

“UNMIL’s Report on Human Rights at Liberia Agricultural Company “LAC” LAC’s Version

1. - INTRODUCTION

- 1.1** On 9 May 2006 the United Nations Mission in Liberia (UNMIL) forwarded to the Liberia Agricultural Company (LAC) a report entitled *“Human Rights in Liberia’s Rubber Plantations: Tapping into the Future”*. In the letter transmitting the report, Mr. Adam Abdelmoula, UNMIL’s Deputy Chief of its Human Rights and Protection Section, stated that the report documents *“serious human rights violations in Liberia’s rubber plantations, including the Liberian Agricultural Company plantation”*.
- 1.2** Only upon receipt of the report did LAC know that UNMIL was investigating alleged human rights violations at its plantation. Second, even though UNMIL never ever discussed any violations of human rights with LAC’s management prior to issuance of its report, UNMIL’s audaciously said that it *“welcome the opportunity to discuss with you (LAC) the finding and recommendations made in the report”*.
- 1.3** Well, insofar as LAC is concerned, UNMIL’s findings are outright blatant fabrications; at the minimum, some of the findings are excessive exaggerations.
- 1.4** LAC was surprised that UNMIL would be so reckless in issuing an apparent investigative report not based on facts and without making any contact with LAC, which was a subject of an investigation by UNMIL. LAC has since discovered that some aid organizations engage in exaggerations and manipulation of facts to be used to obtain funding for their programs and activities; and it would appear that UNMIL’s Human Rights and Protection Section commissioned this report with the intention of using its “findings”, which portrays rubber plantations in Liberia in the most negative way, in order to raise funds for its programs and activities.
- 1.5** A recent example of the exaggeration of situations or the manipulation of fact for the purpose of attracting funding for programs and activities of aid organizations is the UNICEF report that 6 million Ethiopian children are threatened by drought and are so malnourished that they could die, without immediate attention. The Ethiopian Government referred to the report as “completely exaggerated”, a “fabrication”; and this UNICEF report has left a bitter rift between the UN and the Ethiopian government.¹ And as UNMIL’s report was a blatant fabrication, even though copies were submitted to the Liberian government, its “findings” have been ignored by the Liberian government.
- 1.6** Notwithstanding the falsity of UNMIL’s report and the Liberian government’s apparent decision to ignore it, LAC finds it necessary, for the sake of its business reputation and the credibility of its directors, officers and shareholders, to clarify that report. This is the purpose of the present note.

¹ Addis Times, Monday, June 16, 2008 (<http://www.addistimes.com/index>)

2. - THE “FINDINGS” OF UNMIL’S REPORT

- 2.1 The human rights violations which UNMIL’s report allegedly found at LAC’s rubber plantation can be summarized into six (6) counts, as follows:
 - 2.1.1 That the expansion of LAC’s rubber plantation has led to the eviction of 75 villages in District No. 4 of Grand Bassa County and District No. 5 of Rivercess County (*paragraph 2, page 49 of UNMIL’s report*);
 - 2.1.2 That the expansion of LAC’s rubber plantation has led to the eviction of 400,000 people from their homes in District No. 4 of Grand Bassa County and District No. 5 of Rivercess County (*paragraph 2, page 49 of UNMIL’s report*);
 - 2.1.3 That LAC’s operation does not provide social services and economic benefits to people (Liberians) living in its concession area (*paragraph 4, page 29 of UNMIL’s report*);
 - 2.1.4 That children on LAC’s plantation are denied access to schools and medical facilities (*paragraph 2, page 43 of UNMIL’s report*); and
 - 2.1.5 That LAC employs children as laborers on its plantation (*paragraph 2, page 45 of UNMIL’s report*); and
 - 2.1.6 That LAC arrested 89 men and boys, who had engaged in a peaceful demonstration against LAC for human rights violations, detained these men and boys in inhumane prison cells of its Plant Protection Department (*paragraph 3, page 49 of UNMIL’s report*).

