

**Security Council**

Distr.: General  
4 December 2012

Original: English

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**Letter dated 3 December 2012 from the Chair of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council**

On behalf of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, and in accordance with paragraph 5 (f) of resolution 2025 (2011), I have the honour to submit herewith the final report of the Panel of Experts on Liberia (see enclosure).

I would appreciate it if the present letter, together with the enclosure thereto, were brought to the attention of the members of the Security Council and issued as a document of the Council.

*(Signed)* Masood **Khan**  
Chair

Security Council Committee established pursuant  
to resolution 1521 (2003) concerning Liberia



**Enclosure**

**Letter dated 12 November 2012 from the Panel of Experts on Liberia addressed to the Chair of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia**

The members of the Panel of Experts on Liberia have the honour to transmit the final report of the Panel, prepared in pursuance of paragraph 5 (f) of Security Council resolution 2025 (2011).

*(Signed)* Christian **Dietrich**

*(Signed)* Caspar **Fithen**

## Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 5 (f) of Security Council resolution 2025 (2011)

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## I. Introduction

1. By its resolution 1521 (2003), the Security Council imposed sanctions on exports of arms and ammunition to Liberia, a travel ban on individuals identified as constituting a threat to peace in Liberia, and sanctions on diamond and timber imports from Liberia. By its resolution 1532 (2004), the Council imposed an assets freeze on Charles Taylor and his associates. The Council has since lifted the sanctions on timber and diamonds and has modified the arms embargo, most recently by its resolution 1903 (2009), which resulted in the limitation of the arms embargo to non-State entities and individuals in Liberia. By its resolution 2025 (2011), the Council renewed the travel ban and the arms embargo for a further period of 12 months and reaffirmed that the assets freeze remained in force.

2. By resolution 2025 (2011), the Security Council extended until 14 December 2012 the mandate of the Panel of Experts on Liberia to investigate and report on the relevant sanctions measures. In a letter dated 24 February 2012 addressed to the President of the Security Council (S/2012/110), the Secretary-General announced the appointment of Christian Dietrich (United States of America), Caspar Fithen (United Kingdom of Great Britain and Northern Ireland) and Katrine Kristensen (Denmark) to the Panel. Ms. Kristensen resigned from the Panel effective 16 October 2012, after completing her investigations and inputs for the final report. The Panel was also assisted by two consultants: Raymond Debelle and Benjamin Spatz. Annex 1 provides a list of the meetings and consultations held by the Panel during the reporting period.

## II. Methodology

### **Arms embargo violations and cross-border attacks**

3. The Panel focused its investigations on cross-border military activities carried out by Liberian mercenaries and Ivorian militia in violation of the arms embargo imposed on all non-governmental entities and individuals operating in the territory of Liberia, pursuant to paragraph 4 of resolution 1903 (2009) and renewed by resolutions 1961 (2010) and 2025 (2011). The Panel focused in particular on the identities of combatant commanders who had carried out the attacks, their sources of weapons and the financing provided to facilitate the operations. The Panel submitted a written update report to the Committee on 10 September 2012 and has added further to these case studies.

4. The Panel carried out four field visits to Nimba, Grand Gedeh and River Gee counties, focusing primarily on identifying, contacting and interviewing Liberian mercenary and Ivorian militia commanders responsible for cross-border attacks. The Panel also conducted one visit to Moyon-Cavally, western Côte d'Ivoire, and two visits to Abidjan. Considerable efforts were made to obtain testimony from individuals involved in cross-border attacks, especially those with knowledge of arms procurement and sources of external financing. The Panel reviewed documentation, including telephone logs, concerning Liberian mercenaries and Ivorian militia members to determine linkages between groups of combatants and their connections to leading elements of the former Gbagbo regime living in the West Africa subregion.

5. During its mandate, the Panel worked in close cooperation with the Government of Liberia and the United Nations Mission in Liberia (UNMIL). In pursuance of paragraph 5 (g) of resolution 2025 (2011), the Panel maintained a strong working relationship with the Group of Experts on Côte d'Ivoire. The Panel also shared information with the United Nations Mission in Côte d'Ivoire (UNOCI) and the Government of Côte d'Ivoire.

6. In May and June 2012, the Panel was assisted by a cross-border trafficking consultant, Raymond Debelle, who conducted two missions to Abidjan, Côte d'Ivoire. His work was focused on regional support networks for cross-border military activity carried out by combatants in Liberia. This information was also provided to the Group of Experts on Côte d'Ivoire, in which Debelle currently serves as the arms expert.

### **Natural resources**

7. Pursuant to paragraph 5 (d) and (e) of resolution 2025 (2011), the Panel focused its investigations on the implementation of the Kimberley Process Certification Scheme, the forestry sector and the issuance of private use permits, the alluvial gold sector, the agricultural sector and the functioning of the Liberia Extractive Industries Transparency Initiative. During the course of its mandate, the Panel conducted interviews with and collected data and documentation from senior Liberian Government officials, the private sector, international and local non-governmental organizations and civil society organizations.

8. From March to October 2012, the Panel carried out field visits to artisanal diamond mining areas in Gbarpolu, Lofa and Nimba counties and artisanal gold mining areas in Grand Gedeh, River Gee and Sinoe counties. During this period, a wide range of local government officials and private sector operators were interviewed, while official and unofficial data concerning both the diamond and gold sectors were collected and analysed.

9. Similarly, extensive research was undertaken from May to October 2012 with regard to the forestry and agricultural sectors. Field visits to Grand Gedeh, River Gee and Sinoe counties were conducted by the Panel, during which local government officials, private sector operators, local communities and local non-governmental organizations were interviewed. This work was underpinned by comprehensive data and document analysis in Monrovia.

10. The principal purpose of this work was to investigate factors hampering Liberia's Kimberley Process Certification Scheme, the implications of unregulated alluvial gold mining, the abuse of private use permits and concerns regarding the rapid expansion of oil palm plantations. The Panel also sought to determine the potential impact of each of these issues on stability and security in rural areas. Moreover, the Panel wished to determine the current status of the Liberia Extractive Industries Transparency Initiative.

11. The Panel was assisted from August until November 2012 by a natural resources consultant, Benjamin Spatz, who conducted two missions to Liberia. His work was focused primarily on gathering information concerning natural resource governance and the Liberia Extractive Industries Transparency Initiative, analysing the forestry sector and the status of private use permits and investigating

connections between natural resources and mercenary and militia activity along the Liberia-Côte d'Ivoire border.

#### **Assets freeze and travel ban**

12. The Panel sought to obtain information from several Member States and the Government of Liberia regarding travel ban violations and the assets of sanctioned individuals. The Panel also maintained liaison with the International Criminal Police Organization (INTERPOL) concerning travel ban violations, as noted in its midterm report (S/2012/448). In addition, the Panel investigated the possible involvement of designated individuals in the financing or coordination of embargo violations or cross-border attacks from Liberia into Côte d'Ivoire.

### **III. Liberian small arms legislation and compliance with paragraph 6 of resolution 1903 (2009)**

#### **National Small Arms Control Act and National Commission on Small Arms**

13. On 15 August 2012, the Government of Liberia enacted legislation establishing the Liberian National Commission on Small Arms. The establishment of the Commission brings Liberia into line with the 2006 Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition, and Other Related Materials, to which Liberia is a signatory. The Commission's office has been established in Monrovia, and arrangements are under way to set up a field office in Zwedru, Grand Gedeh county, to support efforts aimed at curbing the circulation of small arms and light weapon in the Liberia-Côte d'Ivoire border area.

14. The Panel notes with concern that progress has not been achieved since its midterm report, of 20 June 2012 (S/2012/448), concerning the adoption of the Firearms Control Act. Because of this, small arms and light weapons are still governed by Liberian presidential executive order No. 34, which imposes a total ban on the ownership, possession, use, sale or manufacture of firearms and ammunition in Liberia, with the exception of 12-gauge "single-barrel" shotguns used solely for hunting, provided that such weapons have been registered with the Ministry of Justice through the office of superintendents in each county. It should be noted that if executive order No. 34 were to expire, the Firearms Traffic Act of 1956 would be the only legislative framework in place in Liberia in this regard.

#### **Compliance with paragraph 6 of resolution 1903 (2009)**

15. In accordance with paragraph 6 of resolution 1903 (2009), all States must notify the Security Council Committee established pursuant to resolution 1521 (2003), concerning Liberia in advance of any shipment of arms and related materiel to the Government of Liberia or any provision of assistance, advice or training related to military activities for the Government. The Government of the United States provided a note verbale dated 25 April 2012 announcing that it would hand over for the use of the Armed Forces of Liberia previously authorized materiel, which had been in the custody of the United States since its receipt in Liberia. The Government of Nigeria provided a note verbale dated 3 May 2012 announcing that



it had concluded arrangements for the delivery to the Government of Liberia of 300 G3 rifles and 10,000 rounds of 7.62 mm ammunition.

#### **IV. Arms embargo violations and cross-border attacks carried out by non-governmental entities and individuals**

16. The Panel's ongoing investigation into cross-border military activities carried out by Liberian mercenaries and Ivorian militia members resident in Liberia has focused in particular on the identities of combatants who conducted the attacks, their sources of weapons and the financing provided to facilitate the operations.

17. Since September 2011, the continued fragility of the Liberian-Ivorian border region has been marked by four notable cross-border attacks from Liberia into Côte d'Ivoire. Those attacks targeted a checkpoint of the Forces républicaines de Côte d'Ivoire (FRCI) and inhabitants of the Ivorian villages of Zriglo and Nigre between 15 and 16 September 2011 (S/2012/448, para. 82); inhabitants of the Ivorian village of Sakré on 24 April 2012 (S/2012/448, paras. 78-80); civilians and patrols conducted by FRCI and UNOCI peacekeepers between the Ivorian towns of Sao and Para on 8 June 2012; and the border checkpoint and FRCI barracks at Péhékanhouébli on 13 August 2012.

18. The geographical and strategic dimensions of those attacks were limited, and the attacks could best be characterized as "hit-and-run" raids aimed at creating localized instability in western Côte d'Ivoire. During the current mandate, the attacks have become more violent and more organized in comparison with 2011. They have begun to target FRCI, and exhibit tactical dimensions, although strategic coordinated incursions have failed at the planning stage or have not been attempted. While their impact has been limited, the attacks expose problems concerning the strength and coordination of FRCI in Moyen-Cavally, especially in border areas, and advance propaganda indicating that the security situation in Côte d'Ivoire is unstable. Should exploratory attacks continue and become more organized, they could have more profound impacts on security in the Côte d'Ivoire-Liberia border region.

19. The attackers constitute a network of Liberian mercenaries and Ivorian militia members who operate as ethnically affiliated and aligned "gangs", which have access, sometimes competing access, to various financial supporters in neighbouring countries. The fact that networks inside Liberia lack hierarchical structure could be symptomatic of a lack of coordination at the strategic level, such as among former Gbagbo financiers living in Ghana. The availability of military assault rifles and limited quantities of heavier weapons such as rocket-propelled grenades shows that financing provides the critical catalyst for the incitement of cross-border attacks. Liberian mercenaries remain ready for mobilization, primarily for personal enrichment, as do former Ivorian militia members, who live in refugee camps or in local communities and have limited means to participate in the informal economy. Liberian mercenaries fulfil a coordination and logistical role, while combatant manpower is derived predominantly from former Ivorian militia members. Accordingly, Liberian mercenaries and Ivorian militia commanders, who fought together in Côte d'Ivoire, jointly command the combatants.

20. While financing provides the key catalyst facilitating cross-border attacks, underlying grievances also motivate Ivorian militia members in particular, as well as ethnically related Liberian Krahn mercenaries. Grievances stemming from the 2010-2011 military conflict in Côte d'Ivoire are accentuated by others concerning land tenure in Moyen-Cavally, western Côte d'Ivoire, an issue that predates the Ivorian post-electoral crisis. The occupation of land vacated by the Guéré when they fled to Liberia early in 2011, by individuals described by the Guéré as "Burkinabé" ("non-natives"), has occurred in the context of a military occupation of western Côte d'Ivoire by FRCI and aligned Dozos (traditional hunters), and human rights violations committed by those groups against the Guéré population. This serves as useful propaganda for pro-Gbagbo hard-liners living in refugee camps in Liberia, who seek a return to the status quo prior to the ouster of the Gbagbo regime, notwithstanding a lack of national reconciliation in Côte d'Ivoire and serious obstacles to land tenure reform.

21. In mid-June 2012, the Government of Liberia initiated "Operation Restore Hope" to enhance State authority in the Liberian counties bordering Côte d'Ivoire and to target specific individuals for arrest. These operations provided a counterbalance to the unrestricted mobilization of mercenaries and militia members, and incapacitated one network through the arrest of its leaders. However, other networks remain active and maintain adequate manpower and access to weapons. In the context of severe rural unemployment and lack of employment for refugees, successful measures to counter mercenary and militia recruitment would require that the costs of "arms for hire" be increased relative to the financial (and personal) benefits. Currently, the financial benefits remain low, but the costs (such as imprisonment or extradition) also remain low especially because there have been no successful prosecutions of mercenaries or militia, and most leading combatant commanders who had previously been imprisoned have been released. Ivorian militia commanders in particular have avoided detection and recriminations during the Government's operations.

#### **A. Operations by the Government of Liberia security forces**

22. Following the cross-border attacks in Sao and Para, western Côte d'Ivoire, the Government of Liberia initiated Operation Restore Hope on 20 June 2012 for a 90-day period, which has been extended until December 2012. The Operation has been led by a joint task force incorporating the Armed Forces of Liberia, the Liberia National Police Emergency Response Unit and the Bureau of Immigration and Naturalization, and also includes the National Security Agency. Operation Restore Hope is aimed at mitigating the threat posed by armed elements in Grand Gedeh, River Gee and Maryland counties, and includes search operations and the targeting of suspected individuals for arrest. Since its inception, the Operation has resulted in a number of arrests and the retrieval of small caches of arms and ammunition in the border region with Côte d'Ivoire.

23. In mid-June 2012, the Government of Liberia prepared an arrest list of nine individuals whose names had been identified at meetings in Abidjan, Côte d'Ivoire, between authorities of the Liberian and Ivorian Governments. On 15 June 2012, another version of the list was created comprising 12 names, including only four that had appeared on the original arrest list. Of the total of 17 individuals whose names appeared on both lists, eight have been arrested to date, of whom three have

subsequently been released and five remain in pretrial detention. These lists were clearly based on the limited information at the disposal of the Government of Liberia prior to the launch of Operation Restore Hope, and the operations of the joint task force led to additional arrests of suspected associates of the listed individuals. In total, 25 individuals were detained, almost all of them in Grand Gedeh county, between 14 June and 24 October 2012.

#### **Arrests of suspected individuals**

24. On 16 July 2012, two Liberian mercenary commanders, Augustine Vleyee (alias “Bush Dog”) and Tailey Gladior, who were included in the Government of Liberia lists, turned themselves over to the Liberia National Police with the assistance of the National Security Agency. The Panel has previously referred to these two individuals separately in various reports (S/2012/448, paras. 52 and 67-77; S/2011/757, paras. 25-30 and 47; and S/2011/367, paras. 22, 23 and 37) in connection with cross-border mercenary recruitment or military activities. Both Vleyee and Gladior were transported to Monrovia and screened by the Liberia National Police, then turned over to the National Security Agency and subsequently released.

25. Also on 16 June 2012, during an operation by the joint task force, five Ivorian refugees and one Liberian were arrested in the proximity of the Prime Timber Production (PTP) refugee camp, in Grand Gedeh county. These individuals were allegedly associated with the Liberian mercenary commander Bobby Sarpee, whose name appears on the Government of Liberia arrest list, but who evaded capture by joint task force personnel during the operation. The detained individuals were released by the Liberia National Police on 4 July 2012.

26. On 23 June 2012, two Liberians, named Seyon Brooks and Edward Taryon, residents of Garleo town, near the Liberian-Ivorian border, were arrested on suspicion of involvement in the 24 April 2012 attack on Sakré, Côte d’Ivoire. These individuals were found to be in the possession of six rounds of 7.62 mm ammunition. Brooks and Taryon were later released, on 27 and 28 June 2012, respectively. The Panel sought to obtain additional information concerning this incident as well as the statements of the two former detainees, albeit without success. The Panel interviewed Liberian mercenaries involved in the planning of the 8 June 2012 attacks on Sao and Para, Côte d’Ivoire, and believes that Brooks and Taryon are individuals of considerable interest to this investigation. Furthermore, in September 2012 the Panel received information indicating that these two individuals had recruited and begun to mobilize approximately 150 Ivorian and Liberian combatants near Garleo, in Konobo district, Grand Gedeh county, following their release.

27. Nyezee Barway (whose name is included in the Government of Liberia arrest list, and who is also known by the name Joseph Dweh), his deputy Morris (“Edward”) Cole and Barway’s motorcycle driver Isaac Taryon were arrested in Zwedru, Grand Gedeh county, on 13 July 2012 on suspicion of involvement in the 8 June 2012 cross-border attacks in Sao and Para. The Panel notes that Cole was previously in the Guiglo-Bloléquin mercenary brigade headed by Solomon “Solo” Jalopo (see annex 2) in Côte d’Ivoire in 2011. Moreover, the Panel has been investigating Barway since October 2011, when it received unconfirmed information that Barway had led the September 2011 attacks on Zriglo and Nigre, in western Côte d’Ivoire.

The Panel referred to Barway in its midterm report (S/2012/448, para. 79) in relation to his leadership role in the April 2012 attack on Sakré, in western Côte d'Ivoire. Stephen Gloto (alias "Rambo"), whose name is on the Government arrest list, was detained in connection with Barway and Cole by the joint task force near Fishtown, River Gee county, on 26 July 2012. All four individuals were subsequently transferred by the Liberia National Police to Monrovia, where they were placed in detention, and were charged on 30 August 2012 with mercenarism, murder, rape, arson, illegal possession of firearms and theft of property. They are currently in pretrial detention.

28. Following the 13 August 2012 Péhékanhouébli attack, the joint task force arrested eight individuals on suspicion of directly participating in cross-border violence. An Ivorian named Valérie Koumande was arrested on 13 August 2012 and admitted to participating in the attack. Another suspect, Emmanuel Saymah, a Liberian, was arrested on 14 August 2012, confirmed his participation in the attack and handed over his assault rifle to the Liberia National Police. Between 14 and 18 August 2012, another six Ivorians were arrested and denied involvement; one of them was subsequently released by the Liberia National Police. The remaining individuals were transferred to Monrovia and are currently in pretrial detention. On 24 August 2012, the Government of Liberia charged six of them with murder, mercenarism, rape, arson, illegal possession of firearms and theft of property.

29. Moses Baryee, a close associate of Liberian mercenary recruiter and commander Bobby Sarpee, was arrested in the proximity of Toe Town, Grand Gedeh county, on 13 August 2012 and transferred to Liberia National Police headquarters in Monrovia. Baryee's telephone, together with two Liberian SIM cards, was recovered during the arrest. Baryee was charged with criminal facilitation and paramilitary activities on 24 August 2012 and is currently in pretrial detention.

30. A former general of the Liberians United for Reconciliation and Democracy (LURD) party, Sam Tarlay (alias "Bush Dog"), was arrested in Behwalay, Nimba county, on 3 September 2012 on suspicion of having recruited Liberians and Ivorian refugees to carry out subversive activities in Côte d'Ivoire, was transferred to Monrovia and is currently in pretrial detention. Shortly thereafter, in an unconnected case, a Liberian mercenary named James Nuah (alias "Jimmy Ringo"/"Jamie Ranco") was arrested on 6 September 2012 near Zwedru, Grand Gedeh county, in possession of one AK-47 assault rifle. Nuah informed the Liberia National Police that he had purchased the weapon, along with three other AK-47s, with Bobby Sarpee on 25 January 2012 from Ivorian refugees in Grand Gedeh county. Nuah was released by the Liberia National Police following his interview, and the Panel has been unable to locate the statement of this individual. Nuah previously fought as a mercenary in Côte d'Ivoire in 2011 (see annex 2). Furthermore, the Panel obtained photographs of Nuah with Sarpee on 26 January 2012, and with combatants who participated in cross-border attacks in February and March 2012.

31. Bobby Sarpee (also known as Alfred James Jr. and Neohin Aristide Diouho) was arrested on 15 October 2012 in Ganta, Nimba county, with an associate, Justice Dweh, and both individuals were transferred to Liberia National Police headquarters in Monrovia the following day. The Panel referred to Sarpee in previous reports (S/2011/757, para. 36, and S/2012/448, para. 62) and in its presentation of its midterm report to the Committee on 15 June 2012; also see annex 2, citing Sarpee as a participant in the mercenary brigade in Côte d'Ivoire early in 2011. During

Sarpee's arrest, the Emergency Response Unit recovered a satellite telephone, a Liberian SIM card, a digital camera, two notebooks and various papers. Sarpee remains in pretrial detention.

32. On 21 October 2012, former LURD general Ophoree Diah (alias "Iron Jacket") was detained by the Liberia National Police in Monrovia under suspicion of mercenarism in connection with cross-border attacks facilitated by Sarpee and carried out by Barway, Cole and "Rambo". On 21 November, 2012, the Liberia National Police also arrested an Ivorian militia combatant named Yves Poekpe in Grand Gedeh county. This individual is a close associate of Isaac Chegbo ("Bob Marley") and is of interest to investigations into the cross-border attacks in Sao and Para. Poekpe possessed a paper citing an inventory of 13 weapons, including 9 AK-47s and 3 rocket-propelled grenades, as well as a map that possibly provides the location of this cache in the vicinity of an artisanal gold mine. In addition, Poekpe's mobile telephone contained the names of many notable mercenary and militia commanders in Liberia and at least one Ivorian paymaster living in Ghana.

#### **Discoveries of firearms and ammunition by the joint task force**

33. On 28 December 2011, the Liberia National Police informed UNMIL of an arms cache discovery in Grand Gedeh county. The cache included 16 AK-47 assault rifles (including variants of AKMS, Type 56-1 and Type 56-2), one light automatic rifle, two rocket-propelled grenade rocket launchers, one PKM machine gun, four rocket-propelled grenade rockets and 493 rounds of 7.62 x 39 mm ammunition (see annex 3). The Panel believes that these weapons had been used by combatants previously fighting on behalf of the former Gbagbo regime during the Ivorian post-electoral crisis and that they had been hidden along the Liberia-Côte d'Ivoire border when those combatants fled to Liberia early in 2011. Therefore, the Panel provided detailed photographs of the weapons and ammunition to the Group of Experts on Côte d'Ivoire and the UNOCI Integrated Embargo Cell.

34. The Panel was informed that the Liberian mercenary commander Bobby Sarpee had provided the weapons and ammunition to the Liberia National Police and that he had sought payment for the exchange. A ranking Liberia National Police officer, Wallace Dennis, who had formerly served as a commander in the Movement for Democracy in Liberia (MODEL), obtained the arms from Sarpee, according to the Panel's sources. During interviews with the Panel in July 2012, Nyezee Barway and Morris ("Edward") Cole also cited this officer as having facilitated meetings between Sarpee and Ivorian money couriers travelling from Ghana early in 2012 (see para. 47).

35. During six operations between 18 June and 22 July 2012, the joint task force seized 5,123 rounds of 7.62 mm ammunition, 41 magazines for 7.62 mm ammunition, two magazines for pistols of unknown calibre, four rocket-propelled grenade rockets with an additional four rocket-propelled grenade booster charges, and 15 artisanal pistols and shotguns. Four of the arrested individuals mentioned in the section above were found to be in the possession of a total of 11 rounds of 7.62 mm and 5.56 mm ammunition and one artisanal shotgun. The other ammunition seizures by the joint task force were not carried out in conjunction with arrests. One such operation was the seizure of 3,925 rounds of 7.62 mm ammunition in the vicinity of the Middle East gold mining camp in Tchien district, Grand Gedeh county, on 18 June 2012.

36. Another arms discovery that did not result in arrests was the 22 July 2012 seizure of the four rocket-propelled grenade rockets and four booster charges, 437 rounds of 7.62 x 54 mm ammunition (used for PK general-purpose machine guns and variants), 331 rounds of 7.62 x 39 mm ammunition (used for AK-47 assault rifles and variants) and 43 empty magazines, which was carried out on information provided by Nyezee Barway, who already had been detained by the Liberia National Police (see annex 4). The Panel notes that photographs obtained by UNMIL of the ammunition were not of sufficient quality to allow lot number markings to be ascertained. This ammunition was seized near Garleo, Konobo district, Grand Gedeh county, an area that the Panel has been investigating since May 2012 owing to its use as a staging point for combatants and weapons prior to cross-border raids.

37. Following the cross-border attack at Péhékanhouébli, Côte d'Ivoire, the joint task force recovered two shotguns and three 12-gauge rounds from two Ivorian refugees suspected of participating in the attack, Valérie Koumande and Nicaise Bloa. Furthermore, a Liberian, Emmanuel Saymah, who was arrested by the joint task force on 14 August 2012, also on suspicion of participating in the attack, provided information to the Liberia National Police that led to the recovery of one SA-M7 (AK-47 variant) assault rifle and 49 rounds of 7.62 mm ammunition in the vicinity of Toe Town on 21 August 2012 (see annex 5). Through further investigation and cooperation with the Group of Experts on Côte d'Ivoire and the UNOCI Integrated Embargo Cell, the Panel learned that a UNOCI arms inspection team had recorded this weapon on 5 May 2008 with the Ivorian national police in Péhé, a town near Toulepleu. The Panel also provided photographs of the weapon handed over to the Liberia National Police by James Nuah on 6 September 2012 (see para. 30).

38. The Liberia National Police discovered approximately 1,319 rounds of 7.62 x 39 mm ammunition in an unoccupied house in Zwedru on 10 September 2012, as well as a small arms cache on 2 November 2012 near Garleo, Konobo district, Grand Gedeh county. This included nine AK-47s, four M-1 rifles, one PK machine gun and one rocket-propelled grenade. UNMIL obtained one photograph of the weapons that did not permit substantive identification of the weapons' origins (see annex 6). One of the weapons is suspected to have been stolen from the UNOCI peacekeepers killed on 8 June 2012. However, UNMIL has been unable to confirm this, because the Armed Forces of Liberia have yet to hand over the weapons.

## **B. Perpetrators of cross-border attacks**

39. Prior to the attacks carried out against Sakré on 24 April 2012 and against Sao and Para on 8 June 2012, the Panel received credible information regarding the recruitment and mobilization of mercenaries and militia members in Grand Gedeh county, as well as allegations concerning the pre-positioning of arms and ammunition to a staging point. The possible perpetrators of those attacks, and the financing received from external sources resident in Ghana, were outlined in the Panel's midterm report (S/2012/448, paras. 86 and 87) and described in greater detail in the Panel's presentation to the Committee on 15 June 2012.

40. The Panel had learned the identities of the mercenary commanders recruiting fighters in Liberia, and the locations of meetings held early in 2012 by these individuals to plan and organize cross-border attacks. Following the submission of

its midterm report, the Panel continued to investigate the mercenary commanders and, on 15 June 2012, identified the names of key leaders in the presentation of its report to the Committee, including Bobby Sarpee, Nyezee Barway, Isaac Chegbo (alias “Bob Marley”) and Julien Monpuho Gougnan (alias “Columbo”), a former Ivorian militia leader. On 10 September 2012, the Panel also provided a written update report to the Committee outlining its investigations concerning violations of the arms embargo and perpetrators of the cross-border attacks at Péhékanhouébli and at Sao and Para.

### **Case of Sakré and Sao/Para attacks**

#### **Identification of combatant commanders**

41. In its midterm report, the Panel noted that Nyezee Barway had commanded the attack on Sakré, Côte d’Ivoire, on 24 April 2012, following his meetings with other Liberian mercenaries and Ivorian militia members in and around Ziah refugee camp, Konobo district, and Zwedru, Grand Gedeh county (S/2012/448, para. 79). The Panel sought to obtain additional information from four individuals who had allegedly participated in this raid and who had been detained by FRCI in the vicinity of Sakré following the attack. The Panel attempted to interview these detainees on numerous occasions in May and June 2012, but was not provided access to the individuals or to their statements to FRCI. The Government of Côte d’Ivoire subsequently detained four more Ivorian suspects, following the attacks in Sao and Para. The Panel also repeatedly sought access to these individuals in June 2012. The Panel obtained statements taken from the detainees by the Ivorian authorities, and access was ultimately granted to the individuals on 5 July 2012, once the Panel’s arms trafficking consultant had joined the Group of Experts on Côte d’Ivoire as its arms expert.

42. Three of the detained individuals alleged that they had lived as refugees in Ziah town, Konobo district, Grand Gedeh county, and claimed to have been apprehended by the combatants and forced to serve as porters before the Sao and Para attacks. The Panel notes that some evidence suggests that these individuals served as combatants, not porters. A fourth individual was detained in the vicinity of Grabo, western Côte d’Ivoire (south of Sao and Para), and, while denying any knowledge of the attack, he provided additional information based on his role as a pro-Gbagbo combatant. Two of the detainees who allegedly had been forced to serve as porters noted that the group of combatants had numbered more than 100, while the third detainee cited 200 combatants, 150 of them armed. The weapons referred to by the detainees included three 12.7 mm heavy machine guns, three rocket-propelled grenades and an unspecified number of AK-47s, which were carried by most of the combatants.

