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SCSL-03-01-T
(37630-37659)

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THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

Before: Justice Richard Lussick, Presiding
Justice Julia Sebutinde
Justice Teresa Doherty
Justice El Hadji Malick Sow, Alternate

Registrar: Ms. Binta Mansaray

Date: 31 January 2012

Case No.: SCSL-03-01-T

THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

SPECIAL COURT FOR SIERRA LEONE	
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URGENT AND PUBLIC WITH ANNEX

**DEFENCE MOTION TO RE-OPEN ITS CASE IN ORDER TO SEEK ADMISSION
OF PANEL OF EXPERTS REPORT ON LIBERIA**

Office of the Prosecutor:
Ms. Brenda J. Hollis

Counsel for Charles G. Taylor:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Ms. Logan Hambrick

I. INTRODUCTION

1. On 7 December 2011, the Chairman of the United Nations Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, submitted the final Panel of Experts Report on Liberia ("Report").¹ The Report contains, *inter alia*, a section on Liberian mercenaries and Ivorian militia ("Section III"). Section III of the Report is significant as it describes the continuing phenomenon and underlying causes of mercenary activities in West Africa. The Report's explanation of mercenary activities in the region supports the Defence's "private enterprise" theory, namely that, during the Sierra Leonean civil war, Liberian fighters exploited the conflict for personal gain.²
2. Notably, the Security Council Report does not blame the current Liberian government (nor Mr. Charles Taylor) for the activities of Liberian mercenaries who routinely crossed the border to fight in the Ivory Coast in 2010 and 2011. This is in stark contrast to the Prosecution's case, according to which any Liberian fighters who fought in Sierra Leone (or any neighbouring country) were necessarily sent and controlled by the Accused.
3. The Defence seeks permission to re-open its case for the limited purpose of seeking admission of the following parts of the Report into evidence, pursuant to Rule 92*bis*:
 - a) Pages 1-5 which provide context to the Report and summarize its findings; and
 - b) Parts C, F, and G of Section III, titled "Liberian mercenaries and Ivorian militia".³

II. APPLICABLE LAW

Re-opening of Defence Case

4. There is no provision for a party to re-open its case in the Rules. However, the Trial Chamber has previously held that a party seeking to re-open its case must meet a twofold

¹ The entire Report is available online at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/757.

² See, for example, paras 795, 1031, 1091, 1137, 1203 of the Public Defence Final Trial Brief, SCSL-03-01-T-1248, 23 May 2011.

³ A copy of the relevant portions is attached in the Annex.

test: “Firstly, the party must meet the threshold test of establishing that the evidence could not, with reasonable diligence, have been obtained and presented during its case-in-chief. Secondly, and if the first prong of the test is met, the probative value of the evidence must not be substantially outweighed by the need to ensure a fair trial.”⁴

5. The second prong of the test, whether the probative value of the material is substantively outweighed by the need to ensure a fair trial, is typically determined by whether it is fair to the accused to admit the material. This Trial Chamber has recently noted that other factors to be considered include the advanced stage of the trial at which the evidence is sought to be adduced and the potential delay in the trial.⁵
6. Concerning the timing of the reopening, the Appeals Chamber of the Special Court for Sierra Leone has held that “[t]he fact that evidence comes into existence after the close of the hearings does not prevent a reopening of the case should fresh evidence come to light.”⁶ The ICTY Appeals Chamber has also held that a case can be reopened if important evidence is discovered after closing arguments but before the Trial Chamber has rendered a judgement.⁷

⁴ *Prosecutor v. Taylor*, SCSL-03-01-T-993, Decision on Public with Confidential Annexes A and B Prosecution Motion to Call Three Additional Witnesses, 29 June 2010, para. 8, citing *Prosecutor v. Brima et al*, SCSL-04-16-T, Decision on Confidential Prosecution Motion to Reopen the Prosecution Case to Present an Additional Prosecution Witness, 28 September 2006, paras. 17-18 and 21.

⁵ *Prosecutor v. Taylor*, SCSL-03-01-T-1258, Decision on Public with Annexes A-B Defence Motion to Re-Open its Case in order to Seek Admission of Two Documents, 21 December 2011, para. 5 (“Decision on Defence Re-Opening”).

⁶ *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-A, Decision on Gbao Motion to Admit Additional Evidence Pursuant to Rule 115, para. 17.

⁷ *Prosecutor v. Naletilić and Martinović*, ICTY-98-34-A, Decision on Naletilić’s Consolidated Motion to Present Additional Evidence, 20 October 2004, para. 24 (“[T]he Appeals Chamber agrees with the Prosecution’s submission that the fact that a document was issued after the close of the hearings does not prevent a reopening of the case in the interests of justice should new and crucial evidence come to light.”); *Prosecutor v. Tihomir Blaškić*, IT-95-14-A, Decision on the Appellant’s Motions for the Production of Material, Suspension or Extension of the Briefing Schedule, and Additional Filings (AC), 26 September 2000, para. 31 (“[E]vidence disclosed after the close of hearings but before judgement may lead to the re-opening of a case at first instance... A Trial Chamber is entitled to have the benefit of all relevant evidence put before it in order to reach an informed and well-balanced judgement, and its ability to accept evidence late prior to judgement is in conformity with the requirement of a fair trial under the Statute and the Rules.”) See also, *Prosecutor v. Furundizija*, ICTY-95-17/I-T, Judgement, 10 December 1998, para. 92. (The Trial Chamber held that “the interests of justice required a re-opening of the proceedings as the only available means to remedy the prejudice suffered by the Defence.”).

Admission of Documents Pursuant to Rule 92bis

7. Rule 92bis states:

- (A) In addition to the provision of Rule 92ter, a Chamber may, in lieu of oral testimony, admit as evidence in whole or in part, information including written statements and transcripts, that do not go to proof of the acts and conduct of the accused.
- (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purposed for which it is submitted and if its reliability is susceptible of confirmation.
- (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.

8. The Trial Chamber has ruled that the purpose of Rule 92bis is to permit the reception of assertions of fact (but not opinion) including, but not limited to, written statements and transcripts that do not go to proof of the acts and conduct of the accused, if such facts are relevant and their reliability is “susceptible to confirmation.”⁸ However, the reliability of a document is not a bar to admission. Information may still be admitted if it can be corroborated in due course.⁹
9. The Appeals Chamber has held that any information not going to proof of the acts and conduct of the accused that is not tendered through a witness should be submitted under Rule 92bis. Additionally, the Appeals Chamber has explicitly held that Rule 92bis applies to information tendered in lieu of oral testimony, and the information is not restricted to written statements or transcripts.¹⁰

III. ARGUMENT

The Defence Should be Allowed to Re-open

⁸ *Prosecutor v. Taylor*, SCSL-03-01-T-556, “Decision on Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 Into Evidence,” 15 July 2008, page 4.

⁹ *Prosecutor v. Norman et al.*, SCSL-2004-14-AR73, “Fofana – Decision on Appeal against ‘Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence’”, 16 May 2005, para. 26

¹⁰ *Prosecutor v. Taylor*, SCSL-03-01-721, paras. 30-31.

10. The Trial Chamber should grant the Defence's request to re-open its case for the limited purpose of seeking admission of the Report, pursuant to Rule 92bis.
11. The Defence submits that the first element for re-opening a case is satisfied, inasmuch as the evidence could not, with reasonable diligence, have been obtained and presented during the Defence's case-in-chief. The Report was only issued by the Panel of Experts in December 2011, months after the Defence had closed its case and the proceedings were officially closed. Subsequently, the Defence obtained the Report during the December judicial recess, reviewed its contents in their entirety, held inter-team discussions (despite not all members of the team being on contract with the Court during this period), drafted the instant motion, and consulted with the Accused.¹¹ The Defence has thus acted diligently in bringing this request to the attention of the Trial Chamber.
12. The probative value of the Report is significant and there is no concern that its admission would detract from a fair trial. Rather, the Defence submits that the admission of the Report is necessary as it helps the Chamber to fully appreciate both the historical and ongoing nature of mercenary activities in West Africa. The Defence is content that the admission of approximately 20 pages of the Report at this stage would not delay the rendering of the Judgement in any appreciable way, and thus it will not negatively affect Mr. Taylor's right to a fair and expeditious proceeding.

