liberian journalists were lost to the war in one way or another, but there's evidence of a rather young, inexperienced workforce with very little training currently filling the void. Many of the media practitioners in the country today lack the basics – conceptualizing a story, pursuing the news, and general newsgathering and writing skills. In fact a constant refrain during the workshop was that Liberian journalists "lack the nose for news."

For the most part, many of the media houses depend on press releases, which in some instances are rewritten to serve as news stories. The young journalists do not seem to have the capacity to look beyond the press releases or other narrowly defined sources of news to conduct their own investigation. A panelist from the Truth and Reconciliation Commission noted an example of this. During the TRC's outreach to the leeward counties, a number of journalists accompanied members of the commission. Their primary assignment: to report on activities of the commission in those counties. But as the TRC member noted, there were several other stories that were very evident during those trips – stories that went unnoticed and unreported by all but one correspondent who came back to base with at least one non-TRC related report.

Some panelists and participants also blamed such narrow focus on other factors like individual political interests or the pervasive culture of corruption in the media, which will be discussed later.

One glaring evidence of the absence of adequate training: many of today's newspapers are poorly produced and stacked with grammatical errors. There's also the question of how accurate some of the stories are. At issue: the reporter's ability or lack thereof to clearly portray the newsmaker's point of view.

The University of Liberia is the leading institution of training for journalists in the country. There are of course short term capacity building workshops and seminars conducted by the Press Union of Liberia, other media advocacy groups, NGOs and individuals. But the University's Mass Communications Department has been in the forefront of any long term training program. However its curriculum is out of step with today's reality. It was drawn up back in the early 80's and has not had any significant overhaul since then, leaving some to contend that acquiring a journalism degree from the university is a waste of time.

**B. Ethical Transgressions:** The Liberian media suffers from a serious credibility problem. According to workshop panelists, receiving money for news is a common practice in the country, which is serving to discredit the profession and jeopardize its ability to contribute meaningfully to the national reconstruction process. This is not new to the Liberian press. "Katos" has always been a part of the media culture, but in the years since the war it has become so pervasive, and for many newsmakers, it is the only or perhaps the best way to get their stories in the papers or on the airwaves. In fact another more troubling aspect of this practice has emerged during this post-conflict era.

Initially, "Katos" was mostly limited to reporters or editors receiving money (envelopes) when they show up for press conferences, interviews or some event in the pursuit of news stories. But today, it's been expanded to include the sale of pages of newspapers or airtime. Newsmakers and media critics argue that for stories to make it to the pages of some newspapers, or to get airtime on some radio stations, money has to change hands. One panelist quoted the former head of the United Nations Mission in Liberia, Jacques Klein as saying, "ten dollars can get you any story in Liberian newspapers." Another panelist, Kenneth Best of the Daily Observer newspaper, recalled being approached by a diplomat asking how much the Observer charged to get a story on the front page. The New Democrat's Tom Kamara recounted a similar incident. In his case he was asked the same question by a fellow journalist who was apparently acting on behalf of a newsmaker. While both the

Observer and Democrat may have declined any cash offer to publish stories, other newspapers regularly accept such offers.

Some critics contend that some of the more than 20 newspapers that exist today were started primarily to extort money from newsmakers. Their appearance on newsstand is very irregular, being published only when they've successfully sold news pages of the paper or receive ads from one of the local businesses or non governmental organizations.

C. Poverty in the Media: One panelist noted that the ethical issues facing Liberian journalists are perhaps the most serious, saying because of this problem the press today is at its worst. The question at hand is why is corruption so pervasive in today's media culture? A number of reasons were advanced. Some blamed the lack of adequate training, while others contended that training alone is not a solution. As the New Democrat's Tom Kamara pointed out "ethics can be taught in the classroom, but you cannot teach someone to be ethical."

Most participants attributed the problem to the malaise of poverty in the media brought about by a number of factors. Liberian journalists are among the lowest paid in West Africa with many making a meager \$20 to \$30 a month. A bag of rice, the country's food staple, costs about \$65, meaning many reporters do not make enough to provide basic necessities for the survival of their families. But those who get paid are the lucky ones. Some reporters at the workshop revealed that a number of newspapers often fail to pay their employees or freelance journalists who do occasional work for them.