43. Two of the four Ivorian detainees also noted that the combatant commanders had possessed satellite telephones, with one detainee recalling a call made using one of these telephones to relay the combatants’ position in Sao. Another of the detainees, who had allegedly served as a porter, identified a photograph of Nyezee Barway as the commander of the combatants conducting the cross-border raid, and identified Barway as chief “Nizi”. The fourth detainee, who had been imprisoned near Grabo, noted that, according to the descriptions provided to him by the other three detainees, an individual known as “Rambo” appeared to have been a commander of the combatants. This detainee detailed his previous personal

interactions with “Rambo”, and identified a photograph of Stephen Gloto (“Rambo”). During the Panel’s interviews with “Rambo” in Monrovia, he confirmed to the Panel that he recognized the photograph of the fourth detainee, as well as a photograph of one of the other three detainees.

44. The Panel interviewed Nyezee Barway, Morris (“Edward”) Cole and Stephen Gloto (“Rambo”) following their arrest with the assistance of the Liberia National Police (see annex 7). The Panel conducted approximately 15 hours of interviews with these detainees between 19 July and 2 August 2012, interviewing Barway on four occasions, Cole on three occasions and “Rambo” on two occasions. The three individuals primarily denied their direct participation in fighting, and each assigned blame to the others for the 8 June 2012 Sao and Para attacks. During the Panel’s successive interviews with the detainees, however, they provided additional information that clarified their roles in recruiting, arming and commanding other Liberian mercenaries and Ivorian militia members who had conducted the attacks.

45. Barway, for example, admitted to having commanded and participated in the cross-border attack on Sakré in April 2012. However, he stated that he had served as the commander of the mission to attack Sao and Para, but that he had remained on the Liberian side of the border during the operation. Cole informed the Panel that he had served as Barway’s assistant mission commander for the attack and that he, too, had remained in Liberia. Both detainees stated that they had given 11 AK-47s provided by the mercenary commander Bobby Sarpee to the three field commanders who had participated in the attack, whom they identified as Tarry/Taryon (general), “Rambo” (deputy general) and Brooks (field commander). According to Barway and Cole, these three men conducted the attacks in Sao and Para, including the attack on the UNOCI peacekeepers, and “Rambo” was chosen because of his knowledge of footpaths in the area where the attacks occurred. Cole subsequently altered his testimony, implicating Barway in having directly led the combatants into Côte d’Ivoire along with the field commanders Tarry, “Rambo” and Brooks.

46. “Rambo” initially stated that he had been forcibly detained by Barway and Cole, but later altered his testimony, acknowledging that he had been part of the group of combatants but had not participated in the attack. “Rambo” maintained that Barway and Cole had commanded and directly participated in the operation in Côte d’Ivoire, while he had remained in Liberia. However, his testimony exhibited several inconsistencies, and he occasionally acknowledged his role in the attack. For example, “Rambo” stated that he had carried only an artisanal shotgun when crossing into Côte d’Ivoire during the operation; he also described how a French-speaking Ivorian militia commander travelling with the combatants had made a call on Barway’s satellite telephone once the combatants had passed through the Ivorian village of Sao. Barway and Cole estimated the number of combatants at approximately 80 to 100 individuals, of whom more than half were Ivorian. The Ivorians, who had been recruited primarily in refugee camps within Liberia, had been led by two commanders acting as military advisers, according to Barway and Cole, but as a group the Ivorians had fallen under the command of the Liberian mercenaries.

47. Barway and Cole also informed the Panel that they had been recruited by Bobby Sarpee and his “younger brother” Moses Baryee in April 2012 to carry out cross-border attacks (see annex 8). Barway and Cole also noted that they had both received from Sarpee satellite telephones and funds that had been brought from



Ghana to Liberia by Ivorian individuals. Both detainees informed the Panel that these Ivorians had been escorted from Monrovia to Toe Town, Grand Gedeh county, early in 2012 by Wallace Dennis, whom they referred to as Sarpee's "older brother". Barway and Cole stated that weapons used in the attacks had been supplied by Sarpee, although both Barway and Cole had distributed the weapons to combatants under Barway's command prior to the Sakré and Sao/Para attacks. There is uncertainty regarding the number of weapons used in the Sao/Para attacks: Barway and Cole cite 11 AK-47s, but the detainees in Abidjan cite a larger quantity of assault rifles as well as heavy machine guns and rocket-propelled grenades. The Panel notes that the National Security Agency discussed the purchase, early in July 2012, of 30 AK-47s and one rocket-propelled grenade from unknown sources near Garleo, Konobo district, Grand Gedeh county, an area used as a staging point by Barway. Furthermore, the Liberia National Police recovered a cache of arms on information provided by Barway, including rocket-propelled grenade rockets, ammunition for PKM machine guns and 43 empty magazines for 7.62 x 39 mm ammunition (see para. 36).

48. On 16 October 2012, Bobby Sarpee, the "chairman" of the mercenary recruitment operation, informed the Panel that he had recruited Barway in March 2012 to conduct the operation because, prior to March 2012, Barway had conducted two "private" cross-border attacks, that is, attacks essentially financed through looting in Côte d'Ivoire. The Panel obtained digital photographs from Bobby Sarpee's camera that show both Sarpee and Barway at meetings on three occasions, on 26 March, 13 April and 20 May 2012. Sarpee's camera also includes photographs of Cole taken on 14 and 26 February, 26 March, 7 April, 13 April and 20 May 2012; Cole previously fought under Sarpee's command in Côte d'Ivoire in 2010-2011 (see annex 2). Sarpee, together with his fellow detainee Justice Dweh, reviewed the photographs with the Panel on 16 and 17 October 2012, and stated that the photographs of 13 April 2012 showing Barway, Cole and Thomas Collins ("One-Way") had been taken in Ziah town during the preparations for the forthcoming attack on Sakré, Côte d'Ivoire, on 24 April 2012 (see annex 9). Collins ("One-Way") is also cited as a mercenary commander in Côte d'Ivoire early in 2011 (see annex 2).

49. Bobby Sarpee confirmed to the Panel that he had paid Barway on two occasions: first the sum of \$500 on an unspecified date, and second the sum of \$900 around April 2012, before the Sakré attack. Sarpee noted that Barway had wasted the first \$500 without sharing it with his men. Sarpee also informed the Panel that an Ivorian named "Jackson" who had provided financing to Sarpee (including the \$500) had been present to physically hand an additional payment of \$900 to Sarpee, which Sarpee had then handed to Barway. The Panel notes that a photograph of Barway, Sarpee and "Jackson" meeting together in Zwedru, Grand Gedeh county, is dated 26 March 2012 on Sarpee's camera (see annex 10). Other photographs of "Jackson" in Sarpee's camera are dated 13 February, 26 February and 7 April 2012, with another Liberian mercenary known as "Mission" pictured with "Jackson" in the first photo, according to Sarpee (see annex 11). Sarpee informed the Panel that the second payment had been provided to Barway to finance attacks into Côte d'Ivoire. This information was verified by Moses Baryee during the Panel's interview with him on 5 October 2012. Baryee also informed the Panel that an individual identified as "GM" in his telephone address list, who lives in Ghana, had been involved, together with "Jackson", in providing the funding to Sarpee.

50. Sarpee stated to the Panel that while he had financed the attacks conducted by Barway, Barway had been allowed to decide the locations of his attacks in Côte d'Ivoire. After the Sakré attack, a plan had been devised to attack the border town of Tai, across from the Liberian border crossing of Tempo, in Konobo district, Grand Gedeh county, an area well known to Barway. According to Sarpee, Barway deviated from the plan because he did not have enough combatants to confront the FRCI garrison in Tai. Barway was supposed to seize stocks of weapons from FRCI and then use a satellite telephone to call for additional support, at which point "Jackson" would send an aircraft from Mauritania or Senegal with additional supplies. This notion of an aerial resupply of weapons and ammunition has been referred to by several sources involved in the Sao/Para attack and one source who participated in the Péhékanhouébli attack. The Panel has not obtained evidence that such an operation was planned or even possible, and it may have been a way for the financiers of the operation to falsely promise supplies to the combatants, without necessarily providing adequate arms and ammunition up front to conduct such attacks.

**Financing and coordination provided by individuals in Ghana for the Sao/Para attacks**

51. Financing is the primary catalyst for the recruitment of mercenaries and militia members, and the preparation of cross-border attacks (see S/2011/757, para. 87, and S/2012/448, para. 87). Long-standing alliances between Liberian mercenary and Ivorian militia commanders who previously fought together in Moyon-Cavally, western Côte d'Ivoire, as well as ethnic, familial and political connections between those individuals and former elites of the Gbagbo regime living in Ghana, constitute strong networks for the transmission of funds through couriers and bank transfers. Individual combatant commanders in Liberia rely on their own personal connections to these elites in Ghana, from whom they receive funds, communications equipment such as satellite telephones, and instructions. The Panel observed that Liberian mercenaries, in particular, act as opportunists, seeking financing for the recruitment of combatants, and also for their own enrichment.

52. One such connection was between Bobby Sarpee and his father-in-law, Didier Goulia, who currently lives in Ghana. Goulia served as a key intermediary between the former Gbagbo regime and Liberian mercenaries based in Moyon-Cavally prior to and during the Ivorian post-electoral crisis, providing both financing and weapons to the mercenaries on behalf of Abidjan. In April 2012, the Panel received information indicating that Goulia had sought to transport a significant quantity of CFA francs from Ghana to Liberia, either personally or through couriers. However, the Panel was not able to confirm whether the funds had arrived in Monrovia or how they might have been distributed. Goulia also transferred funds to Bobby Sarpee through Western Union, by way of his brother in Abidjan, Jean-Noel Adonis Tikouaï. The Panel obtained records of one transfer on 11 September 2012 for \$83.32 (see annex 12). Sarpee informed the Panel that Goulia had generally transferred several hundred dollars on each occasion. Call logs for Sarpee's three mobile telephone numbers show that Sarpee made or received 112 phone calls to or from Goulia between mid-April 2012 and mid-July 2012, with approximately 40 per cent of those calls being made between 3 and 9 June 2012 (see para. 56).

53. In addition, the Panel investigated financing provided through a network of former MODEL leaders in Liberia and Ghana, some of whom had fought as

mercenaries for the former Gbagbo regime during the Ivorian post-electoral crisis. According to the Panel's sources, Amos Cheyee, who lives in Ghana and previously served as a mercenary general in Abidjan in 2010 and early in 2011, facilitated the transfer of funds from Ghana to Liberia in January 2012 to pay Liberian combatants. The Panel was informed that the funding had originated from former elites of the Gbagbo regime living in Ghana, including Marcel Gossio, who maintained close contacts with Liberian mercenaries during the Ivorian post-electoral crisis. Cheyee, as a former general of MODEL, maintains close contacts with other MODEL commanders living in Liberia who served with him during the Liberian civil war, including Payee Dowah (general "Garang"). Dowah's mobile telephone records for the period from January to June 2012 show 10 calls being made to or received from Cheyee's telephone number in Ghana, with half of them occurring between 9 and 19 January 2012. Dowah in turn is connected to other former MODEL commanders, including Ophoree Diah, "Mission", Moses Baryee and Wallace Dennis.

54. Other financing linked to Cheyee was brought from Ghana to Liberia early in 2012 by an Ivorian individual known as "Jackson" (also referred to by Liberian mercenaries as "Jackson Williams", "Jackson Didier" and "Didier Gbagbo"). "Jackson" brought between \$50,000 and \$100,000 to Liberia in January 2012 and provided the funds to the Liberian mercenaries "Mission" and Ophoree Diah in Monrovia. The final distribution of the funds remains unclear, as other Liberian mercenaries accuse "Mission" and Diah of using the funds for personal purchases. The Panel also received information, including from the Group of Experts on Côte d'Ivoire, indicating that Diah had received financing from the sanctioned individual Charles Blé Goudé, the former leader of the Jeunes Patriotes in Côte d'Ivoire. The Panel interviewed Diah on 24 October 2012 concerning his connections to former Gbagbo regime members in Ghana and financing provided to Liberian mercenaries. Diah denied this and informed the Panel that in 2011 he had begun supplying information to and receiving payments from the Government of Liberia, including the Executive Mansion, and that the Executive Mansion had assisted Diah in obtaining a passport so that he could visit Ghana for medical treatment in 2011. The Panel also received information from its sources, including the Group of Experts on Côte d'Ivoire, concerning exchanges between Liberian mercenaries and Government of Liberia officials, including the Executive Mansion, in which information about the mercenaries' networks had been sought.

55. The Panel notes that while Ophoree Diah denied having had any contacts with Bobby Sarpee early in 2012, Sarpee's camera contains a photograph of Diah, Sarpee and Moses Baryee meeting together on 23 January 2012. The Panel also obtained information indicating that Diah had operated in a network together with "Jackson" and "Mission", which had facilitated the delivery of funds to Sarpee early in 2012; apparently, "Jackson" and "Mission" had developed a close relationship when fighting for the former Gbagbo regime in Abidjan, Côte d'Ivoire, early in 2011, and "Mission" had introduced "Jackson" to Diah in Ghana late in 2011, who had then introduced those individuals to Moses Baryee and Bobby Sarpee in Liberia early in 2012. Sarpee informed the Panel that late in 2011, Diah had travelled with "Mission" and "Jackson" from Ghana to the United Arab Emirates and Singapore to purchase weapons. Diah, however, informed the Panel that these trips had concerned his involvement in a diamond deal.

56. The Panel analysed the telephone records of Sarpee and Baryee to obtain further information about these connections. Over a three-month period, from

15 April to 14 July, Sarpee's three mobile telephones logged 211 telephone calls to or from the Ghana mobile telephone numbers associated with Didier Goulia (112 calls), "Jackson" (51 calls) and "GM" (48 calls). The frequency of the calls clearly shows peaks during the period of the Sakré attack, carried out on 24 April 2012, and the Sao/Para attacks, carried out on 8 June 2012. Sarpee's phones logged 31 calls to or from Goulia, "Jackson" and "GM" between 22 and 28 April 2012 and 99 calls to or from those individuals during the three weeks between 20 May and 9 June 2012, with the largest call volume (45 calls) occurring during the week of 3-9 June 2012 (see annex 13). Furthermore, telephone records for one of Baryee's SIM cards show 18 calls to or from both "Jackson" and "GM" between 27 May and 9 June 2012.

57. The Panel also analysed the phone calls made and received by Sarpee during the five-day period from 6 to 10 June 2012 in order to identify key contacts who might have been involved in the participation of or planning for the Sao/Para attacks (see annex 14). Sarpee made or received 161 calls during the five-day period, including 48 with Moses Baryee, 21 with Didier Goulia, 13 with "One-Way", 7 with "GM", 4 with "Jackson" and 4 with Wallace Dennis. Sixty-six of the calls were from telephone numbers that the Panel has not been able to identify: 17 of these are Liberian numbers, and one each are in Côte d'Ivoire, Ghana and the United Kingdom of Great Britain and Northern Ireland. The Panel is particularly interested in the calls made and received by Sarpee on 8 and 9 June 2012: Moses Baryee (26 calls — 5 dialled and 21 received), Didier Goulia (14 calls received), "One-Way" (7 calls — 3 dialled and 4 received), "GM" (3 calls — 1 dialled and 2 received), "Jackson" (2 calls dialled), Wallace Dennis (2 calls dialled), and unidentified calls from 7 Liberian numbers and one each in Ghana and the United Kingdom. Furthermore, telephone records for 9 June from one of Baryee's SIM cards show that he called Sarpee four times and "Jackson" four times, with one call to both Ophoree Diah and "Mission". Baryee also called "Mission" three times from 15 to 16 June 2012.

58. The Panel submitted a request to Thuraya and the Government of the United Arab Emirates on 2 August 2012 for information regarding the call records for a Thuraya telephone used by Sarpee. The Group of Experts on Côte d'Ivoire simultaneously submitted a request for call logs for other Thuraya telephone numbers and for all calls within a geographical area encompassing Sao and Para within specified dates. Neither the Panel nor the Group received a reply. Furthermore, on 31 August 2012 the Group of Experts on Côte d'Ivoire submitted a request to the Government of Ghana for information regarding the call records for specified mobile telephone numbers registered in Ghana, including several supplied by the Panel. There has been no reply.

#### **Case of the attack on the Péhékanhouébli border post**

59. A group of 17 Ivorian militia members and 2 Liberian mercenaries launched an attack from Liberia during the morning of 13 August 2012 against the Ivorian border checkpoint and FRCI barracks at Péhékanhouébli, approximately 1 km from the Liberian B'hai border post, near Toe Town, Grand Gedeh county, and 20 km from the Ivorian city of Toulepleu. The Péhékanhouébli border post was occupied by 10 Ivorian border agents and FRCI soldiers, some of whom were on the Liberian side of the border when the attack occurred. The remaining agents and FRCI soldiers fled during the attack, crossing into Liberia. The attackers seized the Ivorian border post

until the late afternoon of 13 August 2012, when FRCI reinforcements arrived from Toulepleu, and succeeded in recapturing the Péhékanhouébli border post. The attackers fled into a nearby forested area, although several individuals were arrested by Liberian security forces when they crossed back into Liberia.

60. The attackers appeared to be from refugee camps in Grand Gedeh, primarily Dougee, and border villages in the immediate vicinity of the attack. The leadership and commanders had previously served in militia groups in Moyen-Cavally, Côte d'Ivoire, primarily in the vicinity of Toulepleu, and had had strong ties to the former Gbagbo regime leadership during the Ivorian post-electoral crisis. The Panel was informed that the attack was supposed to have been coordinated with two other groups of approximately 20 combatants each, one of which was based in Behwalay, Nimba county, and the other of which had previously infiltrated Côte d'Ivoire from Liberia. The Panel conducted an investigation into the incident, including through interviews with several of the suspected attackers.

61. One of the detained attackers, a Liberian named Emmanuel Saymah who had served in the Armed Forces of Liberia beginning late in the 1980s during the regime of Samuel Doe, provided the Panel with names of recruiters for and commanders of the attack. A second detainee, Valérie Koumande, who lived in Dougee refugee camp and had previously served in a militia in Duékoué, denied allegations against him before the Panel, but had provided details of his involvement to the Liberia National Police and UNMIL immediately after his arrest. The Panel also interviewed several Liberian mercenaries and Ivorian militia members living in refugee camps in Grand Gedeh county to obtain information concerning the identities of the attackers.

62. The detainee Emmanuel Saymah informed the Panel that his first contact with the recruiters had been through a Liberian named George Poh, who is also a former Armed Forces of Liberia soldier and lives in Nimba county but conducts business in Zwedru, Grand Gedeh county. Late in July 2012, Poh introduced Saymah to an Ivorian named Georges Mauh, who is originally from Toulepleu, Côte d'Ivoire, and served in FANCI, but currently lives in PTP refugee camp, Grand Gedeh county. Mauh offered Saymah \$1,000 to join a group of combatants recruited to fight against FRCI and "Burkinabé" in western Côte d'Ivoire, and promised that the money would be paid once the attackers had reached Toulepleu. Saymah informed the Panel that Mauh had recruited Ivorian combatants from the Dougee, Solo and PTP refugee camps in Grand Gedeh county. On 29 July 2012, Saymah, together with the other combatants, travelled to a "base" that effectively served merely as a staging point, approximately a five-hour walk from the Péhékanhouébli border post, where he remained until he participated in the attack on 13 August 2012.

63. According to two sources interviewed by the Panel, Georges Mauh led the group that attacked Péhékanhouébli, together with a former Ivorian militia leader, Julien Gougnan ("Columbo"), who served as Mauh's "battlefront commander". The sources noted that the attack had been conducted with only three AK-47 assault rifles and two 12-gauge shotguns. One of the assailants informed the Panel that the assault rifles had been used by Georges Mauh, Julien Gougnan ("Columbo") and "Basey P", a deputy of "Columbo"; the shotguns had been used by an Ivorian named Georges and a Liberian operating under the name "Bullet Bouncer" (whom another source of the Panel previously identified as having attended a meeting of Liberian mercenaries chaired by Bobby Sarpee in April 2012).

64. The Panel has investigated “Columbo” and interviewed him twice since he was arrested on 23 January 2012 at the New York gold mine, Grand Gedeh county, for allegedly preparing a cross-border raid into Côte d’Ivoire (S/2012/448, para. 75); “Columbo” was subsequently released on 20 February 2012, and returned to Dougee refugee camp. In addition, detainee Saymah identified a photograph, provided by the Panel, of a combatant who had crossed into Liberia from Côte d’Ivoire in May 2011 with the “Mark Miller” convoy (S/2011/757, paras. 64-75) and who had also been arrested at the New York gold mine with “Columbo” in January 2012 (S/2012/448, para. 73). Saymah noted that this individual had served as the communications officer for “Columbo”. The Panel met with this person, whom the Panel believes to be named Rogier Guei, during an interview with “Columbo” at the residence of a Liberian mercenary general, “Solo”, in Tiens town, Grand Gedeh county, in April 2012.

65. Detainee Saymah stated to the Panel that he had obtained an assault rifle once the attackers had overrun the border post and that seven assault rifles and at least one rocket-propelled grenade had been seized, although he had previously informed the Liberia National Police that he had used the weapon to carry out the attack (see para. 28). According to several sources, including two of the assailants, the attackers were given strict orders not to kill Ivorian border police, civilians or United Nations staff. Their objective was to kill FRCI soldiers, whom they blame for persecuting the Krahn/Guéré ethnic group. The strategic objective was to attack Toulepleu, Côte d’Ivoire, with the assistance of two other groups, which were to jointly carry out the assault. The two additional groups apparently did not coordinate their operations with the attackers holding Péhékanhouébli, forcing the attackers to retreat once FRCI had launched a counterattack against the border post. The Panel was informed by UNMIL that FRCI had burned approximately 12 houses in Péhékanhouébli village in reprisal for the attack.

66. The Panel obtained information from detainee Saymah, who had lived at the staging point before the attack, concerning the identities and roles of several individuals who had operated in the two other groups that were to coordinate the attack on Toulepleu. Sebastien Koho was identified by photograph as the coordinator of the three groups and the facilitator of several meetings held at the staging point outside Péhékanhouébli. Koho lives in Dougee refugee camp, where the Panel interviewed him on several occasions between April and October 2012. Koho is a known figure in the mobilization of young Ivorian men, including with regard to the incident on 11 March 2012 in which 11 Ivorians were arrested in Dougee refugee camp following a confrontation between Ivorian refugees and a Liberian citizen (S/2012/448, para. 77). Koho previously served as the “youth” leader in Bakoubli, near Toulepleu, Côte d’Ivoire, and later, during the 2010-2011 conflict, was a close ally of Denis Glofiehi Maho, the leader of the Front pour la libération du Grand Ouest (FLGO) in western Côte d’Ivoire, where he served as Maho’s coordinator in Guiglo. The Panel referred to Maho in its report of 7 December 2011 (S/2011/757, paras. 26, 44 and 57). Koho is also closely associated with Bernabe Gnessien, the former “youth” leader in Toulepleu (see para. 77).

67. In addition to information about the coordination provided by Koho, the Panel obtained information concerning the leadership of the two additional groups of combatants in Behwalay, Nimba county, and Tiens town, Grand Gedeh county. The Panel was informed that the former leader of FLGO in Toulepleu district, general

Marcel Gbopehi, had acted as commander of the Behwalay group, while Cedric De Sao, a former deputy of Gbopehi in Toulepleu district, had been one of the leading figures in the group based in Tiens town, near Dougee. During an interview with the Panel on 27 September 2012, De Sao tacitly admitted to the Panel that he had been part of that operation. The Panel notes the strong links between Gbopehi, in Behwalay, and both Koho and De Sao, who live in Dougee refugee camp. De Sao, a former deputy to Gbopehi, and Koho, a close friend of the former general, introduced the Panel to Gbopehi in Behwalay in June 2012. The Panel was also informed that Gbopehi, together with another deputy, had visited Koho and De Sao in Dougee for three days in mid-July 2012.

68. The Panel was informed by detainee Saymah that a Liberian mercenary commander operating under the name “Red Scorpion” had served as a commander of the Tiens town group, and that both De Sao and “Red Scorpion” had visited the staging post of the “Columbo” group on at least one occasion early in August 2012. The Panel obtained photographic evidence that on 29 April 2012, “Red Scorpion” had met with Bobby Sarpee, Moses Baryee, Wilson Dennis (“Ziah Pode”) — one of Gbopehi’s former commanders from Péhé — and the Liberian mercenary general Solomon “Solo” Jalopo — previously identified by the Panel as Solomon Seakor (S/2011/757, paras. 26 and 36) (see annex 15). According to Sarpee and Justice Dweh, the individuals discussed the Sakré attack and the “revolution” in Côte d’Ivoire. The Panel notes that “Solo” is a close friend of both “Zia Pode” and “Columbo” and, according to “Solo”, met with “Columbo”, Oulai Tako (“Tarzan du Grand Ouest”) and Bobby Sarpee near Dougee camp on 29 July 2012, the same day that Saymah and 18 other combatants were sent to the staging area near Péhékanhouébli.

69. Late in July 2012, “Solo” also hosted some of the Ivorian combatants operating under Cedric De Sao and “Red Scorpion” next to his video cinema in Tiens town. When interviewing “Solo” on 25 July 2012 at his residence in Tiens town, the Panel observed approximately eight Ivorian men at this location, who had not been present on other occasions when the Panel had interviewed the mercenary general. One of those present, Nicaise Bloa, was arrested by the Liberia National Police on 18 August 2012 following the attack at Péhékanhouébli (see para. 37); he had a gunshot wound and was in possession of a 12-gauge shotgun. He stated to the Panel on 5 October 2012 that militia members had shot him with an assault rifle while he was hunting in Liberia. Another detainee, however, informed the Panel that Bloa had been shot in Bakoubli on 14 August 2012, a day after the Péhékanhouébli attack, during a confrontation with FRCI. The Panel notes that Bloa is a close friend of Cedric De Sao, who led the Tiens town group with “Red Scorpion”.

70. While the Panel obtained significant information concerning the command structures and networks involved in the planning and coordination of the Péhékanhouébli attack, less information is available about the source of funding for the attack and the overall strategic command structure. According to several sources, the head of the Dougee refugee camp, Maurice Peyé, received money through Western Union from former Gbagbo elites in Ghana to recruit combatants for the attack. Peyé also worked closely with Sebastien Koho, who has been active in the mobilization of fighters, as mentioned above. Following the Péhékanhouébli attack, Peyé disappeared from Dougee refugee camp; the Panel has been informed that he is currently hiding in Behwalay, Nimba county. Immediately prior to the submission of the present report, the Panel obtained the telephone number of Peyé

from the mobile telephone of Ivorian militia combatant Yves Poekpe, which also contained the contact details for Didier Goulia in Ghana (see para. 32). The Panel provided this information to the Group of Experts on Côte d'Ivoire.

71. The Panel also notes that the Liberia National Police arrested Moses Baryee on the day of the Péhékanhouébli attack. The Liberia National Police informed the Panel that the arrest had occurred in the vicinity of the B'hai border crossing, while Baryee stated that it had taken place in Tiens town. It is unclear what Baryee's role could have been in the planning or financing of the operation. Following Baryee's arrest, the Panel reviewed the text messages and contacts on his mobile telephone. At 18.50 hours on the day of the attack, Baryee received a text message from "Jackson", who had financed the Sakré and Sao/Para attacks. The message reads: "Call me back i need news from toulepleu what its [sic] the situation". This message, and another sent on 14 August asking Moses to call him back, was sent from "Jackson's" telephone number in Senegal.

### **C. Current status of militia commanders or recruiters**

72. The Government of Liberia has exerted some pressure on several of the Liberian mercenary generals through arrests and questioning, but few have been charged with criminal acts and prosecuted. Ivorian militia leaders living in refugee camps, on the contrary, have remained largely beyond the purview of the Government of Liberia's operations, and there has been little if any interaction with these individuals. These groups of combatants remain ready to be mobilized and maintain complex and interlinking chains of command between refugee camps and local communities, which cover parts of Nimba, Grand Gedeh, River Gee and Maryland counties. The Government's lack of capacity to effectively monitor significant areas of these counties reduces its ability to discourage the future mobilization of combatants for cross-border attacks into Côte d'Ivoire.

#### **Grand Gedeh and River Gee counties**

73. Grand Gedeh and River Gee counties have been used as primary launching points for cross-border raids into Côte d'Ivoire. The considerable use of Ivorian combatants in Sarpee's group, who were recruited from refugee camps such as PTP, Dougee and Ziah, suggests that former Ivorian militia members living in Liberia as refugees remain a considerable threat to border security. Despite the arrest of certain individuals in Sarpee's network, the Panel remains concerned that other influential Liberian mercenary and Ivorian militia commanders, with their own autonomous, gang-like networks, could continue to destabilize the border region. Similarly, the ringleaders of the Péhékanhouébli attack and most of the combatants involved have not been apprehended and continue to pose a threat to security in the Liberia-Côte d'Ivoire border region. The Panel's sources cite several commanders who have mobilized combatants and also have access to weapons.

74. Oulai Tako (alias "Tarzan du Grand Ouest"), who is half Ivorian and half Liberian, is included in the Government of Liberia list of wanted individuals. He previously served with the Liberian mercenary brigade in Moyen-Cavally, in 2010-2011, and also as an FLGO commander in Bloléquin, Côte d'Ivoire (S/2011/757, paras. 26, 30, 34, 40-41 and 58) (see annex 2). Oulai Tako, who evaded arrest by the Liberia National Police in Maryland county in April 2011, lives in the vicinity of



Senewen, Grand Gedeh county. He has maintained close contacts with other Ivorian militia and Liberian mercenary commanders, and the Panel's sources note that he has been involved in the recruitment, mobilization and arming of combatants.

