

Independent National Commission on Human Rights of Liberia (INCHR)



Report from the *INCHR's Fact-Finding Mission on the Butaw Riot of May 26, 2015*

Submitted to

The Government and People of Liberia



List of Acronyms used in this Report

RSPO: Round Table on Sustainable Palm Oil

TFT: The Forest Trust

FPIC: Free Prior and Informed Consent

GVL: Golden Veroleum Liberia

BYA: Butaw Youth Association

ABLOTEH “Because of our Land” The group/body mandated by the people of Butaw to negotiate with GVL

CSO: Civil Society Organizations

INCHR: Independent National Commission on Human Rights

NCSCCL: National Civil Society Council

GOL: Government OF Liberia

CEO: Chief Executive Officer

UNIT100: Director of Police

MIN: Ministry/Minister

E O: Executive Officer - LNP

Acknowledgements:

The Independent National Commission on Human Rights wishes to acknowledge the efforts and contributions made by the Sinoe County Authorities (County Attorney, District Commissioner, LNP Commander), UNMIL Civil Affairs, the Sinoe County Branch of NCSCL and INCHR monitor based in Sinoe County, whose outstanding efforts contributed immensely to the successful conclusion of the mission. We also wish to acknowledge the cooperation of the superintendent of the Sinoe Central Prison, the Team members and the Butaw citizens who cooperated with the Team by providing pieces of information in furtherance of the Team's objectives.

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A) Testimonies, Statements and Consultations

B) Damage to GVL's Properties (Photos)

Background

On Monday May 26, 2015, the INCHR received a telephone call from its monitor assigned in Greenville, Sinoe County that a serious riot involving BYA was taking place on GVL –Liberia facilities located at Butaw, Sinoe County.

An additional call from the National Civil Society Council was subsequently made through a letter sent to the Commission’s Chairperson on May 28, 2015. Reports of alleged police brutality including mass arrests and detentions of arrested persons, fleeing of Butaw inhabitants/residents into the bushes for fear of being arrested and brutalized by the police, attack on GVL personnel and subsequent looting of its (GVL) properties by rioters, claimed the attention of the INCHR.

The INCHR Board of Commissioners and the National Civil Society Council of Liberia (NCSCL) represented by its National Chairperson, Mrs. Frances R. Greaves met at the INCHR headquarters on June 5, 2015 and discussed on how and when the Commission should intervene in the incident so that the INCHR could speedily protect and promote human rights consistent with its mandate. derived from the Act creating it-the relevant provision being Article III Section (3) (a)states : *“to inquire or investigate, suo motu or on a complaint presented to it by a victim or any person on his/her behalf, into a complaint of violation of human rights or abetment thereof or negligence in the prevention of such violation by the state, any of its functionaries, or public servants, or any other related person;”*

On June 12, 2015 the INCHR along with the NCSCL agreed to constitute a five-person Fact-Finding Team and to deploy same to Butaw, Sinoe County for the purpose of gathering information or facts surrounding the May 26 Riot in Butaw. The Fact-Finding Team comprised of four persons from Monrovia and one from Sinoe County supported by the Sinoe-based INCHR monitor. (The fact finding team departed Monrovia and arrived on Tuesday June 16, 2015). The Monrovia team members were:

Name	Title	Organization
1. Atty. Macdilla Howard	Commissioner, Team Leader	INCHR
2. Mr. L. Vannie Mamey	Investigator	INCHR
3. S. Gontorwon Wehyee	Monitor	INCHR
4. Mr. Joseph D.	Member	Sustainable Development.