3. - EXPOSING THE FALLACIES OF UNMIL’S FINDINGS

3.1 Eviction of 75 villages and 400,000 people from their homes.

- 3.1.1 First, District No. 5 is a part of Rivercess County and LAC developed concession area does not extend to Rivercess County although her concession agreement covers an area beyond District #5. The development plan of LAC at the time did not include District #5. So, alleging that LAC evicted people from their homes in District No. 5 shows clear ignorance of LAC activities at the time and ignorance of the parameters of LAC’s development plans. This alone invalidates UNMIL’s “findings”.
- 3.1.2 Assuming that LAC operates in both District No. 4 of Grand Bassa County and District No. 5 of Rivercess County, UNMIL’s “findings” are still fallacious. Only fifteen hamlets (“villages” according to UNMIL) were affected by LAC’s expansion program. LAC named all the affected villages. Unfortunately, UNMIL could not name any other hamlet or village that has been affected by LAC’s expansion program, even though LAC challenged UNMIL to name the other 60 hamlets (villages) that they found to have been affected by LAC’s expansion program. UNMIL could not identify these other alleged 60 hamlets (villages) because UNMIL’s “findings” were not based on facts.
- 3.1.3 As to the number of people affected by LAC’s expansion program, even though no one knew the actual population of Grand Bassa County in 2006 when UNMIL issued its report; it is public knowledge that a population census was taken in 1984, when what is now Rivercess County was a territory of Grand Bassa County. It was only as recently as March 2008 (after years of civil war) that another population census was taken since then. However, even if the population of Grand Bassa County in 2006 was taken to a ridiculously high level (double by 2006 the 1984 census figure of 159,649), the entire population of Grand Bassa County would still be less than 400,000. How could UNMIL legitimately find that 400,000 people were evicted from their homes in District No. 4 and District No. 5? This “finding” of the UNMIL report, using the words of the Ethiopian Health Minister on 16 June 2008, is nothing less than “completely exaggerated”, a “fabrication”.

- 3.1.4** Specifically as to the process of LAC's expansion, it should first be noted that according to LAC's concession agreement, the Liberian Government has the responsibility to re-locate villages and villagers within LAC's concession area whenever LAC has the need to cultivate or otherwise develop that portion of its concession area.² This clause is a standard provision of all concession agreements (agricultural, forestry and mining). So LAC itself cannot evict villages; and LAC never evicted villagers.
- 3.1.5** The process and procedure for cultivating or otherwise developing a portion of a concession area inhabited by locals is to first inform the Liberian Government agency, which administers the concession agreement. In the case of LAC, it is the Ministry of Agriculture; but the Ministry of Internal Affairs was also involved in this process because it has direct supervisory responsibility for local government administration. It is representatives of these Liberian Government agencies which inform the locals that the concessionaire needs to cultivate or otherwise develop the portion of its concession area where they are located, appraise the value of their huts and crops, identify a suitable area for relocation and provide full compensations to them. In the case of LAC's expansion program, it is LAC which funded the compensation to facilitate the relocation of the locals affected by its expansion program; and by the time of UNMIL's report, LAC had paid US\$370,000.00 (United States Dollars Three Hundred Seventy Thousand) to locals to facilitate their relocation.
- 3.1.6** Even after compensation is paid, the locals are still given additional time to re-locate. Nobody was ever forcibly removed; no one has ever been forcibly removed through court order or through the use of LAC's personnel or even Liberian Government personnel.
- 3.1.7** LAC's expansion was originally intended to cover 13,000 acres of land; at the time of the issuance of UNMIL's report, LAC had only expanded by 8,000 acres and only 800 locals had been affected then. Expansion of the plantation by an additional 5,000 acres would have affected only an additional 587 locals. This is information that can be substantiated by both the Ministry of Agriculture and the Ministry of Internal Affairs; and had UNMIL wanted to issue a fair and balanced report, it would have sought to verify its "findings" with these two agencies of the Liberian Government.
- 3.1.8** It is therefore utterly ridiculous that UNMIL, without any proper investigation, would make assumptions and treat those assumptions as facts when making a report, which accuses a reputable company, owned by Europeans of repute, of committing serious offenses, such as violating the human rights of the Liberian people in its concession area.