75. The Panel obtained 12 photographs from the camera of Bobby Sarpee showing a meeting between Oulai Tako, Sarpee and Nyezee Barway on 20 May 2012 (see annex 16). Other photographs from Sarpee's camera show a meeting at the beginning of April 2012 between Sarpee and Tao Filbert (alias "Zoom"), one of Oulai Tako's former commanders (S/2011/757, para. 58). The Panel received information indicating that Oulai Tako had attended two additional meetings early in June 2012 with militia and mercenary commanders to discuss cross-border attacks. On 29 July 2012, the Panel spoke briefly with Oulai Tako by telephone after he had attended another meeting with militia commanders near Dougee refugee camp, but he subsequently refused to meet with the Panel. Two of the Panel's sources note that Oulai Tako possesses two satellite telephones; he maintains that the telephones were provided to him in January 2012 by Sylvain Ziké (alias "Pasteur Gammi"), the former leader of the Mouvement ivoirien pour la libération de l'Ouest de la Côte d'Ivoire. The Panel has been informed by the Group of Experts on Côte d'Ivoire that "Pasteur Gammi" currently lives in Ghana.

76. Another militia commander of concern to the Panel is the former head of the Alliance patriotique de l'ethnie Wé militia group, Julien Gougnan ("Columbo"), who is registered as a refugee in Dougee camp and is referred to in paragraphs 63, 64 and 68 as a commander in the Péhékanhouébli attack. The Panel mentioned this individual in its midterm report and its 15 June 2012 presentation to the Committee, in relation to his suspected involvement in the mobilization of Ivorian militia members to attack Côte d'Ivoire from Grand Gedeh county in January 2012 (S/2012/448, paras. 67-77). The Panel interviewed "Columbo" twice in Grand Gedeh county, in April and May 2012, and he expressed his desire to return to Côte d'Ivoire to fight the Government and "Burkinabé". In July 2012, the Panel received information indicating that "Columbo" had access to more substantial quantities of weapons than the Sarpee network, and the Panel continues to investigate the source of those weapons and the identities of associates of "Columbo". The Panel obtained a photograph, taken by Bobby Sarpee, of "Columbo" with Wilson Dennis ("Ziah Pote") (see para. 68) and "One-Way" in Dougee refugee camp on 26 April 2012 (see annex 17).

77. The Panel also investigated another Ivorian resident of Dougee refugee camp, Bernabe Gnossien, a former "youth" leader in Toulepleu, Côte d'Ivoire, who is mentioned in paragraph 66 in association with Sebastien Koho. Gnossien allegedly played a key role in the mobilization of young men in Toulepleu to fight during the post-electoral crisis in Côte d'Ivoire. This included the theft of weapons and ammunition and the killing of the commander of the Toulepleu national police barracks by the Jeunes Patriotes between 24 and 25 February 2011 (S/2011/757, para. 50). The Panel has received information since late in 2011 that Gnossien continues to play an active role in the mobilization of young men and former fighters living in and around Dougee refugee camp. According to the Panel's sources, Gnossien is also involved in the planning and facilitation of cross-border raids, including through contact with prominent individuals in the former Gbagbo regime living in Ghana.

78. Late in September and early in October 2012, the Panel received information from several sources concerning recruitment and preparation for coordinated cross-border attacks from Grand Gedeh and Nimba counties into Côte d'Ivoire, which was immediately shared with UNMIL and the Government of Liberia. The most substantive information concerns the positioning of approximately 150 combatants, many of whom are Ivorian, in a gold mining camp between Garleo and Bilibo towns, in Konobo district of Grand Gedeh county (see para. 106). This group is under the command of two Liberian mercenary generals, Seyon Brooks and Edward Taryon, who allegedly carried out operations with Nyezee Barway in April and June 2012 (para. 26). The Panel was also informed that boxes of ammunition and weapons had been sited at this location and that financing for the operation had been provided by way of Ghana. The Panel was unable to further substantiate these claims, owing to the inaccessibility of the location. The Panel notes, however, that it had received similar information from its sources in April 2012, prior to the Sakré and Sao/Para attacks. The Panel was informed by other sources that meetings had been held in Behwalay, Nimba county, in August and September 2012 to plan attacks from Nimba into Côte d'Ivoire, with combatants from Nimba county operating in coordination with the Grand Gedeh combatants.

79. In addition, the Panel is concerned that River Gee county and, to a lesser extent, Maryland county may serve as future staging points for cross-border attacks from Liberia into Côte d'Ivoire. The Sao and Para case presented above was launched from footpaths along the Cavalla River by mercenaries and militia members thoroughly familiar with hunting trails through the jungle. Remote locations such as the peninsula between the Dube and Cavalla rivers, near Freetown in Glaro district, that are mostly inaccessible to the Government of Liberia security services permit the unrestricted mobilization and pre-positioning of combatants and weapons, including by combatants such as "Rambo" (see paras. 27 and 43-46). The fourth Ivorian detainee mentioned in the Sao and Para case (see paras. 41-44), who had previously encountered "Rambo", provided information concerning militia recruitment to the Ivorian national police during his captivity in Abidjan in June 2012. According to this individual, named Maurice Dahoue Djire ("Guerrier"), groups of former Ivorian militia combatants were sent to Liberia from the towns of Gnanto and Grabo, in western Côte d'Ivoire, which are across the Ivorian border from River Gee district. The combatants mobilized in camps located near Fishtown and Pleebo, northern Maryland county, with the aim of conducting an attack on FRCI in Tabou, Côte d'Ivoire, in mid-2012. While this attack did not occur, it is possible that the operation was postponed or that the combatants were deployed to another location. "Guerrier" also distinguished the location of these camps from that of the camp overseen by "Rambo".

#### **Nimba county**

80. The Panel remains concerned that Ivorian militia and certain Liberian mercenaries living in Nimba county, particularly in the town of Behwalay, Kparblee district, and in the Bahn refugee camp, maintain a close association with militia and mercenary leaders in Grand Gedeh county. These interlinking networks are based on previous command structures maintained by Ivorian militia groups before 2011 and are exemplified by the Péhékanhouébli case study presented above.

### **Bahn refugee camp**

81. In June 2012, the Panel began to receive uncorroborated reports of the recruitment and mobilization of Ivorian militia members in Bahn refugee camp, Nimba county, and conducted two field missions to the camp in July 2012. The camp leadership repudiated rumours concerning the recruitment or mobilization of young men, but informed the Panel that on several occasions, a small group of unknown persons had visited the camp for two or three days without clearly stating their objective. The camp leadership also noted that groups of young men had occasionally left the camp for several weeks without registering their departures, although this was likely due to their participation in the local informal economy, such as gold or diamond mining. While the Panel did not obtain evidence of militia recruitment and mobilization, it remains concerned that these activities are occurring in and around Bahn, as this has been indicated to the Panel by other sources. The Panel also observed the presence of former Ivorian militia commanders and fighters in the camp.

82. To date, Nimba county has witnessed the highest number of Ivorian refugees returning to Côte d'Ivoire, owing to the significant number of ethnic Yacouba/Gio refugees, generally affiliated with the Ouattara Government, who were displaced to Nimba early in 2011. During its field missions to the Bahn refugee camp in July 2012, the Panel observed that many of the remaining refugees living in the camp, despite the fact that they belonged to the Yacouba ethnic group, had supported the former Gbagbo regime. Some of the camp's residents had formerly fought for pro-Gbagbo militias in Moyen-Cavally and Abidjan. The camp's leadership, which includes prominent political leaders of the Front populaire ivoirien from the area around Danane, Côte d'Ivoire, and a former militia commander of the Mouvement populaire ivoirien du Grand Ouest (MPIGO), openly declared its hostility to the Ouattara Government, which it regards as illegitimate.

83. The Panel received information from the Group of Experts on Côte d'Ivoire, as well as from its own sources, that a militia group was forming in Nimba county under the leadership of a former MPIGO commander known by his pseudonym, "Tee-Mark". Those sources note that "Tee-Mark" oversees several other former MPIGO commanders, including Paul Kango, "Israel" and "Bengoura". Kango commands the "security watch teams" that patrol the Bahn refugee camp. In July 2012, he stated to the Panel that Nimba county hosts former Ivorian militia members who are dissatisfied with the Ouattara Government. While certain individuals who perpetrated the 13 August 2012 attack on the Péhékanhouébli border post in Côte d'Ivoire live in the Dougee refugee camp in Grand Gedeh county, the Panel also received information concerning the involvement of MPIGO commanders living in the Bahn refugee camp, but has not been able to substantiate that information.

### **Behwalay, Kparblee district**

84. Behwalay, Kparblee district, Nimba county, which is populated predominantly by members of the Krahn ethnic group, hosts a number of former Ivorian militia commanders and soldiers. The Panel, in its final 2011 report (S/2011/757, paras. 48 and 58), referred to the presence in Behwalay of Marcel Gbopehi, a former general of FLGO, the largest pro-Gbagbo militia in western Côte d'Ivoire. As the leader of FLGO in Toulepleu, Gbopehi also provided financing to Liberian mercenaries based in that city. The Panel's current investigations revealed that Gbopehi had

commanded a third group that was supposed to coordinate with the Péhékanhouébli attackers near Toulepleu. The Panel interviewed Gbopéhi in June 2012 and confirmed that he lives with two of his deputies, named “Bah Tinte” and “Jerome”, and a significant number of his former FLGO militiamen, who were previously based in the Toulepleu area. The Panel obtained information concerning regular contact, including several meetings in June and July 2012, between Gbopéhi and former FLGO fighters who now live in the Dougee refugee camp, as discussed in the Péhékanhouébli case study presented above. Gbopéhi, his deputy Cedric De Sao and Sebastien Koho were closely associated with Paul Weah, a Liberian mercenary instructor who operated in Toulepleu late in 2010 and early in 2011 (S/2011/757, para. 42) and who has been the focus of investigations conducted by the Group of Experts on Côte d’Ivoire.

85. The Panel is also concerned that Behwalay serves as an intermediary point in the cross-border trafficking of illegal weapons. The Panel noted in its midterm report (S/2012/448, para. 88) that, in addition to military assault rifles brought into Liberia early in 2011 by pro-Gbagbo combatants, larger stockpiles were hidden inside Côte d’Ivoire and remain accessible to these individuals living in Liberia. During its midterm presentation on 15 June 2012, the Panel provided information concerning the locations of arms caches within Côte d’Ivoire, including one cache close to Behwalay along the route that militia members had used to retreat to Liberia from the Toulepleu area, Côte d’Ivoire, early in 2011.

#### **Former pro-Ouattara Liberian mercenaries in Nimba county**

86. Nimba county is known to host high-profile former soldiers and mercenaries linked to Charles Taylor’s National Patriotic Front of Liberia (NPFL), particularly in the Butuo-Behwalay area, Kparblee district. As indicated in the Panel’s final 2011 report, several hundred Liberian mercenaries from Nimba county crossed into Côte d’Ivoire to support FRCI during the post-electoral crisis in that country, and subsequently returned to Liberia (S/2011/757, paras. 76 and 78). These individuals included generals “Yasser Arafat”, “Idi Amin” and Joseph Marzah (“Zigzag”). The Panel received information during its most recent mandate that a number of these Liberian mercenaries regarded their financial remuneration for military services rendered in Côte d’Ivoire as insufficient, and are now considering mercenary employment to conduct cross-border raids against FRCI. The Panel has received additional names of individuals in Nimba county who are allegedly engaged in the recruitment and planning of cross-border raids, and is continuing this investigation.

## **V. Diamond mining and compliance with the Kimberley Process Certification Scheme**

### **A. Assessment of the diamond sector**

87. By its resolution 1753 (2007), the Security Council lifted sanctions on the import of Liberian rough diamonds. Liberia has been a participant in the Kimberley Process since 4 May 2007 and began to export diamonds in September 2007. Specific requirements of the Kimberley Process Certification Scheme include the issuance of certificates for each shipment; internal controls for both the export and

the import of rough diamonds; the maintenance and reporting of statistics; and cooperation and transparency.

88. In response to recommendations made by the Panel in its June 2011 interim report (S/2011/757) and with the assistance of the Panel, the Government Diamond Office has begun to strengthen relations with the Kimberley Process Certification Scheme secretariat and is now in the process of scheduling a Kimberley Process Certification Scheme technical assistance mission to Liberia for January 2013. The Panel expects that arrangements for the technical assistance mission will be finalized by the Scheme's Working Group on Monitoring and the Liberian delegation at the forthcoming Kimberley Process plenary meeting to be held in Washington, D.C., from 27 to 30 November 2012.

89. The downstream export component (which values shipments and calculates royalties) of the Government Diamond Office continues to function and, from 1 January to 30 September 2012, appraised and certified 27,771.98 carats for export, with a total value of \$10,368,950.73. This equates to an average price of \$387.31 per carat, which is in line with average price trends for 2011, rather than the highly inflated average price for 2010 (\$686.87 per carat) that the Panel analysed in its final 2011 report (S/2011/757, paras. 157-163) (see annex 18 for 2012 diamond exports by month compared with 2011 monthly exports).

90. Notably, total exports as at the end of September 2012 were down by 6,059.32 carats compared with the same period for 2011. This was largely as a consequence of heavy rains that have affected communications and fuel prices, as well as the inflated gold price, which has driven many artisanal miners out of the alluvial diamond sector and into the alluvial gold sector in south-eastern and south-western Liberia. The global economic downturn has also seen a slump in demand for diamonds. Moreover, gold mining offers more regular cash flow throughout the year in comparison with the more seasonally affected production processes of gravel extraction and washing that characterize alluvial diamond mining.

91. The problems associated with the effective functioning of the upstream component of internal controls, namely, the 10 regional offices that are supposed to carry out initial appraisals of quantity, colour and size in order to track production from mine to export (which were reported by the Panel in its June 2011 midterm report) continue to undermine Liberia's Kimberley Process Certification Scheme (see S/2012/448, para. 13). During the course of its mandate, the Panel visited regional offices in Cape Mount, Bong, Gbarpolu and Nimba counties; and on each occasion found them to be closed. Regional officers of the Ministry of Lands, Mines and Energy were largely absent, while all of those who could be found complained of a severe lack of resources that hampered their ability to perform their duties. During the rainy season, this situation is exacerbated by the perilous state of many of Liberia's roads.

92. As a consequence of these factors, the Panel found that diamond trafficking remains a problem for the Government of Liberia. From numerous interviews conducted with artisanal miners in Grand Cape Mount, Gbarpolu, Nimba and Sinoe counties, the Panel found that incentives to travel long distances in difficult conditions in order to declare production to regional officers, who may or may not be at their offices, remain lacking. The net result of these factors, and of genuine concerns about local security and crime, is that diamond production is trafficked into neighbouring countries, in particular Guinea and Sierra Leone. Realistically

speaking, given the extremely porous borders in the region, capacity issues and the remote location of most diamond mining activity, it is very difficult to see how the Government of Liberia will be able in the medium term to prevent illicit mining and stem the flow of smuggled diamonds.

93. The Panel discussed these issues with the Kimberley Process secretariat at the intersessional meeting of the Process in Washington, D.C., in June 2012. Given the challenges that the Government faces concerning the day-to-day running of its Kimberley Process Certification Scheme, the Panel believes that the current mechanics of the process require re-evaluation and reassessment as soon as possible. The Panel is of the opinion that the upstream regional office component may not, in the long term, be viable or suitable for Liberia in the context of the severe capacity and infrastructure constraints that the State faces on both a daily and a seasonal basis.

94. Bearing this in mind, the Panel urges the forthcoming technical assistance mission of the Kimberley Process to examine the potential of introducing new ways to maximize the efficacy of the Kimberley Process Certification Scheme in Liberia and the Mano River Belt through the possible restructuring or removal of the network of regional offices and the development of new incentives to encourage miners to participate in government-run chains of custody schemes. Ultimately, this may require the replacement of the Mano River national Kimberley Process certificate with a regional certificate and the establishment of a regional trading bourse. Whatever solution is found, it will likely require bold thinking about regional cooperation, coordination and policymaking for the long term.

## **B. Alluvial diamond mining and security**

95. Much of the illegal diamond mining in Liberia is taking place in Grand Cape Mount, Gbarpolu and Lofa counties, adjacent to the country's borders with Sierra Leone, Guinea and Côte d'Ivoire. Specifically, the close proximity to markets in Kenema and Koidu, in Sierra Leone, encourages trafficking, particularly as those markets are larger and more vibrant than those in the Liberian interior. During the course of interviews with diamond miners in western Liberia, the Panel learned that markets in Sierra Leone often pay higher prices for diamonds than those in Monrovia. The temptation to traffic is further increased when the difficulty and cost of transportation to Monrovia or even regional offices is factored in. This is particularly true for areas in the remote north-western part of Liberia, which are often much closer to Sierra Leonean markets than to Liberian ones.

96. As the Panel stated in its midterm report (S/2012/448, paras. 15 and 16), many of the diggers operating illegally in the sector have crossed the border from Sierra Leone with financial backing from diamond brokers in Kenema. These individuals then compete with Liberians for both mining ground and logging areas, and the potential for territorial conflict remains significant. Of concern to the Panel are several reports from industry sources that have complained that the influx of Sierra Leonean miners continues unabated, and, as the Panel reported (S/2012/448, para. 16), legitimate Liberian diamond miners have been threatened when they have attempted to move squatters off their claims. The Panel estimates that the number of Sierra Leonean miners in Liberia is now in excess of 10,000.

97. Of additional concern is the fact that there is likely to be considerable cross-border movement between Sierra Leone and Liberia as many of these miners return to Sierra Leone's southern and eastern provinces to vote in that country's forthcoming elections. Their subsequent return to Liberia late in November 2012 in large numbers in order to resume mining may further exacerbate land-related tensions and is likely to be of considerable concern with regard to border security, especially in the context of the limited capacity within the Bureau of Immigration and Naturalization.

## **VI. Alluvial gold sector**

### **A. Assessment of the gold sector**

98. Liberia's alluvial gold sector also continues to be of considerable concern. Alluvial gold production, both legal and illegal, continues to grow apace in a context of poor State control. Since the Panel's midterm report, issued in June 2012, the average weight in ounces of monthly exports has risen steadily; it is currently in line with 2010 figures at approximately 1,700 ounces per month, up significantly from 1,286 ounces per month in 2011 (see S/2012/448, para. 18). Gold exports by month for 2012 are cited in full in annex 19.

99. During the course of the Panel's mandate, staff of the Precious Minerals Office of the Ministry of Lands, Mines and Energy have continued to raise concerns regarding the lack of capacity to address illicit mining, much of which is carried out in extremely inaccessible areas along the sensitive Ivorian border. It is not uncommon for mines to be located more than one day's walk from the nearest bush track, and during the rains they are effectively completely cut off from the rest of the country. As with the diamond sector, the Liberia National Police and the Bureau of Immigration and Naturalization lack the resources to effectively control gold-producing regions, while mining agents and mineral inspectors of the Ministry of Lands, Mines and Energy remain extremely vulnerable to corruption.

100. Further to its midterm report, the Panel continued to monitor mining camps in Grand Gedeh and River Gee counties. Since the first quarter of 2012, mining camps have expanded significantly, with the population of Bentley Gold camp, located near the PTP refugee camp in Grand Gedeh county, now standing at some 8,500, many of whom are Ivorians who have left refugee camps in search of employment. Sierra Leoneans, Guineans and Nigerians are also present in significant numbers, migrating long distances in search of work. Although the camps are vibrant communities, conditions remain basic and overstretched, particularly with regard to water and sanitation, and the pits themselves continue to be dangerous places to work, especially the deep shafts at Bartel Jam, on which the Panel provided information in its midterm report (S/2012/448, para. 20).

101. While the structure and the mechanics of the camps were outlined by the Panel in its midterm report (S/2012/448, paras. 22-25), further investigations into the ways in which gold is moved onto international markets were undertaken in July 2012. The Panel remains of the view, reinforced by similar estimates made by staff of the Ministry of Lands, Mines and Energy, that monthly volumes of trafficked gold could approximate \$6 million. During the dry season, a significant portion of this production is shipped to Monrovia by both licensed and unlicensed brokers who

then, according to industry sources, sell it to two or three major exporters. According to the same industry sources, the exporters declare some of their production but typically traffic a larger part to international markets, usually in the Middle East, to avoid royalty payments. Moreover, brokers in Bamako play a key role in the trans-shipment of regional production.

102. During the rainy season, when road conditions severely hamper movement in the interior, gold is more often sold locally by miners directly to unlicensed, itinerant brokers, often from as far away as Mauritania, Senegal and the Gambia. These brokers then cross into Côte d'Ivoire, where road conditions are much better, and then move north to their own buyers in their countries of origin. This shift in market focus can be seen in the monthly export figures as shipment sizes decrease in August and September, the months during which the roads are at their worst. As conditions begin to improve late in October, most brokers once again move gold directly to Monrovia.

103. During the course of its investigations, the Panel heard allegations from a number of sources that Liberian gold production is also being used to launder money generated by the regional narcotics trade. In particular, drug money from Guinea-Bissau is used to purchase gold in local markets, which is then shipped on to the Middle East and sold.

## **B. Alluvial gold mining and security**

104. With ever-increasing levels of illegal mining and the significant amounts of money in circulation, the Liberian gold sector presents a range of challenges for Monrovia, with regard not only to border security, but also to lost revenues and the possibility of money-laundering in parts of the country where State authority is intrinsically weak. Moreover, as mining camps spread unchecked through the interior, the occurrence of localized land disputes and the likelihood of associated conflict and violence will increase. It is therefore a matter of some urgency that the Government of Liberia, in concert with the international community, design strategies for the effective exercise of some control over the sector, especially in the context of illicit gold mining, often in close proximity to sensitive and volatile border areas.

105. The Panel is concerned that many licensed gold exporters registered with the Ministry of Lands, Mines and Energy have never presented a shipment for appraisal, and therefore not paid a royalty to the Government, even though they continue to renew their licences. This may be “hedging” against the full weight of the law in the event of being arrested while transiting with gold. The Panel urges the Ministry to undertake a full review of licensed exporters in order to assess which licensees are actually engaged in gold exporting and which are not.

106. The Panel has also become aware of a particular gold mine, America camp, which lies on the Garleo-Tempo axis, a remote area in eastern River Gee county, close to the Ivorian border. Sources have informed the Panel that the large mine, roughly a two-day walk from the nearest road, has served as a staging point for combatants, both Liberian and Ivorian, who have participated in recent cross-border attacks into Côte d'Ivoire. Information received by the Panel suggests that this mining area represents a significant hotspot of both illegal mining and paramilitary activity and that it should be monitored and assessed by Liberian security forces at the first opportunity.



## VII. Forestry sector

### A. Overview

107. As the Panel previously reported, Liberia has comprehensively reformed its forestry sector, which remains a model for post-conflict resource management (S/2011/757, para. 169). However, weak natural resource governance jeopardizes the Government of Liberia's post-conflict reconstruction efforts, while simultaneously undermining the rule of law, hampering development, weakening the fragile social compact between the Government and its citizens, and threatening stability. Particularly worrisome is the Forestry Development Authority's procedurally flawed and — in most, if not all cases, in the context of violations of the Community Rights Law — apparently illegal issuance of private use permits as an alternative, largely unregulated route to substantial concession holdings, bypassing a formal concessions process.

108. The status of private use permits in Liberia is a symptom of the ailing forest sector; analysing the permits provides a window on the broader sectoral challenges and reveals that the deeper, persistent root problems are uncertain land tenure and poor natural resource governance. Moreover, the Forestry Development Authority's focus on private use permits has come at the expense of more sustainable forestry concessions, principally forest management contracts and timber sales contracts. No new forest management contracts or timber sales contracts have been issued since 2010, whereas the Panel found that 99 per cent of the private use permits granted for a total of 2,327,352 hectares of land, 24 per cent of Liberia's total land area, were issued in 2010 and 2011, with 89 per cent issued in 2011 alone. While no new permits were issued in 2012, the Panel placed priority on investigating the application of this mechanism, and the associated legal and procedural problems in private use permit allocation, since those permits issued prior to 2012, which could number more than 65 contracts, remain valid. Moreover, between January and October 2012, nearly three times as many timber shipments were made under private use permits as under forest management contracts.

109. Moreover, private use permits often pertain to areas that are vulnerable and outside the effective control of government. Areas covered by private use permits overlap with locations that mercenaries and Ivorian militia members use as staging grounds and support bases for cross-border attacks into Côte d'Ivoire, particularly in Grand Gedeh county (see annex 20). Moreover, these areas also contain many artisanal gold and diamond mining claims that the mercenary and militia groups use to sustain themselves. As the Panel previously reported, this makes the lack of government oversight and regulation more worrisome in the current environment and a destabilizing factor for the future (S/2011/757, paras. 197-201).

110. The Panel conducted an extensive analysis and assessment of legal irregularities, the misapplication of the private use permit provision and fraud, and has assessed the impacts of those factors on local communities. Unless the many problems that beset the forestry sector are addressed robustly and urgently, the current situation may undermine stability, most acutely in remote areas of the country that are already under considerable pressure as a result of regional ethno-political tensions. Furthermore, the proliferation of private use permits has the potential to incite land conflict as the process required in order to receive a permit and subsequent logging activities can uncover overlapping deeds, lead to conflicting

claims of land ownership and rekindle latent traditional land conflicts. This is even more likely in situations in which local communities do not believe that they are benefiting adequately from the extraction of their natural resources.

## **B. Private use permits in the context of Liberia's forestry legal framework**

111. Private use permits are one of five legal mechanisms for gaining access to forest resources, despite the fact that their issuance has been abused in practice and in most cases appears to directly contravene Liberian law. Following the lifting of timber sanctions on Liberia, the 2006 National Forestry Reform Law and the 2009 Community Rights Law constitute the legal framework pertaining to forest resources. This framework allows the Government of Liberia, by way of the Forestry Development Authority, to authorize the use of forest resources through:

(a) Forest management contracts, issued for land areas of between 50,000 and 400,000 hectares, generally for a period of 25 years;

(b) Timber sales contracts, issued for land areas of less than 5,000 hectares, usually for a period of three years;

(c) Forest use permits, issued for land areas of 1,000 hectares or less and limited to uses such as the small-scale harvesting of timber for local use (including charcoal production) and the harvesting or use of non-timber forest products;

(d) Community forest management agreements, issued to communities for the purpose of community-based forest management, for land areas between 5,000 and 50,000 hectares in size;

(e) Private use permits, issued to private landowners (individuals or groups of individuals) to exploit the timber resources on their private forested land.

112. Liberian law requires that each of these five mechanisms be subject to specific regulations relevant to the intended use allowed under the particular contract or permit. For example, forest management contracts and timber sales contracts are granted for public land and designed for logging concessions agreed upon between the Government and companies. They are subject to the Public Procurement and Concessions Act and are approved by the Legislature and signed by the President. Forest use permits are granted for small-scale resource extraction on public land and are regulated by the National Forestry Reform Law and related regulations. Community forest management agreements are granted for community land and fall under the Community Rights Law.

113. In contrast, private use permits can be granted only for private land and have been issued without legally required regulations ever having been drafted. Public use permits are not evaluated through the concession process and are not vetted by the Legislature or the President. According to Government of Liberia officials and others involved in drafting the National Forestry Reform Law, the private use permits mechanism was intended to create a method by which small-scale landowners could contract with logging companies with the approval of the Government and take advantage of their forest resources. While section 5.2 a (iii) of the National Forestry Reform Law states that the Forestry Development Authority

“shall specify the standard qualifications by Regulation”, no regulatory framework relating to private use permits has ever been drafted (see para. 149).

114. The Panel understands that while the Forestry Development Authority’s application of the private use permit provision in the absence of a specific regulation supporting it is not technically illegal, it does violate a generally accepted legal norm that standards and principles should be specified in regulations before the application of provisions such as that allowing for the private use permit. Moreover, it is against the spirit of the law. The provision allowing for private use permits was written into law with the expectation that further regulations intended to provide detailed guidance regarding the permit process would be drafted. Such regulations were intended to clarify who could hold a private use permit and the specific processes for obtaining one. Recognizing the existence of this problem, the Forestry Development Authority Board wrote on 28 February 2012 that “the limitation of the existing regulations seems to provide a loophole that can be exploited”.

#### **The process of and procedures for private use permit allocation**

115. Although regulations pertaining to private use permits have not been written, the National Forestry Reform Law clearly outlines the processes and procedures relating to their issuance. In practice, these procedures have rarely been followed in full, and the Panel’s analysis found myriad flaws. The process of obtaining a private use permit is initiated at the request of the private landowner or a valid representative, with a request made to the Forestry Development Authority for the utilization of resources on private land through the permit mechanism. The landowner must provide a valid deed to the land, which the Authority forwards to the Ministry of Lands, Mines and Energy for authentication. Following authentication, according to section 5.6 of the National Forestry Reform Law, the Authority must verify that the applicant: is the landowner or has legal permission from the landowner; presents a business plan and demonstrates the technical and financial capacity to sustainably manage the forest; has a five-year land management plan to the satisfaction of the Forestry Development Authority and has complied with all legal requirements for an environmental impact assessment; and presents a written, social agreement defining benefits and access rights for local forest-dependent communities.

116. If those above conditions are met, the Forestry Development Authority prepares a private use permit contract to be entered into between the Government of Liberia (signed by the Managing Director of the Forestry Development Authority and the Minister of Agriculture, as Chair of the Board of the Authority), and the private landowner or an authorized representative of the landowner; any company contracted to log in a private use permit area does not sign the contract itself. However, in no instance examined by the Panel could the Authority provide evidence to establish that each of the above steps and requirements had been met; indeed, the Authority counsellor informed the Panel that they had not (see para. 131). Moreover, the Authority could not provide the Panel with any record of the denial of a private use permit request.

