

BANKROLLING BRUTALITY

Why European timber company DLH should be held to account for profiting from Liberian conflict timber



COVER: OTC logs to DLH awaiting export from Liberia, 2001 *Credit: Global Witness*

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Global Witness and Sherpa, with Greenpeace France, Amis de la Terre and a prominent Liberian activist lodged a legal complaint before the Public Prosecutor at the Court of Nantes (France) against the French company DLH France, part of the Dalhoff, Larsen, Horneman Group (DLH), one of the world's leading international timber and wood products wholesalers.¹

THE ALLEGATIONS

The complainants have evidence that between 2001-2003, DLH purchased, imported into France and distributed across Europe, wood originating from Liberian timber companies that directly benefited Charles Taylor's (Taylor) regime. According to the complainants, the companies DLH purchased from were named in numerous UN reports as committing gross human rights violations, breaching UN arms sanctions, and engaging in environmental destruction and corruption. It is alleged that DLH's suppliers did not even have the legal right to fell the timber it was selling.

The exploitation of Liberia's forests provided the finance to fuel the devastating Liberian civil war by being a major source of funding for the government's extra-budgetary (unofficial) activities such as the procurement of arms and ammunition in breach of UN sanctions.

The complainants allege that because DLH imported timber from forest concessions operated by specific Liberian companies, DLH France and DLH Nordisk A/S are guilty of "recel" (selling and/ or handling illegally obtained goods) punishable under French criminal law. Liability for the offence of recel arises from the illegal origin of the logs purchased, imported and traded by DLH, acquired by means of corruption and involving the destruction of the Liberian rainforest.

The parties to the complaint believe that DLH deliberately attempted to conceal the origin of the timber, mislead the public and divert public scrutiny of its Liberian purchasing and importation practices in order to make profits.

The complainants allege that DLH continued to purchase from Liberian suppliers despite strong evidence of their involvement in corruption, tax evasion, environmental degradation, UN arms sanctions violations and human rights abuses. It was not until the United Nations Security Council embargo on Liberian wood came into force in July 2003 that DLH ceased its Liberian wood imports.

DLH has publicly stated that the company's suppliers "... who operate in conflict zones, have a special responsibility for not contributing to gross human rights violations."²

In 2001, when the NGOs raised concerns with DLH, the company stated that it did not want to purchase wood from companies which violated human rights or engaged in destructive logging practices. On 18 January 2002, DLH issued a press release justifying its trade with Liberia and assuring that "DLH has made an environmental assessment by visiting various timber industries, forest concessions, and the forest service".³

On 5 March 2002, DLH further advised that "We do not agree that our suppliers contribute to 'highly destructive logging practices and illegal activities'. DLH's local forester makes regular environmental assessments of our supplier's forest concessions."⁴

The allegations raised by the complainants are yet to be tried.

HISTORY OF LIBERIA⁵

The Republic of Liberia or Liberia, as it is more commonly known, lies just north of the Equator along the Atlantic coast of West Africa. The country is bordered by Sierra Leone, Guinea and Côte d'Ivoire. The area is approximately 111,369 km² in size and it has a population of approximately 3.9 million, with a third living in the capital city, Monrovia.⁶

Founded in 1822 by freed slaves from America, Liberia declared its independence in 1847. The population is diverse and made up of a number of indigenous groups including, among these, Kpelle, Bassa, Krahn, Gio, Mano, Mandingo, Kru and the descendants of American settlers known as Americo-Liberians or Congos. English is the official language.

Historically, Liberia was renowned for its stability, functioning economy, and the large amount of foreign investment the country attracted to its natural resource sectors. Liberia has traditionally been rich in timber, diamonds, gold, iron ore and rubber. In the past, the economy flourished on the basis of income generated by these resources.

The First Liberian Civil War (1989–1996)

Liberia was a one party state governed by descendants of returned American slaves until 1980, when Samuel K Doe (Doe), an indigenous Liberian, seized power in a coup d'etat. Factors contributing to the upheaval at that time included rising tensions between the various indigenous ethic groups and Americo-Liberians.

Under Doe's control, the Liberian economy started to falter and protections for human rights weakened as his militia committed abuses against other ethnic groups.

By the late 1980s, arbitrary rule and economic collapse culminated in civil war when Charles Taylor, at that time leader of a rebel militia known as the National Patriotic Front of Liberia (NPFL), began a revolt against Doe. In 1990, Taylor overran much of the country and entered Monrovia. Later that year Doe was executed. For the next five years, fighting intensified as NPFL rebels splintered and battled each other, as well as the Liberian army and West African peacekeepers. In August 1996, a ceasefire was brokered and Taylor once again emerged as the dominant power. He was subsequently elected as the country's President in 1997.