Some editors and managers blame the low pay scale on a myriad of problems. They insist that most media organizations are undercapitalized, barely making enough to keep operating. Newspaper sales are poor. Each paper costs about \$20 LD, and in a country where the majority of the people are unemployed, that amount is beyond the reach of many. Another problem is the poor circulation, mostly limited to Monrovia and surrounding cities and counties. The New Democrat has the largest circulation with 3,500 copies a day, followed by the Daily Observer with about 2,000 copies.

About 75 to 80 percent of newspaper revenue comes from advertisements. Panelists noted that the ad culture has still not recovered from the civil war. Businesses are slowly re-emerging and economic activity is just beginning to pick up. As a result, many of the ads that appear in the papers come from the United Nations Mission and other UN agencies and international non governmental organizations. Ask managing editors and publishers, and some tell you that they do not make enough from ad sales to pay their employees relatively decent salaries. Participants argued that these factors contribute to the corruption seen in the media today.

During the discussions another school of thought emerged. Some critics argued that some media organizations generate sizable sums of money from ads. Yet they fail to pay their employees well. They blame this on poor management, noting that many newspapers and radio stations may not even have business plans and those who run them lack the requisite administrative skills.

Another issue is the debate over ad rates. Some managers see the need for standardizing rates, arguing that some newspapers may lower their rates considerably to attract clients. That creates an unfair advantage as the papers with the most circulation will then be forced to match the low rates.



## CONFRONTING THE PROBLEMS:

There were many suggestions advanced during discussions on how to solve the many problems faced by today's journalists. Some participants argued that certain standards be set to address the pervasive lack of professionalism. Many of today's reporters have no formal training in journalism or related disciplines. In fact, most of them are only high school graduates, products of an education system that itself needs to be rehabilitated, prompting critics at the workshop to suggest a minimum education requirement. Others argued against this, suggesting that would be stifling freedom and limiting the rights of individuals.

Participants called for the Press Union of Liberia to play a central role in addressing many of these problems. But they lamented what one panelist called the lack of a "functional strategic direction within the organization." Another called the union a dysfunctional organization. The PUL has since held elections, and the former Secretary General, Peter Quaqua was elected president, promising to reform the union, once again giving it a voice in today's society.

## RECOMMENDATIONS:

- \* The PUL, Media Institutions, Journalists and media practitioners should take ownership of the TRC Recommendations and use every opportunity promulgate the Recommendations for the understanding of the general populace and to serve as watch dogs over the implementation of the Report.
- \* The PUL and other media advocacy groups should launch a campaign to discourage newsmakers from paying for news.
- \* The PUL should encourage those media institutions that have not yet established a code of ethics to guide their employees to do so immediately or should adopt the PUL's code of ethics. The PUL must encourage every organization to begin to take more stringent disciplinary actions against staff members who violate the established or adopted code.
- \* The PUL and other media advocacy groups should begin to work with NGOs and UN organizations to consolidate capacity building efforts. While many donor agencies and NGOs recognize the need to help rebuild the media in the country, many are beginning to complain about the fragmented nature of the many training and development programs and are starting to question their effectiveness. A more cohesive or centralized approach may be what is needed.
- \* The Liberian Media Center should work with the Press Union of Liberia to organize a business development seminar for editors and media managers. The goal: to improve the marketing and business structure of media organizations to help them become financially sustainable, addressing the problem of poverty in the media. Topics to be covered: raising revenue, business structure, salaries, etc.
- \* The PUL and other media advocacy groups should seek the requisite expertise to begin immediate work on drawing up a proposal for the establishment of a mid level training program for journalists.
- \* The new leaders of the Press Union of Liberia should take action to revitalize the union.

\* They must seek capacity building opportunities for the leadership and members. What's at stake here is the future of journalism in Liberia and the ability and capacity of the PUL to take the lead in the rehabilitation of the media in this country. The union must also more actively engage its members. It may seek the counsel of some of the older more experienced journalists (among them, former leaders). The new leadership could establish an advisory team to include some of these more experienced journalists.