Admission of Documents into Evidence under Rule 92bis

13. Should leave to re-open be granted for purposes of admitting the introductory pages and the indicated portion of Section III of the Report into evidence, the Defence submits that the requirements of Rule 92bis have been satisfied.
14. The selected portions of the Report are contextually relevant as they support the Defence's position that it was possible for fighters to cross from Liberia to participate in

¹¹ The Defence notes that consultations with the Accused have been particularly difficult in the last week because of ICC Detention Regulations which preclude Mr. Taylor (and all ICC detainees) from placing phone calls, including phone calls to members of his legal team, when another detainee is taken from the ICC Detention Unit to the hospital. The SCSL Registrar has been seized of this issue for many months, but the issue has not been satisfactorily resolved with the ICC Registrar and the prejudicial practice continues unabated.

the conflict in Sierra Leone without being under the direction or control of Mr. Taylor and without the implicit approval of the Government of Liberia. Additionally, that free agents or mercenaries did so in pursuit of personal profit, rather than in furtherance of a sweeping joint criminal enterprise or a structured aiding and abetting scheme.

15. Amongst such individuals named in the Report as taking part recently in mercenary activity in the Ivory Coast are Ibrahim Bah, Benjamin Yeaten,¹² ZigZag Marzah and Sweet Candy.¹³ The Defence submits that these individuals are simply continuing to exploit conflict situations in the sub-region for their personal benefit. The fact that Prosecution Witness ZigZag Marzah has participated in the Ivorian conflict as a free agent is particularly relevant to his overall credibility – on the witness stand he seemed unable to act unless he was instructed to do so by Mr. Taylor.¹⁴

16. Additionally, key factual findings in the Report, of general relevance to the Defence case include:

- Evidence that mercenaries are motivated by the promise of personal profit through looting and pillaging, rather than the furtherance of some ideological plan;¹⁵
- Evidence that mercenaries can easily cross the border between Liberia and the Ivory Coast without being intercepted by the Government of Liberia;¹⁶

¹² Ibrahim Bah and Benjamin Yeaten are said to have recruited mercenaries from Sierra Leone and the Ivory Coast respectively. See Annex, Introduction, p. 4 and Section III, para. 77.

¹³ ZigZag Marzah served as a mercenary commander, and Sweet Candy facilitated the recruitment process and also served as a commander of a primarily Liberian unit. See Annex, Section III, paras 77-79.

¹⁴ Public Defence Final Trial Brief, paras 1433 – 1435.

¹⁵ Para 46: “The exact circumstances under which Soloe recruited his commanders thereafter remains unclear, although the critical factor appears to have been financing provided to Soloe by Abidjan, and the **promise of opportunities to pillage**. [...] Owing to the lack of employment prospects, some of these refugees and former combatants sought temporary work in gold mines and in the agricultural sector, including cocoa and, to a lesser degree, rubber plantations. Former Liberian combatants also **established racketeering networks to profiteer from instability in the region’s plantations**. As such, Soloe was able to directly contact a number of Liberian ex-combatant commanders in January 2011 and offer them **better financial opportunities to return to military work**”

Para 47: “In other cases, unemployed ex-combatants and young men were lured by the **prospect of opportunities to loot and found their own way across the border** to cities such as Guiglo, Bloléquin and Toulepleu to join mercenary generals.”

Para 55: “Mercenary generals interviewed by the Panel cite the **lack of livelihood opportunities as a key reason why they would prefer to find future mercenary work**.”

- Evidence that ‘command structures’ in mercenary groups were loosely defined;¹⁷
- and
- Evidence that the Government of Liberia under Ellen Johnson Sirleaf has demonstrated an inadequate response to the issue of Liberian mercenaries.¹⁸

17. The reliability of the Report can be corroborated with regard to the evidence already on record. The reliability of the Report is further bolstered by the fact that it is a product of United Nations investigations. At least for admission purposes, this court has generally accepted the reliability of UN reports is susceptible of confirmation; several Security

¹⁶ Para 35: “The Panel’s investigations into the cases of mercenaries Vleyee and Chegbo revealed that a **far larger group of mercenaries had entered Liberia in early 2011 through unmonitored border posts**, primarily in Grand Gedeh County. Mercenary commanders crossed into Liberia with bands of soldiers of varying sizes, including a large proportion of Ivorian militia who had fought under their command in Toulepleu, Guiglo, and Bloléquin, Côte d’Ivoire. The Panel investigated individuals in greater detail to fully understand their impact on the Liberian arms embargo, especially because **so few mercenary commanders have been detained by the Liberian authorities.**”

Para 52: “The Liberian mercenaries in Moyon-Cavally retreated in the face of the rapid advance of FRCI in March and April 2011 and crossed back into Liberia mainly through unofficial border points. The Panel **received testimonies from the mercenary commanders that they easily evaded Liberian Government officials at the border crossing points.**”

Para 54: “**Liberian Government authorities have a very limited capacity to monitor the movement of individuals across unofficial border-crossing points** or in towns located near the Liberia-Côte d’Ivoire border, including gold-mining sites. The potential risk of arrest by Bureau of Immigration and Naturalization or the national police is, therefore, relatively low, and in many cases, non-existent.”

¹⁷ Para 38: “The command structure chart described by the mercenary commanders was not a functional arrangement in reality; it appears to represent a simple hierarchical construct formulated to channel money and weapons from the former Government of Côte d’Ivoire to Liberian mercenaries. **Command structures were often much more nebulous.**”

Para 38 (cont): “[...] ‘battalions’ refer to a group of combatants of a non-uniform size, clustered loosely under one local commander who was named as a ‘colonel’ or ‘general’ and limited in size by the number of vehicles and weapons they could field. The Panel notes that these **individuals were not generals or colonels with clear lines of command and control in a typical military hierarchy.** Instead, they operated more in a structure of aligned gangs whereby the strength of the gang leader was based on his perceived brutality, as well as his access to opportunities to pillage. In this sense, **mercenary commanders had a limited regional vision of other mercenary units fighting ostensibly within their own organization, and focused instead on localized tactical issues and opportunities for personal enrichment.**”

Para 81: “[Mercenary] groups are comprised of many individual leaders who would **not necessarily act in unison or adhere to a common goal or strategy.**”

¹⁸ Para 88: “The Panel is concerned that the **Government of Liberia has demonstrated an inadequate response to the issue of Liberian mercenaries** returning from Côte d’Ivoire, and the infiltration of Ivorian militia.”

Council Reports have been tendered into evidence throughout the trial.¹⁹ Indeed, numerous Security Council reports, statements, resolutions, press releases and progress reports were admitted previously through a Prosecution Rule 92*bis* application.²⁰

18. The selected portions of the Report only mention Mr Taylor indirectly.²¹ Furthermore, as the selected materials which the Defence seeks to admit do not contain any evidence of Taylor's alleged complicity in the war in Sierra Leone, they do not go towards proof of the acts and conduct of the accused as prohibited by Rule 92*bis*.²²

19. The Defence submits that this information is not unduly cumulative of other information already on record. Nor does it contain opinion evidence.

20. Thus, the selected portions of the Report meet the requirements of Rule 92*bis* and should be admitted.

IV. CONCLUSION AND RELIEF REQUESTED

21. Given the importance of the evidence that has come to light in the recently released Security Council Report, the Trial Chamber should allow the Defence to re-open its case and admit the introduction section (pages 1-5) and Parts C, F and G of Section III into evidence pursuant to Rule 92*bis*.

22. The Defence further requests that the issue be considered on an expedited basis, given the advanced stage of the proceedings.

23. Should this Motion be allowed, the Defence does not wish to make any ancillary submissions to its Final Trial Brief.

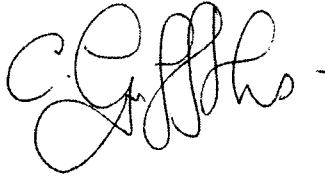
¹⁹ See for example, Exhibits P-80, P-130, D-37, D-155, and D-169.

²⁰ See, for example, Exhibits P-298, P-299, P-301, P-302, P-305, P-306, P-307, P-308, P-310, P-311, P-313, P-316, P-317, P-319, P-322, P-323, P-324, P-325, P-326, P-327,

²¹ See, Section III, para. 77 (stating that Benjamin Yeaten was formerly the head of Charles Taylor's security apparatus).

²² *Prosecutor v. Taylor*, SCSL-03-01-T-739, Decision on Prosecution Motion for Admission of Documents of the United Nations and United Nations Bodies, 20 February 2009, paras 22 and 29.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Griffiths'.

Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 31st Day of January 2012
The Hague, The Netherlands

Annex

**Security Council**

Distr.: General
7 December 2011

Original: English

Letter dated 30 November 2011 from the Chairman 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 6 (f) of Security Council resolution 1961 (2010), I have the honour to submit herewith the final report of the Panel of Experts on Liberia.

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

(Signed) Nawaf Salam
Chairman

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

Enclosure**Letter dated 18 November 2011 from the Panel of Experts on Liberia addressed to the Chairman 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 pursuant to paragraph 6 of Security Council resolution 1961 (2010).