The Second Liberian Civil War (1999–2003)

However, peace was brief. Resistance to Taylor's regime quickly took form throughout the country. From 1999, the rebel movement, Liberians United for Reconciliation and Democracy (LURD), primarily based in the north and west of the country, started fighting. Hostilities intensified during 2001 and the situation further deteriorated in 2002. A second rebel group called the Movement for Democracy in Liberia (MODEL), based in the south, began incursions from Côte d'Ivoire in April 2003.

During these years of intense fighting and instability, serious human rights abuses against civilians were prevalent and the country became extremely impoverished.⁷

Matters came to a head when Taylor – under international pressure to quit, and with Monrovia surrounded by rebels



Map of Liberia

- stepped down and went into exile in Nigeria. In August 2003, the Economic Community of West African States (ECOWAS) facilitated peace talks in Ghana, which culminated in the signing of the Comprehensive Peace Agreement by the Government of Liberia Armed Forces (GOL), LURD and MODEL. The agreement also led to the establishment of the National Transitional Government of Liberia (NTGL), which was in place until democratic elections were held in November 2005.

Post Civil War

The 14 years of civil conflict had immense social, political, and humanitarian implications for Liberia. The United Nations Development Programme (UNDP) estimates that 250,000 people died, 464,000 became internally displaced and over 350,000 sought refuge in Guinea, Côte d'Ivoire and Sierra Leone.

They also estimate that thousands of people fled to other countries in Africa and/or to the United States.⁸

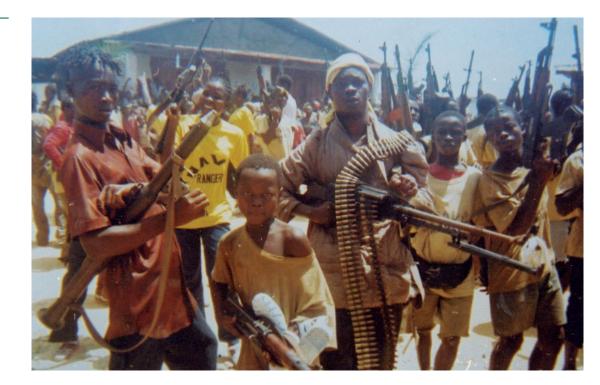
The country was left without basic political, social, and economic structures in place. Poor governance resulted in a virtually non-existent rule of law and an environment rampant with mass corruption and state looting. As a result, the economy was in ruins and security situation volatile.

In May 2005, the Liberian Truth and Reconciliation Commission (TRC) was established to investigate the root causes of the conflict, economic crimes and human rights abuses.⁹ That same year, Ellen Johnson-Sirleaf was elected as the country's President.

In moving forward, President Johnson-Sirleaf faces the twin challenges of trying to rebuild the country and fostering reconciliation.

Today, the United Nations Mission in Liberia (UNMIL) maintains around 11,000 soldiers in Liberia as the country continues to undergo its post-conflict reconstruction process. According to the latest data from the World Bank, Liberia remains one of the poorest countries in the world, with its gross national income per capita being only US\$150.¹⁰ Over 60% of the Liberian population are currently living below the poverty line and 46% are undernourished according to United Nations statistics.¹¹

In support, the GOL has requested foreign governments to hold their domestic companies that benefited from Liberia's wars, accountable if they perpetrated or contributed to crimes committed during the civil conflict.¹²



Navy rangers – pro-government militia funded by timber revenues, 2003

REVENUE FROM TIMBER USED TO FUND THE CONFLICT

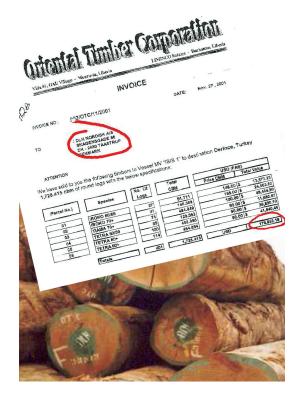
Revenues from natural resources, mainly diamonds and timber, were used by Taylor and competing factions to gain influence and control during the civil conflict.¹³

In 2001, the United Nations Security Council (UNSC) ordered the embargo of blood diamonds based on findings by the UN Expert Panel that Taylor was using the revenues from sales to fund civil war. A UNSC embargo was also placed on the trafficking of arms with Liberia. As an unforeseen result of the diamond embargo, the export of timber became critical in financing the survival of Taylor's regime and sustaining his power and influence. In essence, this reliance gave rise to 'conflict timber' - the use of timber to facilitate war.