\* That an expert body, including the PUL, other media advocacy and research groups like the Center for Media Studies and Peace Building, CEMESP, and the Ministry of Information, should work to identify repressive media laws, all other laws that infringe on basic freedoms and regulations currently on the books and propose to the appropriate authorities that all such provisions be decriminalized. The laws in question, together with a general lack of respect for due process, were in part responsible for the abuses suffered by journalists and media houses in the past. Additionally, they are out of step with the new atmosphere of freedom enjoyed by the media in post conflict Liberia.

## **Legislature**

Pursuant to its mandate, the Truth and Reconciliation Commission of Liberia also conducted studies on key governance institutions, key amongst them, the National Legislature. During the period under review the commission convened a two day Special Thematic Hearings on the legislature.

Under the theme: "The Role Of The National Legislature In Meeting The Needs of Its Constituents," the hearings were aimed at extracting lessons learned from our national experience and outlining the way forward for our nation, especially at these times of national reformation. During the deliberations prominent Liberians, versed in the working of the legislature and key past and present members of that august body made presentations.

In addition to its mandate to promote national peace, security, unity, justice and reconciliation, the TRC was authorized to produce an extensive report not only documenting the experiences of Liberians during the conflict, but to make recommendations for reforms in various areas including national institutions.

The institutional study program was one of the several mechanisms adopted by the commission in conducting an in depth research on various state institutions. During the study program critical analysis were done to determine the impact of the conflict on the legislature and how it contributed to the country's national crises.

Mrs. Hawa Goll-Kotchi, Commissioner of the Governance Commission, Mr. Morris Dukuly, former speaker of the erstwhile Transitional Legislative Assembly; human rights activist and former Director of the Justice and Peace Commission (JPC) of the Catholic Archdiocese made Others were; Attorney James Kabbah, Chief Clerk of the House of Representatives; Cllr. Jonathan Williams, Professor of Law

at the Louise Arthur Grimes School of Law; Cllr. Tiawon Gongloe, then Solicitor General of the Ministry of Justice, Republic of Liberia, and Honorable Alomiza Ennos, member of the House of Representatives representing Montserrado County.

### **Recommendations on the Legislature**

- \* To receive the Final Report of the TRC
- \* To ensure that the Executive Branch of government implements all recommendations of the TRC's Final Report.
- \* Legislature should allow independent journalistic coverage and enforce the regular newsletters exercise by which their constituents can be informed about their activities and positions on issues. Those newsletters must include questionnaires that will help members gauge public opinion. Legislative agenda and the full text of bills on a daily basis either through their journal or web site must be carried out. This kind of interaction with constituents will allow citizens to comment on legislations.
- \* The opportunity must be provided by the legislature to hear the views of experts and citizens on public policies issues and to express and promote their agenda. The capitol building should be a place accessible to all and a constituent friendly environment
- \* The constitution should be amended to allow for a reduction in Legislative tenure of office from six years to four years for Representatives and from nine years to six years for Senators.
- \* The Constitution must be amended to allow the reduction in Presidential tenure of office from six years to four years.
- \* District offices of Legislators should embarked upon and engage in sensitization and education programs to educate their constituents about the roles, functions and powers of the legislature and bills, and matters before the house.
- \* The Legislature must enact a law to legalize lobbying but establish regulatory standards to that effect.
- \* The current usage of contempt powers by the Legislature, contravenes the Constitution. Contempt power is not summary or arbitrary, it should be used cautiously and only in cases of manifest necessity. Therefore, the Contempt Power of the Legislature should be reviewed especially as is exercised against ordinary Liberians. Contempt Power should be used only for actions that impede legislative functions. Any other perceived offense committed by an individual must follow due process pursuant to the Constitution.
- \* Members of the Legislature should be held by the same standards as other branches of government; including the obligation to be audited.
- \* The Legislature and Executive must strive for consensus on national policy issues
- \* The current distribution of power at the legislature especially at sub-committees level is imbalanced to female legislators hence; the legislature must review the leadership of various sub-

committees and make changes to reflect gender balance and equity. Female legislators must be afforded the same opportunity as their male counterparts to contribute to the work of the legislature.

\* The Legislature should pass the Legislation on the Code of Conduct

## ECONOMIC CRIMES DETAILS

### Section 16.2. Determinations of Responsibility For Economic Crimes

The TRC determined that economic crime is unlawful under Liberian and International law.

The TRC determined that economic crime unlawful under regional law in Africa and international law.

