

**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office

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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Local News

The Impact of the Special Court for Sierra Leone on Justice.../ <i>The New Vision</i>	Pages 3-4
Gender and Sexual-based Violence Still Widespread... / <i>CARL</i>	Page 5
The Need to Strengthening the FSU in The North.../ <i>CARL</i>	Pages 6-10

International News

...The Jail that Houses Some of The World's Most Notorious Warlords / <i>The Irish Times</i>	Pages 11-13
UN Sanctions De-Listees: Go and Sin No More / <i>FrontPage Africa</i>	Pages 14-15
Why Urey Was Left in the Cold: Beneath UN's De-Listing of.../ <i>FrontPage Africa</i>	Pages 16-24

The New Vision

Monday, 30 July 2012

The Impact of the Special Court for Sierra Leone on Justice and Peace in Africa

By Eleanor Thompson

***"Justice is a condition of peace....Peace and justice are indivisible."* – United Nations Secretary-General Ban Ki-Moon**

Impunity breeds a perpetual cycle of violence. This has been no more apparent than in the conflicts on the African continent, many of which have raged on for years, or even decades, with perpetrators of serious crimes moving freely within countries or across porous borders to start or fuel conflicts in neighboring countries. How can this cycle of violence be stemmed to allow for peaceful, democratic societies to emerge, and how does justice factor into the equation? There has been an ongoing debate in the international community as to whether achieving peace or meting out justice should come first in a situation of conflict. Whether and how to sequence peace and justice is context-specific, but it is clear that both peace and justice are necessary in countries transitioning from periods of violence.

The proceedings of the Special Court for Sierra Leone (SCSL) have taught us valuable lessons about the intersection of peace and justice. During the trial of former Liberian President, Charles Taylor, the Prosecution argued that Taylor's involvement in the various peace negotiations between the Government of Sierra Leone and the RUF was a deliberate attempt to appear to the outside world as a peacemaker, thus providing a front for his continued clandestine activities of arming and financing the RUF and AFRC.

The SCSL Trial Chamber looked beyond the surface in order to issue a nuanced ruling that extensively details and considers Taylor's involvement in the peace process. Although the Trial Chamber did not find that Taylor was advising the RUF/AFRC during the peace negotiations, as contended by the Prosecution, the Chamber did find that Taylor was undermining the peace process by continuing to privately provide arms and ammunition to the RUF in contravention of a UN and ECOWAS arms embargo while he was publicly engaged in the peace negotiations in Lomé.

Views on the peace process and Taylor's role differ in Sierra Leone and Liberia, but without the justice mechanism – the SCSL – the entire picture of Taylor's involvement may not have emerged. The trial helped to give a full account of history, which is necessary for maintaining long-term peace because it brought out some stark realities about the conflict that will not be easy to repeat in the future. As the Trial Chamber judgment illustrates when it borrowed the Prosecution's term "two-headed Janus" to describe Taylor, a key player in the peace process could simultaneously undermine the peace process.

There are lessons here for African conflict situations being investigated by the permanent International Criminal Court (ICC), which celebrated its 10th anniversary on July 1st 2012. The Taylor trial and verdict does not mean that every leader involved in a peace process has an ulterior motive and is secretly continuing to fuel the conflict that he claims to be helping to bring to an end, but it sends an important message that even the supposed peacemakers will be held accountable for any crimes they commit. In short, no one is immune from prosecution for serious international crimes.

The Rome Statute, the founding treaty of the ICC, draws on the lessons of the ad hoc tribunals and internationalized courts like the Special Court for Sierra Leone to make clear that peace and justice mutually reinforce one another. In paragraph 3 of its preamble, the Rome Statute recognizes that the grave crimes being addressed by the ICC – genocide, war crimes, crimes against humanity, and the crime of aggression – "threaten the peace, security and well-being of the world." The Rome Statute also notes that by putting an end to impunity for the perpetrators of these crimes, states that are party to the Statute are determined to "contribute to the prevention of such crimes". This is the essence of the Rome Statute's long-term contribution to

consolidating peace throughout the world – its effect in deterring the future commission of grave crimes.

The precedents set by the international justice system are just as important as the verdicts handed down by the international criminal tribunals. The fact that the statutes of the ICC and the SCSL Statute both stipulate that not even a Head of State is immune from prosecution is vital to national and regional peace and security on the African continent. For example, the SCSL's arrest, trial, and conviction of Charles Taylor allowed many Sierra Leoneans to feel some measure of peace in knowing that the man who many believe was instrumental in destabilizing the entire West African sub-region was finally brought to book. In West Africa and the Great Lakes region of Africa, where conflicts spill over from one country into another, or persons in one country given financial and/or military backing to armed groups in another country, it is apparent that sub-regional peace efforts must go beyond the deployment of peacekeepers, but also address impunity so as to deter those who orchestrate, finance, and carry out crimes from wreaking havoc in neighboring countries.

Likewise, Sierra Leone's transitional justice process arguably helped to cement the international practice regarding amnesties. While it initially appeared as though the blanket amnesty conferred in the Lomé Peace Accord meant that justice would be sacrificed for the sake of peace, under international law, amnesty does not apply to war crimes, crimes against humanity, or serious violations of international humanitarian law. This formed the basis of the Special Court for Sierra Leone's ability to try perpetrators of those crimes. Nowadays, the global consensus is that amnesty is no longer an option for serious international crimes and the parties to the conflict should understand this during the peace negotiations.

In northern Uganda, for example, where a brutal conflict raged for over two decades, the ICC's issuing of arrest warrants for the top five commanders of the Lord's Resistance Army (LRA) is seen as a catalyst in bringing the LRA to the table for peace talks in 2007, as well as the reason for the LRA not signing the final peace agreement. When it became clear to the LRA leaders that there was no way to escape a justice process, the government of Uganda informally tried to invoke the Rome Statute's complementarity principle to allay the fears of the LRA by agreeing to set up national justice processes. However, the patience of the parties waned over time as the establishment of these national justice processes were delayed, and the parties never signed a final peace agreement. Ultimately, even though the Government of Uganda and the LRA did not sign a final peace agreement, their signing of the Annexure on Accountability and Reconciliation during the peace process created an avenue for the government to establish the International Crimes Division of the High Court and begin to prosecute alleged perpetrators of atrocities committed in northern Uganda even though the conflict has not officially ended.