By 2002 the Liberian timber industry provided a major source of funding for Taylor's government's extra-budgetary activities such as the procurement of arms and ammunition in breach of UN sanctions. Global Witness investigators supported by local and international NGOs (in addition to the UN Expert Panels), worked hard to expose this criminal activity at the international level. This work ultimately led to the imposition of UNSC timber sanctions in 2003 when all trade in Liberian timber ceased.

Liberian timber imported into France by European timber companies

From 2000 to 2003, France was the second largest importer of Liberian timber after China. European timber companies played an active role in facilitating and benefiting from the trade.¹⁴ Export statistics show that European companies purchased timber from suppliers cited by the UN to be engaging in serious criminal activities, including arms trafficking in violation of UN sanctions, corruption and illicit business with Taylor, and environmental plunder in contravention of local laws.



These illegal activities contributed to the weakening of the rule of law in Liberia and fostered a culture of impunity for gross human rights and environmental violations.

In 2001 alone, 88% of the total exported round logs valued at almost US\$69 million were exported by a small number of Liberian timber companies, all of whom where suppliers to DLH. The logging companies included: Oriental Timber Company (OTC)¹⁵, Maryland Wood Processing Industries (MWPI), Inland Logging Company (ILC), Royal Timber Company (RTC), and the Mohammed Group of Companies (MGC).¹⁶

Subsequently, the Forest Concession Review (FCR), established under the NTGL, ruled that all of the timber concessions in Taylor's Liberia were operating illegally and were noncompliant with Liberian laws and standards applicable at that time.¹⁷

In June 2006, the UNSC lifted sanctions on Liberian timber. The lifting of sanctions was a reflection of renewed international confidence in President Johnson-Sirleaf's government to use revenues from these for national reconstruction and economic recovery. Example of invoice and photo that show the continued trade from February 2001 to May 2003 between OTC and DLH

KEY ACTORS AND COMPANIES PARTICIPATING IN LIBERIA'S TIMBER INDUSTRY FROM 1999-2003

Charles Taylor

President of Liberia from 1997 until 2003, Taylor was born in 1948 to a family of Americo-Liberians. He studied in America and joined Doe's administration in the early 1980's. He fled to the US in 1985 where he was subsequently arrested at the request of the Liberian authorities under charges of embezzlement. He escaped from prison in the United States and ended up in Côte d'Ivoire after allegedly spending time in military training camps in Libya. In 1989, Taylor, as leader of the NPFL, launched a rebellion against the Doe regime. Taylor won the presidential elections in 1997. Although the polls were acknowledged as reasonably "fair" by the international community, Taylor's critics contend that he bullied and bought the electorate.

As President, and acting under the Strategic Commodities Act (2000), the constitutionality of which has been questioned by legal experts, Taylor assumed sole control over the assignment and management of all natural resource concessions in Liberia. This allowed him to successfully manipulate timber concessions for his personal and political gain, and to provide foreign currency for extra-budgetary expenditures entrenching his grip on power.

In June 2003, the Accra Peace Agreement was signed and on the same day, the Chief

Prosecutor for the UN-backed Special Court in Sierra Leone (Special Court) issued an indictment against Taylor for international crimes committed in neighbouring Sierra Leone. Regardless, Taylor maintained power until August 2003 when, due to ongoing rebel activities combined with his international isolation and UNSC sanctions, he went into exile in Nigeria.

Taylor was eventually detained by the Special Court in 2006. His trial is currently taking place in The Hague, Netherlands. Taylor is facing 11 charges of war crimes and crimes against humanity.¹⁸ Taylor is the first African former head of state to face an international criminal court.

Gus Kouwenhoven (Kouwenhoven) and the Oriental Timber Corporation (OTC)

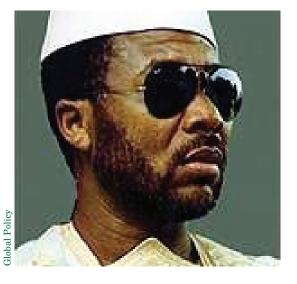
Kouwenhoven operated the largest timber concession and dominated the Liberian timber industry as president and part owner of OTC, the largest logging company operating in Liberia from 1999 to 2003. The company was often referred to as Taylor's 'pepperbush'.¹⁹ He also sat on the board of the Forestry Development Authority (FDA), which controlled the forestry industry in Liberia.