3.2 Lack of social services and economic benefits to locals living in LAC's concession area and denial of children on LAC's plantation access to schools and medical facilities.

- 3.2.1** UNMIL's report claims that LAC's concession agreement contains very weak obligation to provide social and economic rights to employees and communities in the concession area. UNMIL's report made no mention of the standards used to determine this weakness in LAC's concession agreement. Was this assertion based on a comparison of LAC's concession agreement with other agricultural concessions granted by the Liberian Government during the same time? Or was this assertion based on a comparison of LAC's concession agreement with agricultural concession of other countries of similar level of social and economic development in 1959 when LAC's concession was granted? UNMIL failed to say what the standards were or what the yardsticks were for its evaluation; UNMIL made a broad, disconnected assertion, intended only to make readers of its report see LAC in an unfavorable light and thereby justify UNMIL's request for funding. This is nothing other than UNMIL meting out injustice.

² LAC's Concession Agreement, Article IV.

- 3.2.2** Without discussing the strength or weakness of the social benefits clauses of LAC's concession agreement, it should be stated that pursuant to those clauses and growing out of LAC's own benevolence, LAC operates one of two hospitals in Grand Bassa County; the other hospital, owned by the Liberian Government, is situated in Buchanan, the administrative headquarter of Grand Bassa County. LAC's hospital has a surgical theater, laboratory and pharmacy; and services an average of 20,000 people each year, including LAC's employees, their dependents and members of the surrounding communities. Community health services and other public health programs are also provided.
- 3.2.3** UNMIL's report misconstrues and misrepresents the reason for requiring that those who claim to be children or dependents of LAC's employees should present their birth certificates for medical and educational services. Free education and free health care is for LAC's employees; others pay for these services at a minimum price subsidized by LAC. So LAC properly demands birth certificates to ensure that only its employees and their dependents will enjoy free health care and free education. Even the Liberian Government itself does not provide universal free education and free health care. It is therefore clearly ludicrous to suggest that limiting free education and free health care to the employees of a foreign investor constitute a violation of the human rights of non-employees and their dependents.
- 3.2.4** Under this "*weak obligation to provide social and economic rights*", LAC has constructed, manages and operates a school system consisting of three elementary schools (kindergarten through 6th grade), one junior high school (7th grade through 9th grade) and one high school (10th grade through 12th grade) on its plantation. Over 4,200 children attend these schools - free for children and dependents of LAC's employees and a minimal fee for other children. Bus transportation is provided to all students - a service that public and private schools in Liberia don't provide. And every year LAC provides full scholarship to students who graduate from its high school with excellent grades to pursue a four-year degree program at any one of the several universities in Liberia.
- 3.2.5** Also under this "*weak obligation to provide social and economic right*", LAC provides housing for its employees and their dependents, having recently invested more than US\$1 million into rehabilitating employee houses which were destroyed in the wake of Liberia's civil war. LAC also constructs and maintains public roads and bridges, which facilitate access to remote villages in Grand Bassa County, Bong County and Nimba County and serve as conduits for Liberian farmers to get their produce to markets. More than US\$200,000 is spent annually on maintaining these roads and bridges. If these, in addition to the taxes which LAC pays, are not contributions to the economic development of Liberia, then one wonders what exactly does UNMIL believe a foreign investor should do to be considered as having made contributions to the economy of the host country.

3.3 Allegation of use of child labor on LAC's plantation.

- 3.3.1** UNMIL's report relied on information obtained from a human rights organization in Liberia; it would appear that UNMIL never sent its own investigators to verify the allegation that LAC employs children to work on its plantation. UNMIL's report also claimed that LAC management admitted that it does not effectively monitor its policy against child labor. LAC has made no such admission to any person and though challenged, UNMIL cannot name the member or members of LAC management who allegedly made that admission to UNMIL.
- 3.3.2** Both Liberian statutory law and obligations of Liberia under international treaties prohibit child labor; LAC's shareholders are people from countries where child labor is prohibited; their sense of decency and their humanity do not allow them to exploit children for economic gains. The suggestion that decent Europeans exploit Liberian children by having them work on plantations instead of going to school and just playing during their childhood is a grave and insulting charge which LAC categorically denies and rejects.