Ultimately, prosecutors must walk a fine line between understanding the political situation and basing his or her decision on political considerations when determining when to initiate investigations while peace processes are underway. One thing is clear; peace processes must include a justice component. The situation in Darfur, Sudan, which the United Nations Security Council referred to the ICC prosecutor in accordance with Article 13(b) of the Rome Statute, perhaps presents the starkest example of this. After the ICC issued an arrest warrant for Sudanese President Omar al-Bashir, the African Union (AU) expressed deep concern over the arrest warrant. The AU eventually requested the UN Security Council to exercise its power under Article 16 of the Rome Statute to suspend proceedings against President al-Bashir so that the ICC's investigations would not hinder the peace

The Impact of the Special Court for Sierra Leone on Justice and Peace in Africa

process in Darfur. The AU also constituted a High-Level Panel on Darfur, led by former South African President Thabo Mbeki, to examine the Darfur situation and make recommendations on how to achieve accountability and reconciliation. The Mbeki Panel's final report recognizes the AU position to prioritize over justice in Darfur, but nevertheless integrates justice mechanisms squarely into its recommendations. The report goes so far as to say that domestic prosecutions should take place because "[Darfurians] have a right to justice, in their own country, on account of what they have suffered." As such, the Mbeki Panel called for the creation of a hybrid court for Darfur to try those bear responsibility for planning, organizing, and carrying out crimes and for national courts to try the majority of perpetrators.

A state cannot truly consolidate peace and bring about reconciliation if an impunity gap exists. Only prosecuting those who bear the greatest responsibility for serious crimes without also prosecuting middle-level commanders and foot soldiers who directly perpetrated crimes leaves victims feeling an incomplete sense of justice and sews seeds of bitterness among victims when they see the perpetrators walking free. In May 2012, the government of Uganda went one step further in attempting to close the impunity gap in Uganda by allowing

Uganda's blanket amnesty law to lapse. This clears a number of constitutional and legal hurdles to the prosecution of middle- and high-level LRA commanders who will face trial for war crimes before the International Crimes Division of Uganda's High Court.

The government of Sierra Leone can take a cue from the Ugandan government and take two concrete actions: 1) present legislation to Parliament to repeal the blanket amnesty provided by the Lomé Peace Accord, and 2) present legislation to Parliament that incorporates war crimes, crimes against humanity, genocide, and the crimes of aggression into Sierra Leone law. These actions will ensure that perpetrators of these crimes can be prosecuted under Sierra Leonean law in Sierra Leonean courts, and send a message to future potential perpetrators that these crimes will not go unpunished.

It is a shame for Sierra Leone to have set a number of precedents at the international level that respond to the peace and justice debate, yet now lag behind in the fight against impunity for international crimes at the national level. As concerned citizens, lawyers, and human rights activists, we must work together to ensure that these issues remain on the government's justice sector and human rights protection agenda.

Centre for Accountability and the Rule of Law

July Newsletter

Gender and Sexual-based Violence Still Widespread in Sierra Leone, but Community Monitors show some encouraging signs of addressing the problem...

By Ibrahim Tommy

The Centre for Accountability and Rule of Law (CARL) is currently implementing a Trocaire-funded project in northern Sierra Leone which seeks to enhance access to justice for victims of sexual and gender-based violence. Some of the components of the project include public education on gender justice through community and radio outreach programmes, providing information on pathways to accessing justice, and working with law enforcement and justice officers to combat impunity for sexual and gender-based crimes.

It is disappointing to note that sexual and gender-based violence is still widespread across the country. Recent research conducted by TROCAIRE, in which CARL participated, showed that gender-

based violence is still widespread in northern Sierra Leone. The research revealed, though, that there is

increasing knowledge about gender and human rights and that domestic violence is progressively declining.

CARL obviously takes its media and communication outreach programme seriously, but the introduction of community-based monitors last year looks like a masterstroke in terms of strategies for addressing sexual and gender-based violence. CARL has carefully recruited and trained 27 community-based monitors in northern Sierra Leone. Based in six communities, including Mabolleh, Mateneh, and Makump Bana in the Bombali Shebora Chiefdom, and Yeli Sanda, Panlap and Masongbo in the Makarie Gbanti chiefdom, these monitors have demonstrated an incredible commitment and passion for protecting and promoting gender rights. They have quite simply established a positive identity for their new role, and have won the hearts and minds of community members. Among other

The Need to Strengthen the FSU in the North in Addressing SGBV Cases

By Patrick Pious Lawrence

Sexual and gender-based violence (SGBV) is a widespread phenomenon that occurs within the family, in work places, schools, and elsewhere. Both individuals and state forces have been perpetrators of SGBV. Given that SGBV can appear in many forms, it is crucial that the police and other service providers recognize the various forms of SGBV and make sure that the perpetrator is punished, the victim is protected from further physical harm or stigmatization, and the case is not compromised.

SGBV-related offences are serious offences, which according to the laws and policies of the government of Sierra Leone, must be prosecuted under the criminal justice system. These cases must not be compromised or dealt with by the police/Family Support Unit (FSU) outside of the established legal framework. According to the FSU handbook on 'guidelines on SGBV case management', "Compromising sexual violence cases constitutes a violation of the code of conduct as well as a criminal offence (conspiracy to pervert the course of justice), FSU officers should not only

refrain from engaging in such activities but also actively report whoever engages in this practice.” The FSU was introduced into the Sierra Leone Police force in 2001, when the specialized unit was created to provide a response to the outbreak of violence against women and school-going girls during the aftermath of the civil war. Since then, the FSU has gone a long way in fighting SGBV against women and girls through the collaborative efforts of a number of NGOs, donors, and stakeholders.

Notwithstanding these significant achievements, a critical gap still remains in the area of criminal prosecution of SGBV-related offences. The ratio of SGBV cases reported and those convicted remains very low. For instance, in Bombali District in 2011, there were 967 cases of SGBV reported to the police, but only 16 of those cases have resulted in convictions. In the first quarter of 2012, there have been more reported cases of SGBV than in the two previous quarters of 2011.

It is absolutely clear that most SGBV cases go unpunished by law. This is often because of how the case is managed before and during trial. Preparation for SGBV cases involves a number of stages – victims reporting the offences to the FSU officer; taking a statement from the victim; investigations; evidence gathering; preferring accurate charges – which do not always proceed as they should. Where cases are inadequately prepared for trial, the alleged perpetrator cannot be convicted.

A sexual violence offence is a crime, which requires a higher standard of proof than civil offences – beyond reasonable doubt. If the prosecution does a bad job or cannot adduce sufficient evidence to prove the guilt of the accused, the judge will be left with little option but to acquit and discharge. This has led to public mistrust in the police. The generally lay public assumes that alleged perpetrators of sexual-based offences must be convicted by all means. When the police fails to prove the guilt of accused persons, as has often been the case, it creates the dangerous perception among the public that justice is not accessible to all. This somewhat contributes to undermining public confidence in the criminal justice system.

Police investigators and other service providers to victims should understand that victims have a right to their services. Victims of SGBV should not be asked to pay money at any stage of the investigation. However, most of the victims and NGOs working on SGBV cases still complain that the FSU and medical doctors attending to SGBV victims charge a fee. For instance, in Makeni, it is alleged that the police (FSU) ask for Le5,000 while the hospital asks for Le25,000 from victims of SGBV. The FSU guidelines on SGBV case management states ‘the initial response to an incident of SGBV has a fundamental impact on the future of the recovery of the victim. The better the chances the victim has for recovery and reintegration into the community’. However, the charge levied on SGBV victims renders this statement useless.