Kouwenhoven was alleged to have facilitated arms imports for Taylor in contravention of UNSC resolutions.²⁰ As early as 2000, he was put on the UN travel ban due to his alleged arms and diamond dealings for Taylor and the RUF.

OTC operated along with a number of affiliated companies with which it shared an office, postal address, president and/or owner (i.e. Kouwenhoven) and banking information. These companies included: the Royal Timber Company (RTC), Natura, the Evergreen Trading Company (ETC) and the Liberian Forestry Development Company (LFDC).

At the time of operation, these companies were indistinguishable from each other.

Charles Taylor



Business was conducted under the different names suggesting an intention to avoid being tracked or to avoid having its timber production and exports appear too large.²¹ For example, when OTC exported to European buyers, who faced mounting pressure by environmental and human rights groups not to buy OTC's logs because of its bad public reputation, the company referred to itself on export documentation as ETC.

In areas where OTC and its affiliated companies operated, allegations of human rights and environmental abuses were widely reported. More recently, the TRC has decided to probe the transactions of Kouwenhoven's timber companies and has also requested information regarding his individual role.²²

Mohammed Salamé (Salamé) and the Mohammed Group of Companies (MGC)

Salamé was the head of the timber company MGC, which was associated with facilitating illegal arms transfers for Taylor and with gross human rights abuses committed by the company's militia. Salamé also owned two other timber companies, Bureau Ivorian Ngorian (BIN) and Salami Molowi Inc (SMI), and served as Liberia's 'Ambassador-at-Large' in Côte d'Ivoire.²³

As early as 2001, Salamé was included on the UN travel ban. He was issued a second Liberian diplomatic passport under the identity of Ameri Al Jawad soon after the travel ban entered into effect. According to the UN Expert Panel, Salamé used this false passport while travelling to enable him to breach the UN travel ban.²⁴

MGC also employed Kuku (aka Cocoo) Dennis – a notorious and brutal militia commander who acted as executive of SMI and led a large militia that incorporated several of the logging company militias.²⁵

Abbas Fawaz (Fawaz) and the Maryland Wood Processing Industries (MWPI)

The Fawaz family were closely associated with Taylor. Fawaz was the president and chief shareholder of MWPI and Harper Port.²⁶ Additionally, Fawaz was believed to be part owner of Lorlah Shipping, the loading service that provided support for shipments



coming into and leaving Harper Port. 27 Some of these shipments were alleged to have been illegal arms transfers. 28

Oscar Cooper and the Inland Logging Company (ILC)

The ILC, based in Sinoe County, was owned by Maurice and Oscar Cooper, both longterm associates of Taylor. Oscar Cooper was a former artillery commander of Taylor's NPFL. He was also known as Captain Marvel a title he acquired during his NPFL days. He successfully built up ILC's private militia, which came to be known as one of the most brutal militia groups in Liberia.

Timber concessions owned by all of the above were declared null and void by President Ellen Johnson-Sirleaf in 2005 based on the finding that they were all non-compliant with Liberian law.

Demetrius B. Taylor (Bob Taylor)

Bob Taylor is the brother of Taylor and acted as the Managing Director and Secretary of the FDA.²⁹ This gave Taylor unprecedented control over the FDA.

Charles "Chuckie" Taylor, Jr (Chuckie Taylor)

Chuckie Taylor is the son of Taylor. During the civil conflict, he was the chairman of a logging company which was owned by Hussein Fawaz (brother to Fawaz). He also headed the Anti-Terrorist Unit (ATU), a government force implicated in numerous grievous human rights abuses, including summary execution, rape, and torture.³⁰ Chuckie was recently convicted of torture in the United States and sentenced to 97 years in prison.³¹ Gus Kouwenhoven, president of OTC in Buchanan Port, 2001 MGC log for DLH in Sète port, France, 18 February 2002



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THE DEFENDANT(S)

Dalhoff, Larsen, Horneman (DLH)

DLH France and DLH-Nordisk make up the hardwood division of DLH A/S (collectively referred to as DLH), which is currently one of the world's largest international timber traders. DLH has major markets in France and the United States.

From 2001-2003, DLH was a major buyer of logs from OTC and its affiliates. DLH is also known to have bought from other Liberian logging companies, including, but not limited to, MGC, ILC and MWPI.