3.3.3 LAC has a policy against child labor and this policy is vigorously enforced. No child is on LAC's payroll; LAC does not and has never paid any wage or salary to any child for any service of any kind. Even where an adult is a task employee of LAC, the adult is prohibited from using his children or any other child to assist him with the task. The policy provides that if a child were found to be assisting a task employee with his task, the task employee would be promptly terminated.

3.3.4 Just as some aid organizations, apparently including UNMIL, fabricate reports for use to solicit funding for their programs, human rights organizations in Liberia also fabricate reports for use in soliciting funds. So any person interested in the truth of grave accusations, such as use of child labor by an employer, should seek to independently verify the information given by Liberian human rights organizations. The reliance by UNMIL exclusively on information given to them by certain human rights organizations in Liberia to accuse LAC of child labor, when these human rights organizations themselves have not published any such thing about LAC, leaves much to be desired by what is expected to be a impartial and fair assessment by UNMIL.

3.4 Arrest and imprisonment in January 2005 of 89 men and boys involved in a peaceful demonstration against LAC.

3.4.1 It would appear that like the accusation of child labor, UNMIL relied on information from others, not on an independent investigation, to report that LAC's Plant Protection Department arrested these 89 men and boys and imprisoned them in inhumane conditions in the cells of LAC's Plant Protection Department. The fact is that these 89 men and boys were arrested by the Liberian National Police, who were assisted by the Bangladeshi contingent of UNMIL, stationed at LAC's plantation because of previous conduct of looting and threatened looting. Had those who wrote UNMIL's report been a little diligent, they would have discovered that the Bangladeshi contingent was stationed at the plantation in January 2005 and they would have verified their information by consulting with the Bangladeshi contingent. Making these baseless accusations, when the facts could have been obtained from another department of UNMIL, is evidence of the high degree of recklessness and utter selfishness with which UNMIL's report was made.

3.4.2 These 89 men and boys came from Rivercess County – a full 10 miles away from LAC's plantation; they were thugs and common criminals who had been hired by certain people to wreck havoc on LAC. They had not been affected in any way by LAC's expansion program and so could not have been on their way to a peaceful demonstration. The fact that UNMIL concedes that these 89 men and boys looted villages en route to the "protest site" (LAC's plantation) is sufficient to confirm that they were thugs and common criminals. In fact, it is their looting and criminal conduct on their way to LAC which alerted LAC and caused LAC to report the threat to the political administrators of Grand Bassa County and officials of the Ministry of Justice in Monrovia. Both the County administration and the Ministry of Justice responded with such rapidity that when these 89 men and boys arrived at LAC's plantation, they were met by a contingent of the Liberian National Police and the Bangladeshi contingent of UNMIL, who arrested them, and transported them directly to Buchanan (the administrative headquarters of Grand Bassa County), where they were imprisoned.

3.4.3 These 89 men and women were never arrested by LAC's Plant Protection Department; they were never imprisoned in cells under the control of LAC's Plant Protection Department. Had the person or persons who wrote UNMIL's report contacted the offices of the Liberian National Police in Grand Bassa County or the Military Commander of UNMIL, he or they would have found the actual facts. Instead, it would appear that UNMIL's report relied on prejudicial reports in newspapers of general circulation, whose editors or reporters had been paid to publish false and inciting news about LAC.