The lack of sufficient staff at the FSU is also another factor affecting the efficiency of the FSU. The recent population explosion in Makeni has not received a corresponding increase in the number of FSU personnel. This partly explains why victims of SGBV do not get the required attention and services from the FSU. Unfortunately, most of them have had to suffer in silence. ‘Whenever a referral is made to ensure physical safety of the victims, FSU officer shall accompany/facilitate the movement of the victims to the place of safety. The place hosting the victim must be kept strictly confidential’. In the aftermath of violation, the victim can be still vulnerable to the attacks by the perpetrators or the perpetrator’s family, especially when she reports the incident to the police or to other service providers. It is the responsibility of the police to take all possible actions to ensure that the victim is safe, but the lack of sufficient staff at the FSU to accompany the victim and make sure that she is safe has allowed victims to be intimidated, which may sometimes lead to victims failing to attend court or proceed with the matter.

When a victim reports SGBV cases to the police, investigations must be carried out. Conducting investigations means carrying out all activities necessary to confirm or corroborate information emerging from the initial report, with a view to establishing if there is sufficient evidence to charge the case to court. In SGBV cases, the victims’

statement alone is not sufficient to prefer an indictment. Corroboration is the evidence from a source other than the victim that confirms the story of the victim and implicates the suspect in particular in the commission of the offence. Corroborative evidence is required in all sexual offence cases. Without corroborative evidence, the suspect or accused would likely be acquitted and discharged. The FSU faces serious challenges in carrying out investigations to gather corroborative evidence. In the North, there is no police doctor who can examine victims that report sexual crimes, and lack of logistics, such as vehicles, motor bikes, forensic equipment etc. limits the police's ability to carry out adequate investigations of the crimes. For instance, there was a case of rape reported to the police that took place in Tambaka Chiefdom that the police could not address because they did not have a

means of transportation. For this reason, the perpetrator was able to convince the victim's family to settle for an out-of-court settlement.

CARL-SL would like to recommend that the government urgently addresses the problem of the service fee which police and medical doctors allegedly demand from victims. In a country where poverty is endemic, demanding service fees from victims not only prevents them from accessing justice, it also adds up to the frustration and trauma that come with such violations. The government should do a lot more to provide equipment such as forensic capability to the police investigators as well as the medical department in the Northern region to meet the needs of FSU investigations in SGBV cases. Furthermore, the FSU should be re-enforced with more personnel to meet the increase in the population growth.

things, the monitors undertake human rights education during town hall meetings convened by local chiefs, they mediate family problems, and provide counseling to couples who cannot resolve family issues by themselves. They also advise local authorities on human rights issues, and undertake court monitoring activities. For all the brilliant job they are doing, they don't get paid. As of now, all they receive is a monthly communication stipend

During a recent monitoring visit to these communities, I was able to hear from the monitors and ordinary residents about the brilliant job our monitors are doing. Of course, the job is far from being accomplished, and the monitors shared with me some of the challenges confronting their communities and their assignments.

At Mabolleh village, for example, the monitors said victims have had to cover long distances to get to the nearest police station, which has always been a major impediment to accessing justice. They also expressed concern about the exorbitant 'inspection fee' charged by chiefs for land-related disputes. Some chiefs ask for as much as Le 100,000 (One hundred thousand Leones) to inspect a piece of disputed land, regardless of the distance. On a positive note, though, the monitors and ordinary residents said wife battering has reduced drastically in the last year, and that women's right to speak before the local courts is now respected. The town chief was full of praise for the introduction of Community monitors by CARL-SL, as "it has helped prevent and reduce human rights abuses".

At Mateneh village, the women said CARL's community monitors' initiative now provides an accessible medium through which they can easily – and without charge – resolve family disputes. Clearly, the monitors have helped reduce domestic violence through their regular public education efforts as well as willingness to resolve disputes before they boil over. "Since the introduction of the community monitors in Mateneh, I received very few cases and even those are not human rights cases," Chief Alex Koroma said. Disappointingly, though, incidents of domestic violence and child cruelty have exponentially increased in the Mateneh community over the last year.

At Makump Bana Village, the residents commended CARL's outreach, court monitoring, and the radio programmes as they have contributed immensely to raising awareness about women's rights, access to justice and accountability for gender-based crimes. Some women told me that since CARL commenced organizing outreach programmes in their community, physical violence against women has dropped. The women said most women now know that they have a right to file complaints with the police for any violations they suffer, adding that the men are now generally scared. At the Makump Bana village, women are now playing an important role in the local justice system as a woman now sits on the panel of assessors. This has tremendously increased the confidence of other women to come before the court either as complainants or witnesses. Like Mateneh village, the residents complained that incidents of teenage pregnancy are increasing, and urged CARL and its partners to consider taking appropriate steps aimed at addressing it.

Some residents complained about the undue delays in adjudicating cases at the local courts and hurled accusations at the Court Chairman as being corrupt. I was told that the Court Chairman asks both a litigant and the defendant to pay in advance the prospective fine or restitution he will impose at the end of the proceeding. The justification is to be sure that both parties are able to pay or honour any fines or restitutions imposed at the end of the proceeding. Unfortunately, I was told that the Court Chairman often expends the money well before the trial ends, which is why there are always delays in handing down verdicts in his court. In other words, he does not hand down a verdict until he is able to raise the money. The chairman denied these allegations, saying that he imposes far more reasonable fines than the other courts in the Chiefdom. He cited the fact that he only asks for Le 75,000 as a filing fee for divorce cases, while other courts ask for Le 100,000 for the same service.

At Yeli Sanda, a group of women praised CARL's monitors for having prevented the initiation of a five-year girl into the traditional "Bondo" society, which practices female genital mutilation. Other community members said the community's door-to-door campaign against domestic violence was a

new phenomenon in the village, and has particularly helped to raise awareness about the rights of women and girls. According to them, community monitors have contributed to reducing wife battering in the village.

The residents and community monitors at Panlap village raised a number of concerns about the seemingly endless powers of the chiefs' courts. One of the people likened the courts to the "Judgement Day" in the Bible or Quran, in apparent reference to how no one dares to challenge the decisions or orders of the Chiefs' courts. But the Community monitors are defying this myth. Last year, the Paramount Chief banished a very old man from the village for allegedly bewitching children. The old man was forced to leave the village, leaving his wife, children and all property. Community monitors contacted CARL-SL headquarters about the unfortunate incident, after having made several other efforts to get the chief to rescind his decision. CARL-SL has written a formal letter to the Paramount Chief stating that the decision is both unconstitutional and unjust. The letter urged the Paramount Chief to rescind the decision without delay. In fact, the Chief had previously banished two other people for allegedly bewitching kids. The residents also complained that the Paramount Chief imposes exorbitant fines, and that no woman is a