In its publication Basic Values, DLH explicitly states that "suppliers, who operate in conflict zones, have a special responsibility for not contributing to gross human rights violations."³² DLH received information regarding the human rights abuses and unsustainable logging practices of the Liberian timber industry from groups such as Global Witness and Greenpeace, yet continued to purchase this conflict timber from Liberia. In February 2002, Robin Des Bois, a French environmental group, found logs stamped with both DLH and MGC/2 in Nantes, France (see photo). This was despite the official announcement by DLH that it had stopped trading with MGC – a company found to be in violation of the UN arms embargo.³³ In its defence, DLH stated that these logs were from an old concession, but provided no further information to support their claim.

DLH's activities in Liberia were not an isolated case. DLH has been criticised for its poor trading practices in Cameroon³⁴, Burma and Brazil. In January 2006, the NGO Nepenthes nominated DLH in the environmental category of the Public Eye Award³⁵ for irresponsible corporate behaviour, in connection with its policy of buying timber from suppliers who practise destructive forestry, violate national laws, support violent conflicts, use forced labour and abuse fundamental human rights.

THE COMPLAINANTS

Global Witness

Established in 1993, Global Witness now has over forty staff divided between its offices in London and Washington DC, and has built a truly impressive track record of success. Global Witness exposes the corrupt exploitation of natural resources and international trade systems, to drive campaigns that end impunity, resourcelinked conflict, and human rights and environmental abuses. Global Witness was the first organization that sought to break the links between the exploitation of natural resources, and conflict and corruption. Global Witness investigations and lobbying has led to the establishment of the Kimberley Certification Process for diamonds and the Extractive Industries Transparency Initiative (EITI). Global Witness' hard-hitting investigations have direct and major impacts and Global Witness was nominated for the Nobel Peace Prize.³⁶

Sherpa

Sherpa is Paris-based not for profit association of jurists created in 2001 by William Bourdon, Attorney at Law and former Secretary General of the International Federation of Human Rights (FIDH). As a network of international jurists and lawyers, Sherpa aims to find concrete remedies to economic crimes ie human rights violations and abuses engendered by economic activities, be they committed by public authorities or private entities. Sherpa's conception of human rights is wide and includes poor working conditions, environmental violations as well as massive corrupt practices and allied offences that undermine the development process of developing countries. Sherpa's ultimate goal is to build a globalised society where everyone benefits from the exploitation of natural resources and international trade system.

Greenpeace

Greenpeace is a global campaigning organisation that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace. Greenpeace has been campaigning against environmental degradation since 1971. Greenpeace exists to expose environmental criminals, and to challenge government and corporations when they fail to live up to their mandate to safeguard our environment and our future. Greenpeace is committed to the principles of non-violence, political independence and internationalism. In exposing threats to the environment and in working to find solutions, Greenpeace has no permanent allies or enemies.









Amis de la Terre

Friends of the Earth France is a non-profit organisation without allegiance to any political or religious associations. Since its creation in 1970, it has been an active contributor to the French ecologist movement. It is a grassroots organisation with 1500 members organised into 21 local groups throughout France. Friends of the Earth France works towards the advent of truly sustainable societies in the North as well as in the South and is taking action through campaigns and negotiations at local, national and international levels. The main campaigns of Friends of the Earth France are currently focused on protecting the rainforests, International Financial Institutions (IFIs), agriculture, biotechnologies and GMOs, sustainable production and consumption/ecoproduction, climate, energy and transport and nuclear issues.



Alfred Brownell, a Liberian national, is the Senior Campaigner and CEO of Green Advocates, based in Monrovia. Alfred Brownell launched Green Advocates to work with impoverished, rural communities to ensure them a voice in decisions affecting their communities' natural resources. Alfred Brownell is lead campaigner to reform Liberia's extractive sector and between 2000 to 2003 helped win impositions of UN Security Council sanctions on Liberia's timber exports, a UN travel ban and asset freeze on corrupt government officials and business partners of former president Taylor. In a country where warlords' plunder of natural resources funded its civil war, Green Advocates under Brownell leadership is helping develop the long-term ability of rural communities to defend their rights to physical security, political participation, equality under law, dignity, a healthy environment, and health.

"They were one cheque book away from bankrolling the killings, destruction and state looting that was presided over by Taylor."