Kennedy		Institute (SDI)
5. Mr. Lewis Jadoe	Chairperson	NCSCCL-Sinoe Branch

Methodology:

During the Fact-finding mission, the Team engaged with diverse stakeholders including the Sinoe County NCSCCL Branch, GVL officers, Butaw citizens and the LNP to gather firsthand information surrounding the May 26th incident. A town hall meeting as well as individual meetings, interviews and telephone interviews (for some stakeholders who were hiding in the bushes) were the primary modes of information gathering during this mission. The Team proceeded in the following Manner:

- Conducted interviews and kept audio recordings and photos;
- Conducted meetings and also attended a town hall meeting as well as separate groups and individual meetings with GVL, Butaw Citizens, BYA and other stakeholders of the county;
- Established telephone contacts with BYA and ABLOTEH officials who were hiding in the bushes in a quest to gather their version of the story;

Summary of Key findings

1. On Sunday May 24, 2015 the Butaw Youth Association (BYA) addressed a letter to the GVL visiting investor/CEO asking for a meeting with him at 8:00 am, on Monday May 25, 2015 and copied Mr. Flomo Molubah, General Manager for Sustainability. Below is the letter quoted Verbatim:

*Butaw Youth Association (BYA)
Butaw Administrative District
Sineo, County, R.L.*

May 24, 2015

The Chief Executive Officer (CEO)

*Golden Veroleum (Liberia) INC
Butaw Administrative District
Sinoe County*

“Dear Sir;

The Youth of Butaw Administrative District brings you greetings.

Sir, please be inform that the BYA leadership want to hold a meeting with you on Monday, May 25, 2015 at the head office of GVL in Butaw at 8: 00am, to please address our plights(the unfolding situation in Butaw between the citizens and the Golden Veroleum Liberia Butaw estate management) in order to bring total resolution.

Your failure to hold this meeting with us, anything outside of that, you may be doing things at your own volition and Butaw people will not be responsible for your operational failure.

And therefore, the Butaw people are requesting your kind and immediate consideration to this regards.

We are pleased, your been here, we must be in unison and work with you the GVL as a team in the oil palm development in Butaw and Sinoe County at large.

Please see attached meeting agenda.

Agenda

- 1. Prayer*
- 2. Introduction*
- 3. Welcome remarks*
- 4. Butaw land dispute with GVL*
- 5. Butaw people previous request to GVL including the TFT recommendation*
- 6. Benediction*

Thank you very much, we submit.”

Signed: Prince Dargbeh

General Sec. BYA

*App: D. Terry Panyonnoh
Vice President*

*Attested: Benedict Menawah
Chairman, A – Bloteh*

*Cc: Mr. Flomo P. Mulbah
General Manager, GVL*

Cc: filed

2. On the same date May 24, 2015 Mr. Flomo P. Molubah, the General Manager for sustainability, addressed the below quoted response to BYA:

“May 24, 2015

*Mr. Gary Doegmah
President
Butaw Youth Association (BYA)
Butaw Administrative District
Sineo County, R.L*

Dear Mr. Doegman and members of BYA:

Re: Acknowledgement & Reschedule

Accept my compliments as I acknowledged receipt of your letter dated May 24, 2015 which is today requesting a meeting with the CEO of GVL. It will be a pleasure to have this meeting with you but, we will like to suggest that such meeting be held on any day in next week at 10:00 am prompt. There are other emergency situations that are being handled by the senior Management Team of

GVL for which we are not in the position to honor your request as per the date & time mentioned in your letter. Please note that we treat it as a matter of urgency and management will be represented at the higher lever even if Mr. Mathew A. Karinen, Director of GVL is not represent. The venue for said meeting will be at GVL, Butaw's head office.

Thanks for your usual understanding as we await the meeting with you on the day and time specified by you next week.

Yours sincerely”

*Flomo P. Molibah
General Manager, Sustainability
Sinoe County*

3. After receiving the response, BYA, on May 25, 2015 sent this warning letter to GVL Management:

*“Butaw Youth Association (BYA)
Butaw Administrative District
Sineo, County, R.L.*

May 24, 2015

*The Management
Golden Veroleum (**Liberia**) INC.
Wakefield Nursey, Butaw District
Sinoe County, R.L.*

Dear Sir;

We are in receipt of your letter dated May 25, 2015 requesting for the rescheduling of the meeting to hold with the GVL CEO.