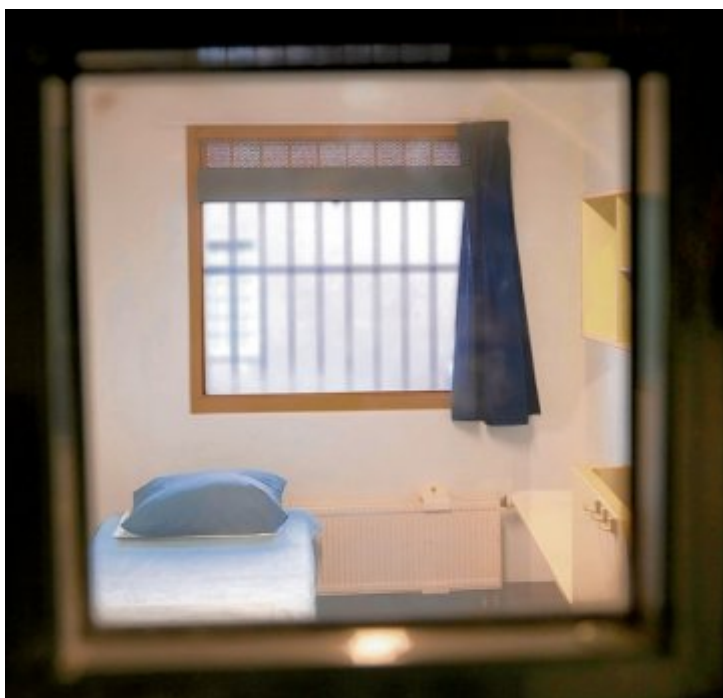
member of his Council, which presides over just about every case, including those relating to gender-based violations. I was told that a defendant must pay a certain amount of money before he or she can be allowed to speak in his court. Failure to pay this money, I was told, usually results in the seizure of the defendant's liberty.

Many residents in Masongbo village were concerned about the rising number of women and children who had been abandoned by their husbands and fathers. The fact that women had to fend for the kids mostly without support from the men was only exacerbating the poverty levels of women. The children, particularly girls, have subsequently become more vulnerable to exploitative people. The rate of prostitution has increased, and domestic violence is still rampant. The positive news, though, is that victims of sexual and gender-based violence now feel a lot more confident to file complaints with either the police or community monitors. This is certainly a major step forward in terms of addressing the problem.

Clearly, some progress is happening, but we are a long way off from getting to the finishing line. Given the degree of progress we have made, we can only be optimistic.

The Irish Times
Saturday, 28 July 2012

Hague Hilton: the jail that houses some of the world's most notorious warlords



DETENTION CELL Each room contains a bed, desk, shelves, cupboard, toilet, sink, TV and intercom. Photograph courtesy of the ICTY

PETER CLUSKEY

In a neat seaside suburb of The Hague lies Scheveningen Prison, once used by German occupying forces to imprison resistance fighters and now home to suspected torturers, murderers and war criminals

THE CRIMES WITH WHICH its inmates are charged – genocide, mass murder, persecution, torture, rape, mutilation – are for most people too monstrous to contemplate, which is probably why nobody takes much notice of Scheveningen Prison in its neat seaside suburb of The Hague. When they do, they refer to it wryly as the Hague Hilton.

The Dutch are a phlegmatic people, which is just as well. The prison complex is surrounded by immaculately coiffed middle-class homes. Children play on the green outside its enormous castellated main gate.

The city's International Zone, including the Irish Embassy, is just a few kilometres away. Despite the undesirable neighbours on remand, this is a pretty okay place to live.

And, of course, like any other remand prisoners, the Hague Hilton's inmates are, after all, innocent until proved guilty. They await the verdict of a UN-backed judicial system lauded by its advocates as thorough, fair and independent while condemned by its critics as too expensive, too pro-western and, in terms of speed, positively glacial.

Those who are eventually convicted, as the former Liberian president Charles Taylor was, at the end of May – becoming the first former head of state to be sentenced by an international court since the

Nuremberg Trials, in 1946 – serve their sentences abroad. If his appeal fails, Taylor, who is 64, will live out as much of his 50-year term as he survives in a UK jail.

In the meantime, though, the man described by the trial judge as responsible for “abetting some of the most heinous and brutal crimes recorded in human history”, including sexual slavery and conscription of children under 15 who were forced to rape, murder and amputate limbs, continues to live quietly in The Hague.

LIKE THE BACKGROUNDS of its inmates, there is nothing normal about the United Nations Detention Unit at Scheveningen. It was used by German occupying forces during the second World War to imprison Dutch resistance fighters. Today it’s used by the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia and the Special Court for Sierra Leone, which convicted Taylor, to hold some of the world’s most notorious war-crimes suspects.

So in the same high-security facility as the former Liberian president you’ll find the former Bosnian Serb commander Ratko Mladic, who is now 70, and his former political ally Radovan Karadzic. Both are facing charges of genocide in relation to the 1995 Srebrenica massacre, the worst single atrocity on European soil since the second World War, as well as in relation to the 44-month siege of Sarajevo.

A stone’s throw away is the Congolese warlord Thomas Lubanga, who the International Criminal Court sentenced to 14 years recently but who may yet appeal. And one of the most recent arrivals is the former Ivory Coast president Laurent Gbagbo, who faces four charges of crimes against humanity, including murder and rape, in the wake of disputed presidential elections in 2010.

These are just the recognisable names. There are dozens of others whose alleged crimes are no less appalling but whose faces and identities remain almost unknown to the wider world.

As you’d expect in the Netherlands, the jail that contains them is modern and the facilities excellent. Standard rooms are 15sq m in size and include a bed, a basin and toilet, satellite television – so that, perhaps ironically, they can keep up with news from their own countries – a radio, a coffee machine and a laptop, so they can work on their cases, though usually without an internet connection.

Inmates are locked in their cells from 9pm to 7.30am, when they are woken for breakfast. During the day they can use the library, work out in the gym, where a fitness instructor is on hand, have a massage, join occupational-therapy classes, including painting, gourmet cooking and guitar playing, take advantage of “spiritual guidance” or, for those with more worldly appetites, arrange some private time with a visitor in the “conjugal room”.

Meals are provided, but there’s also a prison shop, and detainees are allowed to order dishes that suit their cultural and dietary requirements.

One of the stories most frequently told about the detention unit is of a lawyer for Charles Taylor who passed on a complaint to the kitchens from the former president, saying that the menu on offer was “completely Eurocentric and not acceptable to the African palate”. There’s no record of the chef’s response.

ONE OF THE MOST remarkable aspects of the unit is that the war-crimes suspects are allowed to mix with men who were previously some of their bitterest enemies, particularly during the conflagration of ethnic cleansing that followed the break-up of the former Yugoslavia, in the 1990s.

“We don’t separate prisoners on the basis of their ethnicity, religion or nationality, and we have never had ethnic, religious or national tensions,” says a UN spokesman. “People can request to be separated, but that

has only happened when mixing with certain individuals might have been regarded as prejudicing evidence or interfering with legal proceedings.”

Ratko Mladic, for example, known at the height of his power as the Butcher of Bosnia, has been a resident for 14 months. After an initial period of weeks in an isolation cell he was allowed to mix with the 36 other war-crimes suspects waiting to be tried by the International Criminal Tribunal for the former Yugoslavia, some of whom would not have hesitated to kill him in the past.