- 3.4.4** When these 89 men and women arrived at LAC’s plantation, dressed in traditional war garments and outfits and brandishing machetes and other dangerous arms, the Liberian National Police and the Bangladeshi contingent of UNMIL properly assessed the situation to be dangerous to life and property. On the basis of this assessment, these men and boys were arrested and immediately taken to Buchanan.
- 3.4.5** LAC’s management never went to the holding cells of Buchanan and so LAC cannot comment on the conditions there; LAC also did not specifically follow up on the actions or conduct of the Ministry of Justice after these 89 men and boys were arrested and so LAC cannot comment on the treatment they got or what disposition was made of the matter. What LAC can comment on is the derogatory description of holding cells under the control of its Plant Protection Department as “inhumane conditions”.
- 3.4.6** Under Liberian law and regulation of the Ministry of Justice, LAC’s Plant Protection Department is authorized to arrest a person and temporarily hold that person only in the event of “clear and present danger” and in the event when a crime is being committed in the presence of an officer of the Plant Protection Department. LAC’s Plant Protection Department is not allowed to keep the arrestee in its holding cell for more than 24 hours without reporting the arrest to the Liberian National Police. Liberian law requires that even the Liberian National Police may not hold the arrestee for more than 48 hours without formally charging him for the commission of a specific crime. So one can see why a person arrested by LAC’s Plant Protection Department must be reported and turned over to the Liberian National Police within the shortest possible time, certainly not later than 24 hours after the arrest. These rules and engagement procedures, as they appear on paper, could have been verified by those who wrote UNMIL’s report; and most importantly, they could have verified whether any arrest was actually made by LAC’s Plant Protection Department.
- 3.4.7** The holding cell used by LAC’s Plant Protection Department is not an inhumane place; it is not a European holding cell, but it is certainly better than any prison or holding cell in Liberia. It has shower and flush commode toilets for use by arrestees and it is kept clean and in sanitary conditions. Those who wrote UNMIL’s report never visited LAC’s holding cell; they never verified what was written in newspapers or what they were told even though the information could have been easily verified.

4. - SEQUENCE OF LAC’S ACTIONS IN RESPONSE TO UNMIL’S REPORT

- 4.1** Mr. Adam Abdelmoula, UNMIL’s Deputy Chief for Human Rights and Protection Section, send a copy of UNMIL’s report to LAC under cover of a letter dated 9 May 2008; and as stated before, this was LAC’s first time becoming aware of any work commissioned by UNMIL about its plantation. UNMIL’s report was then taken through a series of internal review by LAC, including its Board of Directors, to determine the facts of the accusations and give both LAC’s Board of Directors and its shareholders the comfort that there was no basis for these grave accusations of “violations of the human rights” of Liberian citizens. So it was not until January 2007 that LAC formally responded to UNMIL’s report in a ten-page letter dated January 31, 2007.
- 4.2** LAC’s response did not only deny and refute the accusations it also traversed each accusation by substantial facts to the contrary. LAC concluded its response by demanding that UNMIL withdraw its false and prejudicial accusations and render an apology to LAC; the alternative was that LAC would seek legal redress for the libel. As LAC was certain that the accusations made by UNMIL’s report were false, baseless and unfounded, LAC sent a copy of its response to the Honorable Minister of Agriculture of the Liberian Government, among others.