Sir, your failure to permit us hold the meeting with the CEO of GVL, (the Investor who is investing on our land Butaw) you should immediately close your operation in Butaw and vacate the land occupied by you GVL.

Thank for your understanding and cooperation.”

*Signed: Prince Dargbeh
General Sec. BYA*

*App: D. Terry Panyonnoh
Vice President*

*Attested: G. Gary Doegmah
President, BYA*

4. There was no record of any response by GVL Management to this threatening letter.
5. On May 26, 2015, BYA and its supporters started with a protest which turned into a riot and the rioters went on a rampage, attacking and damaging GVL property and looting its ware houses. Some GVL Liberian employees joined the rioters.
6. There were no guns. The rioters were throwing stones. Some carried machetes but no proof of injuries inflicted by use of machetes.
7. Local police and UNMIL officers later, joined by re-enforcement police brought the situation under control.
8. Some rioters were arrested while others sought refuge in the bushes where they remain as we speak.
9. INCHR team members communicated with some of the fugitives on cell phone. They feared arrests and manhandling by police if they should surface and surrender.
10. On 26 May 2015, the day of the riot some government officials were airlifted to Sinoe, among them the acting President of Liberia at the time, Minister Duncan Cassel and Deputy Minister of Internal Affairs, Hon. Varney Dukuly.

11. The acting President, seeing the precarious conditions quickly left and came back to Monrovia. Minister Dukuly who stayed a little while longer sustained an injury to his arm from been hit by a rock thrown at his vehicle.
12. The team discovered that there were (are) underlying concerns or issues that have not claimed the attention of GVL or the GoL. Some of the problems that might have impacted or triggered the anger of the youth and others who staged the violent protest are for example: unemployment of youth, delayed payment for destroyed rubber trees owned by some farmers in Sinoe, no clearly defined limit to GVL acquired land, survey still pending, and other matters still pending relating to the development of the land, installing hand pumps and how the consent of the people of Butaw was never sought before GoL gave their land to GVL.
13. There are two organizations seemingly competing for GVL's recognition, as the spokesperson for the people of Butaw. They are, the Butaw Youth Association (BYA) and another group called ABLOTEH comprising of some citizens of Butaw.
14. There is a boundary dispute between Butaw and Murryville, a neighboring settlement which is impacting on GVL expansion, adding to the unemployment of the youth of Butaw.
15. On February 26, 2015, both ABLOTEH and BYA reached an agreement with GVL under the supervision of officials from the Ministry of Internal Affairs, Lands, Mines and Energy and Foreign Affairs at which a time table was set to achieve several milestones set forth in the appended document. But there have been delays in implementation.

Conclusion:

The May 26 Riot resulted in damage to GVL assets and subsequent cessation of its operations; the detention of several alleged rioters while some have fled their villages and are seeking refuge in the bushes for fear of being arrested and manhandled; loss of livelihood for several inhabitants of Butaw (employees/contractors and their dependents), because GVL has ceased its operations. While there are several triggers to this riot, the proximate cause of the

riot was BYA's demand to meet with the then visiting CEO of GVL and GVL's postponement suggestion to hold the meeting any day the following week at which time the visiting investor whom the BYA wished to meet with would have left Liberia, and GVL's failure to seek means to appease and prevent the violence that ensued, led to the May 26, uprising.