Nothing has happened. When not involved in his court case, Mladic spends his time reading newspapers, chatting to other prisoners and playing chess. Potentially sensitive subjects such as politics are out of bounds, and they stay that way.

Mladic and Karadzic pass each other in the corridors occasionally, but their cells are in different wings, so they don't get the opportunity to chat. Karadzic's lawyer has said his client would like to spend more time with his former ally, so he could share some advice on how to cope with life inside. But Mladic is learning, whether he likes it or not.

In the back of their minds from time to time is undoubtedly the fate of Slobodan Milosevic, the former Serbian president, who died of heart failure in his cell in Scheveningen in March 2006 after five years conducting his own defence against genocide and other charges.

Milosevic's many Serbian supporters believe he was murdered. The tribunal denies any responsibility for his death. Its explanation is less cloak and dagger: he refused to take prescribed medicines and treated himself instead. One way or another, the home comforts of the Hague Hilton were the end of the road.

FrontPage Africa (Liberia)

Sunday, 29 July 2012

Opinion

UN Sanctions De-Listees: Go and Sin No More

Written by FPA Editorial Team

THE UNITED NATIONS acting upon the request of the government of Liberia last week delisted seventeen former associates of former President Charles Ghankay Taylor from its assets and travel ban, ending nine years of isolation for those many believe were responsible, or stood idly and did nothing as scores of Liberians were maimed, tortured, killed and forced to flee their homeland during Taylor's reign of terror.

THE SEVENTEEN delisted former officials include: Adolphus DOLO; Mrs. Belle DUNBAR; Mr. George DWEH; Mr. Edwin SNOWE; Mrs. Agnes Reeves TAYLOR; Mrs. Tupee TAYLOR; Mrs. Jewel HOWARD TAYLOR; Mrs. Myrtle Francelle GIBSON; Mr. Martin GEORGE; Mr. Cyril ALLEN; Mr. Randolph COOPER; Ms. Victoria REFELL; Mr. John T. RICHARDSON; Mr. Reginald GOODRIDGE Mr. Emmanuel SHAW; Mr. Sampson GWEN; Mr. Maurice COOPER

IN 2003, THE Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia decided on 20 July 2012 to delist the individuals from the list of individuals subject to the travel restrictions imposed by paragraph 4 (a) of resolution 1521 (2003) (the travel ban list) and the list of individuals and entities subject to the measures imposed by paragraph 1 of resolution 1532 (2004) (the assets freeze list). The measures no longer apply to these individuals.

WHILE THE CIRCUMSTANCES leading to the delisting of the individuals remain murky, FrontPageAfrica has learned that the request by the Liberian government was a key and contributing factor to the individuals removal from the list. According to the Focal Point Bureau of the UN, pursuant to footnote 1 of the annex to resolution 1730 (2006) a country can decide, that as a rule, its citizens or residents should address their de-listing requests directly to the focal point. "The State will do so by a declaration addressed to the Chairman of the Committee that will be published on the Committee's website." As of June, Liberia was among a handful of countries who submitted declarations in accordance with resolution 1730 (2006).

IMMEDIATELY AFTER the delisting, the GOL, through Foreign Minister Augustine Ngafuan described the lifting of the travel ban as a welcome news for the government of Liberia.

THE ASSET FREEZES and travel bans were imposed over a period of years from 2001 in a bid to contain Taylor who is serving a 50-year jail term for war crimes in Sierra Leone's civil war. While the list once contained some 55 names of former officials and military commanders, there are still more than 25 people subject to a travel ban or assets freeze on the UN list, including Taylor and his son and arms trader Viktor Bout.

WE JOIN many of those celebrating the removal of the former Taylor associates from the UN restrictions with a bit of caution. Edwin Melvin Snowe, a former Taylor associate and one of those delisted greeted the news with joy. "We are very happy to hear that news. We have been waiting for this for so long. Now we can go out there and lobby for the uplifting of our country," said Snowe.

WHILE WE do not want to dampen the celebration of Mr. Snowe and others, we hope that those delisted understand the ramification of what has just taken place.

IN A BID to rid Liberia of Samuel Kanyon Doe, Liberians embraced Mr. Taylor's revolution with hopes that their reign of terror would end. For many Mr. Taylor's reign led to more suffering, chaos, confusion and even more war.

THROUGH IT ALL, many of those recently delisted were among the few who enjoyed and lived comfortably while others endured a reign of terror and suffering forgetting to know that Mr. Taylor sparked a 13-year civil war when he led a rebellion in 1989 to oust President Samuel Doe which deteriorated into one of Africa's bloodiest conflicts. Taylor's National Patriotic Front of Liberia (NPFL) earned a reputation for extreme violence, conscripting child soldiers and terrorizing citizens of certain ethnic groups. After taking Monrovia, Taylor was elected as president in 1997, but violence again erupted in 1999 when another rebellion started and he lost control of much of the country, fleeing in 2003 to Nigeria.

TAYLOR HAS never been charged for his role in Liberia's bloody history, only that in neighboring Sierra Leone, for which he has been found guilty and has already been sentenced by the Special Court in Sierra Leone.

MR. TAYLOR is no longer a danger to those who endured suffering during his reign but we hope that those recently delisted will find it in their heart to make meaning of their new-found freedom.

FREEDOM COMES responsibility to the many victims who are still hurting from the years of war brought on by Mr. Taylor. We hope that those of his former associates will embark on a reconciliatory march to help reconcile post-war Liberia and help those still feeling hurt from the lost of their family, friends and loved ones recover from their losses.

RECONCILIATION IS the key that binds Liberia's past, present and its future. This is no time to celebrate but a time to join voices and hope for the best. We can begin by reconciling with those feeling hurt and pushing peace, tranquility and prosperity for our still fragile, post-war nation.

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Opinion

Why Urey Was Left in the Cold: Beneath UN's De-Listing of Former Taylor Associates

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Monrovia – Statistics available for public consumption provided by the United Nations Focal Point Bureau in New York suggests that as of June 20, 2012, the government of Liberia requested the delisting of 28 Liberians to be removed from the United Nations Travel Ban.



Just over a month later, the UN obliged with the request from Liberia, delisting seventeen former associates of former Liberian President Charles Taylor with the most visible omission of Mr. Benoni Urey, who served as the head of the lucrative Bureau of Maritime Affairs during the Taylor era.

Last week, the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia decided to delist the former Taylor associates from the list of individuals subject to the travel restrictions imposed by paragraph 4 (a) of resolution 1521 (2003) (the travel ban list) and the list of individuals and entities subject to the measures imposed by paragraph 1 of resolution 1532 (2004) (the assets freeze list). The

measures no longer apply to these individuals.