117. The memorandums of understanding and social agreements required by law are to be negotiated and signed directly between the companies and the affected communities. The Forestry Development Authority informed the Panel that it does

not keep records of these arrangements, and consequently a complete accounting of companies contracted to operate under private use permits is lacking. While the operator is sometimes identified in the private use permit contract itself, this is not always the case, and in at least two cases the rights to operate under such permits have been transferred from one company to another.

## **C. Issuance of private use permits**

### **Uncertainty concerning the actual number of private use permits issued**

118. The actual number of private use permits issued by the Government of Liberia is uncertain. According to the Forestry Development Authority, 65 private use permits have been issued. Yet, of these 65, the Authority has been able to provide the Panel with only 37, fewer than 60 per cent of the total that, according to the Authority, have been issued. The Authority was unable to provide the Panel with any documentary evidence to support the existence of the 28 remaining private use permits. Furthermore, the Ministry of Agriculture was unable to provide documentation to support the Authority's figures, despite the fact that the Minister of Agriculture, as Chair of the Authority Board, should approve and sign every private use permit contract.

119. Before February 2012, the Forestry Development Authority had no consolidated list of the total number of private use permits issued by the Government, the locations covered by the concessions, the duration of the contracts and the size of the acreages allocated. It was only at the 28 February 2012 meeting of the Board of the Authority, once the pressure exerted by international and local non-governmental organizations had placed the private use permit issue on the agendas of President Ellen Johnson-Sirleaf and the Board, and in response to a Board directive, that the Authority prepared a document setting out that information. The document has little supporting evidence, and since that date the Authority has provided only minimal and vague information regarding private use permits. This lack of transparency resulted in the suspension by President Johnson-Sirleaf of Authority Managing Director Moses Wogbeh on 31 August 2012 and spurred the creation of a Special Independent Investigative Body to investigate private use permits (see para. 151).

120. Given the dearth of available information, the Panel placed priority on obtaining copies of all existing private use permit contracts and obtained them from the Forestry Development Authority, private companies, communities in forested areas visited by the Panel, and the Special Independent Investigative Body. The Panel was able to obtain 59 signed private use permit contracts covering 2,327,352 hectares, or 24 per cent of Liberia's total land area. These 59 contracts include the 37 provided by the Authority. Furthermore, the Panel identified a number of private use permit contracts that did not match any on the Authority's list of 65, possibly bringing the total number of existing permits even higher. The Liberia Extractive Industries Transparency Initiative received very few of the contracts from the Authority or the Ministry of Agriculture (see annex 21 for an update on the Initiative). The Panel's calculations reflected in the present report are based on the 59 contracts obtained and reviewed by it.

### **Upsurge in the issuance of private use permits in 2011**

121. The Forestry Development Authority issued the first private use permit to a Monica Cooper for 203 hectares of land in Bong county on 14 April 2009, nearly three years after private use permits had been written into the National Forestry Reform Law. Ms. Cooper intended to log her land and start a small rubber farm. The Managing Director of the Authority at the time, John Woods, who had approved the permit, informed the Panel that it had been in the spirit of the law he had helped to draft to enable a private landowner wishing to utilize the forest resources on her small parcel of land to do so. The Authority issued one other private use permit in 2009, for 4,558 hectares. In 2010, it issued nine permits, covering 245,387 hectares.

122. In 2011, the issuance of private use permits increased markedly: the Forestry Development Authority issued 48 of them, covering 2,077,204 hectares, accounting for 81 per cent of all contracts obtained by the Panel and 89 per cent of all forest covered by private use permit contracts. In response to this upsurge, the Authority's Board wrote in February 2012 that "the number of private use permits that have been issued is alarming; especially the number that was issued in 2011". It was after this significant increase, and the resultant exertion of pressure on the Government of Liberia, that the Board directed the Authority to conduct its first full accounting of private use permits, as described above. The Board also placed a moratorium on the issuance of new private use permits and recalled all but four of them for review and renegotiation (see paras. 149-150). In August 2012, after the Authority's apparently lacklustre efforts to implement this directive, President Johnson-Sirleaf issued an executive order placing a moratorium on exporting logs harvested from land covered by private use permits and established the Special Independent Investigative Body; however, it appears that companies continued to export logs on the basis of Forestry Development Authority guidance, in apparent violation of the moratorium (see para. 150). The Panel is not aware of the issuance of any private use permits in 2012.

123. An example of the upsurge in the issuance of private use permits is the issuance by the Forestry Development Authority of 17 of them, covering 1,091,694 hectares of land, on 6 October 2011. This single-day allocation accounts for 47 per cent of the total amount of land allocated under private use permits — more than six times the amount of land that had been allocated under private use permits on any other day — under circumstances and with intentions that remain of concern to the Panel. Documents obtained by the Panel demonstrate that some of the most blatant errors of process and examples of fraud are found among this group of contracts. As with the vast majority of private use permits, all 17 issued on 6 October 2011 appear to be in violation of the Community Rights Law.

124. Moreover, documents obtained by the Panel show that the Minister of Agriculture did not sign any of these private use permit contracts. Instead, the Deputy Minister for Technical Affairs of the Ministry of Agriculture, Sizi Subah, signed per procuracionem ("pp") for the Minister of Agriculture, Florence Chenoweth. Moses Wogbeh, Managing Director of the Forestry Development Authority, signed for the Authority. The Authority and the Ministry of Agriculture have been unable to provide the Panel with any further explanation of the events of 6 October 2011. The Panel is deeply concerned that this massive allocation of forest land took place in the absence of analysis, vetting and final approval by the Chair of the Authority's Board.

**A back-door route to concessions: forest management contracts by other means**

125. As the issuance of private use permits has been accelerating, other forestry concession mechanisms have been on the decline. No new forest management contracts have been signed since 2010, despite previous plans by the Forestry Development Authority to allocate 738,474 hectares under such contracts (S/2011/757, para. 175); the issuance of timber sales contracts has also stagnated. This is in contrast to the issuance of 48 private use permits in 2011, which essentially created a vast patchwork of back-door forestry concessions not subject to any bidding process. According to the Société Générale de Surveillance (SGS), the company contracted to monitor Liberia's timber chain of custody, 64 per cent of all logs exported between January and October 2012 came from land covered by private use permits. During the same period, 133,837 cubic metres of logs were shipped from land covered by private use permits, whereas only 53,535 cubic metres were shipped from land under forest management contracts and 20,712 cubic metres from land under timber sales contracts.

126. On 9 October 2012, Han Dong Chun, Managing Director of Atlantic Resources Limited, informed the Panel that in order to make his company's logging operations profitable, he required land allotments for logging equal to or exceeding the maximum size allowed under a forest management contract. He complained that the forest management contract concessions process was too time-consuming, cumbersome and opaque to be profitable. He told the Panel that after having unsuccessfully attempted to obtain large forest management contracts, Atlantic Resources was preparing to leave Liberia altogether in 2010. In this context, the Forestry Development Authority suggested that Atlantic Resources use the private use permit mechanism as a way to gain access to large-scale forest resources without having to deal with the complex bureaucracy of the forest management contract application system.

127. Private use permits generate significantly less revenue for the Government than other forestry concessions, particularly forest management contracts, even though companies that harvest logs under private use permits pay the same stumpage fees and export royalties per log, and follow the same chain-of-custody requirements as those relating to other forest concessions. According to SGS, since 2008 revenue derived from private use permits has been only 20 per cent of that derived from forest management contracts, which constitute the most comparable category, given the large sizes of private use permit allocations: \$4,380,614, compared with \$21,655,855. While companies only recently began to export logs harvested from land covered by private use permits, export fees and stumpage fees under private use permits and forest management contracts are roughly equivalent, reflecting the rapid shift away from forest management contracts in favour of private use permits. The main difference in revenue comes from surface rental fees. SGS records show that since 2008, forest management contracts have generated \$16,310,047 for the Government, whereas companies are not required to pay land rental fees to the Government under private use permits, nor do they pay bid premiums to obtain private use permits contracts.

128. In this context, as previously reported, the Panel is particularly concerned about legislation adopted by the Liberian House of Representatives and Senate that would change forestry land rental fees from annual payments to one-time payments (S/2011/757, para. 185). Both chambers of the Liberian legislature signed this legislation in 2010, and since then it has been awaiting the signature of President Johnson-Sirleaf, which would enable it to come into effect.

### **Problems associated with the issuance of private use permits**

129. From the Panel's analysis of the private use permit contracts, underlying deeds, memorandums of understanding and social agreements obtained during the course of the investigation, it identified four central issues that characterize problems in the overall process of issuing private use permits: the misapplication of the Community Rights Law; forged and non-existent land deeds; company officials' signing on behalf of communities; and procedural errors.

### **Misapplication of the Community Rights Law**

130. Given that a private use permit can be granted only for private land, the applicant must provide the Forestry Development Authority with a valid deed conveying private ownership, which is authenticated by the Ministry of Lands, Mines and Energy, before a permit can be issued. Liberian law is ambiguous when it comes to which deeds can convey private ownership, and this unsettled legal question has never been addressed directly or fully. However, section 2.3 of the Community Rights Law, states that forest land held under "Aborigines Grant Deeds, Public Land Deeds, Public Land Sale Deeds, Tribal Land Deed Certificate and Warranty Deeds shall be classified as Community Forest Land" and that "all deeds mentioned ... that have already been authenticated and certified by the Ministry of Lands, Mines and Energy or the Land Commission shall be classified as Community Forest Land". Accordingly, the aforementioned deeds are subject to the Community Rights Law, and therefore a private use permit is an inappropriate instrument to use in these cases. The Panel found that most, if not all, of the private use permits are based on deeds subject to the Community Rights Law. Fundamentally, because they contravene the Community Rights Law, they appear to be legally invalid and therefore may have been illegally issued.

131. On 23 October 2012, Forestry Development Authority counsellor Benedict Sagbeh, who validates the legal content of Authority contracts, informed the Panel, that he was aware that the Authority had issued some private use permits in contravention of the National Forestry Reform Law and the Community Rights Law and in the absence of legal prequalification requirements, but that, in his opinion, the legal prequalification requirements for obtaining a private use permit outlined in the National Forestry Reform Law were impossible to fulfil in practice. Instead of following the law as it was written, Mr. Sagbeh told the Panel that he interpreted and applied the law in a manner that he deemed logical in the context of legal ambiguities and implementation challenges. That is, the prequalifications for private use permit allocation required by law — business plans that show technical and financial capacity, land management plans, social agreements and environmental impact assessments — were not sought or evaluated prior to the issuance of private use permits. The Panel recognizes the ambiguity, and the sometimes apparently conflicting nature, of Liberian law and the serious challenges to its implementation, especially in relation to issues surrounding land. However, even if the permits were issued according to the correct legal prequalifications, the contracts would ultimately still appear to be legally invalid, because they violate the Community Rights Law.

132. If the private use permits are deemed invalid and in violation of Liberian law, this would possibly jeopardize the impact of the Voluntary Partnership Agreement between Liberia and the European Union, signed on 9 May 2011 to combat illegal

timber shipments to Europe. The Agreement has yet to be ratified by the Liberian legislature, and in the meantime Liberian logs harvested from land covered by private use permits are being shipped to Europe and elsewhere. However, a central tenet of the Agreement is that the process of harvesting logs is legally compliant with Liberian law at every step of the process. Because so many private use permits apparently contravene Liberian law, once the Agreement has been ratified it could be illegal to ship to Europe any logs harvested under such a permit.

#### **Forged and non-existent land deeds**

133. The Panel obtained documents that reflect troubling irregularities, apparent instances of fraud, forgery, alteration and inconsistencies, in addition to the problematic misapplication of Liberia's legal code related to forestry. For example, two private use permits — one relating to Doedian district, River Cess county, and one relating to district No. 3, Grand Bassa county — appear to be based on a single, clearly fraudulent deed. The deed is dated 1924 and is signed by President Edwin Barclay (see annexes 22 and 23). However, Edwin Barclay did not become President of Liberia until 1930. Maxwell Gwee, Acting Assistant Minister of Lands, Mines and Energy, authenticated this deed for both permits (see annex 24).

134. Seven of the private use permit contracts obtained by the Panel include no certified copies of the underlying deeds at all. The Panel understands that attaching a certified copy of such a deed to a private use permit contract is technically not required; the applicant must only provide the Forestry Development Authority with a certified copy of the deed in order to prove private ownership. However, it is unclear how the Authority determined the ownership in these seven cases without evidence of the underlying deeds. Two of these contracts obtained without supporting evidence of deeds are held by Atlantic Resources Limited, and two are held by Forest Venture Incorporated. EJ&J Investment Corporation was initially the holder of one, but, according to documents obtained by the Panel, EJ&J transferred this permit to Forest Venture Incorporated in January 2012 (see annex 25). The Forestry Development Authority did not supply additional documentation to the Panel to explain why copies of deeds were not attached in order to prove ownership.

135. The Panel's examination of the deeds underlying private use permit contracts and its analysis of other documents obtained by it show that the Forestry Development Authority issued some permits for areas larger than those pertaining to the underlying deeds, all of which were authenticated by the Ministry of Lands, Mines and Energy. Of the 59 private use permit contracts obtained by the Panel, 15 are for areas larger than the deeded lands, and one egregiously so: the Jo River district private use permit covers an area 25 times larger than the deeded land (see annex 26). This permit was signed on 6 October 2011 and was initially held by EJ&J, but was transferred to Forest Venture in January 2012. Seventeen private use permits cover areas that have the same acreage as the deeded land, with the result that entire areas will be under concession, in theory not leaving any land for community livelihood and subsistence. In the light of larger issues surrounding land tenure and ownership rights, the Panel is concerned that this could prove to be a source of conflict between companies and communities.

#### **Allegations of forgery and errors of process**



136. In September and October 2012, the Panel held meetings with communities affected by private use permit concessions in Grand Gedeh and Sinoe counties, spoke with community leaders from across Liberia and obtained letters of complaint written by representatives of various communities. These communities alleged many instances of document forgery, most often that community signatures had been forged on documents that had effectively given away their forest resources. Several communities also told the Panel that they were unaware of existing private use permit contracts and did not recognize many of the relevant documents that the Panel showed them. An elder representing Cavalla district, Grand Gedeh county, informed the Panel that the company that had approached the community requesting to log its forest had given the community \$400 to sign a memorandum of understanding (see annex 27 for case studies on forgery and errors of process).

137. The Panel recognizes that community representatives or other individuals may perceive it to be in their interest to claim that their signatures were forged or that they are unaware of the circumstances in which contracts were signed now that the entire issue of private use permits has come under intense scrutiny. However, the Panel remains concerned by these allegations, especially given the number of complaints heard by the Panel, and by the fact that they are coming from across Liberia.

#### **Company officials signing on behalf of communities**

138. The Panel obtained documentation concerning at least three instances in which logging companies contracted to log areas under private use permits had signed those same contracts on behalf of the communities concerned. According to private use permit contracts obtained from the Forestry Development Authority, on 6 October 2011 the President and Chief Executive Officer of EJ&J Investment Corporation, Eliza D.J. Kronyanh, signed on behalf of the citizens of Deegba Clan and the citizens of Jo River district to obtain EJ&J's two private use permits (both of which were subsequently transferred to Forest Venture, as indicated above). Similarly, on 3 June 2011 James G. Karto, Vice-President for Operations of the logging company Frank Brook, signed on behalf of the citizens of Gbao administrative district to obtain a private use permit for an area in Grand Gedeh county. The communities informed the Panel that they had not authorized these individuals or companies to sign on their behalf, and the Panel found no evidence to suggest that the communities had given these individuals valid consent to represent them (see annex 28 for case studies on company officials signing on behalf of communities).

#### **Examination of companies receiving private use permits**

139. The Panel examined the companies that had been granted logging rights through the private use permit mechanism. According to the 59 private use permit contracts obtained by the Panel and other documents, the three companies with the largest land holdings under private use permit contracts are Atlantic Resources Limited, Forest Venture Incorporated and South Eastern Resources Incorporated. Those companies hold a combined total of 1,411,463 hectares of land under private use permits, accounting for 61 per cent of the total amount of land covered by such permits. The 29 private use permit contracts held by these companies constitute nearly half of all such contracts obtained by the Panel. The Panel notes that 94 per cent of the land allocated on 6 October 2011, as indicated above, was allocated to these three companies, which accounted for 16 of the 17 private use permits issued on that day.

Atlantic Resources holds 12 private use permits, covering 344,115 hectares; Forest Venture holds 11, covering 498,787 hectares; and South Eastern Resources holds 6, covering 568,561 hectares. To put these figures in perspective, Liberian law limits forest management contracts — the largest logging concessions — to 400,000 contiguous hectares of land.

140. The Forestry Development Authority appears to be confused about which private use permits Atlantic Resources holds, as opposed to the holdings of South Eastern Resources and Forest Venture. In a list presented to the Authority's Board in February 2012, the Authority noted that Atlantic Resources held 16 private use permits (see annex 29). The Authority did not provide documentation to justify its figures; it only listed the names of the districts or clans with regard to which the private use permits were issued. The Panel examined this information along with additional documentation obtained from the Authority and other sources, which appears to show that four of the private use permits that the Authority attributed to Atlantic Resources are in fact operated by South Eastern Resources, while five attributed to Atlantic Resources are instead operated by Forest Venture.

141. Part of the confusion within the Forestry Development Authority could be due to the fact that Augustus Abram, Forest and Planning Manager of Atlantic Resources, submitted at least 10 letters to the Authority requesting it to take action approving private use permits for Atlantic Resources, South Eastern Resources and Forest Venture. Eight of these letters, obtained by the Panel, are written on Atlantic Resources letterhead, and two are on Forest Venture letterhead (see annex 30). Further confusion may have arisen because Abram variously represented the three companies when negotiating with communities. The Panel obtained copies of memorandums of understanding signed between communities and Forest Venture, which Abram had signed on behalf of Forest Venture while Benjamin Koffie, Assistant Planning Manager of Atlantic Resources, served as witness (see annex 31). Similarly, the Panel obtained copies of memorandums of understanding signed between communities and South Eastern Resources, which Abram had signed on behalf of that company, with Koffie also signing as witness. The Panel also obtained a document sent by Koffie to the Special Independent Investigative Body on South Eastern Resources letterhead regarding the private use permits held by that company (see annex 32).

142. The Panel sought clarification regarding the seemingly interlinked forestry contracts of these three companies, which hold 29 private use permits. On 9 October 2012, Han Dong Chun, Managing Director of Atlantic Resources, and Augustus Abram informed the Panel that Forest Venture and South Eastern Resources were Atlantic Resources' sister companies. The Panel notes that it obtained documentation that an entity identified as Gbarpolu Resources Incorporated, which held one private use permit covering a considerable 122,972 hectares in Kongba district, Gbarpolu county, is also linked to Han Dong Chun. That individual signed, as Chief Executive Officer of Gbarpolu Resources, a forest management agreement between Gbarpolu Resources and the citizens of Kongba (see annex 33). Furthermore, when South Eastern Resources submitted documentation of its total private use permit holdings to the Special Independent Investigative Body, it included the Kongba permit without mentioning Gbarpolu Resources. This was submitted by Benjamin Koffie on "Southeast Resources" letterhead (see annex 34).

143. The Panel sought corporate documentation from the Liberia Business Registry to distinguish among Atlantic Resources Limited, South Eastern Resources Incorporated and Forest Venture Incorporated. In several instances, the shareholding was difficult to determine, owing to the issuance of bearer (unassigned) shares in the companies. For example, South Eastern Resources was incorporated in Liberia on 17 February 2007, with 100 shares allocated: one to F. Musah Dean, Jr., and 99 shares listed as unsubscribed. The address cited for the company is provided variously as Carey Street, Monrovia, and Rehab Road Junction, Paynesville, Montserrado county (see annex 35).

144. Atlantic Resources was incorporated by Matthews Jallah on 18 October 2007 with 100 shares, all of which are anonymous bearer shares (see annex 36). The address for Atlantic Resources was given alternatively as Randall Street, Monrovia, and Rehab Road Junction, Paynesville, apparently the same address as that used by South Eastern Resources in its documents of incorporation. The Panel sought additional information on 17 October 2012 from the incorporator of Atlantic Resources, Matthews Jallah, through a telephone number provided for this individual in the Atlantic Resources incorporation documents. However, the person who answered the telephone at that number claimed not to know Jallah and stated that he was not associated with Atlantic Resources, but instead worked for Euro Logging. The individual declined to provide additional details to the Panel.

145. International and local non-governmental organizations, as well as several Government officials, informed the Panel that Atlantic Resources Limited was a subsidiary of Samling Global Limited, or had other management ties to that Malaysian company. Han Dong Chun, Managing Director of Atlantic Resources, told the Panel that his company was not a subsidiary of Samling, but that Samling's President had a majority stake in Atlantic Resources in a personal capacity. Han Dong Chun previously worked for Samling in Malaysia, and many of his other employees were recruited from that company.

146. Forest Venture was incorporated in Liberia on 17 December 2009. The company's articles of incorporation were amended on 7 February 2011. Prior to the amendment, Forest Venture had an equal tripartite ownership, among Han Dong Chun, Medina Wesseh and Ambassador John W. Gbedze, with each having 33.3 shares (see annex 37). The Panel notes that Medina Wesseh formerly served as the Director of the Cabinet and also as the Chair of President Johnson-Sirleaf's re-election campaign in 2011, and Ambassador John W. Gbedze is a Liberian businessman. After the 2011 amendment to Forest Venture's articles of incorporation, 95 per cent of the company's ownership was transferred to Richmax Investment Overseas Limited of Malaysia, with 5 per cent ownership remaining under the control of Ambassador John Gbedze (sic) of Monrovia, according to corporate documents obtained by the Panel (see annex 38).

147. The Panel obtained documentation concerning another business shared by Han Dong Chun, Wesseh and Gbedze, named Consolidated Marines Transport. According to the company's articles of incorporation, registered on 3 June 2011, each of the three holds 24 shares in Consolidated Marines Transport, out of a total of 100 shares distributed for the company. The Panel did not note any amendments to these original documents incorporating the company (see annex 39).

148. Furthermore, the Panel notes that Augustus Abram, Forest and Planning Manager of Atlantic Resources, incorporated Prime Africa Petroleum on

29 December 2010. The address for Abram cited in the incorporation documentation is care of Atlantic Resources Ltd., Suite 42. Furthermore, John W. Gbedze is listed as the “empowered person” in the documentation, and his address is also identified as care of Atlantic Resources Ltd., Suite 42 (see annex 40).

**Action by the Government of Liberia to address the private use permit situation**

149. Early in 2012, the Board of the Forestry Development Authority held a number of emergency meetings to discuss the proliferation of private use permits and took the decision to halt private use permit activities. According to the minutes of the Board meeting held on 28 February 2012, the Board placed a moratorium on the issuance of new private use permits until regulations and guidelines on such issuance had been adopted and made public. The Board instructed the Authority to immediately begin drafting regulations and guidelines. Six months later, in July 2012, the Managing Director of the Authority, Moses Wogbeh, set up a drafting committee. The committee is co-chaired by the Authority and the Sustainable Development Institute, a Liberian civil society organization. Other members include the Land Commission, the National Bureau of Concessions and the Ministry of Justice; the United States Agency for International Development (USAID) and SGS have served as observers. The committee held a public consultation on 25 July 2012 and began meeting on a weekly basis. At present, the committee meets on an ad hoc basis to draft regulations and guidelines.

150. At the Forestry Development Authority Board meeting referred to above, held on 28 February 2012, the Board recalled all private use permits except four listed by the Authority as “active” (defined as those registered in the SGS chain-of-custody system), pending review and possible renegotiation in accordance with the regulations to be established. The Board also placed a moratorium on the activation of other private use permits. Nevertheless, documents from SGS show that as at 28 February 2012, a total of 11 private use permits had been registered on the basis of instructions from the Authority. By 13 August 2012, the total number had increased to 18. These increases in the number of registered private use permits are apparently in violation of the Board’s moratorium. Since they entered into the SGS chain of custody, companies operating under these private use permits have begun felling trees and shipping logs. In addition, no private use permit contracts have been renegotiated to date, and all existing private use permits — likely more than 65 — remain valid.

151. On 31 August 2012, in response to local and international pressure, President Johnson-Sirleaf suspended Forestry Development Authority Managing Director Moses Wogbeh, imposed a blanket moratorium on all private use permit activity and established the Special Independent Investigative Body to conduct a comprehensive review of the issuance of private use permits. The President appointed James Dorbor Jallah to lead the 10-member Body, composed of Liberian legal experts and civil society members, in addition to outside advisers from the United States Forest Service, the European Union and Liberia’s Environmental Protection Agency. The Special Independent Investigative Body is mandated to gather all relevant documentary evidence related to the issuance of private use permits, conduct a legal compliance analysis and make recommendations for action to address the situation. The President’s instructions also provide that the body can recommend administrative, civil or criminal penalties. It is mandated to investigate for 75 days before publicly presenting its findings in mid-November 2012.

152. In September and October 2012, the Panel met with the Special Independent Investigative Body and turned over all documentary evidence that it had gathered. Given the lack of proper documentation regarding private use permits, especially on the part of the Forestry Development Authority, the Panel recommended to the Body that it publicly call for all relevant documents pertaining to private use permits to be brought forward by private landowners, operators, communities or others. The Body subsequently placed advertisements on the radio and in newspapers throughout the country to solicit all available documentation pertaining to private use permits. This generated a large number of documents, many of which had not been provided by the Authority to the body or the Panel, and which will help the Body to carry out its mandate. However, the Panel is concerned that the Special Independent Investigative Body, whose members serve in a pro bono capacity in addition to carrying out their full-time jobs, will not have adequate time or resources to compile the necessary information and conduct the necessary field research to comprehensively assess the private use permit situation.

153. On 4 September 2012, a consortium of logging companies holding private use permits filed a lawsuit against the Forestry Development Authority, arguing that the moratorium imposed by its Board was illegal, and requested its repeal. After two hearings, the court issued a stay order concerning the moratorium, ruling that the Board had no right to stop activities already authorized by an agency of government. The case reached the Supreme Court of Liberia, and on 23 October 2012, the Court issued a ruling upholding the legality of the moratorium. However, the larger question of the legal validity of the private use permits and their issuance was not addressed. In the absence of such a legal ruling, the permits, which apparently violate Liberian law, are still in effect.

## VIII. Agriculture

154. The development of Liberia's agricultural sector continues to be hampered by poor infrastructure, limited market access and underfunding. While Liberia is largely dependent on imported produce, its strategic focus on agricultural development is currently directed at large-scale monoculture plantation projects that require the clear-cutting of vast tracts of forest, in particular for the production of palm oil.

155. The Panel examined the case of Golden Veroleum (Liberia) Incorporated (GVL), operating in the Butaw district of Sinoe county, which is under increasing local and international scrutiny in the wake of allegations by local communities of violations of sacred lands, violation of the Principles and Criteria of the Round Table on Sustainable Palm Oil, violation of the Round Table's new plantings procedure, forcible evictions and intimidation of local activists. The Panel is concerned that, given the current animosity between local communities and GVL at such an early stage in the company's operations, there is a distinct possibility of land-related conflict in the near term.

156. On 16 August 2010, the Government and GVL entered into a 63-year concession agreement covering 230,000 hectares, a move aimed at bringing badly needed private sector investment into Liberia in order to boost growth. However, during the course of its investigations, the Panel visited GVL plantations as well as communities within the concession area and found that growth may not

proportionately benefit these local communities. With plans to invest \$1.6 billion during the concession period, GVL has to date invested just under \$40 million to cultivate an initial 8,000 hectares and develop an oil palm nursery. GVL management informed the Panel that since operations began, 500 people have been hired, mainly as unskilled day labourers, and that the company plans to hire another 500 by the end of 2013 as it expands to cultivate 15,000 hectares.

157. As GVL expands, its areas of cultivation will reach, and then cover, the many communities located within the 230,000-hectare concession. The Panel is particularly concerned that GVL plans to allocate only 40 hectares to each community and will provide only a 200-metre buffer between the community and the plantation to serve as community subsistence farming and hunting areas. The Panel believes that this may be an insufficient and unsustainable way to meet community needs. Even if it meets current needs, the 200-metre buffer zone will effectively create a series of island communities inside the concession area whose growth will be limited by their current boundaries. Given the Government's stated goal of supporting growth outside Monrovia, the GVL concession is an example of a missed opportunity to integrate rural growth plans into one of the largest private sector investments in Liberia.

158. The Panel was informed by the Forestry Development Authority, USAID and international and local non-governmental organizations that Authority-designated community forest land lies within the GVL concession. According to the Authority and the communities visited by the Panel, at least two community forests have been demarcated and authenticated, while others have been noted but not properly demarcated. As forest clearance for planting continues, there is the possibility that land may be cleared without the consent of local communities.

159. Furthermore, it appears that GVL has failed to fulfil its obligations under the new planning procedures of the Round Table on Sustainable Palm Oil, which requires companies to provide public notification for a 30-day period prior to any clearing, planting or infrastructure development. Public notification should be made on the Round Table's website, but at the time of reporting no such notification had been made by GVL.

160. A local non-governmental organization, the Golden Veroleum Affected Communities in Sinoe County, outlined these concerns in an official complaint sent to Salahudin Yaacub, Chair of the Round Table on Sustainable Palm Oil in Kuala Lumpur, on 1 October 2012. The complaint outlined violations of the Round Table's new plantings procedure and its 30-day notification period, but it also included allegations of intimidation and the unlawful arrest of local activists by police. This particular complaint follows a series of others made in January 2011 to the Round Table concerning the activities of another major oil palm concessionaire, Sime Darby, which operates in western Liberia (see S/2011/757) and, in particular, locally perceived irregularities regarding plantings, notification and encroachment onto community land.