(Signed) Christian **Dietrich**
(Coordinator)

(Signed) Augusta **Muchai**

(Signed) Caspar **Fithen**

Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 6 (f) of Security Council resolution 1961 (2010)

Summary

Arms embargo

The Panel of Experts identified one significant arms embargo violation committed by Liberian mercenaries and Ivorian combatants in River Gee County in May 2011. The weapons discovered in an arms cache near the Liberian-Ivorian border comprised 74 assault weapons and associated ammunition. The Panel also investigated several minor cases of embargo violations, which involved small quantities of ammunition for assault weapons and artisanal hunting shotguns trafficked into Liberia. The Panel focused on the cross-border movement of Liberian mercenaries and Ivorian militia, to determine whether these groups, which entered Liberia from Côte d'Ivoire unhindered through unofficial border crossings, smuggled weapons into the country. The Panel interviewed Liberian mercenaries who fought on both sides of the conflict, as well as one Ivorian militia leader aligned with the former regime of Laurent Gbagbo. The Panel received anecdotal information that some of these combatants brought small quantities of weapons into Liberia in violation of the arms embargo, and the Panel estimates that up to several hundred assault weapons are hidden in remote border locations.

The Panel further reviewed the activities of Liberian combatants during the 2011 Ivorian conflict to better assess the future disposition of those groups currently residing in Liberia. The Panel observed that Liberian mercenary command structures in the Ivorian conflict were fluid and relied on an alliance of generals who often activated their own recruits, mainly drawn from unemployed Liberian ex-combatants. The Panel also obtained testimony concerning the substantive overlap between the military operations of Liberian mercenaries and certain pro-Gbagbo Ivorian militias, whose forces are now residing in Liberia intermingled with Ivorian refugees.

These groups likely do not pose an immediate threat to Liberian or Ivorian national security. However, the Panel recognizes the potential that the groups could attempt to destabilize areas along the Liberian-Ivorian border, which would enhance localized insecurity and exacerbate land tenure conflicts in western Côte d'Ivoire, especially if such harassment attacks were coordinated and sustained. Such threats would likely be greatest over the medium term. The Panel further concludes that the immediate availability of illicit weapons will not define the future disposition of the groups. Instead, the availability of financing is liable to be the determining factor.

Assets freeze

The Panel obtained current documentation concerning the assets of eight individuals designated on the assets freeze list, including income generated through companies owned or controlled by those individuals. That documentation provides additional information on cases presented by previous Panels of Experts, and also concerns designated individuals for whom little or no information had been collected previously. The Panel was also able to identify several bank accounts of designated individuals, and one case of international financial transfer. During the mandate of

the Panel, the Government of Liberia did not take action to implement the financial measures imposed by the Security Council in paragraph 1 of its resolution 1532 (2004).

Travel ban

Following a recommendation by the Panel of Experts in its 22 June 2011 midterm report (S/2011/367, para. 79), the Committee established pursuant to resolution 1521 (2003) authorized the submission of names of individuals on the travel ban list to INTERPOL for the issuance of INTERPOL-United Nations Security Council special notices. This process will facilitate the enhanced dissemination of the names cited in the travel ban list to Member States, and especially to security agencies conducting border control. Pursuant to the Panel's recommendation (S/2011/367, para. 78) that the Committee update the travel ban and assets freeze lists on the basis of the information contained in previous reports of the Panel and the 2011 midterm report, the Committee updated the travel ban list on 4 August 2011.

The Panel received information that Benjamin Yeaten recruited Liberian mercenaries while in Côte d'Ivoire in early 2011 and that Ibrahim Bah travelled to Sierra Leone to recruit mercenaries for the Ivorian conflict in late 2010 and early 2011.

The Panel obtained additional identifying information for designated individuals, which will be submitted to the Committee to further update the travel ban list and to enhance the efficacy of the INTERPOL-United Nations special notices.

Diamonds and gold

The Kimberley Process Certification Scheme in Liberia is functioning relatively well for export, but internal controls are hampered by lack of funding for regional officers. Discovery of several large, extremely valuable "special stones" has artificially inflated the average carat price of Liberian diamonds. Artisanal miners have moved out of diamond mines and into gold mines, where lack of regulation results in considerable losses in potential Government revenue.

Forestry

Positive steps in implementing forest reform include the establishment of several community forests, improvements to social agreements between logging companies and affected communities and a regulation on disbursement of benefit-sharing funds (although the Government's interpretation of earmarks for communities and counties decreases their share by over \$100 million). By January 2012, the Liberian Forestry Development Authority will launch its new website and Info Shop, making forest sector documents publicly available. Liberia also signed a binding trade agreement with the European Union to certify timber legality, which could improve reform implementation. However, reform is at risk in other key areas. Lack of compliance in concession allocation and a tax collection rate of just 15 per cent over this mandate period (lower than under the Taylor regime) have resulted in production and revenues that are far under Government projections. Companies allege that Forestry Development Authority staff assured them the annual bid fees in their contracts would be converted to a one-time payment. Indeed, an act making this

change awaits the President's signature. The Authority has indicated that such tax reductions will not trigger re-opened bidding, which would set a precedent for companies to bid high and then bargain down the costs, undermining concession allocation in all sectors. The Forestry Development Authority intends to award three large concessions during 2012, without improvements to address these issues. Reforms may also be undermined by the increase in private use permits on deeded land, which now make up almost half the area under concession, yet contribute very little in taxes. Furthermore they are not subject to bidding, nor do they undergo due diligence, and their obligation or capacity to comply with regulations for benefit sharing and sustainable forest management are unclear. The private use permit contract is between the Forestry Development Authority and the landholder, not the logger, making it difficult to identify and regulate the beneficiaries. All these factors make it possible to circumvent reforms, including those meant to avoid conflict financing.

Agriculture

Agriculture is a critical sector for the national economy and rural livelihood, yet has not had the donor support or political will for reform. This has allowed the persistence of an opaque sector with weak compliance with concession allocation laws, lack of commodity and revenue tracking mechanisms, lack of consultation and vague and ad hoc social agreements with affected communities. These problems have led to land disputes, rubber theft and associated violence that may increasingly threaten rural security.

Liberian Extractive Industry Transparency Initiative

The Liberian Extractive Industry Transparency Initiative (LEITI) has foundered under repeated leadership changes, but a new director was expected to be seated as of November 2011. The third report of LEITI, expected in January 2012, has been delayed by protracted debate around a 2010 audit by the Auditor General, which noted that key ministries did not supply documentation, calling into question the validity of revenue reports.

livelihoods; and the status of the leadership changes of LEITI and the third reconciliation report. In addition, preliminary investigations were conducted into governance and potential rural security issues with respect to oil palm and rubber plantations.

III. Liberian mercenaries and Ivorian militia

A. Overview

20. Pursuant to resolution 1961 (2010), the Panel of Experts investigated violations of the arms embargo by all non-governmental entities and individuals. The Panel identified Liberian mercenary commanders and associated pro-Gbagbo Ivorian militia who retreated from Côte d'Ivoire to Liberia in early 2011 as being those most likely to have violated the measures imposed by the resolution. The Panel further investigated possible arms embargo violations committed by Liberian mercenaries who fought for the Forces républicaines de Côte d'Ivoire (FRCI) and returned to Liberia, mainly from mid-2011. The Panel sought to identify any foreign fighters and mercenaries who had entered Liberia from Côte d'Ivoire and to determine whether they brought weapons with them and, if so, where these weapons might be located, as well as to ascertain the intentions and capacity of those individuals and groups with respect to the possible future destabilization of the Liberia-Côte d'Ivoire border. Where possible, the Panel met with Liberian mercenaries and Ivorian militia residing in Liberia to obtain direct testimony concerning their operations in Côte d'Ivoire and to better understand their future disposition.

21. The Panel investigated four cases in which mercenaries had been apprehended by Government of Liberia security agencies in April and May 2011 in Grand Gedeh, River Gee and Maryland Counties. The Panel also succeeded in identifying, locating and interviewing nine high-ranking pro-Gbagbo mercenaries who had returned to Liberia during the period, but avoided detection by the Government of Liberia. The Panel notes that most of the pro-Gbagbo mercenaries who entered Liberia had conducted operations in Côte d'Ivoire's Moyen-Cavally region. Other mercenaries operated in different command structures in Abidjan, Côte d'Ivoire. The Panel interviewed two such mercenary commanders in Liberia, but has since been informed that most of those mercenaries have fled to Ghana. The Panel further identified several pro-Gbagbo Ivorian militia leaders who had infiltrated refugee communities in Liberia and interviewed one of those individuals, as well as three militiamen serving under his command. The militias had operated together with pro-Gbagbo mercenaries in Moyen-Cavally in conjunction with the Forces de défense et de sécurité (FDS) of the former Government of Côte d'Ivoire. Lastly, the Panel met with five Liberian mercenaries who fought for FRCI and returned to Nimba County in mid-2011.