The TRC determined that the following individuals, groups of persons, institutions and corporate entities listed in Tables 3 and 4 are responsible for committing economic crime between January 1979 and October 14, 2003. The TRC's definition of economic crime comports with domestic and international law and standards.<sup>60</sup> There are sixteen crimes that the TRC determined were committed during this period: (1) aiding and abetting economic criminal actors; (2) corrupt malpractices, (3) bribery; (4) discrimination; (5) environmental crimes; (6) extortion; (7) fraud; (8) government procurement fraud; (9) illegal arms dealings; (10) illegal extraction or sale of natural resources; (11) indigenous spoliation; (12) misuse of public property/funds; (13) money laundering; (14) narcotic drug trafficking; (15) smuggling and other custom violations; and (16) tax evasion. The TRC determines that the following individuals, corporations and organizations have committed economic crimes:

**Table: Economic Crimes Violations Code Chart**

VIOLATION CODE	VIOLATION	VIOLATION CODE	VIOLATION
AA	AIDING & ABETTING EC ACTORS	IA	ILLEGAL ARMS DEALINGS
BR	BRIBERY	IE	ILLEGAL EXTRACTION/SALE OF

---

<sup>60</sup> See generally, *TRC Report on Economic Crimes*, Volume III - Final Consolidated Report: Appendices.

VIOLATION CODE	VIOLATION	VIOLATION CODE	VIOLATION
			NATURAL RESOURCES
CO	CORRUPT MALPRACTICES	IS	INDIGENOUS SPOILIATION
DI	DISCRIMINATION	ML	MONEY LAUNDERING
XT	EXTORTION	MP	MISUSE OF PUBLIC PROPERTY/FUNDS
EN	ENVIRONMENTAL CRIMES	NA	NARCOTIC DRUG TRAFFICKING
FR	FRAUD	SM	SMUGGLING
GP	GOVERNMENT PROCUREMENT FRAUD	TE	TAX EVASION

**Table . List of Individuals Responsible for Committing Economic Crimes**

INDIVIDUALS RESPONSIBLE FOR COMMITTING ECONOMIC CRIMES		
ALLEGED PERPETRATOR	ASSOCIATED COMPANIES & INSTITUTIONS/BUSINESS SECTOR	CRIMINAL OFFENSE
1. BROWN, LEWIS	MANAGING DIRECTOR, LPRC	MP
2. COOPER, OSCAR	INLAND LOGGING COMPANY	AA, IE, LO, MP
3. CHARAFEDDINE, CARMELL	CAVALLA RUBBER	IE
4. CHENG, TENG L.	ORIENTAL TRADING COMPANY	IA, TE, FR, ML, AA, EN, IE, BR, SM, DI
5. DENNIS, COOCOO	NPFL	XT, IA, DI, SM
6. EMMANUEL, CHARLES MCARTHUR (AKA CHUCKY TAYLOR, JR.)	EXOTIC TROPICAL TIMBER, ANTI-TERRORIST UNIT (ATU)	IA, ML, TE, MP, SM
7. HAN KUING, CHAN	ORIENTAL TRADING COMPANY	IA, TE, FR, ML, AA, EN, IE, BR, SM, DI

INDIVIDUALS RESPONSIBLE FOR COMMITTING ECONOMIC CRIMES		
ALLEGED PERPETRATOR	ASSOCIATED COMPANIES & INSTITUTIONS/BUSINESS SECTOR	CRIMINAL OFFENSE
8. KANRANDA, JOHN	MOHAMMED GROUP OF COMPANIES	FR, TE, XT
9. KOUWENHOVEN, GUS	ORIENTAL TRADING COMPANY, ROYAL TIMBER CORPORATION	IA, TE, FR, ML, AA, EN, IE, BR, SM, DI
10. MININ, LEONID	EXOTIC TROPICAL TIMBER	IAS, ML, FR, TE, SM
11. NEAL, JUANITA	MINISTRY OF FINANCE	AA, MP,
12. PEABODY, CORA	MINISTRY OF COMMERCE	MP, AA
13. SALAME, MOHAMMED	MOHAMMED GROUP OF COMPANIES, BIN LIBERIA INCORPORATED	IA, IE, MO, TE, AA
14. SALAME, MOUSTAPHIA ALI	MOHAMMED GROUP OF COMPANIES	FR, TE, XT
15. SAYTUMAH, MORRIS	MINISTRY OF FINANCE	AA, TE
16. SHAW, EMMANUEL	LONE STAR AIRWAYS, LONE STAR COMMUNICATIONS, PLC LIMITED, LNPC	IA, CO, FR, BR, XT, TE
17. SNOWE, EDWIN	LPRC	AA, BR, MP
18. TAYLOR, CHARLES	PRESIDENT	IS, IA, IE, ML, XT, FR, EN, TE, MP, SM, DI
19. TAYLOR, DEMETRIUS ROBERT	FORESTRY DEVELOPMENT ASSOCIATION	SM, FR, EN, DI, CO, BR,
20. UREY, BENONI	PLC LIMITED, LONE STAR COMMUNICATIONS, MARITIME	IA, ML, TE, MP, FR, XT, BR,
21. WONG, JOSEPH KAI TAI	ORIENTAL TRADING COMPANY	IA, TE, FR, ML, AA, EN, IE, BR, SM, DI