161. As conflict between local communities and companies appears to be increasing, it is a matter of urgency that the Round Table on Sustainable Palm Oil insist that its members adhere strictly to its Principles and Criteria. This is particularly imperative for companies operating in fragile post-conflict environments, where local communities, recovering from long periods of fracture and displacement, must be intrinsically involved in determining the future and

development of their land. The Panel is concerned that failure to allow local communities to play a leading role in shaping their own future may lead to future conflict.

162. Given the size of these agricultural concessions and the fact that they were awarded as unencumbered, the Panel is concerned that there may be numerous underlying conflicts of title as well as violations of landowners' rights. This has the potential to undermine peace and security in outlying rural areas and exposes the Government of Liberia to the legal and financial consequences of demands for compensation from local communities and possible breaches of contract with international companies.

## **IX. Assets freeze and travel ban**

163. The assets freeze list currently names nine individuals and 30 companies, while the travel ban list names 25 individuals. The Committee delisted a total of 20 individuals, on 3 July (1), 10 July (1), 24 July (17) and 14 September 2012 (1); the 17 delisted on 24 July were all Liberian nationals.

164. During its mandate, the Panel sought assistance from nine Member States concerning information pertaining to the assets of or the travel ban violations committed by listed individuals. The Panel received one reply to those requests. The Panel's report of 7 December 2011 cited its submission of requests to 23 Member States, two principalities and one overseas territory, for which it received five replies during that mandate (S/2011/757, paras. 114 and 146), and one following it. During its current mandate, the Panel did not receive any information from the Government of Liberia concerning the assets of or travel by listed individuals. The Panel notes that the submission of the names of the individuals included in the travel ban list to INTERPOL for the issuance of INTERPOL-United Nations Security Council Special Notices, as approved in 2011 by the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, has not yet occurred.

165. The Panel conducted detailed investigations concerning arms embargo violations and cross-border attacks, and found no evidence concerning the involvement of listed individuals in those activities. In October 2011, the Government of Liberia informed the Panel that one individual of Liberian nationality named in the assets freeze and travel ban lists had been involved in smuggling weapons into Liberia prior to the 2011 presidential elections, but provided few additional details. During its current mandate, the Panel found no evidence to substantiate this information.

166. The Panel was also informed that the Government of Liberia possessed information about another listed individual, who allegedly had been involved in the financing of cross-border attacks from Liberia into Côte d'Ivoire in mid-2012. The Panel sought to obtain further details concerning this allegation, but the Government did not provide additional information. During the Panel's investigations into the financing of cross-border attacks, and into the networks that support the combatants conducting the attacks, the Panel found no information to substantiate the allegations concerning this individual. Similarly, the Group of Experts on Côte d'Ivoire informed the Panel that it had no information concerning this individual's alleged activities. The individual has now been delisted.

167. On several occasions, the Panel was informed of allegations that one individual of Liberian nationality included in the travel ban list had travelled from a regional State to Liberia to recruit former NPFL generals to launch attacks into Côte d'Ivoire from Liberia. While the Panel regards such information concerning recruitment as credible, it was unable to confirm the participation of this individual.

## **X. Recommendations**

### **Arms embargo**

168. The Panel reiterates its previous recommendation that UNMIL and UNOCI establish a joint working group on Liberian mercenaries and Ivorian militia members living in the Liberian-Ivorian border region. The Panel notes the limited information available concerning the current status and organization of Liberian mercenaries and Ivorian militia leaders living in Liberia. Moreover, the Panel notes that there is minimal interaction between UNMIL and those groups. Such interaction is the primary method of gathering substantive information about pending attacks, financial support networks and the locations of arms caches.

169. The Panel welcomes the creation of a border unit within UNMIL. The Panel recommends that UNMIL clarify its mandate and engagement related to border security, especially concerning cross-border attacks committed by combatants living in Liberia, and accordingly task relevant UNMIL sections with engaging on these issues. The Panel also recommends that the UNMIL rule-of-law component assist in building the capacity of the Ministry of Justice (including the Liberia National Police) in cases involving mercenaries and militia members carrying out cross-border attacks from Liberia. This is especially relevant to the maintenance of a database of the names of mercenary and militia commanders active in the Liberia-Côte d'Ivoire border region, and especially to investigations and prosecutions (including charging) of suspected perpetrators of attacks and arms trafficking. Therefore, the Panel recommends that UNMIL provide a team of international police investigators who can conduct intensive training of the Liberia National Police on border security matters, including through field mentoring with regard to methods of building credible cases to present to prosecutors. Likewise, the Panel recommends that UNMIL assist in the creation of an intensive prosecution training programme for a small group of Liberian prosecutors who would be assigned such cases and, again, provide international mentors who can advise them.

170. In addition to the Panel's previous recommendation that UNMIL and UNOCI establish a joint working group on Liberian mercenaries and Ivorian militia members living in the Liberian-Ivorian border region, the Panel makes the recommendation to the Governments of Liberia and Côte d'Ivoire that a corresponding mechanism be established to facilitate quadripartite exchanges. Moreover, the Government of Liberia should ensure that information concerning mercenaries and militia members is shared within its security agencies and that the work of those agencies in this regard is coordinated effectively, including with the Ministry of Justice. The Panel also recommends that the Government of Liberia, including in particular the Ministry of Justice, in coordination with UNMIL regarding the training programmes mentioned above, request additional training for border security investigations and prosecutions from the International Criminal Court, INTERPOL and the Institute for International Criminal Investigations.



171. The Liberian Ministry of Justice and UNMIL should ensure proper oversight of arms and ammunition recovered by the Liberia National Police, in particular through the maintenance of comprehensive records of all arms and ammunition destroyed, including photographs of the factory stamps and serial numbers of each weapon. The United Nations police should, as part of its capacity-building mandate, assist the Liberia National Police in the establishment of a comprehensive database containing records of arms and ammunition. The Panel recommends that this information be shared on a regular basis with the UNOCI Integrated Embargo Cell. The Government of Liberia must ensure that its national security agencies provide all recovered weapons and ammunition to the Liberia National Police in a timely manner and provide UNMIL with access to those weapons and ammunition.

172. The Panel recommends that the Liberia Refugee Repatriation and Resettlement Commission, with support from the Office of the United Nations High Commissioner for Refugees, enhance the screening of refugees living in refugee camps and closely monitor refugees of concern (militia commanders) by having them report daily to the relevant authorities. The Panel understands that Liberia National Police officers will be deployed to refugee camps, and recommends that this take place without delay.

173. The Panel recommends that dialogue be established between refugee communities and Liberian security agencies in order to provide a forum for the exchange of views and the clarification of questions related to Operation Restore Hope.

#### **Natural resources**

174. The Panel urges the forthcoming technical assistance mission of the Kimberley Process to examine new ways in which to maximize the efficacy of the Kimberley Process Certification Scheme in Liberia and the Mano River Belt through the possible restructuring or removal of the network of regional offices and the development of new incentives to encourage miners to participate in government-run chains of custody schemes.

175. The Panel recommends that the Government of Liberia take urgent steps to increase State authority over the alluvial gold sector. A positive first step would be engagement with the Organization for Economic Cooperation and Development, as recommended in the Panel's midterm report (S/2012/448, paras. 26 and 100).

176. All companies that receive natural resource concessions must fully and transparently make public their ownership structures, including all amendments to their articles of incorporation, and comprehensively list the members of, inter alia, their boards of trustees and boards of directors. These companies should not be allowed to list anonymous bearer shares. All contracts and documentation related to ownership and leadership should be made available through the Liberia Extractive Industries Transparency Initiative and be published on its website.

177. The Panel urges the Government of Liberia to provide the Special Independent Investigative Body with necessary funding for its investigations and to implement the Body's recommendations, including possible legal penalties.

178. The Panel emphasizes Liberia's pervasive land tenure challenges. It notes that land tenure is a root cause for conflict in Liberia and that unclear and conflicting land tenure rights inhibit natural resource governance and have a negative impact on

growth, peace and stability. The Panel recommends that the Government of Liberia, supported by international partners, urgently and comprehensively address the country's underlying land tenure issues, including through efforts to clarify ownership, develop a centralized cadastre and establish functional mechanisms to resolve land disputes and transparently hear complaints related to natural resource extraction, in particular complaints from local communities. In this regard, it is critical to support the role of the Land Commission.

179. The Panel urges the Government of Liberia to ratify the Voluntary Partnership Agreement. The donor community must support Liberia's ratification and adherence to the Voluntary Partnership Agreement process.

180. The Round Table on Sustainable Palm Oil must determine whether member companies operating in Liberia are fulfilling their obligations in accordance with its Principles and Criteria.

181. The Government of Liberia must reassess the status of plantation concession contracts to ensure that concessions have not been awarded with respect to encumbered land. Failure to do so may expose the Government to the legal and financial consequences of demands for compensation from local communities and possible breaches of contract with international companies.

182. The Panel commends the recent progress made in finalizing the fourth reconciliation report of the Liberia Extractive Industries Transparency Initiative (covering the period from July 2010 to 30 June 2011 and expected to be published early in 2013), but continues to emphasize the need for more timely oversight reports. In this regard, the Panel urges the Government of Liberia and the donor community to provide the Initiative with the support necessary for the successful and robust fulfilment of its mandate.

#### **Travel ban**

183. The Panel recommends that the United Nations submit names of individuals cited in the travel ban list to INTERPOL for the issuance of INTERPOL-United Nations Security Council Special Notices.

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**Annex 1**  
**List of entities with which the Panel had meetings and consultations following the submission of its midterm report**

**Liberia**

**Government ministries and agencies**

Armed Forces of Liberia  
Bureau of Immigration and Naturalization  
Forestry Development Authority  
Government Diamond Office  
Land Commission  
Liberia Business Registry  
Liberia Extractive Industries Transparency Initiative  
Liberia National Police  
Liberia Refugee Repatriation and Resettlement Commission  
Ministry of Commerce  
Ministry of Finance  
Ministry of Foreign Affairs  
Ministry of Lands, Mines and Energy  
Ministry of Internal Affairs  
Ministry of Justice  
Ministry of State  
National Bureau of Concessions  
National Security Agency  
Special Independent Investigative Body

**Embassies or foreign government entities**

European Union  
Embassy of France  
United States Agency for International Development  
United States Forest Service

**Private entities**

Atlantic Resources Limited  
Bargor and Bargor Logging Company  
EJ&J Investment Corporation

Frank Brook Logging Company  
Golden Veroleum (Liberia)  
Liberian Timber Association  
Monica Cooper  
Putu Iron Ore Mining Company  
Société Générale de Surveillance  
Tetra Tech

**Non-governmental organizations**

American Bar Association  
Conservation International  
Global Witness  
Green Advocates  
Kimberley Process Certification Scheme  
Norwegian Refugee Council  
Organization for Economic Cooperation and Development  
Save My Future Foundation  
Sustainable Development Institute  
The Carter Center

**United Nations**

Office of the United Nations High Commissioner for Refugees  
United Nations Development Programme  
United Nations Mission in Liberia

**Annex 2**  
**Mercenary brigade leadership, Côte d'Ivoire, 2011**

1 <sup>st</sup> Bridge	
1. Chairman - Solo	
2. Co-chairman -	
3. Bobby Sarpee - Joint chief / staff	
4. Coulia Tako - Deputy chief / staff	
5.	Chief / staff 1 <sup>st</sup> Bridge
6.	Deputy chief / staff 1 <sup>st</sup> Bridge
7. Isaac	- G-one
8. Alpha Golf	- G-two
9. Leero Nimely	- G-Three
10. Thomas Collins	- G-Four
11. Edward Cole	- Inspector General
12. Mark Fish	- Deputy G-1
14. Alex Jolop	- Deputy G-2
15. Voty Jolop	- Deputy G-3
16. Kohou Deah	- Deputy G-4
17. Jamie Rawco	- Commanding General
	34. More-Dar -
	35. KARFACE

Provided to the Panel by mercenary general Solomon "Solo" Jalopo.

**Annex 3**  
**Arms recovered, December 2011**

**Assault rifles and PKM (bottom)**



*Source: UNMIL.*



**Rocket-propelled grenades**



Source: UNMIL.

Rocket-propelled grenade rockets



Source: UNMIL.



**Annex 4**  
**Ammunition cache provided by Nyezee Barway**



*Source:* UNMIL.

**Annex 5**  
**SA-M7 recovered from Emmanuel Saymah**



Source: Panel of Experts.



Source: Panel of Experts.

**Annex 6**  
**Arms and ammunition discoveries, September-November 2012**

AK-47 in possession of James Nuah



Ammunition discovered in Zwedru, Grand Gedeh county





2 November 2012 arms cache



Source: UNMIL.

**Annex 7**  
**Nyezee Barway, Morris (“Edward”) Cole, Stephen Gloto**  
**(“Rambo”)**

Nyezee Barway



Morris (“Edward”) Cole



Stephen Gloto ("Rambo")



Source: Panel of Experts.

Leadership structure as ascertained during interviews

Bobby Sampson  
Moses  
Barney - Mission Head  
Cole - ASB Mission Head  
Larry - B General  
Rambo - Deputy General  
Brooks - Field Commander

**Annex 8**  
**Bobby Sarpee and Moses Baryee**

Bobby Sarpee (pictured with his Thuraya satellite telephone)



Moses Baryee (pictured in Dougee refugee camp)



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.



**Annex 9**  
**Photographs taken in Ziah town on 13 April 2012**

Nyezee Barway (L), Thomas Collins (“One-Way”) seated (R)



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.



Morris (“Edward”) Cole



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.

Bobby Sarpee (L), Nyezee Barway (C), Thomas Collins (“One-Way”) (R)



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.

**Annex 10**  
**Meeting between Bobby Sarpee, Nyezee Barway and “Jackson”**

Nyezee Barway (L), Bobby Sarpee (R)



“Jackson” (L), Nyezee Barway (R)



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.



**Annex 11**  
**Visits to Grand Gedeh county by “Jackson”**

“Jackson” (L), “Mission” (C), Bobby Sarpee (R)



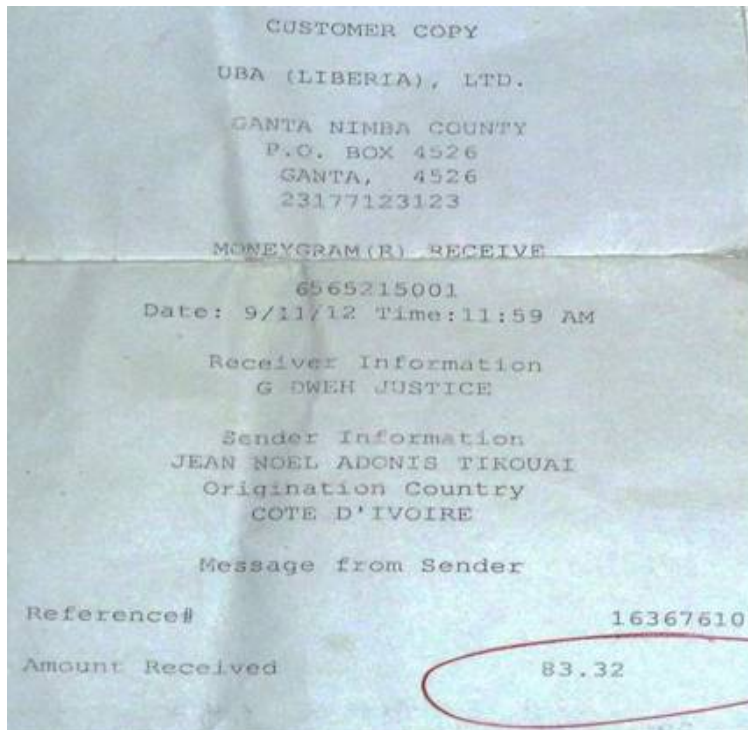
“Jackson” (L), Bobby Sarpee (R)



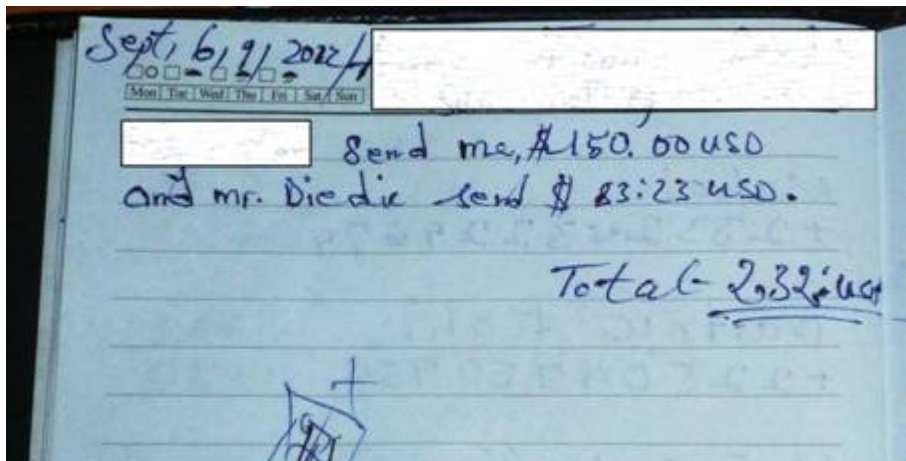
*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.

**Annex 12**  
**Transfer from Jean-Noel Adonis Tikouai**

Sent from Tikouai to Sarpee's associate Justice Dweh



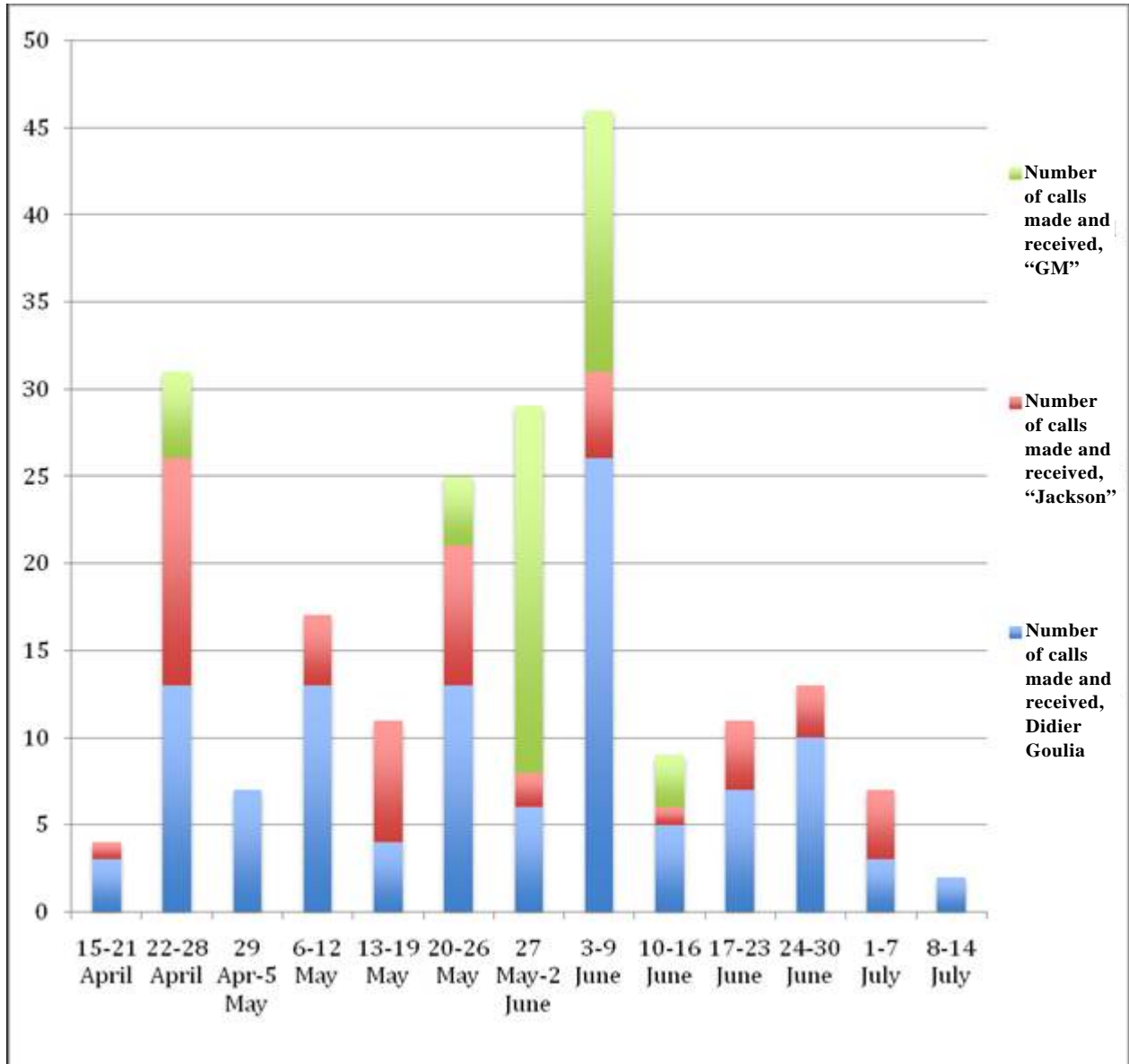
Cited in Sarpee's notebook as transfer sent from "Diedie" — reference to Didier Goulia



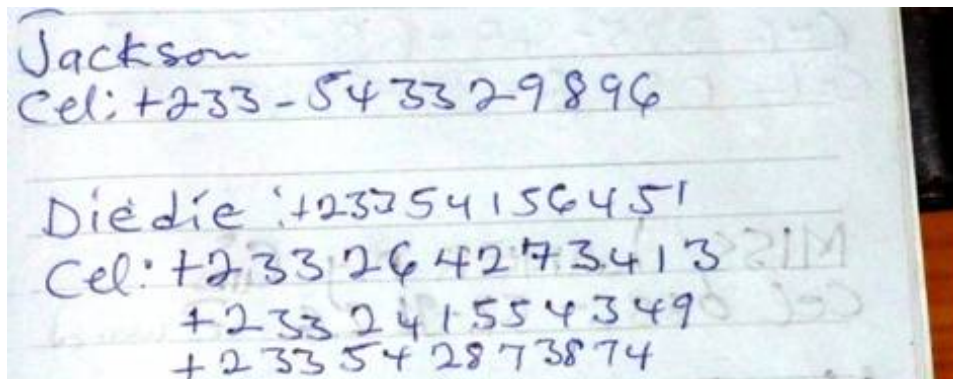
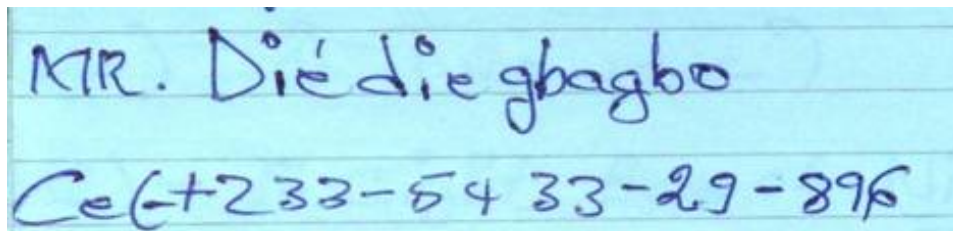
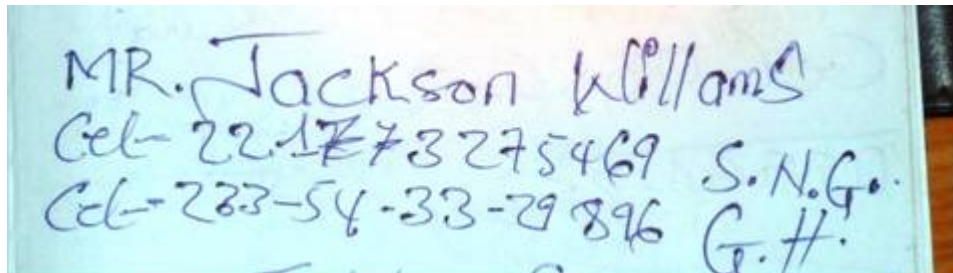
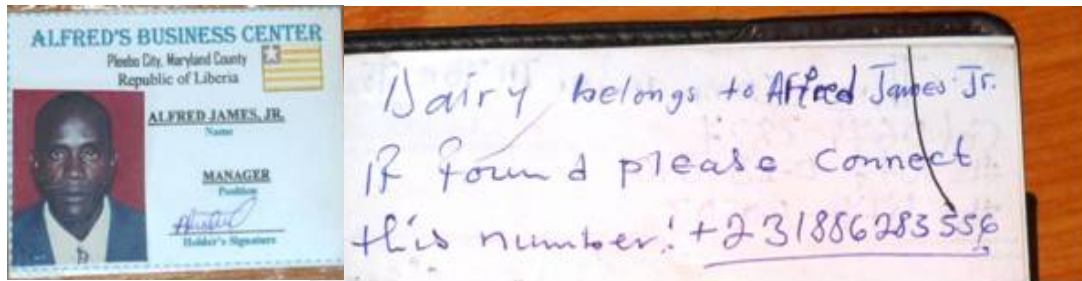
Source: Documents confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.

**Annex 13**  
**Sarpee mobile telephone calls to key Ghana contacts; copies of pages of Sarpee’s notebooks citing telephone numbers for “Jackson” and “Didie”, confirmed by the Panel to be Didier Goulia**

**Weekly number of calls made to and received from Didier Goulia, “Jackson” and “GM” by Sarpee’s three mobile telephones, April-July 2012**



Address book of Bobby Sarpee (aka Alfred James, Jr.)



Source: Documents confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.

**Annex 14**  
**Sarpee mobile telephone calls made during the timing of the Sao and Para attacks**

**Sarpee calls made and received, 6-10 June 2012**

<i>Date</i>	<i>Calls made (number of calls)</i>	<i>Calls received (number of calls)</i>
<b>6 June</b>	“Jackson” (1)	Moses (10)
	“GM” (1)	Didier Goulia (3)
		“Jackson” (1)
		2 x unidentified Liberia (2)
		Unidentified Côte d’Ivoire (1)
<b>7 June</b>	2 x unidentified Liberia (4)	1 x unidentified Liberia (4)
		“GM” (3)
		Didier Goulia (2)
		Moses (2)
<b>8 June</b>	Moses (3)	5 x unidentified Liberia (12)
	2 x unidentified Liberia (3)	Moses (9)
	Wallace Dennis (2)	Didier Goulia (7)
		“GM” (1)
		“One-Way” (1)
		Unidentified United Kingdom (1)
<b>9 June</b>	2 x unidentified Liberia (5)	9 x unidentified Liberia (14)
	“One-Way” (3)	Moses (12)
	“Jackson” (2)	Didier Goulia (7)
	Moses (2)	“One-Way” (3)
	“GM” (1)	1 x unidentified Ghana (3)
	Unidentified Ghana (1)	“GM” (1)
<b>10 June</b>	4 x unidentified Liberia (7)	4 x unidentified Liberia (9)
	Moses (3)	Moses (5)
	“One-Way” (3)	“One-Way” (3)
		Didier Goulia (2)
		Wallace Dennis (2)



**Annex 15**  
**Meeting on 29 April 2012 in Tiens town**

**“Red Scorpion” (L), Solomon “Solo” Jalopo (C), Wilson Dennis (“Ziah Pode”) (R);  
Moses Baryee not pictured**



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012. Identity of infant edited out by Panel.

**Annex 16**  
**Oulai Tako (“Tarzan du Grand Ouest”)**



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.

Bobby Sarpee (L), Oulai Tako (C), Nyezee Barway (R)



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.

**Annex 17**  
**Julien Gougnan (“Columbo”)**

Julien Gougnan (L), “One-Way” (C) with hat, Wilson Dennis (“Ziah Pote”) (R) with hat



*Source:* Camera confiscated from Bobby Sarpee during arrest by the Liberia National Police on 15 October 2012.



*Source:* Panel of Experts.

## Annex 18

### Diamond export statistics

#### Diamond exports by month for 2012 compared with 2011

<i>Month</i>	<i>2011</i>		<i>2012</i>	
	<i>Carats</i>	<i>Value (\$)</i>	<i>Carats</i>	<i>Value (\$)</i>
January	2,210.04	3,427,078.76	2,856.33	1,339,629.45
February	2,096.51	811,684.23	3,286.60	1,241,998.13
March	3,205.60	1,505,059.10	3,802.11	1,382,179.93
April	558.01	197,102.01	2,163.19	628,492.05
May	4,685.70	1,483,262.11	3,628.93	1,760,138.34
June	5,291.03	2,457,076.42	1,282.44	468,158.09
July	4,525.58	1,662,733.15	2,818.92	1,448,513.52
August	7,848.58	1,401,961.71	3,091.89	689,254.96
September	3,410.25	817,931.36	3,841.37	1,410,586.26
October	3,776.96	1,018,318.98		
November	1,094.88	217,961.69		
December	1,161.74	387,496.73		
<b>Total</b>	<b>39,864.88</b>	<b>15,387,666.25</b>	<b>27,771.98</b>	<b>10,368,950.73</b>
Average price (\$)		386.00		387.31

Source: Liberian Ministry of Lands, Mines and Energy.