22. In the following sections, the Panel presents several case studies that highlight arms embargo violations and provide insight into the command and control structure of Liberian mercenary groups, as well as their overlap with pro-Gbagbo Ivorian militias. The Panel observed that mercenary command structures in the early 2011 Ivorian conflict were fluid and relied on an alliance of generals who often activated their own recruits, which were mainly drawn from unemployed Liberian ex-combatants. The Government of Liberia was unable to control the cross-border

movement of Liberian mercenaries, and the Panel estimates that up to several hundred weapons were smuggled back into Liberia in 2011 and hidden in remote border locations. Further, the Panel obtained testimony that former mercenaries and Ivorian militia were involved in illicit gold-mining in Grand Gedeh County, where there is endemic unemployment. The Panel is of the view that the mercenary commanders mentioned in the present section do not share an ideology, although they commonly recalled their previous participation in former rebel groups during the Liberian civil war, and in certain cases the Ivorian civil war of 2002-2003 as well.

23. The Panel recognizes that the phenomenon of pro-Gbagbo and pro-Ouattara Liberian mercenaries must be viewed, in part, in an historical context. In 2011, one of the highest ranking pro-Gbagbo mercenary generals in Moyen-Cavally, Côte d'Ivoire, expressed his fear that pro-Ouattara mercenaries had returned to Liberia with weapons. He noted that these ethnic Gio mercenaries from Nimba County had entered the Ivorian conflict to topple the former Gbagbo regime in order to eliminate support from Abidjan for the ethnic Krahn in Grand Gedeh County, a sentiment that was shared by other Krahn mercenary generals interviewed by the Panel. Indeed, these two groups of mercenaries directly opposed each other for control of towns such as Toulepleu in western Côte d'Ivoire in the beginning of 2011, an event that is reminiscent of Liberia's recent history of Gio-Krahn conflict.

24. The Panel was informed that some pro-Ouattara mercenary commanders who are ethnic Gio from Nimba County had served in the Armed Forces of Liberia during the Presidency of Samuel Doe, a Krahn from Grand Gedeh. Doe purged the armed forces of Gio in the mid-1980s, and following Government oppression of this ethnic group, many Gio fled into Côte d'Ivoire. Beginning in 1989, these same former commanders of the armed forces began to return to Liberia with Charles Taylor and helped oust the Doe regime. Under Taylor, however, the Krahn were persecuted in the early 2000s, which pushed a significant population of this ethnic group into Ivorian refugee camps in Moyen-Cavally, a region inhabited by Ivorian Krahn and the related Guéré. From these camps, the former Gbagbo regime was able to recruit, finance and arm refugee mercenaries to fight the Ivorian rebels in Moyen-Cavally between 2002 and 2003, under a mercenary group named Lima. This was concurrent with support provided by Taylor for anti-Gbagbo rebel movements in Côte d'Ivoire. Lima served as the foundation for the Krahn-dominated Movement for Democracy in Liberia rebel group, which was armed by Abidjan. The Movement for Democracy in Liberia spearheaded an incursion into south-east Liberia in 2003, which, together with Liberians United for Reconciliation and Democracy, helped topple the Taylor regime. Many of the pro-Gbagbo Krahn mercenary commanders interviewed by the Panel referenced their previous military service in the Movement for Democracy in Liberia, as well as Liberians United for Reconciliation and Democracy, and the earlier Liberian Peace Council in the 1990s.

33. As noted in its midterm report (S/2011/367, para. 21), the Panel received information that Isaac Chegbo was implicated in crimes against humanity in western Côte d'Ivoire. A Human Rights Watch report published in October 2011 noted that Chegbo was present at, and helped to orchestrate, two massacres in which more than 120 men, women and children were killed in and around Bloléquin, Côte d'Ivoire, on 22 and 25 March 2011.⁴ During one such event, according to this report, immigrants and northern Ivorians who did not speak Guéré were killed on ethnic grounds by mercenaries and militiamen in the prefecture of Bloléquin on 25 March 2011. A similar massacre of West African immigrants is reported to have occurred on 23 March 2011 in the village of Bédi-Goazon, close to Bloléquin, Côte d'Ivoire.

34. The Panel was able to access the site of the massacre at the Bloléquin Prefecture in late September 2011, where an Ivorian Government official informed the Panel that Chegbo had directed the killing of 55 individuals. The Panel was further informed that Oulai Tako, who is known under the pseudonym "Tarzan du Grand Ouest" and who served as one of the FLGO leaders, had also been present at the massacre. A report from the United Nations Mission in Côte d'Ivoire (UNOCI) Human Rights Section dated 10 May 2011 notes that Oulai Tako was also present in Bloléquin on 24 March 2011, when he commanded a group of militiamen that attacked a population of foreigners there, killing two Burkinabès and burning the location.⁵

C. Pro-Gbagbo Liberian mercenary involvement in Côte d'Ivoire in 2010-2011 and unhindered retreat into Liberia

35. The Panel's investigations into the cases of mercenaries Vleyee and Chegbo revealed that a far larger group of mercenaries had entered Liberia in early 2011 through unmonitored border posts, primarily in Grand Gedeh County. Mercenary commanders crossed into Liberia with bands of soldiers of varying sizes, including a large proportion of Ivorian militia who had fought under their command in Toulepleu, Guiglo, and Bloléquin, Côte d'Ivoire. The Panel investigated individuals in greater detail to fully understand their impact on the Liberian arms embargo, especially because so few mercenary commanders have been detained by the Liberian authorities. Insight into the structure, financing and arming of Liberian mercenaries operating in Moyen-Cavally, Côte d'Ivoire, in late 2010 and early 2011, would be of assistance in more accurately determining the future intentions and capacity of those combatants. Their lack of effective command and control mechanisms, and the overlap between military and financing structures of Liberian mercenaries and Ivorian militia in Moyen-Cavally, indicates that the future disposition of mercenary commanders could be linked to the former Ivorian militia, who also fled to Liberia in late March and early April 2011. The presence of Ivorian militia leaders in Liberia is discussed in greater detail in section III.D below.

⁴ Human Rights Watch, "They killed them like it was nothing: the need for justice for Côte d'Ivoire's post-election crimes", October 2011. Available from www.hrw.org.

⁵ See United Nations Operation in Côte d'Ivoire, "Rapport sur les violations des droits de l'homme et du droit international humanitaire commises à l'ouest de la Côte d'Ivoire" (UNOCI/HRD/2011/02).

Guiglo-Bloléquin "Brigade"

36. The Liberian mercenary generals and colonels/deputies interviewed by the Panel supplied substantive information regarding their activities in Côte d'Ivoire during the early 2011 conflict and provided details on their organizational structure, including administrative charts (two examples of these documents are reproduced in annex 4). The centre of their operations was Guiglo, in Moyen-Cavally, Côte d'Ivoire, which was the site of a substantial Liberian refugee community and had been the nerve centre of mercenary recruitment for the Lima group by the former Gbagbo regime during the 2002-2003 Ivorian conflict. The mercenary commanders noted that the Guiglo command also oversaw mercenary forces based in Bloléquin, which combined were structured into one brigade. The Panel succeeded in compiling the following information on the structure of the Guiglo-Bloléquin mercenary brigade:

- Chairman: general Solomon Seakor ("Soloe"), based in Guiglo
- Chief of staff: general Paulsen Garteh, based in Guiglo
- Deputy chief of staff: general Isaac Chegbo ("Bob Marley"), based in Bloléquin
- Brigade commander: general Jefferson Gbarjolo ("Iron Jacket"), based in Bloléquin
- Deputy brigade commander: general Garlo Pyne, based in Guiglo
- Field commander: general Augustine Vleyee ("Bush Dog"), based in Bloléquin
- Special advisor: general Bobby Sarpee, location not verified

37. The Guiglo-Bloléquin mercenary brigade was divided into four battalions. The first and second battalions were based in Guiglo and were commanded by colonels Kayiah Melloew and Power Soloe, respectively. The third and fourth battalions were based in Bloléquin under the command of colonels Marcus Williams and Paye, respectively. Three mercenary commanders informed the Panel that the brigade comprised approximately 600 Liberians and 2,100 Ivorians. The Panel believes this to be a relatively credible number, although some of the 2,100 Ivorians could have been combatants from other militia groups. The Panel notes that most testimony from mercenary generals cites the disproportionately high number of Ivorian militia members who fought under their command.