**Table : List of Corporations, Institutions and State Actors  
Responsible for Committing Economic Crimes**

<b>LIST OF CORPORATIONS, INSTITUTIONS, STATE ACTORS RESPONSIBLE FOR COMMITTING ECONOMIC CRIMES</b>		
<b>CORPORATE ACTORS/STATE ACTORS</b>	<b>INDUSTRY/ORGANIZATION</b>	<b>CRIMINAL OFFENSE</b>
1. MOHAMMED GROUP OF COMPANIES	TIMBER	XT, FR, TE, AA, SM
2. INLAND LOGGING	TIMBER	MP, TE, IA, BR, AA, SM
3. ORIENTAL TIMBER COMPANY	TIMBER	IA, TE, MP, IE, ML, LO, FR, EN, BR, AA, SM, DI
4. MARYLAND WOOD PROCESSING INCORPORATED	TIMBER	MP, TE, IE, FR, SM, AA
5. NATIONAL PATRIOTIC FRONT OF LIBERIA (KEY LEADERSHIP)	WARRING FACTION	IA, XT, IE, NA, ML, RO, FR, EN, BR, MP, AA, CO, SM, DI
6. LIBERIAN INTERNATIONAL SHIPPING AND CORPORATE REGISTRY (KEY LEADERSHIP)	MARITIME	IA
7. FOREST DEVELOPMENT ASSOCIATION (ROBERT TAYLOR & OTHER KEY LEADERS)	GOVERNMENT AGENCY	SM, FR, EN, DI, CO
8. MINISTRY OF LANDS, MINE & ENERGY (MINISTERS FROM 1997 - 2003)	GOVERNMENT AGENCY	IE
9. MINISTRY OF FINANCE (JUANITA NEAL & OTHER KEY LEADERS)	GOVERNMENT AGENCY	AA, MP
10. MINISTER OF STATE (1997 – 2003)	GOVERNMENT AGENCY	MP
11. OFFICE OF THE PRESIDENCY	GOVERNMENT	IS
12. BUREAU OF MARITIME AFFAIRS	GOVERNMENT AGENCY	MP, ML, IA, BR, FR
13. MINISTER OF COMMERCE (CORA PEABODY & OTHERS)	GOVERNMENT OFFICE	MPP
14. MINISTER OF STATE	GOVERNMENT OFFICE	MPP
15. FIRESTONE CORPORATION	RUBBER	AAA



LIST OF CORPORATIONS, INSTITUTIONS, STATE ACTORS RESPONSIBLE FOR COMMITTING ECONOMIC CRIMES		
CORPORATE ACTORS/STATE ACTORS	INDUSTRY/ORGANIZATION	CRIMINAL OFFENSE
16. LONE STAR COMMUNICATIONS	TELECOMMUNICATIONS	AA, FR, TE, BR, CO, GP,
17. WEST OIL INVESTMENTS/AFRICAN MOTORS	PETROLEUM	BR, FR
18. PLC LIMITED	TELECOMMUNICATIONS	AA, FR, XT, ML, TE, CO
19. LIBERIA PETROLEUM REFINING COMPANY	PETROLEUM	MP

**16.7. Determinations of Further Investigation on Individuals, Groups of Persons, Institutions and Corporate Entities**

The TRC is mindful that the individuals, groups of persons, institutions and corporate entities listed in Tables 1-3 do not represent the entirety of economic crime or economic criminal actors that committed violations during the TRC's temporal mandate. The TRC believes that further investigation and legal proceedings will likely uncover additional evidence of economic crime.