As a way forward, a lot will be desired from all stakeholders including the GoL, GVL, BYA, ABLOTEH to formulate some sincere bridge-building initiatives aimed at amicably resolving the present dispute and also hopefully preventing future ones. Perhaps, all stakeholders can learn some lessons which were pivotal to the successful resolution of similar disputes. The SIME DERBY experience can be an excellent entry point for future engagements in Butaw. The uprising could have perhaps been prevented if GVL had found a few minutes within its busy schedule to have the visiting CEO meet with the BYA. GVL instead decided to ignore the threats. The BYA wished to meet with the visiting CEO and not with the management of GVL. There have been several meetings with management and GoL and BYA without much progress or implementation. Instead of making it possible for BYA to meet with the visiting CEO of GVL "the investor who is investing on our land Butaw" quoting from BYA's second letter, GVL selected to have UNMIL, Superintendent, County Attorney and police on the alert in case BYA decided to cause trouble. Relying on police power to deal with these kinds of citizen uprisings is only a temporary measure. GoL should put in place in every concession area GoL's own personnel to serve as a liaison between the locals and the company, someone who the locals can trust to protect their interest.

Recommendations:

1. Based on the shared mutuality and the likely long lasting relationship between GVL and the people of Butaw, the Commission is keen to recommend that GoL puts together a Palava Hut Reconciliation Process or other mediation mechanisms to effectively resolve the parties' disputes through thorough consultation with all parties (BYA, ABLOTEH, GVL);
2. All practical efforts need be employed to reach out to all stakeholders including those who are currently hiding in the bushes in furtherance of reaching a lasting solution: The situation seems to be a 'give and take' because GVL needs the land to invest and have peaceful co – existence with the locals while the citizens need GVL's investment and its associated benefits (employment, schools, clinics, roads, mutual respect, etc.);
3. GVL needs prioritize the development of smallholders farms in Butaw: as far as possible, a reasonable percentage of Butaw land should be developed to make locals realize direct benefits of their land; additionally, all royalties paid by the concessionaire for the communities should be given to the communities directly;
4. Butaw should abolish parallel representation: there should be one legitimate organization that will speak on behalf of Butaw. ABLOTEH and BYA must merge into one association;
5. Police deployed should cease all arrests and intimidation and allow persons hiding in the bushes come out. Every day they spend in the bushes is hazardous to their health and safety;

6. INCHR recommends the release from prison all persons detained on account of the riot in view of the fact that no lives were lost due to the riot. Or if GoL decides to prosecute them, then pending trial, the detained, and those in the bushes should be allowed to surrender, and all be admitted to bail in keeping with law;
7. A boundary harmonization between Murryville and Butaw should be immediately addressed with the urgency it deserves; a new timetable be put in place to address the development of land in Butaw;
8. Community engagement forums on the civic duty to seek recourse to law, through dialogues and negotiations should be conducted in Butaw. It will be particularly helpful for GoL to consult Civil Society Organizations (CSOs) especially the Liberia Media for Democratic Initiatives (LMDI) to conduct these dialogues.
9. INCHR demands that Liberians who hold high managerial positions in concession establishments in Liberia respect the dignity and human rights of all stakeholders, employees and locals. They must not see themselves only as agents of the foreign investor who pays them and then turns a blind eye to violations of the rights of the Liberians in those concession areas.

Appendix:

A) Testimonies (Statements) and consultations

B) Photos of GVL damage property

Consultations/ Meetings during the Fact-Finding Mission

Thursday June 18, 2015 at 11:53 a.m.:

Excerpts from meeting with Mr. Goll and GVL staff in Tarjowon

Mr. Eric Goll informed that:

The CEO/Director of Golden Veroleum arrived in Butaw on the 24 of May 2015. That BYA requested through a letter to meet with him, but by that time the hall itinerary had been planned, hence, the CEO had no schedule to meet with BYA. A second BYA letter which contains threats was sent and he informed UNMIL, the Superintendent and the County Attorney of the threats. BYA's Vice President, who had earlier threatened GVL had a megaphone to rally the protestors on the morning hours of June 26; 2015. He was heard using the phrase "peaceful riot", a phrase never heard before. GVL informed the County Attorney of the incident and he (County Attorney) later invited the police to the scene of the protest.