38. The command structure chart described by the mercenary commanders was not a functional arrangement in reality; it appears to represent a simple hierarchical construct formulated to channel money and weapons from the former Government of Côte d'Ivoire to Liberian mercenaries. Command structures were often much more nebulous. The Panel understands that a "brigade" in the context of mercenaries in Moyen-Cavally could, in reality, be seen as a loose system of leadership covering a geographical area, such as Guiglo and Bloléquin. Similarly, "battalions" refer to a group of combatants of a non-uniform size, clustered loosely under one local commander who was named as a "colonel" or "general" and limited in size by the number of vehicles and weapons they could field. The Panel notes that these individuals were not generals or colonels with clear lines of command and control in a typical military hierarchy. Instead, they operated more in a structure of aligned gangs whereby the strength of the gang leader was based on his perceived brutality,

as well as his access to opportunities to pillage. In this sense, mercenary commanders had a limited regional vision of other mercenary units fighting ostensibly within their own organization, and focused instead on localized tactical issues and opportunities for personal enrichment.

Fluid order of battle

39. Bloléquin technically fell under administrative control of Guiglo, but mercenary generals in Bloléquin exhibited little respect for the chain of command. Local commanders at times would operate under the direction of their nominal chairman, who had close connections with the former Ivorian Presidency, and at other times the commanders would compete for their own direct support from Abidjan or from local FANCI forces. The rapidly developing military situation in western Côte d'Ivoire during February and March 2011 also meant that the structure of Liberian mercenary command and control, where it did exist, was displaced or cut. This was especially true once the flow of funds and weapons through the Guiglo command was disrupted. Successive battles for Toulepleu, and the arming of Liberians in Bloléquin to counter-attack FRCI in that city in early March 2011, elevated the status of the mercenary generals that participated in the operations, as their power and importance was determined by the number of vehicles, weapons and soldiers under their command. Isaac Chegbo ("Bob Marley") and Augustine Vleyee ("Bush Dog"), for example, were provided with arms and vehicles by FANCI to conduct those operations. Augustine Vleyee assumed command of the third battalion and provided it with significant quantities of weapons. Isaac Chegbo took over the fourth battalion, causing colonel Playe to flee Bloléquin and join another battalion. In fact, Chegbo threatened to kill Paulsen Garteh in order to name himself as chief of staff of the mercenaries, and appointed general Bobby Sarpee as his deputy chief of staff.

40. Isaac Chegbo, like Vleyee, had commanded Liberian mercenaries in Moyencavally, Côte d'Ivoire, during the 2002-2003 war and was recognized by his troops as part of the previous Lima command structure, which differentiated him from Soloe and Garteh. This provided him with a larger pool of recruits, which further enhanced his status. Chegbo also maintained a force of several hundred Liberians and Ivorians who were not under the authority of the Guiglo command, according to two mercenary generals. The Panel received the names of six battalions in Bloléquin, but it is unclear whether these fell under Chegbo's command or were incorporated into an Ivorian militia. Oulai Tako ("Tarzan du Grand Ouest"), cited in paragraph 26 above as a leader of FLGO, reportedly headed an Ivorian brigade in Bloléquin that conducted military operations in conjunction with the mercenaries.

41. Mercenary commanders based in Guiglo viewed Tako's troops as external to their structure. However, Chegbo's deputy informed the Panel that Tako was a one-star general serving as a base commander within the mercenary structure under Chegbo. This fluidity of command between Ivorian and Liberian combatants is exemplified by Liberian mercenary general Matthew Nysosiea ("Lion of Fire"), who informed the Panel that he worked under the command of Isaac Chegbo ("Bob Marley") in Bloléquin in early 2011, while the Guiglo generals considered him to be under the command of Tako. As such, Liberian mercenary forces not only utilized a high proportion of Ivorian combatants to fill their ranks, but individual generals, who technically fell within the Guiglo command structure, also integrated their forces with allied Ivorian militia groups such as FLGO. The Panel further recalls

testimony, referenced in paragraph 34, that Tako and Chegbo were both present at the Bloléquin prefecture massacre.

Toulepleu Command Structure

42. Inhabitants of Toulepleu, Côte d'Ivoire, informed the Panel that Liberian mercenaries commenced a paramilitary training of 1,000 Ivorian youths around November 2010 in the vicinity of Toulepleu. According to those sources, the training was provided by approximately 10 Liberians led by Moses Djrou (known phonetically as "Julu"), a Liberian from Grand Gedeh County. The sources also cited another Liberian trainer, Paul Weah, who had previously fought in Sierra Leone and Guinea. The Liberian trainers reportedly occupied the former gendarmerie barracks in the Madjon quarter of Toulepleu, which also had been occupied by Liberian mercenaries in 2002-2003. The Panel's sources estimate that the total force of Liberian mercenaries in those barracks in March 2011 was some 100 individuals. The Panel was informed that infrastructure, logistical support and weapons for the training was provided by Voho Sahi, a special adviser to former President Gbagbo and a minister under his administration and that the weapons were transported from Abidjan in a container for the training in January 2011. FRCI subsequently located an arms cache in the vicinity of the training facility in August 2011.

43. The Panel received conflicting testimony regarding the command structure of Liberian mercenaries based in Toulepleu. Some commanders informed the Panel that the Liberians in Toulepleu fell under the control of Guiglo, while others were certain that the mercenary forces in Toulepleu were their own entity entirely. The Panel received information concerning three mercenary generals in Toulepleu: Moses Djrou (cited above), another commander nicknamed "Bush Dog" (a name shared by Augustine Vleyee), and a general nicknamed "Junior". The confusion over nominal command of mercenaries in Toulepleu appears to result from the fact that mercenaries from Guiglo and Bloléquin were drawn into fighting against FRCI for control of Toulepleu and in the process rescued and banded together with the Liberians who had been based in Toulepleu previously. For example, when Toulepleu fell to FRCI, the mercenary commander "Junior" escaped to Guiglo and joined the Liberians based in that city. The Panel received numerous reports concerning Liberian mercenaries operating under "Force spéciale Lima" in Toulepleu and believes that while this structure formally ceased to exist after 2004, it has remained a common reference point for mercenaries who participated in it (see annex 5, which contains a 2004 Lima identification card supplied by FANCI).

Financing and arms supply

44. The ranking mercenaries in Guiglo-Bloléquin were recruited, financed and supplied with weapons by intermediaries working through the former Ivorian Presidency. A key figure cited by Liberian mercenary commanders in this context is the former Toulepleu sous-préfet militaire Lieutenant Jean Oulai Delafosse. He helped establish the Lima group in Toulepleu in 2002, and played the role of key facilitator for Liberian mercenaries in Moyen-Cavally in late 2010 and 2011, according to the Panel's sources. Another facilitator was general Denis Maho Glofiéi, the chief of the FLGO militia group operating along the same Guiglo-Bloléquin-Toulepleu axis as the Liberian mercenaries. While initial financing to establish the mercenary operations appears to have been derived directly from the

former Ivorian Presidency, intermediaries such as Delafosse and Glofiéi maintained the mercenaries' operations, especially in relation to the provision of arms, ammunition, food and additional financing.

45. Two mercenary commanders informed the Panel that Philip Pardea, a former Liberian Peace Council leader, who departed Liberia for Côte d'Ivoire in 2002 and subsequently fought with the armed group Lima, was provided with 25 million CFA francs, or approximately \$52,000, in January 2010 by the Ivorian Presidency to establish a group of Liberian mercenaries in Moyon-Cavally. In February 2010, Paulsen Garteh met with the Ivorian Minister of Defence. Garteh was informed of concerns in Abidjan that Liberian mercenaries were being mobilized to support Ouattara, and the Gbagbo regime sought to constitute its own Liberian mercenary force as a countermeasure. However, the former Government of Côte d'Ivoire did not initially provide financing to Garteh. General Soloe, a Krahn from Maryland County, was selected to chair the mercenary command in Guiglo, but only in the beginning of 2011. Mercenary commanders informed the Panel that Soloe resided with a member of President Gbagbo's family in Abidjan in 2010.