Delisting omits Urey

The seventeen delisted former officials include: Adolphus DOLO; Mrs. Belle DUNBAR; Mr. George DWEH; Mr. Edwin SNOWE; Mrs. Agnes Reeves TAYLOR; Mrs. Tupee TAYLOR; Mrs. Jewel HOWARD TAYLOR; Mrs. Myrtle Francelle GIBSON; Mr. Martin GEORGE; Mr. Cyril ALLEN; Mr. Randolph COOPER; Ms. Victoria REFELL; Mr. John T. RICHARDSON; Mr. Reginald GOODRIDGE Mr. Emmanuel SHAW; Mr. Sampson GWEN; Mr. Maurice COOPER.

FrontPageAfrica has gathered that requests by a government is a key and contributing factor to a person being removed from the list meaning, the delisting would not have been carried out without Liberia's urging and participation.

According to the Focal Point Bureau, pursuant to footnote 1 of the annex to resolution 1730 (2006) a country can decide, that as a rule its citizens or residents should address their de-listing requests directly to the focal point.

"The State will do so by a declaration addressed to the Chairman of the Committee that will be published on the Committee's website." As of June, according to the Focal Point, Liberia was among a handful of countries who submitted declarations in accordance with resolution 1730 (2006).

Procedures for Delisting

As part of its commitment to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions, the Security Council, on 19 December 2006, adopted resolution 1730 (2006) by which the Council requested the Secretary-General to establish within the Secretariat (Security Council Subsidiary Organs Branch), a focal point to receive de-listing requests and perform the tasks described in the annex to that resolution.

Petitioners seeking to submit a request for de-listing can now do so either through the focal point process outlined in resolution 1730 (2006) and its annex or through their State of residence or citizenship. By letter of 30 March 2007 the Secretary-General informed the President of the Security Council that the focal point for de-listing had been established and provided the contact details.

GOL Tightlipped on Delisting Request

The Ministry of Foreign Affairs have been tightlipped on which names were included or omitted from the request to the focal point office for delisting, making an inquiry by FrontPageAfrica seeking more details complicated and difficult to determine whether Urey was one of those included or omitted from the request from Liberia.

Political observers point to Urey's reported support for the opposition Congress for Democratic Change as a key reason for him remaining on the travel and assets freeze ban when others like Representative Edwin Melvin Snowe (5th District Montserrado County) and Emmanuel Shaw, who together with Urey are among the original owners of the cellular giant, Lonestarcell-MTN.

Did Campaign visibility hurt Urey?

Political observers say Benoni Urey, Chairman of the Board of Lonestar Cell MTN's public support for the opposition Congress for Democratic Change may have contributed to the GOL not including him on the list of those recently delisted by the United Nations. The Ministry of Foreign Affairs is being tightlipped on whether or not a request was made on Mr. Urey's behalf. Unlike Shaw, who kept a low profile during the campaign season and Snowe who was a visible presence on the campaign trail with the ruling Unity Party, Urey's perceived involvement with the opposition was visible, from campaigning with

CDC in Bong and sporting a CDC campaign T-Shirt to his alleged support for the riots leading to and after the November 7, presidential run-off.

In fact, shortly after the November run-off, Urey fell out with Lonestarcell partner, MTN which wrote Urey in a letter on November 16, 2011, expressing concerns about Urey's political involvement with the presidential elections.

The letter read: "We note that you have been actively involved in Liberian politics in recent months, more particularly so during the recent elections. Such involvement has included numerous public statements and being the chairman of Lonestar the general perception is that the Company also adopts and supports your political views, which is not the case. As such, we note that this has caused reputational damage to the Company." Ahmad Farroukh, MTN Group, Vice President, West East and Central Africa(WECA



As a result, FrontPageAfrica reported that MTN was seeking to buy Mr. Urey out of the company due to his deep involvement in politics and passionate role in the presidential elections.

The letter was sent to Urey just one week after an incident at the headquarters of the Congress for Democratic Change led to the killing of a CDC supporter triggering a riot on the eve of the presidential elections.

Although the letter did not name the political party to which Mr. Urey was attached, Mr. Ahmad Farroukh, MTN Group, Vice President for West, East and Central Africa and Mr. Shauket Fakie, MTN Group Chief Business Risk Officer informed Urey in the letter that MTN was protesting and objecting to Urey's political interference and urged Urey to take the necessary action to protect Lonestar and its interest in Liberia.

It can be recalled that a FrontPageAfrica investigation uncovered that the Liberia Telecommunications Authority(LTA), the regulators of telecommunications in Liberia was investigating the interruption of phone lines on November 7, 2011 dubbed Bloody Monday. Several consumers were unable to communicate with their friends and loved ones for several hours during that day.

At the time, sources within the LTA confirmed to FPA that an internal probe had determined that there was a disruption on November 7th and there were some negligence on the part of the Lone Star Cell," a source told FrontPageAfrica recently. "They (Lone Star Cell) did not take precautionary measures but our next course of action will be determined shortly," the source told FPA."

The MTN Angle vs. Taylor Tie

Taylor's ex-wife Jewel Howard-Taylor now a senior senator from Bong County was on of seventeen persons delisted from the UN travel restrictions.MTN is also under scrutiny in the wake of its partnership with Lonestar Cell. The reported merger with Lone Star Cell came at a loss to the Liberian government as Lone Star did not report the deal to LTA neither did the company pay the ten percent fee into the government 's coffers.

Last year, a FrontPageAfrica inquiry to then Deputy Minister of Finance for Revenue, Elfreda Tamba confirmed that the government of Liberia was probing the merger and that there is an ongoing audit in the

pipeline of the MTN-Lone Star merger: “I understand that the BIR(Bureau of Internal Auditing) is looking into the matter,” Tamba said at the time.

A similar merger in Guinea reaped millions for the Guinean government but came after the Guinean government slapped MTN with a fine. In May this year, Areeba, MTN’s partner in Guinea sent the Guinean government a letter agreeing to pay a e15 million (R145m) penalty within 10 days.

Guinea announced that company’s assets would remain in the custody of the government until the dispute had been resolved. MTN, Africa’s biggest cellphone company, bought Areeba in 2007 as part of a \$5.53 billion (R36.8bn) merger with Middle Eastern cellular operator Investcom.

In Guinea MTN controls the bulk of the market (43.63 percent) followed by French telecoms firm Orange, Cellcom, state-owned Sotelgui and Intercel. By March this year, Guinea had 46 million cellular subscribers.



Sources within the LTA confirmed that there was negligence on the part of Lone Star Cell. “Negligence can be intentional or unintentional but it could have been avoided.”

The incident and the LTA probe of the pioneers of cell phones in Liberia prompted many subscribers to switch carriers from Lonestar to other networks like Cellcom and Libercell amid concerns that the company was allegedly involved in the tapping of phone lines during the just-ended presidential and legislative elections.

Sanctions Mandate

Representative Edwin Melvin Snowe(5th District, Montserrado County) is one of seventeen former Taylor associates delisted from the UN travel ban. Complicating matters for Urey was a report in May detailing how MTN the corporate partner of Lonestar Cell was being investigated by South Africa's elite Hawks police into allegations of corruption at MTN relating to its purchase of a cellular license in Iran, a key adversary to the United States government, who the U.S. believes have strong support for terrorism.