## Annex 19

### Gold export statistics

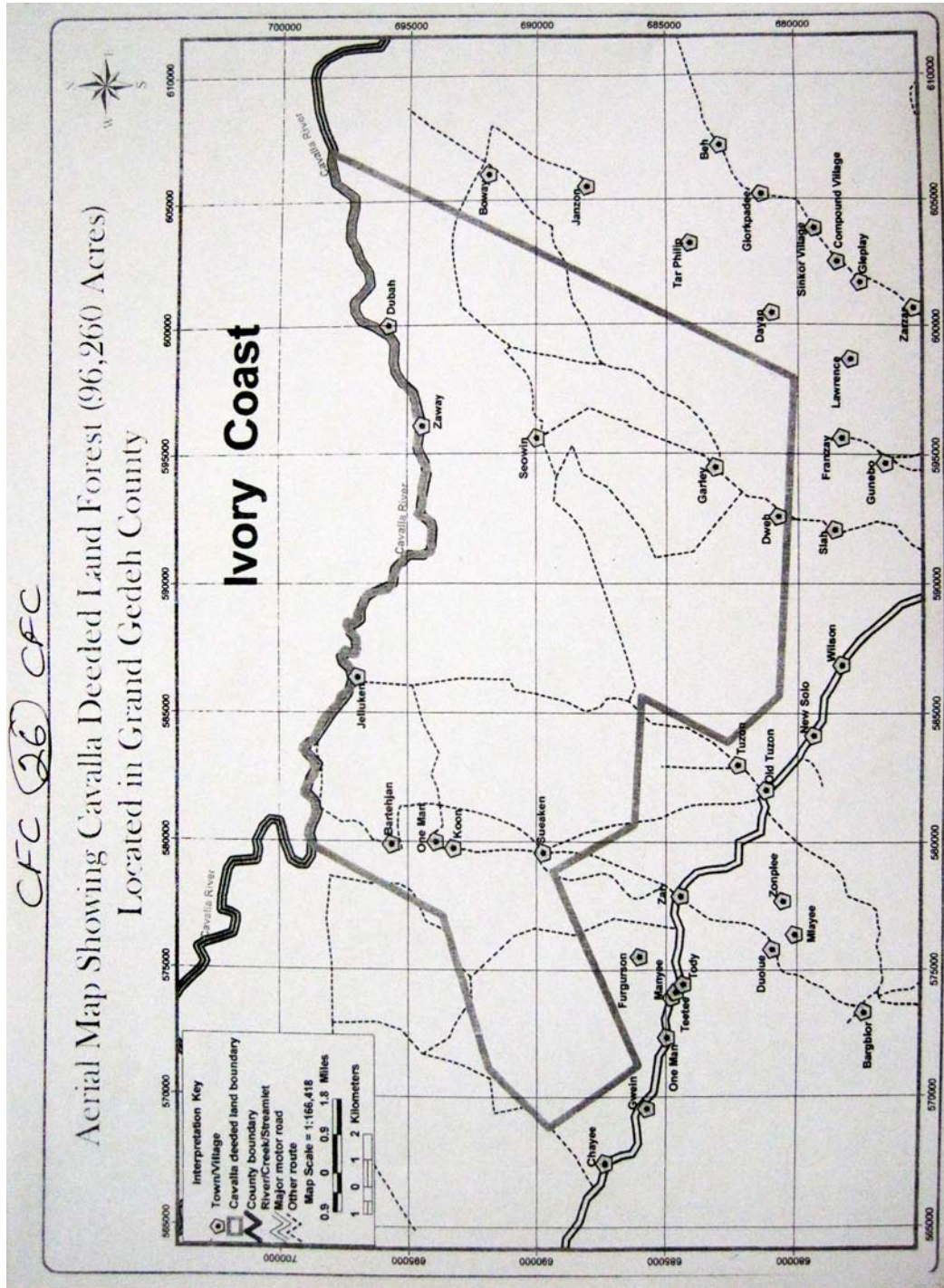
#### Gold exports by month for 2012

<i>Month</i>	<i>Number of shipments</i>	<i>Weight in ounces</i>	<i>Appraised value (United States dollars)</i>	<i>3 per cent royalty (United States dollars)</i>
January	10	1 644.74	2 031 415.68	60 942.47
February	10	1 457.95	1 927 814.79	57 834.44
March	12	1 557.77	2 054 651.26	61 639.54
April	12	2 097.90	2 650 624.55	79 540.35
May	9	1 118.21	1 388 604.58	41 658.72
June	11	2 288.09	2 786 568.33	83 597.05
July	11	2 160.52	2 611 898.86	78 359.39
August	6	1 130.68	1 392 305.18	41 769.16
September	8	1 835.04	2 383 605.11	71 478.15
<b>Total</b>	<b>89</b>	<b>15 290.90</b>	<b>19 227 488.34</b>	<b>576 819.27</b>

Source: Liberian Ministry of Lands, Mines and Energy.



**Annex 20**  
**Land covered by a private use permit in Cavalla district, Grand Gedeh county, covering areas of mercenary and militia activity, artisanal gold mines (including Bartel Jam, written as “Bartehjan”) and Ivorian refugee settlements**





# Forestry Development Authority

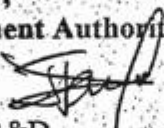
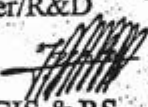
**P.O. Box 10-3010**

Elise Saliby's Compound  
Kappa House, Congo Town  
Monrovia, Liberia



## MEMORANDUM

**TO:** Moses D. Wogbeh, Snr.  
Managing Director,  
Forestry Development Authority

**FROM:** John D. Kantor, Snr.   
Technical Manager/R&D  
&  
Towon Nyenty   
Acting Manager/GIS & RS

**Subject:** *Authentication & Verification of Deeded Land Property in  
Tchien District, Grand Gedeh County.*

**DATE:** Monday, June 13, 2011

### Background

Predicated on a written communication dated June 7, 2011, under the signature of Mr. Nelson Baylee, Senior Citizen, Tchien Administrative District, requesting the Forestry Development Authority to authenticate, verify and issue Private Use Permit (PUP) for a forest in Tchien Cavalla District, Grand Gedeh County, a team of technicians from the FDA, blended with the Regional Staff was mandated by management to visit those areas for detail ground truthing and authentication of the area for Management's reaction.

## **Annex 21**

### **Update on the Liberia Extractive Industries Transparency Initiative**

For the first three quarters of 2011, the Liberia Extractive Industries Transparency Initiative (LEITI) faced challenging administrative constraints, but since the latter part of 2011 LEITI has made steady progress in building organizational capacity and performing its mandate. On 1 November 2011, after a three-month leadership vacuum, the LEITI Multi-Stakeholder Steering Group (MSG) appointed Samson S. Tokpah as the Head of the LEITI secretariat, and a month later it appointed Konah D. Karmo as the Deputy Head. Tokpah and Karmo effectively began work in January 2012. On 1 August 2012, LEITI appointed a Finance Director, and it is currently in the process of recruiting a Technical Officer and a Communications Officer. Moreover, Tokpah informed the Panel that he also plans to recruit industry analysts for the forestry, oil, agriculture and mining sectors as well as recruit focal points in each county to extend LEITI's reach and ability to collect and collate information on the extractive industries.

However, despite this ambitious planning, the Panel remains concerned about LEITI's ability to source the funding necessary to hire and retain staff. In recent years, the Government of Liberia has funded only 20-30 per cent of LEITI's roughly \$1 million annual budget, leaving the rest for donor support. Nevertheless, in a positive development this year the Ministry of Finance sent a \$1 million allocation request for LEITI to the Liberian legislature. While it is currently uncertain as to the final amount that the legislature will approve, the Panel views this as an encouraging indication of the Government of Liberia's commitment to enhancing natural resources governance.

With the new LEITI leadership in place, MSG held a retreat on 4 February 2012 to develop a two-year strategic workplan to identify priorities and strengthen the stakeholder process. However, the Panel is concerned by the lack of high-level involvement more generally and, in particular, the absence of many key line ministers from current MSG meetings, which contrasts sharply with MSG's meetings between 2007 and 2010. The Panel stresses the importance of involvement at the ministerial level. Given the hierarchical nature of Liberian Government, it sends a strong signal when a minister attends — or does not attend — a meeting.

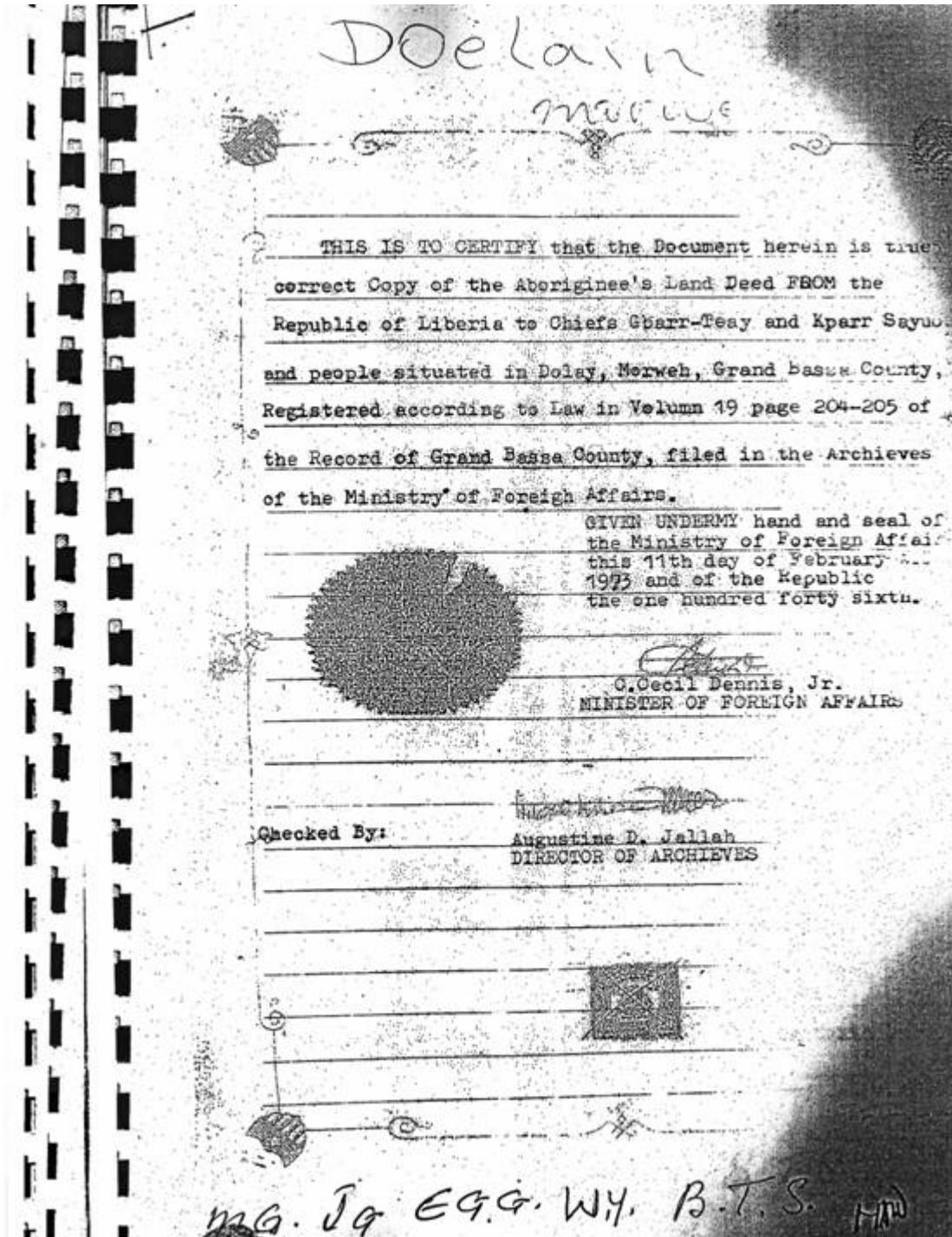
In addition to improving capacity, LEITI has prioritized its core responsibilities, specifically to deliver the fourth LEITI reconciliation report, which will cover the period from 1 July 2010 to 30 June 2011. In September 2012, LEITI concluded contract negotiations with Ernst and Young and their Liberian partner Monbo and Company to prepare the fourth report, and work is scheduled to begin shortly. The report is expected to be published no later than early 2013. This fourth LEITI reconciliation report will go beyond previous LEITI reconciliation efforts in that it will not only examine the extractive industries, but will also include payments collected by the Liberian Maritime Authority, the National Port Authority, the Environmental Protection Agency and the Liberian Civil Aviation Authority.

LEITI is also in the planning process to conduct post-award audits of all public concessions, contracts, licences, permits and other rights granted by the Government in the extractive sectors — diamonds, gold, oil, timber, agriculture — to ensure that they were awarded in compliance with Liberia's laws. This has never been done comprehensively in Liberia before. The Panel strongly supports this initiative,



especially in the context of increased evidence of weak natural resource governance. The Panel urges the Government of Liberia to support LEITI in the post-award audit process by ensuring adequate funding and emphasizing appropriate information-sharing, and calls upon the international community to strengthen the initiative with adequate donor support.

**Annex 22**  
**First and last pages of deed underlying private use permit for**  
**Doedian district, River Cess county, dated 1924, under the name of**  
**President Edwin Barclay, six years before he became President**



In witness whereof I the said  
Edwin Barclay, President of  
Liberia have hereunto set my  
Hand and cause the seal of  
the Republic to be affixed  
this 26th Day of August A.D.  
1924 and the Republic the  
Seventy Eight year.

Signed: Edwin Barclay  
PRESIDENT

John J. Johnson  
Land Commissioner  
Grand Bassa County

ENDORSEMENT

ABORIGINEE'S LAND DEED FROM THE REPUBLIC OF LIBERIA  
To Gbarr-Teay and Kparr Sayuo (Chiefs) Chiefs of  
Dolay, Morweh Chiefdom and People, of Grand Bassa County

J. J. EGAN WY. B.T.S.

**Annex 23**  
**First and last pages of deed underlying private use permit for district No. 3, Grand Bassa county, dated 1924, under the name of President Edwin Barclay, six years before he became President**

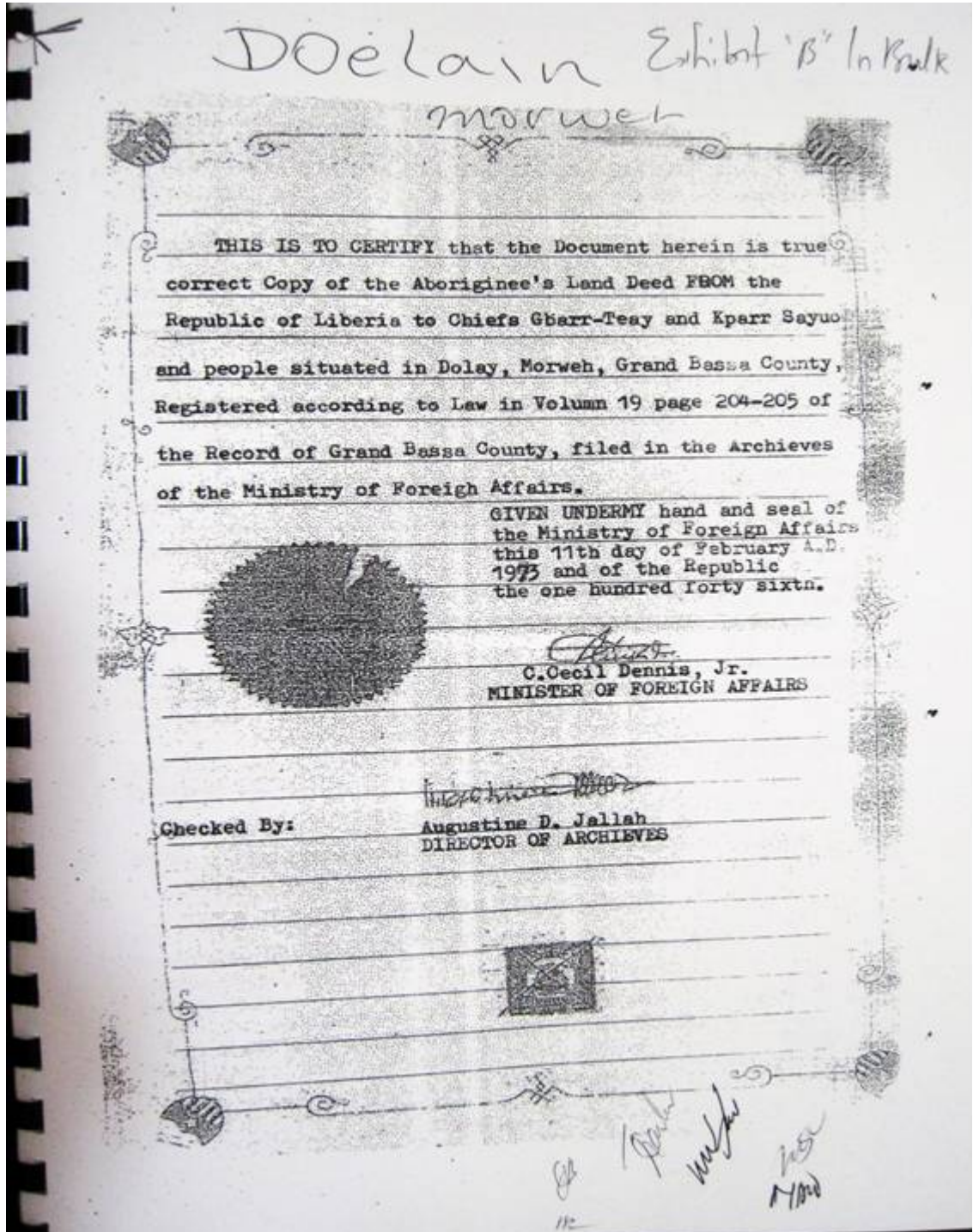




Exhibit "B"

In witness whereof I the said  
Edwin Barclay, President of  
Liberia have hereunto set my  
Hand and cause the seal of  
the Republic to be affixed  
this 26th Day of August A.D.  
1924 and the Republic the  
Seventy Eight year.

Signed: Edwin Barclay  
PRESIDENT

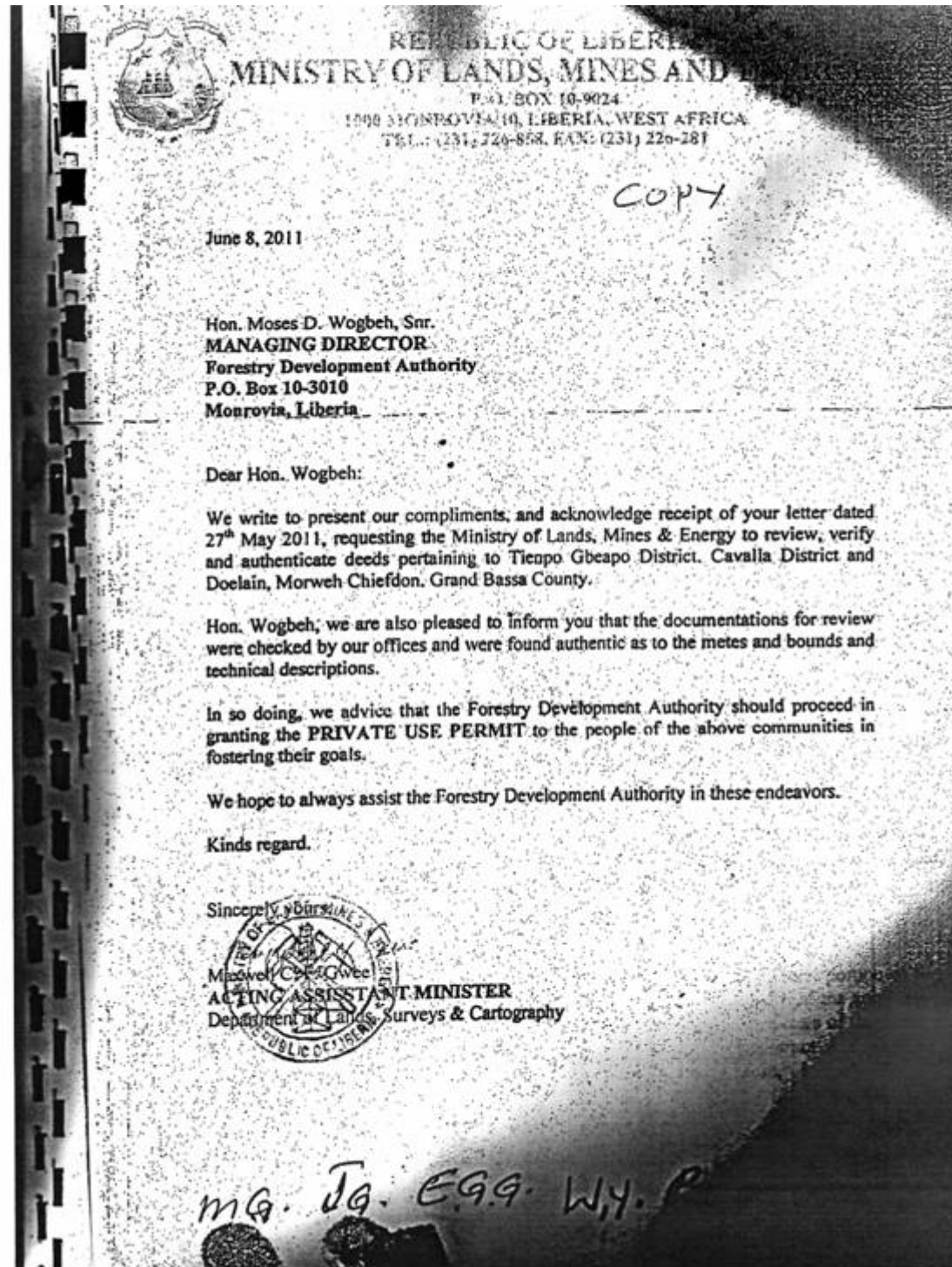
John J. Johnson  
Land Commissioner  
Grand Bassa County

ENDORSEMENT

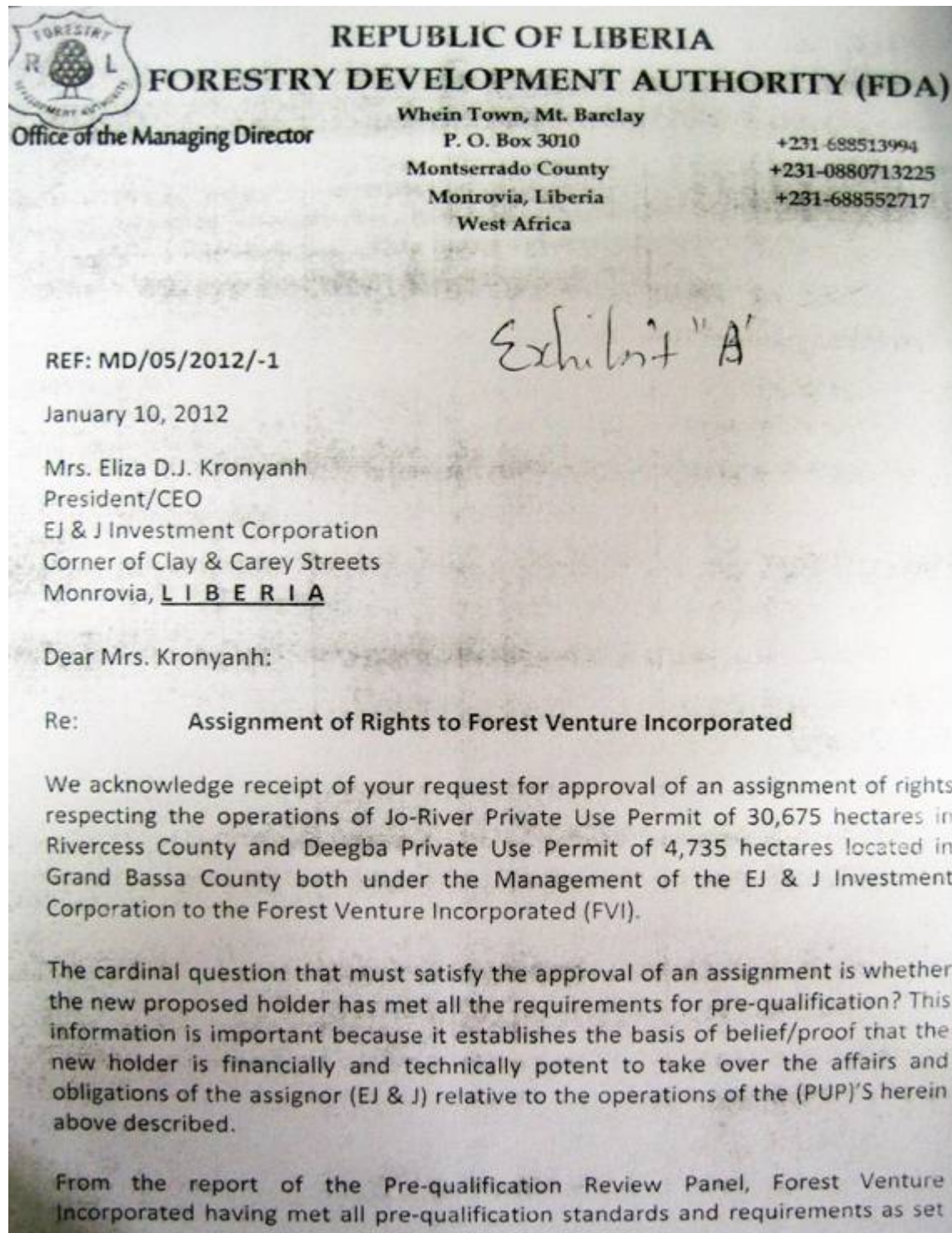
ABORIGINEE'S LAND DEED FROM THE REPUBLIC OF LIBERIA  
To Gbarr-Teay and Kparr Saywo (Chiefs) Chiefs of  
Dolay, Morweh Chiefdom and People, of Grand Bassa County

*[Handwritten signatures and initials]*

**Annex 24**  
**Letter from the Acting Assistant Minister of Lands, Mines and Energy, Maxwell Gwee, authenticating the deed underlying the private use permit pertaining to Doedian district**



**Annex 25**  
**Assignment of rights from EJ&J to Forest Venture for Jo River private use permit and Deegba private use permit**





in FDA Regulation 103-07, was issued a Pre-qualification Certificate for the operation of a Large Forest Management Contract (FMC).

In view of the above, we interpose no objection to the pending assignment between the EJ & J Investment Corporation and Forest Venture Incorporated in satisfaction of Section 6.2 (a) of the National Forestry Reform Law of 2006. It is our hope that the new holder will perform in keeping with the laws and regulations controlling.

Kind regards.

Very truly yours,



Moses D. Wogbeh, Sr.

**MANAGING DIRECTOR**

MDW/BKS/alt


## FOREST VENTURE INC.

P O BOX 1627, MONROVIA  
REPUBLIC OF LIBERIA

Date: January 06<sup>th</sup>, 2012

### ACCEPTANCE ASSIGNMENT RIGHTS OF THE SAID PUP'S

Forest Venture Inc., represented by its Directors, hereby agreed and accepts the Assignment of Rights of the said PUP between EJ & J Investment Corp., and Forest Venture Inc., whereby Forest Venture Inc., had assume all the rights and responsibilities to operate of a parcel of forestland of 35,500 hectares located in Grand Bassa County and RiverCess County, Republic of Liberia.