46. The former Government of Côte d'Ivoire further provided Soloe with 40 million CFA francs, or approximately \$83,000, as an initial payment for the mercenaries. They were also to be paid for each military operation they conducted. The exact circumstances under which Soloe recruited his commanders thereafter remains unclear, although the critical factor appears to have been financing provided to Soloe by Abidjan, and the promise of opportunities to pillage. Several of the generals who previously fought in the 2002-2003 Ivorian conflict had remained in Moyon-Cavally, mixed with other Liberian refugees, especially in the Niela refugee camp in Guiglo. Owing to the lack of employment prospects, some of these refugees and former combatants sought temporary work in gold mines and in the agricultural sector, including cocoa and, to a lesser degree, rubber plantations. Former Liberian combatants also established racketeering networks to profiteer from instability in the region's plantations. As such, Soloe was able to directly contact a number of Liberian ex-combatant commanders in January 2011 and offer them better financial opportunities to return to military work. According to testimony by Isaac Chegbo ("Bob Marley") to the Liberian national police, a five-man delegation of the leading Liberian mercenary generals visited Abidjan in February 2011, where they met with Delafosse, who further confirmed to them that the mercenaries could keep all looted goods.

47. Once generals were paid, they mobilized existing groups of subordinates and new recruits. A general's status was usually based, in part, on the number of combatants he could bring into the mercenary brigade. Most of the recruitment process appears to have occurred between January and February 2011, and also relied on personal networks in Liberia. Recruiters in Liberia, such as Teddy Gladion, helped finance and organize the travel of ex-combatants to Côte d'Ivoire, including those working in artisanal gold mines in Grand Gedeh County. In other cases, unemployed ex-combatants and young men were lured by the prospect of opportunities to loot and found their own way across the border to cities such as Guiglo, Bloléquin and Toulepleu to join mercenary generals.

48. Sometimes financing through a central authority did not ensure a successful chain of command. In the case of Toulepleu, according to mercenary generals interviewed by the Panel, the commanding general who received from Abidjan

20 million CFA francs, or approximately \$41,000, was then ousted by his subordinates in a dispute over the funds. This may have been why financing for mercenaries in Toulepleu was also routed through existing financing structures for Ivorian militia in Moyen-Cavally. The Panel obtained several handwritten documents, which were also referenced in a UNOCI human rights report, showing that General Marcel Gbopehi, Chief of Staff of the Coalition pour la libération du grand ouest — Section Toulepleu, received financing to be distributed to 155 members of the “Forces spécial Lima” in Toulepleu. The UNOCI human rights report notes that these funds were provided by the Government of former Ivorian President Gbagbo.⁵

49. It appears that during the latter stages of the 2011 post-electoral crisis in Côte d’Ivoire, and especially in March 2011, Glofié and Delafosse did not pay the mercenaries sums of money that had been promised for operations. Similarly, the provision of weapons occurred on a sporadic and non-uniform basis. The Panel received information that Delafosse provided approximately 100 AK-47s to the mercenaries in February and March 2011, although the Panel received testimony of other deliveries that could not be corroborated. For example, one mercenary general based in Bloléquin informed the Panel that he would contact Delafosse to obtain weapons, ammunition and rice.

50. Besides direct provision of arms to the mercenary commanders from Abidjan, weapons and ammunition were also supplied to the Liberians directly from FANCI stockpiles in Guiglo and Bloléquin in early 2011, especially in the final weeks of the conflict, ostensibly so that the mercenaries could fight on behalf of FANCI. Isaac Chegbo (“Bob Marley”) informed the Panel that Delafosse gave orders to FANCI officers in Guiglo to provide weapons to Chegbo’s soldiers directly from the military barracks. This transfer occurred under the supervision of Captain Célestin Koffi, commander of the FANCI “Groupement tactique ouest”, according to the Panel’s sources; Koffi is the FANCI commander cited in paragraph 26 above, who ordered generals Soloe and Vleyee to retreat from Guiglo to Tabou in March 2011. The Panel previously noted that both Chegbo and Vleyee were supplied with weapons by FANCI in Bloléquin in advance of counter-attacks against FRCI, which elevated their status in the mercenary brigade. However, problems with the supply of weapons and ammunition also caused the mercenaries to revolt in late February 2011, as in the case of Toulepleu. Following a failed attack against FRCI, Ivorian militiamen and Liberian mercenaries killed the FANCI commander of the Toulepleu Gendarmerie barracks and raided the weapons cache on 25 and 26 February 2011.

51. The result was an asymmetrical arming of Liberian mercenary units fighting in Moyen-Cavally. The third battalion, under Augustine Vleyee (“Bush Dog”), for example, was well supplied with AK-47s, PKM machine guns and 82-millimetre mortars. Isaac Chegbo (“Bob Marley”) informed the Panel that all of his men were armed, and the Panel received information that his soldiers were also supplied with heavier weapons from the Guiglo barracks, as cited above, including three automatic grenade launchers (AGS-17) and two 82-millimetre mortars. However, other mercenary generals informed the Panel that they received insufficient quantities of weapons — sometimes one AK-47 for four mercenaries — or received 12-gauge hunting shotguns. Moreover, the availability of ammunition appears to have been a limiting factor in many cases.

Unhindered return to Liberia of Moyen-Cavally mercenaries

52. The Liberian mercenaries in Moyen-Cavally retreated in the face of the rapid advance of FRCI in March and April 2011 and crossed back into Liberia mainly through unofficial border points. The Panel received testimonies from the mercenary commanders that they easily evaded Liberian Government officials at the border crossing points, especially in Grand Gedeh County, passing near towns such as Tempo and Vleyee. The Panel estimates that several hundred Liberian mercenaries who fought in Moyen-Cavally, including most of their commanders, have returned to Liberia unhindered and are currently residing in Grand Gedeh, River Gee and, to a lesser extent, Maryland County. These mercenaries often entered Liberia with Ivorian combatants who fought within the mercenary brigade and who comprised a significant proportion of the brigade's manpower. However, owing to their inaccessibility, the Panel has not been able to estimate the number of such Ivorian combatants who entered Liberia.

53. Augustine Vleyee ("Bush Dog") was the only Moyen-Cavally mercenary commander apprehended by Liberian authorities for crossing the border with military materiel, which occurred when he attempted to claim ownership of vehicles impounded by the Government of Liberia, and not when he actually entered Liberia. Isaac Chegbo ("Bob Marley"), who continued to fight in Côte d'Ivoire until President Gbagbo was captured, returned to Grand Gedeh, but was only apprehended on 13 April 2011 during a random inspection well inside Liberia that turned up his Beretta pistol. He informed the Panel that nearly 50 of his men had previously crossed into Liberia from Côte d'Ivoire. Chegbo's deputy and his accomplices were detained after they decided to return to Côte d'Ivoire to loot a gold-mining camp and murdered inhabitants of the camp in the process. The 10 weapons used in this attack were never located.

54. Estimating the types and volume of weapons and ammunition brought into Liberia by the Moyen-Cavally mercenaries relies on speculation and anecdotal information. The Panel has not seen evidence that the mercenaries returned to Liberia with significant quantities of weapons or ammunition. The Panel notes, however, that Liberian Government authorities have a very limited capacity to monitor the movement of individuals across unofficial border-crossing points or in towns located near the Liberia-Côte d'Ivoire border, including gold-mining sites. The potential risk of arrest by Bureau of Immigration and Naturalization or the national police is, therefore, relatively low, and in many cases, non-existent. The case involving Augustine Vleyee ("Bush Dog"), in which minor quantities of ammunition were found on the suspects, could indicate that the mercenary general discarded his weapons in Côte d'Ivoire. However, the fact that general Soloe continued north along the border to enter Liberia via an unmonitored crossing point suggests that the weapons also could have been smuggled into Liberia at another location. For example, the Panel obtained information from UNMIL and local inhabitants in the proximity of the Dakay Town border-crossing site in Maryland County in early April 2011, that two pickup trucks with combatants armed with 16 AK-47s and 3 rocket propelled grenade launchers travelled north on the Ivorian side of the border between 4 and 5 April 2011. One of the Liberians interviewed by the Panel in Dakay Town who had interacted with the occupants of the two vehicles maintained that the individuals were Liberians, and referred to them as "group Lima". UNMIL further noted that additional weapons being transported in the back of the trucks were partially concealed.

55. The Liberian mercenaries who returned from Moyen-Cavally remain susceptible to recruitment for military operations for reasons besides their likely access to weapons caches. The mercenary generals interviewed by the Panel were unemployed, and those who are involved in petty trading have found insufficient opportunities in small-scale business. Two commanders produce and sell charcoal in Zwedru; one ranking general practices small-scale farming and lives intermittently with his Ivorian wife in the refugee camp outside Zwedru; another general works as an unofficial translator in this same camp; and general Soloe hires out his pickup truck as a taxi between Zwedru and Toe Town. Other mercenary generals informed the Panel that they had resumed small-scale artisanal gold-mining, often in conjunction with Ivorian combatants who fought under their command in Côte d'Ivoire. Mercenary generals interviewed by the Panel cite the lack of livelihood opportunities as a key reason why they would prefer to find future mercenary work.