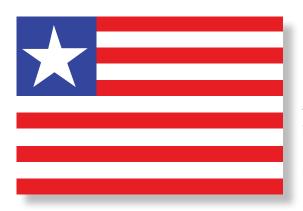


ENDNOTES

- 1 The complaint was lodged with the prosecutor on 11 November, 2009
- 2 DLH "Basic Values" http://www.dlh-group.com/~/ media/files/Shared files cross websites/Corporate responsibility/Environment/DLH Basic Values. ashx (last accessed 26 January 2009)
- 3 DLH press release "DLH stops importing from UN-mentioned violators", 18 January 2002
- 4 DLH response to Greenpeace's open letter, 5 March 2002
- 5 Information pulled together from http://news.bbc. co.uk/1/hi/world/africa/country_profiles/1043500. stm and http://www.fco.gov.uk/
- 6 http://www.lr.undp.org/cprofile.htm
- 7 For further information see "Back to the Brink: War Crimes by Liberian Government and Rebels", Human Rights Watch, May 2002
- 8 http://www.lr.undp.org/cprofile.htm; also see Liberia Millennium Development Goals Report 2004, Liberian Economic Review 2003/4, Joint Needs Assessment 2004
- 9 https://www.trcofliberia.org/
- 10 The World Bank *"Liberia; Country Data File"* originally from World Development Indicators database, September 2008
- 11 UN Information "Liberia; Economic Statistics Undernourished"
- 12 Global Witness interviews with senior Liberian Government officials
- 13 See: UN Resolution S/RES/1521 (2003) 22 December 2003
- 14 Global Witness Report *"Taylor –made"* p.30, UN COMTRADE Database
- 15 Also referred to as the Oriental Timber Corporation.
- 16 Global Witness Report "Logging Off", p.26
- 17 See findings of the *Liberia Forest Concession Review Report*, 2005
- 18 For more information see: http://www.sc-sl.org/ CASES/CharlesTaylor/tabid/107/Default.aspx
- 19 The term '*pepper bush*' in Liberia denotes an item to which one is very attached

- 20 In 2006 Kouwenhoven was convicted of breaching the UN arms embargo against Liberia. That decision was reversed by the Dutch court on appeal in 2008. It is currently on appeal to the Dutch Supreme Court.
- 21 For more information on RTC see : Global Witness Reports *"Taylor made"* p.25 and *"Logging Off"* p.14
- 22 Global Witness Press release, 11 March 2008
- 23 UN Resolution S/2001/1015
- 24 UN Resolution S/2002/470
- 25 Global Witness Report "Logging Off" p.8
- 26 See Abbas Fawaz letter to the UN Secretary-General, December 2001
- 27 Global Witness investigations, 2002
- 28 For more information see Global Witness Reports "Logging Off", p.16, and "Taylor made", p.25
- 29 Forestry Development Authority Annual Report, 2001
- 30 Amnesty International Report 2002, "Liberia"; Human Rights Watch, 2002
- 31 Press release http://www.usdoj.gov/usao/fls/ PressReleases/090109-02.html (last accessed 26 January 09)
- 32 DLH "Basic Values" http://www.dlh-group.com/~/ media/files/Shared files cross websites/Corporate responsibility/Environment/DLH Basic Values. ashx (last accessed 26 January 2009)
- 33 DLH press release "DLH stops importing from UN-mentioned violators", 18 January 2002
- 34 In Cameroon, one of its suppliers, Hazim, has been levied a US\$ 21 million fine by the Cameroonian Ministry of Forest and Environment for illegal logging in 2000
- 35 The Public Eye Award is an annual prize awarded to companies voted by the public as having the most "inhuman and environmentally destructive business practices". For more information see http://www.publiceye.ch/ . For more information on DLHs nomination see http://www.evb.ch/en/p25010415.html (last accessed 26 January 2009)

36 http://www.globalwitness.org/aboutus



As of the date of publication, Charles Taylor is on trial before the Special Court for Sierra Leone in The Hague facing 11 charges for crimes against humanity, war crimes and other serious violations of international law.

His son, 'Chuckie' Taylor, has been sentenced to 97 years in a US prison for torture and related crimes. An American court has ordered him to pay US\$22,400,000 in compensation to his torture victims.

DLH continues to be a big player in the global market for timber and wood products. Their Annual Report indicates that the DLH Group's profit in 2008 was DKK 226,600,000 (approximately US\$41,000,000).

Liberia is still in the process of recovering from 14 years of civil conflict and remains one of the poorest countries in the world.

BACK COVER OTC closed down by UN Resolution No. 1478 (2003) *Credit: Global Witness*





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