That GVL management informed its security and LNP officers about GVL security guards stationed at the entrance of the Administrative Building (GVL's admin building) were stoned by some of the protestors, consequently, the employees were instructed by the management to stay out of the compound. Mr. Goll said that by 9-10:00 a.m. they were still trying to mediate while Deputy Minister at the Ministry of Internal Affairs, the County Superintendent, the County Attorney and the acting President Minister, Hon. Julia Duncan Cassell arrived later. The Acting President stayed for half an hour, departed and returned after 1: 00 p.m. she complained that rocks were being thrown at her car. She was escorted by the Greenville Police Commander, Mr. Monnie.

"We later decided to go to Butaw Civil compound ... Suddenly we saw kids coming with stones... the children entered the gates, burst car lights and went after human beings. I saw a group armed with cutlasses and stones." Mr. Goll said they had no back exit so Hon. Varney Sirleaf called Unit 100 for help. UNMIL realized that there was a problem because people (rioters) were entering the mess hall. The

rioters' attention changed from harming us to looting. We heard that a South African expatriate, Mr. Gerald Ray was being held hostage but he was later turned over to UNMIL.

Mr. Eric Goll further informed that his room was ransacked thus resulting to considerable damage; and GVL assets such as computer and its accessories were stolen. He reported the loss to GVL and GVL has informed the GoL about the damage. He told the Fact-finding team that GVL fears for the security of its 900 employees of which 200 are living on the camp while some are community dwellers.

Questions

Q. You saw kids with cutlasses? **A.** I saw young boys.

Q. Did you see people with Guns? **A.** I never saw people with fire arms.

Q. During Police search they saw shots? **A.** I did not see gun.

Timing of the incident

- 6:00am protesters arrived at GVL Compound.
- 8:43am police arrived on the scene.
- 10:15am Director/CEO was told to leave GVL Compound for his safety; Hon. Varney Sirleaf departed GVL Plantation for his own safety as well.
- 11:00am Min. Cassell departed the Plantation for fear of her safety.
- 12:00pm we/GVL had meeting with Hon. Sirleaf and the meeting lasted for 45 minutes
- 12:45pm meeting was concluded
- 1:15pm we heard that the protesters (turned rioters) were entering the fence.

Meeting with the County Attorney Hon. Africano Gayflor

Hon. Gayflor informed that:

He received a phone call from Min. Wheatonia Dixon Barnes and later met Deputy Minister Varney Sirleaf and Prince Korvah and they flew from Monrovia to Butaw. They arrived after 3:00 p.m. and two GVL securities went for them and they rode in one of the GVL vehicles to the compound. Men were banging on their vehicle and all the police were moving back and forth. Suddenly they entered and the guys began stoning. He called his Minister (MOJ) and she told him a call was made to send LNP men from Grand Gedeh with backup from Monrovia.

He said men were carrying cutlasses, sticks and stones. The superintendent went to talk to them but they began stoning and a stone entered the mess hall. They went to the back with the white men and ran through the palm bushes along with one Abu.

Min. Sirleaf, the EO of Sinoe Police, Prince Korvah, Jaya, the Superintendent's Driver and Mr. Gayflor rode in one car. Minister Sirleaf was hit by a stone but was later covered by the EO. He said the police came with two guys (rioters), who the police lady identified as the ones who attempted to disarm her; that one of them was attempting to disarm her. The two guys arrested escaped from the police vehicle when the vehicle in which they were transported was impeded by a log which was placed in their way. The Superintendent's driver bulldozed the same direction and the Superintendent, Hon. Varney Sirleaf, and he (County Attorney) Gayflor were badly stoned at.

The acting President left for Monrovia before the tension escalated. There were large groups of about two to three thousand rioters. They got calls that the warehouses were broken into and huge quantities of rice, power saws, etc were stolen. He also got a call that Mr. Gerald Ray (a GVL-South African Expatriate) was held hostage. UNMIL was present; meanwhile one of their vehicles was broken.

Q. Did you see fire arms? **A.** I did not see fire arm(s) but cutlasses are arms.

Q. Was there a pregnant female arrested?

A. Police obtained a search and seizure writ and searched the home of a pregnant woman who is married to a physically challenged man. Her kitchen back and front doors were opened and rice believed to be GVL's were found in her house. The woman was later released on bail when medical report confirmed that she was pregnant.