The report noted that MTN is facing charges of brokering deals with regimes under United Nations sanctions.



According to the Associated Press, South African police probe follows a \$4.2 billion U.S. civil claim filed in March this year by Turkish operator Turkcell accusing Africa's largest mobile firm of bribing Iranian officials with cash and promises of weapons to secure the license, which was originally awarded to Turkcell.

"There are allegations of corruption. That's exactly what we're investigating," Hawks spokesman MacIntosh Polela said.

MTN executives were also accused in the U.S. court papers of promising to get Pretoria to vote favorably about Tehran's nuclear program at international forums trying to curb Iran's suspected pursuit of nuclear weapons.

Lonestar Cell which came to light during the reign of former president Charles Taylor is also engulfed in mystery regarding ownership and shares. International observers believe that the network is the brainchild of Taylor who reportedly still has hidden shares in the company.

The Lone-Star Cell-MTN merger has been tense of late with the company's board chair Benoni Urey recently threatening to MTN to the end should the company press for his removal from the board. Urey came under fire for his heavy involvement in the 2011 presidential elections prompting MTN to seek his ouster by possibly buying Urey out.

Industry observers say a buyout could draw unnecessary headaches for Urey who is already a principle target listed on the United Nations Travel and Assets Freeze restrictions.

Prior to the delisting of the Taylor-era associates, the UN had unsuccessfully pressed the Sirleaf administration to move on former officials of the Taylor era and freeze their assets. In June 2007, a United Nations Panel of Experts report took Lonestar Cell to task over non-payment of corporate taxes.

"It appears that PLC Investments Ltd, considered by many to be a front company of ex-President Charles Taylor, has been evading taxes. In 1999, PLC was given an exclusive license to run the GSM cellular mobile service without a competitive bidding process."

"On the basis of the license, PLC management entered into an agreement with a Lebanese mobile company, Investcom Global Limited (IGL), to form the Lonestar Communications Corporation (LCC). By virtue of the license, PLC was allocated a 40 per cent share of LCC, while IGL contributed \$30,000 and was allocated a 60 per cent share."

Although ownership of PLC cannot be established, since the company will not provide the requisite financial documents to the Panel, Benoni Urey and Emmanuel Shaw, both close allies of Charles Taylor and both on the United Nations assets-freeze list for Liberia, were PLC Board members from 2000 to 2005."

Iran comparison complicate Saga

In South Africa, MTN officials have denied any wrongdoing and described the Turkcell case, which is backed by a collection of alleged MTN internal documents including emails, invoices, memos and presentations, as without legal merit.

The Iran scandal, painted in Turkcell papers as a "staggeringly brazen orchestra of corruption", has thrown a harsh spotlight on MTN, a \$31 billion company with close links to South Africa's ruling African National Congress (ANC). It was set up with government help in 1994 as the first black-owned company after the end of apartheid, and has grown into one of the greatest success stories to emerge from the continent's biggest economy.

MTN shares took a beating when details of the Turkcell allegations first emerged, falling 7 percent in three days amid fears the legal tussle might hamper the growth of its Irancell unit, which accounts for nearly 10 percent of group revenue.

As well as piling more pressure on MTN executives, the Hawks probe is likely to generate more unflattering coverage of the business practices of a firm that has become adept at winning in difficult emerging and frontier markets across Africa and the Middle East. Reuters reported earlier this year that IranCell had managed to obtain sophisticated U.S. computer equipment despite U.S. sanctions on such kit designed to curb Iran's nuclear program.

In 2003, the Security Council Committee established pursuant to resolution 1521 concerning Liberia was established on 22 December 2003 to oversee the relevant sanctions measures and to undertake the tasks set out by the Security Council in paragraph 21 of the same resolution.

The 1521 Committee is the successor body to two previous Security Council Committees that are no longer in existence, namely the Committee established pursuant to resolution 985 (1997) and the Committee established pursuant to resolution 1343 (2001).

The sanctions regime and the mandate of the Committee have been modified by subsequent resolutions, most notably Security Council resolutions 1532 (2004), 1683 (2006) and 1903 (2009). The regime was most recently extended by resolution 2025 of 14 December 2011.

Previous pleading fell on deaf ears

Hopes faded for the recently de-listed officials during a visit to Liberia in May of a delegation from the United Nations Security Council. Responding to questions posed to the council members by journalist during a joint press conference on Saturday May 18 at the Foreign Ministry, Ambassador Susan Rice of the United States of America said the council will review all sanctions imposed on the country but fell short of raising expectations.

“This is an issue that we had an opportunity to discuss briefly and of course the sanctions committee visited the country last week, we continuously review our sanctions regimes, this too is no exception and when it relates to individuals who have been designated, we do take a look periodically to determine whether those designations remain warranted and we will do that and continue to do that,” she said.

Taylor and Urey: The Tie That Binds

Besides his reported political stance in the 2011 race, Urey is also bothered by the unknown factor of his previous ties to former President Charles Taylor, recently found guilty for war crimes committed in Sierra Leone. The UN Panel of Experts recently reported a possible Taylor's ownership of 40% of Lonestar/MTN which is being held by Mr. Benoni Urey and Mr. Emmanuel Shaw, under a shell company they registered as PLC Investments.

The question lingering on the minds of many, is why did the Government of Liberia request a delisting of Shaw and not Urey? And if such a request was made, why did the UN delist virtually all of the key players with the exception of Urey?

It is common knowledge that during the Taylor Administration, Lonestar enjoyed a virtual monopoly until after his departure when additional GSM licenses were issued. Informed sources indicate that Taylor was protecting his business interest in Lonestar through the monopoly they enjoyed. As president, Taylor used both Urey and Shaw as proxies to cover up his ownership identity of Lonestar Telecommunications.

According to the New York Times, U.N. investigators have pressed in the Liberian courts for information about the entwined companies PLC Investments and Lonestar Communications, suspecting they could be a continuing source of income for Mr. Taylor. Lonestar, the nation's leading cellphone company, was essentially a monopoly for four years, controlled by two Taylor financial advisers through PLC, a holding

company, a U.N. report says. They sold 60% of Lonestar to a Lebanese group, Investcom, which in turn was acquired by a South African cellphone company, MTN Group, in 2006.

Mr. Taylor's former vice president, Moses Blah, and other former ministers testified before the government's Truth and Reconciliation Commission that Mr. Taylor became a secret part owner in Lonestar and granted it an exclusive license to run a mobile network, dismissing officials who urged an open market."

The New York Times further reported that "Low-level PLC employees who earned less than \$5,000 a year received enormous checks in 2007 and 2008, a U.N. report says. One of them, who earned \$1,800 yearly, received checks for \$1.22 million. Other received more than \$2 million in checks until 2008.

A search warrant turned up bank statements that showed checks deposited by the employees in another Liberian Bank, Ecobank, and the money being drawn out immediately in cash."