- 4.3 By a one-page letter dated 1 March 2007, UNMIL ignored LAC's assessment of its report and the demand for apology. A circuitous approach was taken in the form of an encouragement to LAC *"to engage with UNMIL Human Rights Protection Section in fruitful exchanges on current and future activities and initiatives to further improve human rights situation in the rubber plantation"*.
- 4.4 LAC promptly responded by a three-page letter dated 9 March 2007, calling UNMIL's attention to the fact that its response evaded the issues raised by LAC's letter of 31 January 2006; this response also summarized the issues and insisted that UNMIL should retract the report and render an apology. A second one-page circuitous, evasive letter dated 21 March 2007 was written by UNMIL; and this time an invitation was expressly extended to LAC to meet with UNMIL's Chief of the Human Rights and Protection Section and its Senior Legal Advisor to discuss the report and UNMIL's efforts to promote human rights in Liberia. Not only did LAC reject the invitation in a two-page letter dated 2 April 2007, but LAC also emphasized that until UNMIL retracted its false and injurious report about LAC, there was nothing to be discussed with UNMIL. This time, LAC directed its threat of legal action to Mr. Adam Abdelmoula, the person believed to have written UNMIL's report. LAC concluded this letter in these words: *"Through a legal proceeding, we shall secure and protect the reputation of our company, its officers and directors both in the eyes of the Liberian people and the wider international community; through a legal proceeding we shall vindicate our business practices in Liberia and restore our reputation, which has been so maliciously and recklessly assaulted by Mr. Abdelmoula under the guise of making a human rights report for UNMIL"*.
- 4.5 This 2 April 2007 letter from LAC reveals how passionate LAC was about protecting its reputation through a legal action, if necessary, unless UNMIL retracted its false report about LAC. This passion must have been felt by UNMIL because its response of 12 April 2007 was nothing short of desperation. In that response, UNMIL first advised that any action which LAC wishes to take must be directed against UNMIL itself, not its officials, employees or agents, as UNMIL's report was *"ordered, prepared and issued by the Mission to review and address the human rights situation in the rubber industry in Liberia"*. UNMIL then went on to assure LAC that the *"matter can - and should - be resolved through an amicable discussion between LAC and UNMIL"*. But the letter did not stop there; it admonished LAC that were LAC to ignore UNMIL's invitation to amicably resolve the matter and LAC went to court, UNMIL would, in addition to whatever other defenses it might have, invoke its immunities from suits in Liberian courts pursuant to *"relevant provisions of the Charter of the United Nations and the Convention on the privileges and immunities of the United Nations"*. UNMIL also alerted LAC to the 6 November 2003 Status of Forces Agreement between the United Nations and the Government of Liberia which *"exempt the United Nations and its Officials from legal process in respect of words spoken or written and all acts performed by them in their official capacity as will an independent exercise of their functions."*
- 4.6 LAC considered UNMIL's letter of 2 April 2007 as implicit admission that UNMIL's report had not thoroughly and properly researched, contained false and misleading information injurious to LAC, and that under ordinary circumstances the writer and publisher of such report could be civilly liable to LAC. With that determination, LAC agreed to meet with UNMIL officials, but the only time available to LAC was a date on which its President, Dr. Luc Boedt and one of its directors, Mr. Phillippe de Traux, would be traveling from La Côte d'Ivoire back to Brussels, Belgium. So a meeting was arranged at Roberts International Airport; and this meeting took place on 26 April 2007.