D. Ivorian militia in Liberia

56. Liberian mercenary generals informed the Panel that the Ivorians who had fought within their ranks also crossed into Liberia in early 2011. The mercenaries provided the names of refugee camps in Grand Gedeh County where some of these militiamen now reside. They further noted that the Ivorians have also found temporary work in artisanal gold mines such as Bartel Jam, Canadian Ventures International, Golo and Wulu, in cooperation with the Liberian mercenaries. It appears that there is a free movement of individuals between these locations and refugee camps, enabling the refugees to conduct artisanal mining, but also occasionally to rely on the services provided by refugee agencies.

57. Furthermore, the Panel estimates that several thousand former Ivorian combatants who fought with the Moyen-Cavally militia groups entered Liberia among civilian refugees in early 2011. For example, a former civilian administrator of Toulepleu, who now resides in a refugee camp in Grand Gedeh County following the Ivorian conflict, and who maintained a close working relationship with militia in Moyen-Cavally, informed the Panel that a large number of FLGO militiamen crossed into Liberia in March 2011. He noted that of the 500 FLGO militiamen based in Toulepleu prior to the conflict, 400, including their political and military commanders, currently reside in or around refugee camps in Grand Gedeh County, mainly in the area between Zwedru and Toe Town. The Panel met with several of the militiamen, and has conveyed this information to the Group of Experts on Côte d'Ivoire. FLGO, created in 2003 under the command of general Denis Maho Glofié, was the largest militia group in Moyen-Cavally, with a total strength estimated at 2,400 militiamen. The Panel obtained further information from Ivorian officials during a field visit to Moyen-Cavally in September 2011 that Oulai Delafosse operated in the command and control structure of FLGO elements based in his locality, as well with Liberian mercenaries, as mentioned in section III.C above.

58. The Panel was informed by two sources in Côte d'Ivoire that Marcel Gbopéhi, mentioned in paragraph 48 above, had escaped to Liberia. One source noted that he was escorted by 40 militiamen, and the second source informed the Panel that as of October 2011, approximately 100 militiamen had joined Gbopéhi. The two sources noted that Gbopéhi is currently residing in the vicinity of Behwalay, a town located close to the Liberian-Ivorian border, in the ethnic Krahn-dominated Kparblee District of Nimba County. The Panel recalls that the FLGO commanders Oulai Tako

72. The armed Liberian and Ivorian elements escaped from Yopougon on the night of 3-4 May 2011 and crossed from Port Bouët to Dabou aboard motorized barges. After arriving in Dabou, the group stole or hijacked several vehicles to form their convoy; some of these vehicles were damaged en route and were replaced with other captured or hijacked vehicles. The group killed several civilians and FRCI soldiers in Dabou during the process of looting. The convoy of Liberians and Ivorians proceeded to Irobo and Grand Lahou that same day, where they killed as many as 100 individuals, many of whom were shot at point-blank range. The Panel obtained witness testimony of the attacks, as well as photographic evidence.

73. The Panel received witness testimony in Irobo of methodical searching of civilian houses and the killing of the civilian inhabitants. One of the militiamen who joined the convoy in Irobo, and was later killed during a clash with FRCI, had on his person a copy of a "death list" of 21 individuals to be killed in Irobo, suggesting the planning of targeted assassinations of individuals deemed to be foreigners or northerners. Several witnesses informed the Panel that on 4 May 2011, a female member of the convoy had used a flamethrower to destroy several houses, in which at least one Burkinabé civilian named Adaman Traore was burned alive. Two members of the convoy informed the Panel that this woman was Miriam Guei, who had worked in a special military unit under the direct supervision of President Gbagbo. The Panel notes that UNOCI had identified 50 flamethrowers stored in former President Gbagbo's Presidential Palace on 15 June 2011. Mark Miller informed the Panel that flamethrowers were delivered from the Ivorian Presidency to the mercenaries at Yopougon military barracks by General Dogbo Blé. The Panel notes that no flamethrowers were found in the Tasla arms cache and believes these weapons were discarded when the convoy ran out of canisters of flammable liquid for their operation.

74. When the convoy arrived in Dabou on 4 May 2011, it split into three prongs. The first group entered the central hospital; the second secured a secondary road near the hospital and hijacked an additional vehicle; the third group stole fuel on the outskirts of town and in the process massacred 20 individuals, including civilians and several FRCI soldiers. The soldiers were first disarmed before being executed. This third group from the convoy also killed the fuel station attendant by crushing his skull with rocks. The Panel collected photographs of numerous victims, including a video, which provide further evidence of the executions conducted by members of the convoy. The Panel notes that most of the victims were killed by a single gunshot to the head. The Panel was unable to investigate further activities of the convoy from Dabou to the Liberian border.

75. Witness statements and evidence collected by the Panel have been provided to the Group of Experts on Côte d'Ivoire. The Panel also informed the Liberian Ministry of Justice that it could provide information to the Government of Liberia to assist investigations into the Ivorian combatants and Liberian mercenaries.

F. Liberian mercenaries fighting for the Forces républicaines de Côte d'Ivoire in 2011

76. The Panel interviewed several Liberian mercenaries in Nimba County who fought for FRCI in Côte d'Ivoire. Two of the individuals were arrested by the Liberian national police in Sanniquellie, Nimba County, on 30 March 2011, as noted

in the Panel's midterm report (S/2011/367, para. 19). However, owing to a lack of evidence regarding the implication of these individuals in the Ivorian conflict, they were released along with 13 other suspected mercenary recruits. These individuals informed the Panel that, following their release from police custody, they proceeded to Danane, Côte d'Ivoire, with the other recruits. The Panel understands that mercenary recruits travelled to Côte d'Ivoire in buses and private vehicles in groups of 10 to 40 individuals. Most of these individuals crossed into Côte d'Ivoire at night near the Loguato border post. Once across the border, they were then transported to Danane, where they were issued weapons and military equipment by FRCI under the command of Eddy Mindi, FRCI chief of the Danane sector.

77. Based on interviews conducted in Nimba County, the Panel estimates that approximately 300 Liberian mercenaries fought with pro-Ouattara forces. While most of these mercenaries were recruited in Nimba County between January and March 2011, there was further recruitment in Montserrado and Lofa Counties. The Panel determined that many of these recruits were ex-combatants from Liberia's civil war. According to the Panel's sources, recruitment in Liberia was supervised from Côte d'Ivoire by Benjamin Yeaten, also known as "Chief 50", who served formerly as the head of Charles Taylor's security apparatus and who is currently listed on the sanctions Committee's travel ban¹ and assets freeze² lists. Information on Yeaten's involvement was collected from Liberian mercenaries fighting on both sides of the conflict. The recruitment process was further facilitated by two Liberians operating under their noms de guerre "Sweet Candy", and "Young Bragbo", as well as by an Ivorian operating under the name "Solo John". Several testimonies gathered by the Panel also cited another individual named Mark Larry as having conducted mercenary recruitment in Monrovia.

78. When the recruitment process in Liberia was complete in early 2011, both "Sweet Candy" and Mark Larry deployed to Danane, Côte d'Ivoire. "Sweet Candy" assumed command of a unit composed mainly of Liberians, which was incorporated into FRCI. The Panel was unable to obtain sufficient information concerning the structure of these units, but was informed that a Liberian named "Christian" from Bong County served as the chief of staff of the Liberian elements, and that his second-in-command operated under the nom de guerre "Idi Amin". Testimony from Liberian mercenaries in Nimba County also cited the involvement of other key Liberian mercenary commanders fighting on behalf of FRCI, including "Ziza Mazer" or "Zizag"; Eddy Demei operating under the name "Eddy Murphy"; Sam Torlay, also known as "Bulldog"; Bah Tentee, also known as "I-20"; George Yudugbaye, known as "Top Bra"; Prince Yealu, known as "Kill Dog"; Mark Norris; and "Yasser Arrafat".

79. These mercenaries fought mainly in the areas around Toulepleu, Guiglo, Bloléquin and Duekoue. Toulepleu, for example, was assaulted by FRCI from two axes in early March 2011, one led by general "Sweet Candy" and the other by his adjunct. The Liberian generals operated under the direct command of the Ivorian FRCI commander Eddy Mindi. The Panel obtained further information that some of the Liberian mercenaries from Nimba County fought in Abidjan in late March and April 2011, including in the assault on the loyalist Abidjan quarter of Yopougon, cited earlier in the case of the Mark "Miller" Wilson convoy.