Consequently, the TRC firmly recommends that the Government of Liberia and foreign law enforcement and intelligence agencies vigorously investigate the list of individuals, groups of persons, institutions and corporate entities in **Table**

**Table : List of Individuals and Corporate Entities that the TRC Determined  
Must be Further Investigation**

<b>INDIVIDUALS AND ENTITIES THAT THE TRC RECOMMENDS FOR FURTHER INVESTIGATION</b>		
<b>PERSON OF INTEREST</b>	<b>ASSOCIATED COMPANIES &amp; INSTITUTIONS/BUSINESS SECTOR</b>	<b>CRIMINAL OFFENSE</b>
1. AHMED ABDULLAD, ABDULLAH	AL QAEDA	IE
2. AHMED, ALI SAID	ASI DIAM, OWNER	AA, IA
3. ALLEN CYRIL	NPP	BR, AA,
4. BAH, IBRAHIM	SENEGALESE DIAMOND SMUGGLER/ASSOCIATED WITH RUF	AA, ML, IE, IA
5. BASMA, HASSAN	LIBERIAN PETROLEUM REFINING CORPORATION	CO
6. BASMA, JAMIL	LIBERIAN PETROLEUM REFINING CORPORATION	CO
7. BHATTAL, GUPI	LOGGING INDUSTRY	IE
8. BOUT, VICTOR	SAN AIR GENERAL TRADING, CENTRAFRICA, WEST AIR SERVICES	IA, IE, FR, TE, AA
9. BROWN, LEWIS	MANAGING DIRECTOR, LPRC	MP, AA
10. CHEA, DANIEL	OTC SECURITY FORCES	AA
11. CHERNY, VALERY	AVIATREND	IA, AA, SM
12. CISSE, MOUSSA	ANTI-TERRORIST UNIT	AA,
13. COLEMAN, PETER	MINISTER OF HEALTH	BR, TE, AA
14. D'ONOFRIO RUGGIERO, ROGER	INTERNATIONAL BUSINESS CONSULTANT LIMITED	ML, FR, TE, AA, SM
15. DARWISH, ALI	DIAMOND TRADER	IA, AA
16. DOE, SAMUEL	PRESIDENT	IE, MP, AA,

INDIVIDUALS AND ENTITIES THAT THE TRC RECOMMENDS FOR FURTHER INVESTIGATION		
PERSON OF INTEREST	ASSOCIATED COMPANIES & INSTITUTIONS/BUSINESS SECTOR	CRIMINAL OFFENSE
17. DUO, ROLAND	COMMANDER OF NAVY RANGERS	IA, XT, LO, RO, AA, SM
18. EGLIE, DUANE	DIAMOND TRADER	IA
19. EL-DINE, TALAL	DIAMOND TRADER	IA
20. FAWAZ, ABBAS	MARYLAND WOOD PROCESSING INDUSTRIES	IA, IE, FR,
21. GEBBAH, MOMO	ANTI-TERRORIST UNIT	LO
22. GHAILANI, AHMED KHALFAN	AL QAEDA	IE, ML, SM
23. GUEI, GEN. ROBERT	HEAD OF STATE, COTE D'IVOIRE	IA, AA
24. HABIB, ADEL	DIAMOND COURIER	IE
25. HADDAD, GEORGE	HADDAD GROUP INTERNATIONAL, BRIDGEWAY CORPORATION	TE
26. JOVAN, ALEKSIC	ARMS TRADER	IA
27. JUSKO, PETER	JOY SLOVAKIA	IA
28. KAFFEL, ALI	ARMS TRADER	IE
29. KAMARA, MOHAMMED	NPFL	IE
30. KLEILAT, ALI	ARMS TRADER	IAD
31. MACKY, ABBAS	DIAMOND TRADER	ML, BR, AA
32. MARTIN, FERNANDE	LOGGING INDUSTRY	IA
33. MERONI, RUDOLF	MERONI & SCHMID	ML, FR, TE, AA, SM
34. MINOR, GRACE	NPP	AA
35. MOHAMMED, FAZUL ABDULLAH	AL QAEDA	IE, ML, SM
36. NASSOUR, AZIZ	DIAMOND TRADER	IE, IA, ML, FR, TE, AA