William Yii Hock Kong  
DIRECTOR/ GENERAL MANAGER



**Annex 26**  
**Land area granted by the Forestry Development Authority under**  
**Jo River private use permit is 25 times larger than land area**  
**pertaining to underlying deed**

**Jo River private use permit granted by the Forestry Development Authority for**  
**30,675 hectares**

	
<b>REPUBLIC OF LIBERIA)</b> <b>MONTERRADO COUNTY)</b>	
<b>PRIVATE USE PERMIT CONTRACT BETWEEN THE FORESTRY</b> <b>DEVELOPMENT AUTHORITY AND THE PEOPLE OF JO RIVER DISTRICT,</b> <b>FOR HARVESTING OF 30,675 HECTARES OF FORESTLAND LOCATED IN</b> <b>RIVER CESS COUNTY, REPUBLIC OF LIBERIA</b>	
<p><b>THIS CONTRACT</b> made and entered into this <u>6<sup>th</sup></u> day of <u>October</u>  A.D. 2011, by and between the Government of Liberia, through the Forestry  Development Authority, hereinafter referred to as the <b>Authority</b>, represented by its  Managing Director, Moses D. Wogbeh Sr. and the People of Jo River District, Grand  Bassa County, hereinafter referred to as <b>Jo-River</b>, represented by Eliza D.J. Kronyanh  hereinafter collectively referred to as the Parties, hereby;</p>	
<b>W I T N E S S E T H:</b>	
<p><b>WHEREAS</b>, the Authority is statutorily responsible for the sustainable management and  use of all categories of forest resources;</p>	
<p><b>WHEREAS</b>, the Citizens of Jo River District, are legitimate and bonafide owners of an  aggregated land mass of 75, 798 acres/30,675 hectares of forested land by virtue of  inheritance through a legitimate purchase from the Republic of Liberia;</p>	
<p><b>WHEREAS</b>, by virtue of Section 5.6 (d) (i) of the National Forestry Reform Law  (NFRL) of 2006, copy of a set of duly certified Public Land Sale Deed issued under the  signature of President Charles D.B. King on March 18, A.D. 1926 in proof of ownership  of the subject aggregated tract of land is hereto attached and marked Exhibit "A" in bulk  to form a cogent part of this contract;</p>	
<p><b>WHEREAS</b>, in further verification of the subject property, the Ministry of Lands, Mines  &amp; Energy finally gives authentication and verification to the said Jo River District Deed  through a letter under the signature of Acting Assistant Minister Maxwell C.F. Gwee.  Attached also is the said verification letter marked Exhibit "B" to form an integral part of  this Contract;</p>	

**Enlarged line from deed below underlying the Jo River private use permit stating**  
**"3,000 acres of land and no more"**

**3,000 acres of land and no more.**

3,000 acres = 1,214 hectares

Page from deed underlying Jo River private use permit



REPUBLIC OF LIBERIA

TO ALL WHOM THESE PRESENTS SHALL COME: whereas it is the true policy of this Government to induce the Aborigines of this Country to adopt Civilization and to become loyal citizens of this Republic and whereas one of best means thereto is to grant lands in fee simple to all those showing themselves fit to be entrusted with the rights and duties of full citizenship as voters and whereas Zuanhgehbeh Karyelewah, Borden Wobeah and Wesh Gbartue and citizens of Gbarohn Section, Jo-River District Grand Bassa County, Republic of Liberia have shown themselves to be people fit to be entrusted with said rights and duties, Now therefore, I, Charles W. King, President of Liberia, for and in consideration of the various duties of citizenship thereafter to be legally performed by the said Zuanhgehbeh Karyelewah, Borden Wobeah and Wesh Gbartue and Citizens their heirs, executors, administrators or assigns forever all that piece or parcel of land situated lying and being in Gbarohn Section, Jo-River District Grand Bassa County and bearing in the authentic records of said County the number Block 3 and bounded and described as follows: Commencing at the Northeastern corner of the adjoining block two, thence running North 10 degrees East 300 chains along block six to a point near block four, thence running North 80 degrees West 115 chains along said block four to a point on the bank of Limbo River, thence following said river to the Western point of block two on said River bank, thence turning angle South 80 degrees East 115 chains parallel with block two to the place of commencement and containing 3000 acres of land and no more. TO HAVE AND TO HOLD the above granted premises together with all and singular the buildings, improvements and appurtenances thereof and thereto belonging to the said Zuanhgehbeh Karyelewah, Borden Wobeah, Wesh Gbartue and Citizens their heirs, executors, administrators or assigns forever. And I the said Charles W. King President as aforesaid, for myself and my successors in Office do covenant to and with the said

**Annex 27****Case studies on irregularities, allegations of forgery and errors of process: private use permit issued to the Bolloh, Dorbor and Fenetoe people, Grand Kru county; Dugbeh River district, Sinoe county; Tartweh-Dropoh district, Sinoe county; Cavalla district, Grand Gedeh county*****Private use permit issued to the Bolloh, Dorbor and Fenetoe people***

The Panel obtained two different versions of the private use permit issued to the people of Bolloh, Dorbor and Fenetoe, one of which was provided to the Panel by the Forestry Development Authority and the other of which was given by Atlantic Resources to the Special Independent Investigative Body (SIIB) and then obtained by the Panel. Atlantic Resources did not provide documentation to the Panel despite multiple requests. The Authority's copy shows the private use permit area as 15,604 hectares for use by Atlantic Resources over nine years; however, the copy delivered to SIIB by Atlantic Resources provides rights to 24,800 hectares to be used over 15 years. Both private use permit contracts cite the same underlying deed, which covers only 15,597 hectares, as well as the other supporting documents, including the letter of authentication from the Ministry of Lands, Mines and Energy and letters from the Authority. Authority records show only one private use permit issued to the people of Bolloh, Dorbor and Fenetoe. The Authority did not provide the Panel with explanation for this discrepancy. The Panel notes the striking similarity of the signatures and initials on the contracts, and is concerned that one of these documents may have been altered.

**Excerpts of Bolloh, Dorbor and Fenetoe private use permit contract provided to the Special Independent Investigative Body by Atlantic Resources**

**REPUBLIC OF LIBERIA)  
MONTSERRADO COUNTY)**

**PRIVATE USE PERMIT CONTRACT BETWEEN THE FORESTRY DEVELOPMENT AUTHORITY AND THE PEOPLE OF BOLLOH, DORBOR & FENETOE, GRAND KRU COUNTY, FOR THE HARVESTING OF 24,800 HECTARES OF FORESTLAND**

THIS CONTRACT made and entered into this 21<sup>st</sup> day of August 2010 A.D. 2010, by and between the Government of Liberia, through the Forestry Development Authority, hereinafter referred to as the **Authority**, represented by its Managing Director, Moses D. Wogbeh Sr., and the People of Bolloh, Dorbor & Fenetoe District, Grand Kru County, hereinafter referred to as **Bolloh** represented by Paramount Chief Jeremiah Sackor and Clan Chief Phillip B. Swen, hereinafter collectively the Parties, hereby;

**W I T N E S S E T H:**

**WHEREAS**, the Authority is statutorily responsible for the sustainable management and use of all categories of forest resources;






**WHEREAS**, the People of Bolloh are legitimate owners of a tract of forestland of 61,281 acres/24,800 hectares by virtue of inheritance through a legitimate purchase from the Republic of Liberia;

**WHEREAS**, by virtue of Section 5.6 (d) (i) of the National Forestry Reform Law (NFRL) of 2006, copy of a duly certified Public Land Sale Deed issued in 1953 under the signature of President William V.S. Tubman, in proof of ownership of the subject tract of land is hereto attached and marked Exhibit "A" to form a cogent part of this Permit;

**WHEREAS**, in further verification of the subject property, the Ministry of Lands, Mines & Energy finally gives authentication and verification to the said Bolloh Deed through a letter under the signature of Assistant Minister George Y. Miller. Attached also is the said verification letter marked Exhibit "B" to form an integral part of this Contract;

**WHEREAS**, validation of the area in keeping with Section 5.6 (d) (ii) of the NFRL and Section 61 of FDA Regulation 102-07 shows that the said tract of land is suitable for commercial forestry. Said validation report is hereto attached and marked Exhibit "C" to form also an integral part of this contract;

**WHEREAS**, Bolloh is desirous of commercializing harvestable tree species on the said tract of 24,800 hectares of land;

1

4. **Contract Duration**

The contract shall be for fifteen (15) years.

**FOR THE AUTHORITY**

[Signature]  
Witness

Approved: [Signature] 8/09/10  
Moses D. Wogbeh, Sr.  
Managing Director

**FOR THE PEOPLE OF BOLLOH, DOBBOR & FENETOEBO DISTRICT**

[Signature]  
PP D. Slaymii Blomah  
Paramount Jeremiah Sackor

[Signature]  
Daniel Y. Doozlah  
Clan Chief Phillip B. Swen

Thebrome A. Quroh  
Witness

Approved [Signature]  
Florence Chenoweth  
Chairman-FDA Board of Directors

1/3

o-BW

**Excerpts of Bolloh, Dorbor and Fenetoe private use permit contract provided by the Forestry Development Authority**

**REPUBLIC OF LIBERIA)  
MONTERRADO COUNTY)**

**PRIVATE USE PERMIT CONTRACT BETWEEN THE FORESTRY DEVELOPMENT AUTHORITY AND THE PEOPLE OF BOLLOH, DORBOR & FENETOE, GRAND KRU COUNTY, FOR THE HARVESTING OF 15,604 HECTARES OF FORESTLAND**

THIS CONTRACT made and entered into this 1<sup>st</sup> day of August, 2010 A.D. 2010, by and between the Government of Liberia, through the Forestry Development Authority, hereinafter referred to as the Authority, represented by its Managing Director, Moses D. Wogbeh Sr., and the People of Bolloh, Dorbor & Fenetoe District, Grand Kru County, hereinafter referred to as Bolloh represented by Paramount Chief Jeremiah Sackor and Clan Chief Phillip D. Swen, hereinafter collectively the Parties, hereby:

**W I T N E S S E T H:**

**WHEREAS**, the Authority is statutorily responsible for the sustainable management and use of all categories of forest resources;

**WHEREAS**, the People of Bolloh are legitimate owners of a tract of forestland of 38,543 acres/15,604 hectares by virtue of inheritance through a legitimate purchase from the Republic of Liberia;

**WHEREAS**, by virtue of Section 5.6 (d) (i) of the National Forestry Reform Law (NFRL) of 2006, copy of a duly certified Public Land Sale Deed issued in 1953 under the signature of President William V.S. Tubman, in proof of ownership of the subject tract of land is hereto attached and marked Exhibit "A" to form a cogent part of this Permit;

**WHEREAS**, in further verification of the subject property, the Ministry of Lands, Mines & Energy finally gives authentication and verification to the said Bolloh Deed through a letter under the signature of Assistant Minister George Y. Miller. Attached also is the said verification letter marked Exhibit "B" to form an integral part of this Contract;

**WHEREAS**, validation of the area in keeping with Section 5.6 (d) (ii) of the NFRL and Section 61 of FDA Regulation 102-07 shows that the said tract of land is suitable for commercial forestry. Said validation report is hereto attached and marked Exhibit "C" to form also an integral part of this contract;

**WHEREAS**, Bolloh is desirous of commercializing harvestable tree species on the said tract of 14,089 hectares of land;

*B Y O*                      *D.P.*                      *KFS*                      *U.S.W.*

**4. Contract Duration**

The contract shall be for nine (9) years.

**FOR THE AUTHORITY**

Witness

*[Handwritten signature]*

Approved:

*[Handwritten signature]* 8/09/10  
Moses D. Wogbeh, Sr.  
Managing Director

**FOR THE PEOPLE OF BOLLOH, DORBOR & FENETOERO DISTRICT**

*[Handwritten signature]*  
D. Slaymii Blamda  
Paramount Jeremiah Sackor

*[Handwritten signature]*  
Daniel Y. Doeglah  
Chair Chief Phillip B. Swen

*[Handwritten signature]*  
Thelrome A. Quish  
Witness

Approved *[Handwritten signature]*  
Florence A. Chenoweth  
Chairman-FDA Board of Directors

*[Handwritten initials]*

*[Handwritten initials]*



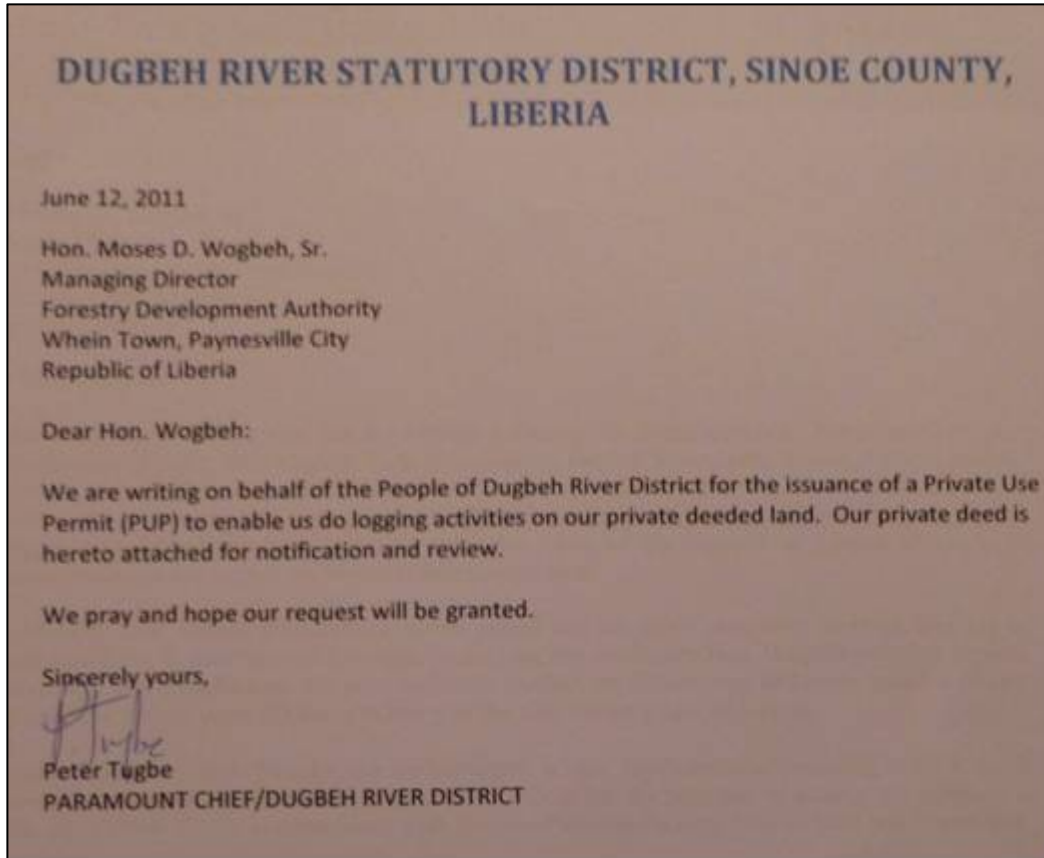
***Dugbeh River district, Sinoe county***

On 2 October 2012 in Dugbeh River district, Sinoe county, the Panel met with the community leaders of Dugbeh River, including the Paramount Chief, Town Chiefs, Clan Chiefs, elders, youth leaders and the Chair of their forestry committee. After the community members had informed the Panel that they had never seen the private use permit contract that the Forestry Development Authority had issued to them, the Panel presented them with a copy and showed them the signatures. The Dugbeh River community leaders confirmed to the Panel that they had never seen this document, and stated that the signature attributed to Paramount Chief Peter Tugbe was a forgery. These individuals also provided to the Panel a letter sent to the Authority on 12 July 2011 under Peter Tugbe's name requesting the private use permit for Dugbeh River, which they allege also contained a forgery of Tugbe's signature. The Panel later independently obtained this document. Tugbe provided a copy of his signature to the Panel, which appears to be different from either of the other two instances of signatures attributed to him.

**Paramount Chief Peter Tugbe's signature on the Dugbeh River private use permit; Tugbe alleges that this is a forgery**



**Letter from Peter Tugbe to the Forestry Development Authority requesting a private use permit for Dugbeh River district; Tugbe alleges that this is a forgery**



***Tartweh-Dropoh district, Sinoe county***

On 3 October 2012, the Panel visited Tartweh-Dropoh district, Sinoe county, and met with community leaders including the Paramount Chief, Town Chiefs, Clan Chiefs, elders, women's leaders and youth leaders. The Panel was informed that the community is divided, with one group wanting Atlantic Resources to operate their private use permit, and the other group favouring Universal Forestry Corporation (UFC). The Panel obtained documentation to support private use permits issued to both companies for the same area.

The Panel met with Wesseh Konwroh, now the District Commissioner and previously the head of the Tartweh-Dropoh community forestry committee, who supports Atlantic Resources. Signatures above his name appear on both the private use permit contract for Atlantic Resources and that for UFC. District Commissioner Konwroh informed the Panel that his signature on the private use permit contract allocating the area to UFC is a forgery. Documents obtained by the Panel appear to show differences in the signature he claims to be his own and the one he claims to be a forgery.

***Cavalla district, Grand Gedeh county***

On 30 September 2012 the Panel visited Puoh town, Grand Gedeh county, the central village in the area pertaining to the private use permit issued to Cavalla district, to meet community leaders. These community leaders informed the Panel that they had been unaware of their ability to obtain a private use permit until Cavalla Logging Company had visited their community and expressed interest in logging the surrounding forest. According to the community leaders, the next time that Cavalla Logging Company visited the area was around May 2011, to sign a memorandum of understanding with the community that the company had already prepared without consulting the community. The Acting County Superintendent and the District Superintendent accompanied Cavalla Logging Company, and the community alleges that these officials pressured it to sign the memorandum of understanding and a social agreement. One elder stated to the Panel that the documents had been "signed under duress". The community leaders informed the Panel that neither Cavalla Logging Company nor the Forestry Development Authority had left a copy of the signed memorandum of understanding document with the community. The community leaders also told the Panel that they had never seen a copy of the private use permit contract itself. When the Panel presented them with a copy, they denied having ever seen the copy. The community stated to the Panel that Cavalla Logging Company had given the community \$400 to sign the contract.

**Annex 28**  
**Case studies on company officials signing on behalf of communities: Zleh town, Grand Gedeh county, and Frank Brook Liberia; Jo River district, River Cess county, and Deegba Clan, Grand Bassa county, and EJ&J Investment Corporation**

*Zleh town, Grand Gedeh county, and Frank Brook Liberia*

On 3 June 2011, the People of Zleh Town obtained a private use permit signed by Forestry Development Authority Managing Director Moses Wogbeh, Minister of Agriculture Florence Chenoweth and James G. Karto “for the Citizens of Gbao Administrative District”. In the “Agreement for the Management and Utilization of Forest”, attached as an addendum to the contract, James G. Karto is listed as “Member, Board of Directors, FRANKBROOK (LIBERIA) INC”, the company contracted to log the area pertaining to the private use permit. On 16 October 2012, James G. Karto informed the Panel that he is currently Vice-President for Operations of Frank Brook, Liberia. He also informed the Panel that he works for the Ministry of Agriculture as Chief Inspector at Roberts International Airport. On 30 September 2012, the Panel met with community leaders of Zleh town and Gbao administrative district, including the Paramount Chief, Town Chiefs, Clan Chiefs, elders, and women and youth leaders. These community leaders told the Panel that James G. Karto worked for Frank Brook Logging Company and did not represent the people of Gbao, nor did he have their permission to sign on behalf of the community.

Signature page from Zleh town private use permit contract;  
James G. Karto signed on behalf of the citizens of Gbao  
administrative district



Excerpt from forest management agreement signed by community  
leaders and “James G. Karto, Member, Board of Directors,  
FRANKBROOK (LIBERIA) INC.”

### Agreement for the Management And Utilization of Forest

This agreement for the Management and Utilization of Forest made and entered this 19 day of September 2006 A.D. by and between the Tribal Authority of DUNEE Chiefdom, Gbao District, Gbarzon Statutory District, Grand Gedeh county, Republic of Liberia; represented by the Chiefs, Elders, Opinion leaders, Youth and Women Leaders; (herein after know and referred to as “Lessors” ) and FRANKBROOK Liberia Inc. , a foreign based Timber Company duly Organization and registered under the corporate Law of The Republic of Liberia, represented by and through its chief Executive Officer (CEO) Mr. Frank Agyekum of the city of Monrovia, Montserrado county, Republic of Liberia (herein after referred to as “Lessee” ) hereby

27. signed: ALPHONSO GAYE  
Mr Alphonso Gaye  
Youth Leader  
Gbayea Town

28. signed: JMSK  
Hon. James M S Kyne  
Paramount Chief  
Dunee Chiefdom

[Signature]  
Frank Adjei Agyekum  
Chief Executive officer  
FRANKBROOK (LIBERIA) INC.

ATTESTED [Signature]  
James G Karto  
Member Board of Directors  
FRANKBROOK (LIBERIA) INC.

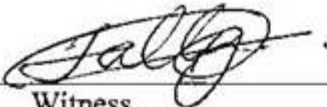


***Jo River district, River Cess county, and Deegba Clan, Grand Bassa county, and EJ&J Investment Corporation***

On 6 October 2011, the People of Jo River district and the people of Deegba Clan each obtained one private use permit signed by Forestry Development Authority Managing Director Moses Wogbeh; Deputy Minister of Agriculture Sizi Subah, in place of the Minister of Agriculture; and Eliza D.J. Kronyanh, who signed “for the citizens of Deegba Clan, District #3” as well as “for the citizens of Jo-River District”. Both private use permit contracts contain letters written by Eliza D.J. Kronyanh to the Forestry Development Authority requesting the issuance of the private use permits. The letters cite her as “PRESIDENT and CEO, EJ&J Investment Logging Company” and are written on EJ&J letterhead. In both Jo River and Deegba Clan, EJ&J is also the company contracted to log the forest. No evidence has been provided that EJ&J obtained valid consent from these communities to sign on their behalf.

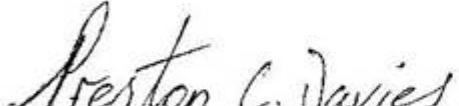
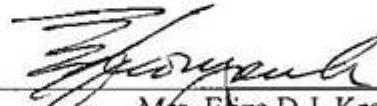


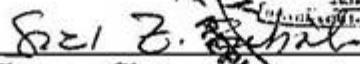

**Signature page from Jo River district private use permit; Eliza D.J. Kronyanh signed on behalf of the citizens of Jo River district**

**FOR THE AUTHORITY**

Witness  Approved:   
Moses D. Wogbeh, Sr.  
Managing Director 

**FOR THE CITIZENS OF JO-RIVER RIVER DISTRICT**

Witness    
Mrs. Eliza D.J. Kronyanh

Approved   
Florence Chenoweth  
Chairman-FDA Board of Directors 

Letter from Eliza D.J. Kronyanh to the FDA regarding Jo River and Deegba Clan private use permits; Kronyanh is listed as Chief Executive Officer and President of EJ&J

**EJ & J INVESTMENT CORPORATION**  
P.O. Box 1922  
Corner of Clay & Carey Streets  
Monrovia, Liberia

Cell #: 06513-241  
March 5, 2009

Hon. Moses D. Wogbeh, Snr.  
Managing Director  
Forestry Development Authority (FDA)  
Whein Town, Mount Barclay  
LIBERIA  
WEST AFRICA

Dear Hon. Director:

We are delighted to inform you that the citizens including the Superintendents, Representatives, and Commissioners of Jo-River District and Deegba Clan in District # 3, met in a citizens meeting for the sole purpose of discussing the possibility of granting *EJ & J Investment Logging Company*, a registered company operating under the Laws of the Republic of Liberia, the right to sustainably manage and exploit the forest on their deeded land.

Hon. Director, after lengthy deliberations, it was agreed that the above companies be given the right to manage said forest in their beloved County. In reaching this conclusion Hon. Wogbeh, we were mindful and also took into consideration that your institution through the Government of Liberia awarded Private Use Permits in various parts of Liberia in line with the New Forestry Law of Liberia of 2006.

Against this backdrop Hon Director, we are submitting a legal documentation, including deeds and technical locations of said forest to your good offices for the purposes of issuing our company a *Private Use Permit (PUP)*, in consonance with the New National Forestry Law of 2006 and Community Rights Law.

Thanks in advance for your continued understanding.

Sincerely yours

Mrs. Eliza D.J. Kronyanh  
PRESIDENT & CEO  
*EJ & J Investment Logging Company*  
FILE

**Articles of incorporation of EJ&J, indicating Eliza Kronyanh as President**

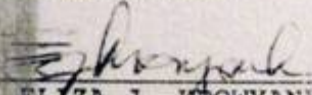
ARTICLE OF INCORPORATION  
OF

E.J. AND J. INVESTMENT CORPORATION INC.

2. That Article VI of the Articles of Incorporation which reads: The maximum number of shares of stocks which the Corporation is authorized to issue and have outstanding at any time is One Hundred (100), all of which shall be of NO PAR VALUE and shall be Registered Shares, and the number of shares which each subscriber subscribes to have are as follows:-

<u>NAME</u>	<u>POST OFFICE ADDRESS</u>	<u>NO. OF SHARES</u>
Eliza J. Krowyank	P.O. Box 1891, Monrovia, Liberia	70%
Samson W. Jarboe	P.O. Box 1891, Monrovia, Liberia	25%
Andrew W. Krowyank	P.O. Box 1891, Monrovia, Liberia	5%

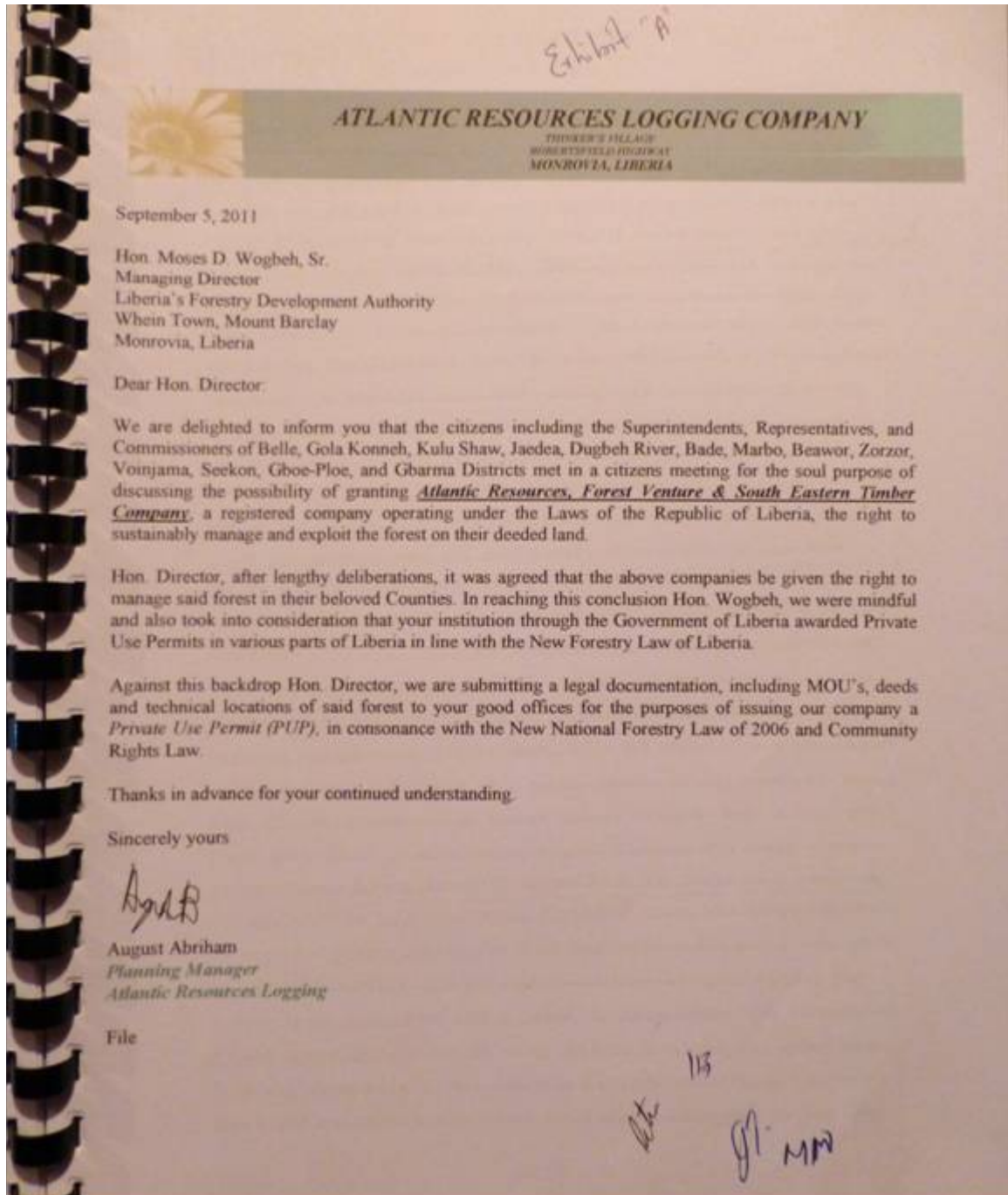
3. This Amendment of the Articles of Incorporation was made in keeping with the By-Laws of the Corporation.