80. Following the cessation of major military hostilities in Abidjan in April 2011, the Liberian mercenaries fighting for FRCI were transported back to Danane, at

which point they returned their equipment to FRCI. According to testimony by the mercenaries, they were paid between \$100 and \$300 and further transported to the Liberian border. The Panel believes most of the mercenary elements left Côte d'Ivoire in June 2011, although certain commanders might have remained after that date. For example, the Panel has received information that the mercenary general known as "Idi Amin" has remained in Danane. The Panel remains concerned that while the lower-ranking Liberian mercenaries fighting for FRCI were disarmed, demobilized and returned to Liberia, some mercenary commanders from Nimba County might have remained in Côte d'Ivoire and could still have access to weapons stocks.

G. Analysis of the future capacity of Liberian mercenaries and Ivorian militia

81. There is not enough information available at present to accurately predict the short- or medium-term intentions and capabilities of former pro-Gbagbo Liberian mercenaries and Ivorian militia, primarily located in Grand Gedeh County, Liberia. These groups are comprised of many individual leaders who would not necessarily act in unison or adhere to a common goal or strategy. It is further unlikely that either the former Liberian mercenaries or the Ivorian militia currently have the means to cause more than localized destabilization in areas along the Liberian-Ivorian border. As such, this lack of capacity likely dictates their current objectives. It appears that these former combatants are still in a phase of "wait and see", avoiding the scrutiny of national and international authorities and determining their future capacity.

82. The lack of employment prospects owing to widespread poverty in Liberia means that former mercenaries would likely respond positively to financial incentives to resume limited and localized attacks, racketeering and looting. The Panel notes that several thousand ex-combatants from Liberia's civil war, who did not participate in the 2011 Ivorian conflict, also reside in Grand Gedeh, where unemployment remains endemic. Most of the mercenary generals interviewed by the Panel noted that they would be willing to fight in another conflict if they were paid; indeed this is how they had made their living for substantial periods over the past decade. Such views held by the mercenary commanders might be tempered partially by the fact that the pro-Gbagbo mercenaries were defeated, so the recent conflict serves as an example that hired soldiers do not necessarily get paid and can be killed on the battlefield.

83. Financing may not be the only attraction for former mercenaries who lived in Côte d'Ivoire. The cases above provide strong evidence that certain Liberian mercenary generals have strong ethnic links to Moyen-Cavally, and have been implicated in the massacre of civilians who were not Krahn or Guéré. Some of the Liberian mercenaries also married Ivorians, enhancing their familial ties to Côte d'Ivoire. This ethnic motivation, therefore, makes it much more difficult to predict the perceived costs and benefits for individual mercenary generals to participate in future armed incursions from Liberia into Côte d'Ivoire. Moreover, ethnic rivalries between the Gio of Nimba County, and the Krahn in Grand Gedeh County could motivate some mercenaries, even if this is based on perceptions and rumours.

84. The presence of Ivorian militias in Liberia would appear to be much more one-sided, whereby revenge attacks into Côte d'Ivoire and attempts to reclaim land or

prevent others from claiming the proceeds from it are likely scenarios. These individuals were forcibly removed from their homes and land, whether these were obtained legally or not, including during previous conflicts. Moreover, the Panel received witness testimony from Ivorian refugees in April 2011 that FRCI deliberately targeted civilians based on ethnic association. It would appear therefore that the intentions of the Ivorian militia elements in Liberia would be much more resolute. Currently, however, there is a dearth of information concerning these individuals' identities and locations, as well as their intentions and capacity.

85. The warning signs mentioned previously regarding the emerging presence of militia leadership in refugee camps provide some insight into the possibility that post-conflict scenarios witnessed in other countries could be replicated. A substantial population of refugees who fled from the Ivorian conflict, interspersed with several thousand militiamen who are organized and mobile, with possible support from mercenary generals who can move freely, enhances the credibility of negative scenarios over the medium term. One likely scenario would be the initiation of brief, financially motivated harassment attacks on Ivorian villages bordering Liberia to intimidate the local population in order to maintain the threat of instability, possibly under cover of, or in conjunction with, ethnic disputes over land. Under such a scenario, mercenaries could be used as facilitators and force multipliers for Ivorian militia. The disorganization and lack of leadership structures among Liberian mercenaries suggests that certain generals and their troops could be recruited in an ad hoc fashion by Ivorian militia leaders resident in Liberia.

86. The likely existence of arms caches within Liberia could facilitate fast, cross-border raids conducted by small groups of individuals. While singular incidents likely would not cause significant local destabilization, coordinated attacks might have broader consequences. The availability of arms to Liberian mercenaries and Ivorian militia remains a point of debate. Owing to the low probability of interception at the border, the Panel believes that mercenary commanders, as rational actors, would maintain their weapons in Liberia, rather than discard them in Côte d'Ivoire or in the Cavallah River along the Ivorian border, as some reports suggest. The fact that arms are not being found on the local black market or used in widespread armed robberies, or are being intercepted by the Liberian Government authorities, does not provide compelling evidence that such caches do not exist. The Panel estimates that there could be up to several hundred weapons hidden in Liberia by mercenaries and Ivorian militia who entered from Côte d'Ivoire. For example, the Panel interviewed two Liberian mercenary generals who cited their small stocks of arms, which the Panel believes will remain under the control of leaders and will not be easily located by Liberian Government authorities. Moreover, considering the significant quantities of weapons that disappeared from FANCI stocks in Côte d'Ivoire, as well as increased instability in Guinea, the availability of weapons caches within Liberia will not be the limiting factor.

87. The key issue is the availability of sources of finance from outside Liberia. External financiers could seek to supply weapons and ammunition, which could be easily smuggled into Liberia using existing trafficking networks, such as those already used to trade in illegal Liberian gold and Guinean artisanal weapons. Financing would also be required to establish basic logistics, such as the purchase of cellphones, payment for local transport, provision of food, etc. Considering that the Ivorian crisis only recently ended and that the Ouattara Government has increasingly solidified military control, if such support for Liberian mercenaries and

Ivorian militia from abroad does exist, it would likely be in its initial, "exploratory" and planning stage, prior even to defining operational structures. At present, the Panel cannot draw conclusions concerning the motivation of possible financiers. Two mercenary commanders informed the Panel of Ivorian contacts they have in Ghana, and the Panel has received information concerning Liberian mercenaries who are presently in Ghana, mixed with former Gbagbo political and military elite. The Panel also received information at the end of its mandate that a Liberian individual, who was identified as a money courier between Grand Gedeh, Liberia, and Moyen-Cavally, Côte d'Ivoire, for a Liberian mercenary recruiter in late 2010 and early 2011, recently purchased a regional air ticket from Monrovia. The Panel conveyed this information to the Group of Experts on Côte d'Ivoire and is continuing to investigate the case.

88. The Panel is concerned that the Government of Liberia has demonstrated an inadequate response to the issue of Liberian mercenaries returning from Côte d'Ivoire, and the infiltration of Ivorian militia. First, the Government presented insufficient evidence against Augustine Vleyee ("Bush Dog") and his accomplices, which led to the dismissal of the case; whereas the 86 Ivorians who crossed with him are confined to an internment centre but have not been adequately screened. Second, Isaac Chegbo ("Bob Marley") and his deputy remain in pretrial detention more than six months after their arrest, and key evidence, such as Chegbo's pistol, have gone missing from police custody. Moreover, the Panel has not received any indication that the Government of Liberia is seeking evidence in Côte d'Ivoire, or through testimony of other Liberian mercenaries, to enhance the State's case against these two individuals. Third, the Government jailed some of the Ivorian combatants from the Mark "Miller" Wilson convoy on charges of mercenarism, but released the Liberian mercenaries who led the convoy. Moreover, more than half of the Ivorians who crossed at Tasla village remain free, and the Panel is unaware of any further attempts to apprehend them or any investigations to convict those Ivorians presently in jail. Fourth, Government of Liberia authorities initially jailed suspected Liberian mercenaries in Nimba County and then released those individuals. Those individuals subsequently participated in the Ivorian conflict, and the Panel is not aware of any follow-up investigations of them or the Liberian who recruited them. Fifth, Government of Liberia agencies tasked with screening refugees have not been provided with the resources to do so, such as assistance from law enforcement agencies and translators, resulting in the infiltration of militia leaders into refugee camps and among local host communities. This is mainly due to the absence of a concrete policy at a national level concerning the identification and possible internment of Ivorian combatants, which largely mirrors the Government of Liberia's disjointed response to the influx of Liberian mercenaries.

IV. Tracing arms embargo violations and monitoring weapons registration

A. Tracing of arms

Military assault weapons

89. The national police and the Bureau of Immigration and Naturalization retrieved an arms cache in Tasla, Glaro District, River Gee County, on 16 June 2011. In its