He said the juvenile, 17years old, was released on bail to be sent to the Juvenile Court. He also released one Emmanuel July who was reportedly helpful in the release of the South African expatriate and he will serve as a state witness. Two cement dealers were also released. When he was asked about D. Terry Panyonnoh, he alleged that he was in Monrovia. On the question of when will they be given a day in court he said that this term of court is at the verge of ending and the trial should be in the succeeding term of court but a speedy trial is in progress. We were told that the block manager's (Gerald Ray) jaw got broken and the prosecution was doing preliminary trial that day or Monday but some of their witnesses were undergoing treatment. Varney Sirleaf was expected to take the witness stand soon. He/Hon. Gayflor mentioned that the police on the initial response were about ten (10) to fifteen (15) but not up to 20. They did not have arms but they had tear gas. The arrests made by the police were not spontaneous but systematic (in piece meal). He finally mentioned that Peace is directly linked to development and all steps will be taken to enhance peace.

Meeting with Citizens

Organized by the Inquiry Committee at the Civil Compound in Butaw

Wednesday June 17, 2015 at 12:27 pm

During the citizens' meeting, one Mr. Greene explained that: The Free, Prior and Informed Consent about the use of their land was never done in Butaw. He further informed that the Round Table on Sustainable Palm Oil (RSPO) imposed a sanction on GVL. That both TFT and RSPO recommended that GVL build hand pumps where creeks were destroyed; rehabilitate or refurbish grave sites and compensate communities for holy/traditional shrines. He mentioned that neither a Social Agreement nor MOU between GVL and Butaw had been finalized or signed. According to him, ABOTEH is the established group recognized to represent and mediate the interest of Butaw Citizens. Mr. Greene explained that the aim of the President and Vice President of BYA on May 26 was to discuss with the visiting CEO of GVL and not to cause problem. The Fact-finding Team was told that BYA had often met with the managers of GVL.

Mr. Greene further informed that Murryville and Butaw have a boundary dispute: this dispute is impacting on GVL's expansion as such the youth who have lots of expectation for employment based on GVL's expansion are becoming increasingly impatient, consequently the Riot. That the County Superintendent had made several attempts to resolve the land dispute but to no avail. That one of BYA's demands was the Human Resources Manager post at GVL be reserved for a native of Butaw especially so for the youth.

That on February 26, 2015, Butaw, through ABLOTEH and BYA reached an agreement with GVL which was witnessed by the GoL(MIA, MoA, MoL). This agreement established a timetable to achieve several milestones namely- settlement of Butaw –Murryville land dispute, GVL withdrawal of its case against some youths who had allegedly destroyed GVL's palm trees, signing of a Social Agreement/MOU, and employment of Butaw citizens, but again there was another delay in the implementation of the agreed timetable.

June 18, 2015, interviewed with a Female Detainee.

How did you get arrested?

She informed that she works for GVL so she woke up early and went to work by 5:15 am.

During muster, I saw for the first time people with Megaphone and our head asked us not to go to the bushes (to work). We were asked to go home and I went home, cooked and took my bath. Just about the time I came from the bathroom and entered my room, Bobby stepped my door and entered. As he entered, he asked me

for someone who he said had ran into my room and I told him no one did. He saw a sac of rice, less than 25 cups, and accused me of looting the rice and also that I stated that “I will die for my land.” which I did not say. Regarding the rice found in my house, I told him that I do pruning on the farm and I was issued rice on the 7th of May 2015. He later fired a tear gas and when the smoke went down (tear gas smoke reduced) he (Bobby) knocked me with a stick and carried me away. I spend one week in the police cell and I have spent a total of two weeks in the Sinoe Prison. I was arrested around a place called “the container” in Butaw Town.

C) Damages to GVL’s Properties (Photos)