  
\_\_\_\_\_  
ELIZA J. KROWYANK  
P R E S I D E N T

**Annex 29**  
**Forestry Development Authority list of private use permits held by Atlantic Resources**

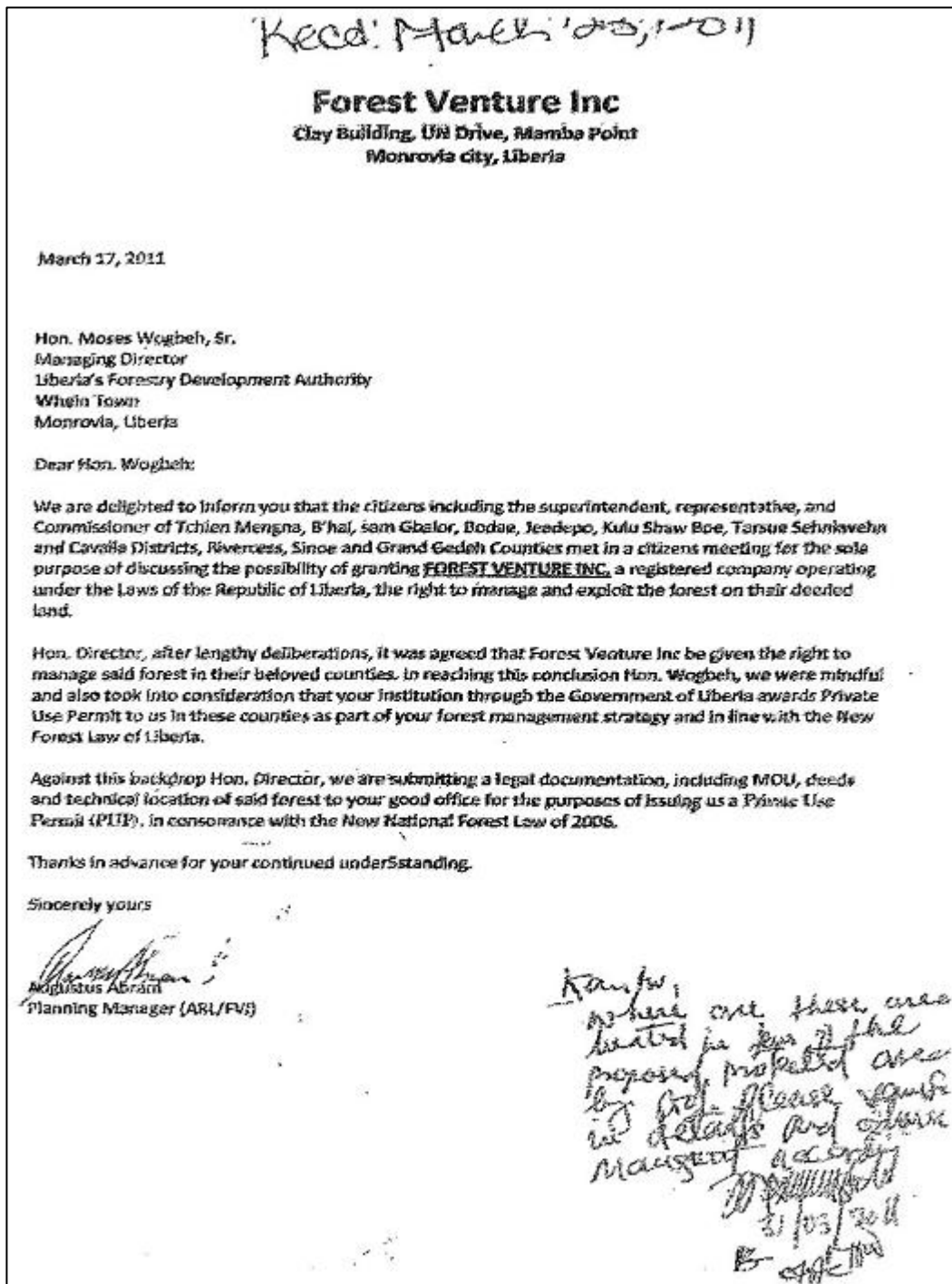
No.	Type	Contract Type	Area (ha)	Location	Executor	Duration	Effective	Status
1	PUP 4	People of Karlaway #1 & 2	28,847	Maryland County	Atlantic Resources	17 years	Aug. 31, 2010	Not Active
2	PUP 5	People of Tiempo District	14,084	Grand Kru	Atlantic Resources			Not Active
3	PUP 6	People of Bolloh, Dorbor and Fendetoe	15,604	Grand Kru County	Atlantic Resources			Active
5	PUP 7	People of Thiene District/Tiempo Community	11,193	River Gee	Atlantic Resources			Not Active
6	PUP 43	The People of Gbarma District	35,028	Gbarpolu	Atlantic Resources	25 years	October 6, 2011	Not Active
7	PUP	The People Jaaeda District	28,892	Sinoo	Atlantic Resources	17 years	October 6, 2011	Not Active
8	PUP	The People of Baade Clan	83,709	Gbarpolu	Atlantic Resources	25 years	October 2011	Not Active
9	PUP 36	The People of Seekon District	49,434	Sinoo	Atlantic Resources	25 years	October 6, 2011	Not Active
10	PUP 42	The People of Voinjana District	72,360	Lofa	Atlantic Resources	25 years	October 6, 2011	Not Active
11	PUP	The People Marbo Clan	88,409	Grand Gedeh	Atlantic Resources	25 years	October 6, 2011	Not Active
12	PUP 33	The People of Kulu Shaw-Boe District	20,193	Sinoo	Atlantic Resources	12 years	August 12, 2011	Not Active
13	PUP 37	The People of Zorzor District	139,392	Lofa	Atlantic Resources	25 years	October 6, 2011	Not Active
14	PUP	The People of Gbewor District	42,390	River Cess	Atlantic Resources	25 years	October 6, 2011	Not Active
15	PUP	The People Dugbel River District	29,396	Sinoo	Atlantic Resources	18 years	October 6, 2011	Not Active
16	PUP 44	The People of Gola-Konneh District	67,240	Grand Cape Mount	Atlantic Resources	25 years	October 6, 2011	Not Active
	<b>Total</b>		<b>726,171</b>					

**Annex 30**  
**Sample of one of the eight letters obtained by the Panel from Augustus Abram to the Forestry Development Authority written on Atlantic Resources letterhead, regarding private use permits for Atlantic Resources, Forest Venture and South Eastern Resources**





Sample of one of two letters obtained by the Panel from Augustus Abram to the Forestry Development Authority written on Forest Venture letterhead



**Annex 31**

**Memorandums of understanding between Seekon, Sinoe county, and Forest Venture and between Kulu-Shaw-Boe, Sinoe county, and Forest Venture; Augustus Abram signed for Forest Venture, and Benjamin Koffie served as witness**

**Seekon, Sinoe county, and Forest Venture Incorporated**

**MEMORANDUM OF UNDERSTANDING (MOU)**

This MOU is entered into this day of August 11<sup>th</sup> AD 2011, by and between the people of Seekon, Sinoe County R.L. herein after referred to as party of the first part and the Forest Venture Incorporation county of Montserrado R.L. herein after referred to as party of the second part.

**WITNESSETH**

WHEREAS the people of Seekon, Sinoe County, are owners of a community forest by virtue of a title deed containing 48,196 hectares (120,563 acres) and no more and;

WHEREAS the Forest Venture Incorporation, party of the Second part is a logging company registered under the Laws of the Republic of Liberia.

WHEREAS the people of said community have discussed and unanimously extended an inviting the Party of the Second part to carry out logging operations in their community forest, and

WHEREAS the Party of the Second Part, Forest Venture Incorporation have consented to the invitation aforementioned that is to carry out logging operation in said Community forest;

IN WITNESS WHEREOF  
WE HAVE AFFIXED OUR  
SIGNATURES ON THE  
DATE FIRST ABOVE WRITTEN

WITNESS (ES)

1. <u>Sam Grant</u>	1. <u>George Kowho</u>
2. <u>Susannah Parlee</u>	2. <u>Esther Barchawue Sam</u>
3. <u>Dansuel Jalloh</u>	3. <u>Robert Bestman</u>
4. <u>Joseph Toton</u>	4. <u>William K. Smith</u>
5. <u>J. Tujaley Tugba</u>	5. <u>MOSES DARDAWUE</u>

PARTY OF THE FIRST PART

Benjamin Koffie

Augustus Abram

PARTY OF THE SECOND PART

ATTESTED BY FDA: Sophia B. [Signature]



**Kulu-Shaw-Boe, Sinoe county, and Forest Venture Incorporated**

MEMORANDUM OF UNDERSTANDING (MOU)

This MOU is entered into this 17 day of February, A.D. 2011 by and between the People of Kulu-Shaw-Boe Community, Barjuwen statutory district, County of Sinoe, Republic of Liberia, herein after referred to as party of the first part and the Forest Venture Incorporation, County of Montserrat, Republic of Liberia, herein after referred to as party of the second part.

IN WITNESS WHEREOF, WE HAVE APPLIED OUR SIGNATURES ON THE DATE FIRST ABOVE WRITTEN.

WITNESSES

- 1. ABEL S. JOHNSON
- 2. HELENA MANNER
- 3. PHILIP KONGAR
- 4. JACOB GBAYEE

FOR KULU-SHAW-BOE COMMUNITY:

- signed: CHRISTIAN SARYEE  
Youth Leader
- " VICTORIA NOAH  
Women Leader
- " BENJAMIN JOLOBEE  
Clan Chief
- " JOHNNY BROWN  
Paramount Chief

FOR Forest Venture Inc.:

- 5. Benjamin Keffie
- AUGUSTUS ABRAM  
General Manager/Managing Director

**Annex 32**

**Memorandum of understanding between Bondi Clan, Lofa county, and South Eastern Resources Incorporated; Augustus Abram signed for South Eastern, and Benjamin Koffie served as witness**

**MEMORANDUM OF UNDERSTANDING (MOU)**

This MOU is entered into this day of September 12<sup>th</sup> AD 2011, by and between the people of **Bondi Clan, Voinjama District, Lofa County R.L.** herein after referred to as **party of the first part** and the **Southeast Resources Inc. county of Montserrado R.L.** herein after referred to as **party of the second part.**

**WITNESSETH**

WHEREAS the people of **Bondi Clan, Voinjama District County,** are owners of a community forest by virtue of a title deed containing *72,362* hectares ( ..... acres) and no more and;

WHEREAS the **Southeast Resources Inc.,** party of the Second part is a logging company registered under the Laws of the Republic of Liberia.

IN WITNESS WHEREOF  
WE HAVE AFFIXED OUR  
SIGNATURES ON THE  
DATE FIRST ABOVE WRITTEN

WITNESS (ES)

<ol style="list-style-type: none"> <li>1. <i>Zubah Faynala</i></li> <li>2. <i>Kai beh Z. Wannie</i></li> <li>3. <i>A.J. Borbordemai</i> <i>Tarnue Lorkay</i></li> <li>4. <i>Tarnue Jarkay</i> <i>John S. Kolobah</i></li> <li>5. <i>John S. Wlobah</i></li> </ol>	<ol style="list-style-type: none"> <li>1. <i>Tarnue Lorkay (DC)</i></li> <li>2. <i>J. Kpadeh Jargu (COFF)</i></li> <li>3. <i>Forkpayea Sankor (Te)</i></li> <li>4. <i>Tarnuekollic Karwo (Te)</i></li> <li>5. <i>Korpo Koisay (W/Coater)</i></li> </ol> <p>PARTY OF THE FIRST PART</p>
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---

<i>Benjamin Koffie</i> PARTY OF THE SECOND PART	<i>AUGUSTUS ABRAM</i> PARTY OF THE SECOND PART
--	---


**Annex 33  
Forest management agreement between Gbarpolu Resources and  
the citizens of Kongba; Han Dong Chun signed as Chief Executive  
Officer of Gbarpolu Resources**

**FOREST MANAGEMENT AGREEMENT**

THIS FOREST MANAGEMENT AGREEMENT is made and entered into this \_\_\_\_\_ day of September, A.D. 2006 between the Chiefs, Elders, and Citizens of Kongba District, Gbarpolu County, Republic of Liberia represented by prominent and eminent citizens of Kongba District in persons of the Representative for the Tribal Authority, Messrs John Try, Blama Kporpor, John Boakai, Boakai Gban, Singhbe Siaffa, Madam Hawa Gbehtu, Madam Hawa Kanneh, Mr. Richard Fallajui, Mr. Lawrence V. Sherbo, Jr., Mr. Fahn K. Musa, Mr. Singhbe Danda, Amah Falajuah, Hon . Sam Cueh Blamah, and attested by Hon. Gbondojever Quiah, Representative District No. 1 Gbarpolu County (hereinafter known and referred to as "LESSORS") and GBARPOLU RESOURCES INC., represented by its Chief Executive Officer, Han Dong Chun, of the City of Monrovia, Republic of Liberia (hereinafter known and referred to as "LESSEE"), hereby: -


**WITNESSETH**

WHEREAS, the LESSORS owned and possessed 576,250 (five hundred seventy six thousand two hundred fifty) acres of forest land granted to them by the Government of the Republic of Liberia situated and lying in Kongba District, Gbarpolu County, Republic of Liberia; and

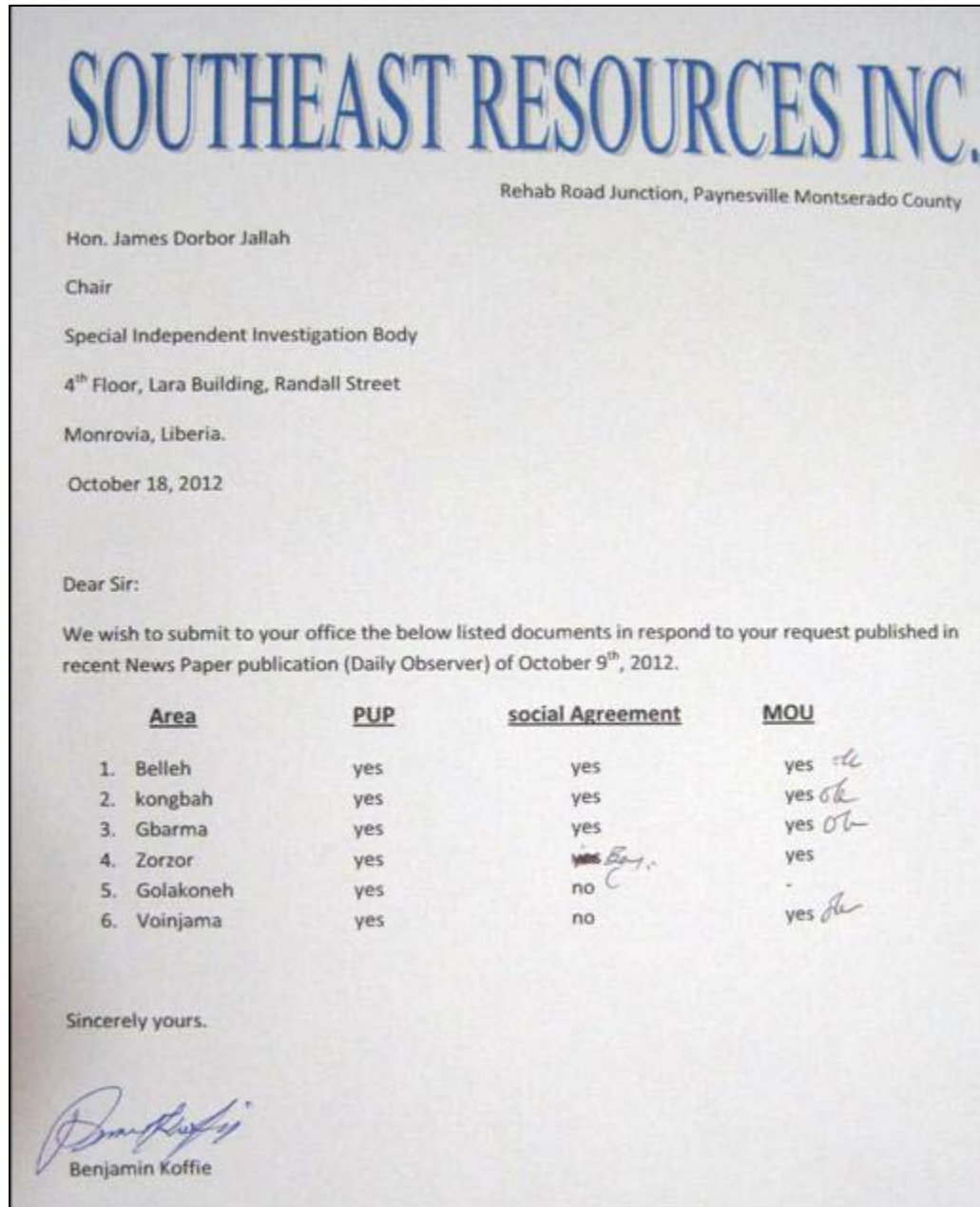


Attested: \_\_\_\_\_  
Hon. Gbondojever Quiah, Representative  
District No. 1, Gbarpolu County, Republic of Liberia

**FOR LESSEE:**

\_\_\_\_\_  
  
Han Dong Chun, Chief Executive Officer  
GBARPOLU RESOURCES, INC.

**Annex 34**  
**Letter to the Special Independent Investigative Body from**  
**“Southeast Resources”, signed by Benjamin Koffie, that lists the**  
**Kongba private use permit (spelled “kongbah” below), which**  
**appears to have been previously operated by Gbarpolu Resources**





**Annex 35**  
**Incorporation records of South Eastern Resources Incorporated**

LIBERIA BUSINESS REGISTRY			
  <p>A JOINT INITIATIVE OF THE MINISTRY OF COMMERCE AND INDUSTRY, THE  MINISTRY OF FOREIGN AFFAIRS, THE MINISTRY OF FINANCE AND THE  NATIONAL SOCIAL SECURITY AND WELFARE CORPORATION</p>			
Date of issuance: <b>23/02/2012</b>	Enterprise code: <b>050893340</b>		
	TIN: <b>404420003</b>		
<b>Certificate of Business Registration (Business corporation)</b>			
Initial registration date:	17/02/2007		
Registration date:	21/02/2012		
Enterprise name:	SOUTH EAST RESOURCES, INC		
Ownership:	Liberian		
Registered address:	Montserrado, PAYNESVILLE, ELWA ROAD, REHAB JUNCTION		
Enterprise activity:			
No.	Code	Description	Main
1.	A0220	Logging	Yes
<b>Important: This certificate is not valid after 21/02/2013.</b>			

**ARTICLES OF INCORPORATION**  
**OF**  
**SOUTH EAST RESOURCES, INC.**

**ARTICLE III**

The Registered Agent of the Corporation and the address of said Registered Agent, unless hereafter changed by resolution of the Board of Directors, shall be as follows:

Dean & Associates, Inc.  
152 Carey Street  
1<sup>st</sup> Floor, Milton & Richards' Bldg.  
P. O. Box 4192  
Monrovia, Liberia

11. OWNER (S) OF THE BUSINESS:

	NAME	NATIONALITY	PERCENTAGE OF OWNERSHIP
a.	UNSUBSCRIBED		99%
b.	MUSA DEAN JR.	LIBERIAN	1%
c.			
d.			

**DECLARATION**

I, THE UNDERSIGNED DO HEREBY DECLARE THAT THE INFORMATION HEREIN STATED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND IF IT IS DISCOVERED THAT THE INFORMATION IS FALSE AND MISLEADING, THIS SHOULD SUBJECT THE APPLICATION CERTIFICATE IF ISSUED BE REVOKED.

NAME OF COMPANY OFFICIAL REPRESENTATIVE F. MUSA DEAN JR.  
(PLEASE PRINT)

SIGNATURE: MUSA DEAN JR.

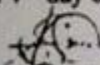
POSITION: INCORPORATOR

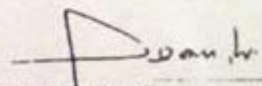
DATE: 02/20/08

**ARTICLE XII**

The existence of this Corporation shall begin upon the filing of these Articles of Incorporation with the Office of the Minister of Foreign Affairs of the Republic of Liberia.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my signature on this 4<sup>th</sup> day of September, A. D. 2006.

  
 WITNESS

  
 F. Musah Dean, Jr.  
**INCORPORATOR**

**Annex 36  
Incorporation records of Atlantic Resources Limited**

		<b>LIBERIA BUSINESS REGISTRY</b>			
<small>A JOINT INITIATIVE OF THE MINISTRY OF COMMERCE AND INDUSTRY, THE MINISTRY OF FOREIGN AFFAIRS, THE MINISTRY OF FINANCE AND THE NATIONAL SOCIAL SECURITY AND WELFARE CORPORATION</small>					
<i>Date of issuance:</i> <b>18/10/2011</b>			<i>Enterprise code:</i> <b>050819353</b>		
<i>TIN:</i> <b>413236002</b>					
<b>Certificate of Business Registration (Business corporation)</b>					
<i>Initial registration date:</i>		18/10/2007			
<i>Registration date:</i>		18/10/2011			
<i>Enterprise name:</i>		ATLANTIC RESOURCES LIMITED			
<i>Ownership:</i>		Liberian			
<i>Registered address:</i>		Montserrado, MONROVIA, REHAB ROAD JUNCTION, PAYNESVILLE			
<i>Enterprise activity:</i>					
<b>No.</b>	<b>Code</b>	<b>Description</b>			<b>Main</b>
1.	A0220	Logging			Yes
<p><b>Important:</b> This certificate is not valid after <b>18/10/2012</b>. It may, however be renewed upon application.</p>					

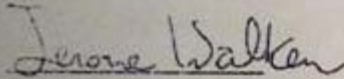
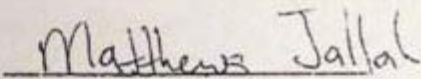
**ARTICLES OF INCORPORATION  
OF  
ATLANTIC RESOURCES LIMITED**

**ARTICLE XI**

The existence of this Corporation shall begin upon the filing of these Articles of Incorporation with the Office of the Minister of Foreign Affairs of the Republic of Liberia.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my signature on this 12th day of December A.D. 2006

IN THE PRESENT OF:

Matthews Jallah



Registered agent\*:  New  Amend  Remove

Type\*:  Natural person  Legal person

Natural person:

Suffix:  Dr.  Mr.  Ms.  Mrs.

First name\*: Matthews

Middle name:

Last name\*: Jallah

Natural or legal person's business address:

Country\*: Liberia

County\*: Montserrado

District:

Village or city: Monrovia

Street: Randall Street

Location, house No.:

Land line: Cell: 06949307 Fax: Telex:

E-mail:

Incorporator\*:  New  Amend  Remove

Type\*:  Natural person  Legal person

Natural person:  Same as applicant (if the incorporator)

Suffix:  Dr.  Mr.  Ms.  Mrs.

First name\*: Matthews

Middle name: Jallah

Last name\*: Jallah

Natural or legal person's business address:

Country\*: Liberia P.O.

County\*: Montserrado

District:

City or village: Monrovia

Street: Randall Street

Location, house No.:

Land line: Cell: 06949307 Fax: Telex:

E-mail:

Total number of preferred shares\*:

Total number of common shares\*:

Total number of shares\*: 100

Number of registered shares:

Number of bearer shares\*: 100

(for tax authority)

**Annex 37**  
**Incorporation records of Forest Venture Incorporated**



## LIBERIA BUSINESS REGISTRY

A JOINT INITIATIVE OF THE MINISTRY OF COMMERCE AND INDUSTRY, THE  
 MINISTRY OF FOREIGN AFFAIRS, THE MINISTRY OF FINANCE AND THE  
 NATIONAL SOCIAL SECURITY AND WELFARE CORPORATION



Date of issuance: **21/02/2012**      Enterprise code: **050723895**  
 TIN: **421700001**

**Certificate of Business Registration (Business corporation)**

Initial registration date: 18/05/2011  
 Registration date: 18/05/2011  
 Enterprise name: FOREST VENTURE INC  
 Ownership: Malaysian  
 Registered address: Montserrado, MONROVIA, CAREY STREET- BY CBD CENEMA

Enterprise activity:

No.	Code	Description	Main
1.	A0220	Logging	Yes

**Important:** This certificate is not valid after **21/02/2013**.

9. OWNER (S) OF THE PROPOSED BUSINESS:

	NAME	NATIONALITY	PERCENTAGE OF OWNERSHIP
a.	John Gbedje	Liberian	33.33%
b.	Medina Wekeh	"	33.33%
c.	Dong Chun Han	Chinese	33.33%
d.			

10. PROPOSED NUMBER OF EMPLOYEES: \_\_\_\_\_ LIBERIAN \_\_\_\_\_ FOREIGN \_\_\_\_\_

11. ALL NON LIBERIANS WISHING TO DO BUSINESS ARE REQUIRED TO LIST ALL BANK REFERENCES (BUSINESS ACCOUNT ONLY) AND SUBMIT PROSPECTUS FOR THE PROPOSED BUSINESS.

**DECLARATION**

I, THE UNDERSIGNED DO HEREBY DECLARE THAT THE INFORMATION HEREIN STATED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND IF IT IS DISCOVERED THAT THE INFORMATION IS FALSE AND MISLEADING, THIS SHOULD SUBJECT THE APPLICATION CERTIFICATE IF ISSUED BE REVOKED.

NAME OF COMPANY OFFICIAL REPRESENTATIVE: John Gbedje  
 (PLEASE PRINT)

SIGNATURE: John Gbedje

POSITION: Shareholder

DATE: 12/15/09

**Annex 38**  
**Amendments to the articles of incorporation of Forest**  
**Venture Incorporated**

**ARTICLES OF AMENDMENT OF ARTICLES OF  
INCORPORATION OF FOREST VENTURE  
INCORPORATION**

Pursuant to section 9.5 of Business Corporation Act of Liberia, I the President/Chief Executive officers of FOREST VENTURE INCORPORATION, a Corporation organized and existing under the laws of the Republic of Liberia, for the purpose of amending the Articles of Incorporation of the said FOREST VENTURE INCORPORATION here certify:

**ARTICLE - I**

That Article Seven (7) of the Articles of Incorporation of FOREST VENTURE INCORPORATION which reads:

The names and addresses of the subscribers of these Articles of Incorporation and the number of shares of the Corporation which each shareholder and contracts to purchase are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>No. OF SHARE</u>
Amb. John Gbedze	P.O. BOX 20-5192 Monrovia, Liberia	33.33%
Mrs. Medina Wesseh	P.O. BOX 20-5192 Monrovia, Liberia	33.33%
Mr. Dong Chun Han	P.O. BOX 20-5192 Monrovia, Liberia	33.33%

Is hereby amended to read as follows:  
The names and addresses of these Articles of Incorporation and the number of shares of the Corporation which each shareholder aggress and contract to purchase are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>No. OF SHARE</u>
1. Richmax Investment Overseas I.td	Wisma, Jau 98000 Miri, Malaysia	95%
2. Amb. John Gbedge	P.O. BOX 20-5192 Monrovia, Liberia	5%

**ARTICLE - II**

The Amendment of Articles of Incorporation FOREST VENTURE INCORPORATION was authorized by a resolution adopted by the unanimous vote of all outstanding shareholders entitled to vote thereon at a special meeting of shareholders called for that purpose.



**Annex 39**  
**Consolidated Marines Transport business registration and articles**  
**of incorporation; incorporated by Han Dong Chun, Medina**  
**Wesseh and John Gbedze**

LIBERIA BUSINESS REGISTRY			
		A JOINT INITIATIVE OF THE MINISTRY OF COMMERCE AND INDUSTRY, THE MINISTRY OF FOREIGN AFFAIRS, THE MINISTRY OF FINANCE AND THE NATIONAL SOCIAL SECURITY AND WELFARE CORPORATION	
Date of issuance: 09/06/2011		Enterprise code: 050734919	
		TIN: 430089005	
Certificate of Business Registration (Business corporation)			
Initial registration date:			
Registration date:	03/06/2011		
Enterprise name:	CONSOLIDATED MARINES TRANSPORT		
Ownership:	Liberian, Nigerian, South Korean		
Registered address:	Montserrado, PAYNESVILLE, REHAB JUNCTION		
Enterprise activity:			
No.	Code	Description	Main
1.	H5229	Other transportation support activities	Yes
2.	F4100	Construction of buildings	No
3.	L6810	Real estate activities with own or leased property	No
4.	G4661	Wholesale of solid, liquid and gaseous fuels and related products	No
<b>Important: This certificate is not valid after 26/05/2012.</b>			

**ARTICLE IV**

The names, mailing address, and number of -shares of each shareholders of the Corporation are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>SHARES</u>
1. Han Dong Chun	Rehab Junction, Paynesville	24%
2. Medina A. Wesseh	Rehab Junction, Paynesville	24%
3. John W. Gbedze	Rehab Junction, Paynesville	24%
4. Young Nyan Siong	Rehab Junction, Paynesville	24%
5. Emmanuel Okoro	Rehab Junction, Paynesville	4%

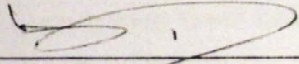
Information about shares				
Registered share capital:	200000			
Currency:	USD			
Total number of preferred shares:				
Total number of common shares:				
Total number of shares:	100			
Number of registered shares:	100			
Number of bearer shares:	5			
Share classes				
No	Class	Par value	Number of shares	Type
1.	Ordinary shares	USD	24	
2.	Ordinary shares	USD	24	
3.	Ordinary shares	USD	24	
4.	Ordinary shares	USD	24	
5.	Ordinary shares	USD	4	

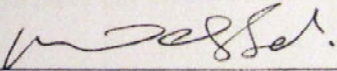
of Liberia

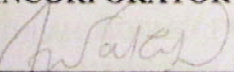
**LIBERIA BUSINESS REGISTRY**

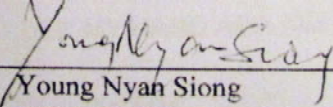
IN WITNESS WHEREOF, we have made, subscribed and acknowledge this instrument on this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2011.

OF:

  
 \_\_\_\_\_  
 Han Dong Chun  
**INCORPORATOR**


  
 \_\_\_\_\_  
 Medina A. Wesseh  
**INCORPORATOR**

  
 \_\_\_\_\_  
 John W. Gbedze  
**INCORPORATOR**

  
 \_\_\_\_\_  
 Young Nyan Siong  
**INCORPORATOR**



**Annex 40**  
**Prime Africa Petroleum business registration and articles of incorporation; Augustus Abram, incorporator; John Gbdze, empowered person, address listed as Atlantic Resources Ltd.**



## LIBERIA BUSINESS REGISTRY

A JOINT INITIATIVE OF THE MINISTRY OF COMMERCE AND INDUSTRY, THE  
 MINISTRY OF FOREIGN AFFAIRS, THE MINISTRY OF FINANCE AND THE  
 NATIONAL SOCIAL SECURITY AND WELFARE CORPORATION



Date of issuance: 08/06/2011      Enterprise code: 050729702  
 TIN: 430075004

### Certificate of Business Registration (Business corporation)

**Initial registration date:** 27/05/2011

**Registration date:** 27/05/2011

**Enterprise name:** PRIME AFRICA PETROLEUM INC

**Ownership:** Liberian, Ghanaian

**Registered address:** Montserrado, MONROVIA, RANDALL STREET, ATLANTIC RESOURCES LTD

**Enterprise activity:**

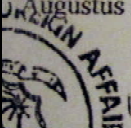
No.	Code	Description	Main
1.	A0230	Gathering of non-wood forest products	Yes
2.	K6419	Other monetary intermediation	No
3.	F4100	Construction of buildings	No
4.	G4661	Wholesale of solid, liquid and gaseous fuels and related products	No

**Important:** This certificate is not valid after 24/05/2012.

### ARTICLE - V INCORPORATOR

The name and address of the Incorporator of these Articles of Incorporation shall be as follows:

<p><u>NAME</u> Augustus Abram</p>	<p><u>ADDRESS</u> Atlantic Resources Ltd Suite 42 Randall Street, Monrovia, Liberia</p>
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**Empowered person:***Representative type:**Representative reason:**Send correspondence to representative:**Full name:* JOHN W. GBEDZE*Suffix:* MR.*Country of birth:* LIBERIA*Nationality:* Liberian*Sex:* Male*ID document:* Other No: 226070320*Country:* LIBERIA*County:* Montserrado*Village or city:* MONROVIA*Street:* RANDALL STREET*House No:* ATLANTIC RESOURCES LTD SUITE 42**Information about shares***Registered share capital:* 75000*Currency:* USD*Total number of preferred shares:**Total number of common shares:**Total number of shares:* 100*Number of registered shares:**Number of bearer shares:* 2**Share classes**

No	Class	Par value	Number of shares	Type
1.	Ordinary shares		51	Common
2.	Ordinary shares	USD	49	Common