INDIVIDUALS AND ENTITIES THAT THE TRC RECOMMENDS FOR FURTHER INVESTIGATION		
PERSON OF INTEREST	ASSOCIATED COMPANIES & INSTITUTIONS/BUSINESS SECTOR	CRIMINAL OFFENSE
37. NASSOUR, ZEIN	DIAMOND TRADER	IA, AA
38. OMAN, NICHOLAS	HONORARY CONSUL TO LIBERIA	IA, FR, TE, AA, SM
39. OSSAILY, SAMIH	DIAMOND TRADER	IE, IA, ML FR, TE, AA
40. PAPA, MICHELE	INTERNATIONAL BUSINESS CONSULTANT LIMITED	ML, FR, TE, AA, SM
41. POPOV, PAPEL	MOLD TRANSAVIA	IA
42. REEVES, CINDOR	NPP ASSOCIATE	AA
43. RINDEL, FRED	PRIVATE CONSULTANT	IA
44. RUPRAH, SANJIVAN	WEST AFRICA AIR SERVICE, DEPUTY COMMISSIONER OF MARITIME AFFAIRS	IA, AA, TE, SM
45. SALAME, YUSUF	MOHAMMED GROUP OF COMPANIES	IA, AA, SM
46. SAMBA, LY	DIAMOND COURIER	IA, AA
47. SHAW, EMMANUEL	LONE STAR AIRWAYS, LONE STAR COMMUNICATIONS, PLC LIMITED, LNPC	IA, CM, FR, BR, XT, TE
48. SHERIF, SIAKA	LPRC CONTROLLER	AA, BR, MP
49. SUMO, WILLIAM	NPFL, MWPI	AA, XT, LO,
50. VEYSSET, ALBERT	LOGGING INDUSTRY	IE
51. WEAH, ANTHONY	POLICE CHIEF, GRAND BASSA COUNTY	BR, TE, AA
52. YANSANE, MOHAMED	PECOS	IA
53. YEATEN, BENJAMIN	NPFL/NPP	IA, IE, ML, AA,
54. YELENIK, SHIMON	ARMS TRADER	IA, ML, TE, AA, SM

## 10.8. Key Findings on Economic Crime<sup>61</sup>

1. Economic crime and corruption are endemic in Liberia.
2. Between 1979 and 2003, massive economic crime was committed by domestic and international persons, armed groups, institutions and corporate entities.
3. Economic crime in Liberia fuelled internal and regional armed conflict.
4. Poor governance and maladministration by successive Liberian governments created an enabling environment for economic crime.
5. Government officials and their cohorts in the domestic and international economic sector used the state apparatus in Liberia as an instrument of economic crime.
6. Successive Liberian governments, in particular the Taylor regime, unlawfully granted concessions and other investment incentive-related agreements to domestic and foreign persons and entities.
7. Armed factions unlawfully exploited Liberia's natural resources such as timber, diamonds and other minerals to enrich themselves and finance armed conflict.
8. The illegal exploitation of natural resources resulted in the destruction of Liberia's natural habitat, including forest degradation and the destruction of natural fauna.
9. Economic crime in Liberia has grossly deprived the country and its citizens of their economic rights and has contributed to Liberia's chronic underdevelopment.

---

<sup>61</sup> Please see, *TRC Report on Economic Crime*, June 2009, Volume III - Final Consolidated Report: Appendices.

## **Section 20.8**

### **Additional Recommendations: Regarding Commissioners of The TRC:**

The TRC recommends as follows:

1. That Commissioners of the TRC be honorably retired in keeping with the status  
Of the Commissioners as enshrined in the Article, 4, Section 12 of the TRC Act
2. That Commissioners be accorded personal security for themselves and family for a period of 30 years;
3. That Commissioners continue to carry, bear and retain their diplomatic passport and status for life time.
4. That the full salaries and benefits of Commissioners be paid expeditiously including severance as a matter of priority and rights.