According to an anonymous source that used to work for Taylor, she revealed that all dividends paid to Urey and Shaw were remitted to Taylor, but since his arrest, the two have held on to the dividends as their personal income while providing a paltry monthly allowance to Taylor's wife.

Report Unveiled Extent of violations

A leaked cable sent from US Officials at the UN reported concerns expressed by Stephen Rapp, the Prosecutor for the Special Court. According to WikiLeaks, "On the issue of Taylor's hidden funds, Rapp reported that victims often raise the subject of reparations from Taylor's sizeable resources."

Taylor's guilty verdict has re-awaken calls for reparations by Sierra Leonean victims of war crimes. On the date of the reading of the verdict, many Sierra Leoneans were seen demanding the return of their "money" from the proceeds of the sale of conflict diamonds. The call for reparations has come at a time when many observers have criticized the exorbitant cost of Taylor's trial, while the victims are left suffering and in poverty.

The challenge faced by the Special Court is the failure of investigators to track Taylor's money and the lack of cooperation by the Liberian government to freeze the assets of Taylor and his associates, especially those controlling Lonestar/MTN shares. Lonestar/MTN has reported millions of dollars of annual profit, out of which it pays a substantial amount to Taylor's associates, Mr. Urey and Mr. Shaw.

The extent of financial violations of both Urey and Shaw was well documented by the UN panel recently which exposed the shareholding of Lonestar Communications Corporation and the involvement of Emmanuel Shaw and Benoni Urey in the company.

Lonestar is 40 per cent owned by PLC Investment Limited, a company managed by Shaw and Urey, with the remaining 60 per cent equity held by Investcom Global Limited, a subsidiary of the South Africa-based MTN Group.

MTN Group's shareholding was acquired in July 2006 through the purchase of 100 per cent of the shares of Investcom. Lonestar is the largest taxpayer in Liberia, and the company declared gross sales of \$64,752,634 in 2010, with a net profit of \$14,546,866, on its income tax return filed with the Ministry of Finance on 31 March 2011. The company declared gross sales in 2009 of \$61,495,371, with a net profit of \$17,485,278, according to its tax return filed on 31 March 2010.

Previous Panels of Experts reported on Lonestar and its links to Shaw and Urey. The reports also established that PLC owned 40 per cent of Lonestar; that Shaw and Urey were involved in the ownership

of PLC and were paid employees of PLC; that both men represented PLC on the Board of Directors of Lonestar and received fees for this; and that PLC received dividends from Lonestar's operations.

The current Panel has confirmed that Shaw and Urey manage PLC; that Shaw and Urey represent PLC on the Board of Directors of Lonestar; that the directors of Lonestar continue to receive management fees; and that PLC also receives management fees from Lonestar and received dividends from Lonestar's operations in 2008 and 2009. 139. According to paragraph 143 of document S/2009/290, the Ministry of Finance informed the Panel that PLC was owned by Shaw and Urey, but documents obtained from the Ministry of Commerce showed that PLC was owned by two other companies, IDS and Nexus Corporation.

The current Panel confirmed that there has been no update to the articles of incorporation for PLC, dated 3 July 1989, which list the company's ownership as bearer shares. The current Panel further confirmed the earlier finding that PLC is owned by IDS and Nexus: an old business registration form for PLC, dated 31 March 2010, lists the owners of the company as Nexus Corporation, with 50 per cent shareholding, and IDS Incorporated, with 50 per cent shareholding.

The Panel located the articles of incorporation and business registration forms for both of these companies. Nexus, founded on 3 July 1989, lists its initial ownership as bearer shares; a business registration form for the company, dated 9 February 2011, also lists its ownership as bearer shares and estimates the company's net worth at the end of 2010 at \$255,000.

IDS, also founded on 3 July 1989, similarly lists its ownership as bearer shares in the company's articles of incorporation; a business registration form for the company, dated 27 April 2010, lists the company's ownership as bearer shares, with net worth estimated at \$100,000 at the end of 2009. The Panel further observed business registration certificates for Nexus and IDS, which expired on 15 April and 24 April 2011, respectively, displayed on the wall of the PLC office within the Lonestar building in Monrovia.

The panel noted that Shaw informed the Panel that he and Urey, in their individual capacities, do not own PLC shares. Instead, Shaw informed the Panel that ownership of PLC is through IDS and Nexus, and he declined to provide information on the owners of those two companies, as the establishment of bearer shares is a legal financial instrument under Liberian corporate law.

Shaw informed the Panel that he was the Executive Director of PLC, and that Urey was Secretary and Treasurer. The Panel also notes that the business registration forms of Lonestar for its operations in the towns of Buchanan, Congo Town, Ganta, Gbarnga, Kakata and Pleebo, all dated 17 February 2011, list Shaw as a direct 40 per cent shareholder in the company.

Lonestar's financial statement for 2010 lists Shaw and Urey as two of the five directors of Lonestar. Urey is also listed as the Chairman of the Board of Directors. The remuneration in 2008, 2009 and 2010 was \$72,000 annually for the Chairman of the Board and \$192,000 split between the other members of the Board annually.

UN Panel Unveil violations

Shaw also informed the Panel that he and Urey represented the interests of PLC on Lonestar's Board of Directors. The Panel obtained documents from the Ministry of Finance pertaining to the payment of Board of Directors' fees by Lonestar to PLC in January 2011, with payments of \$247,880, and \$216,300. Another document cites the prepayment by Lonestar of \$48,000 in Board of Directors' fees to Emmanuel Shaw, with the withholding tax paid in February 2011.

The 2009 Lonestar financial statement cites management fees paid by Lonestar to PLC of \$1,939,000 in 2008 and \$2,251,000 in 2009. The Ministry of Finance provided the Panel with a chart attached to

Lonestar's 2010 income tax return citing management fees of \$2,595,831 paid to PLC in 2010. However, Lonestar's 2010 financial statement cites \$2,361,000 paid in management fees to PLC in 2010.

The panel reported that PLC, which owns 40 per cent of Lonestar's equity, also received dividends from Lonestar's profits in 2009. A September 2010 audit of Lonestar's dividend payments, provided to the Panel by the Ministry of Finance, shows that the company paid \$2,120,000 in dividends to PLC in 2009 and \$880,000 in 2008. The 2010 financial statement for Lonestar notes, however, that no dividend was declared in 2010 and that dividends were not paid.

The presence of both Shaw and Urey on the UN sanctions fuel public anger recently when Sirleaf announced on May 10, 2011 that she had appointed Shaw as the Chairman of the Liberia Airport Authority. The Executive Mansion later announced that this appointment was withdrawn on 27 May 2011 after details of the sanctions imposed on Shaw by the United Nations and the Government of the United States were brought to the President's attention.

Months later, it appears Shaw is out in the clear and Urey in the cold amid mounting public scrutiny over which names were omitted or included by Liberia for delisting. In the backdrop of it all, some political observers suggest that Urey's political play may have been the deciding factor keeping him on the United Nations travel and assets freeze ban.