5. - THE ROBERTS INTERNATIONAL AIRPORT MEETING OF 26 APRIL 2007

- 5.1 Attending the meeting at the Roberts International Airport on behalf of UNMIL were its Senior Legal Advisor, Ms. Nathalie Ndongo-Seh and its Chief of Civil Affairs, Mrs. Zainab Hawa Bangura. LAC was represented by its President, Dr Luc Boedt, its Director, Mr. Phillipe de Traux, its Controller, Mr. Pascal Desmedt, and its General Services Manager, Dr. Samuel Bennett.
- 5.2 According to the minutes taken by LAC's General Services Manager, the UNMIL officials admitted that there were "*missteps, mistakes made*" and that UNMIL would "*mitigate the alleged harm*" done to LAC in order to obtain a "*way forward*". As to correction of UNMIL's report and a letter to LAC confirming that UNMIL's report would be corrected, the minutes reflect that the UNMIL officials said that only Mr. Allan Doss, Special Representative of the Secretary-General of the United Nations (head of UNMIL) would have to give his approval, but he was out of Liberia then. It was even agreed that upon Mr. Doss' return to Liberia he would visit LAC to decide upon a way forward.
- 5.3 For the purpose of reporting to LAC's Board of Directors, LAC's General Services Manager transmitted his minutes to UNMIL's Senior Legal Officer for confirmation; this was done under cover of a letter dated April 30, 2007.
- 5.4 By a letter dated 10 May 2007 (one day after the one-year limitation period for a libel suit under Liberian law had expired), UNMIL's Senior Legal Advisor responded to the minutes taken by LAC's General Services Manager and gave her clarifications of LAC's account of the meeting. Two important paragraphs of this letter stand out; and the first of these paragraphs reads, as follows:
- "... UNMIL representative agreed with the LAC Management that unintentional mistakes may have been committed in the UNMIL report, as is sometimes the case with reports of this nature for which figures and information are scarce and /or obtained from various sources. Consequently, UNMIL representatives agreed to recommend that the report be reviewed by UNMIL, in the light of your (LAC's) five points of contention, with a view to identifying and correcting factual errors, if any, in the report."*
- 5.5 The second paragraph of UNMIL's clarification of LAC's account of the meeting, which stands out, read as, follows:
- "... UNMIL representatives stated on several occasions that they were not in a position to make any decision but would just give a detailed account of the discussion held with the LAC representatives to Mr. Doss, the Special Representative of the Secretary-General for any action that he may deem appropriate to take on the matter. It was agreed that should UNMIL's review of the report establish that major mistakes had been made in the report in relation to the LAC Management and/or its plantation, UNMIL would find a fair way to correct them. Although the participants at the meeting explored various ways to correct mistakes and exaggerations, if established, it was made clear to all that the manner in which such mistakes, if any, might be corrected would be decided by Mr. Doss only."*
- 5.6 Since that last letter from UNMIL, no contact has been made by UNMIL to LAC; UNMIL has not given LAC the courtesy of any report on whether the matter was ever raised Mr. Allan Doss or what his reaction was. LAC believes that UNMIL did not bother to review the report to find out whether there were mistakes or exaggerations; there was no need for such review as LAC had shown UNMIL over and over again that its report is replete with mistakes, exaggerations and misrepresentations. UNMIL's silence shows a lack of good faith when it requested for and attended a meeting with LAC for the purpose of amicably resolving the matter. To LAC, UNMIL's silence also constitutes an implicit admission that the report was fallacious and that LAC properly demanded correction of the false parts of that report.

6. - CONCLUSION

- 6.1 LAC has never violated the human rights of the Liberian people; UNMIL's suggestion in its report that violations of human rights are practiced by LAC's management is unfounded and baseless; there isn't an iota of truth to those allegations and accusations.
- 6.2 It is now more than two years since UNMIL issued its report; LAC continues to do business today just as it did two years ago; nothing substantial has changed. Notwithstanding the issuance of the report back in May 2006, the Liberian Government has never ever raised with LAC any of the accusations and allegations contained in UNMIL's report; that report has simply been ignored by the Liberian Government. The ostensible reason is that the report is unfounded and baseless.
- 6.3 UNMIL itself has not followed up on anything contained in its report; no official representation has been made by UNMIL to the Liberian Government about these serious allegations and accusations; UNMIL has not conducted any monitoring program to ensure that LAC changes its course of conduct and come into compliance with international human rights standards and norms. And the only apparent reason why UNMIL has not done any of these is that its report is not factual.
- 6.4 After UNMIL's "clarification" of LAC's account of the meeting at Roberts International Airport, LAC's legal counsel advised it to abandon all pursuits of the matter with UNMIL because that would be an exercise in futility. LAC's legal counsel confirmed to LAC that it was highly probable that Liberian courts would honor UNMIL's claim of immunity from court process in Liberia; LAC's legal counsel also advised that with the expiry of the limitation period, a legal suit against UNMIL and the writer of the report, even assuming that immunity pleas were not available to UNMIL, would bar the a civil suit. Consequently, LAC abandoned all pursuits of the matter.
- 6.5 Notwithstanding the above, it is also clear that LAC has been vindicated from the accusations and allegations of UNMIL's report. For if UNMIL had believed that its report was factual, it would not have given notice that it would plead immunities if LAC were to institute any legal action. Similarly, if UNMIL were convinced that its report were correct and fair, it would not have sought a meeting to amicably resolve the matter, attended the meeting and promised to review its report for mistakes and exaggerations. UNMIL's conduct, when taken together with LAC's strong position against the contents of the report, reveal that UNMIL implicitly acknowledged the faults and errors of the report on LAC.