

AD-HOC INDEPENDENT COMMISSION ON THE E-MAIL SAGA

REPORT OF THE AD-HOC
INDEPENDENT COMMISSION
ON THE E-MAIL SAGA

Monrovia, Liberia

January 7, 2009

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PREFACE

When the government of President Ellen Johnson Sirleaf assumed the administration of Liberia, one of its cardinal pronouncements was “a zero-tolerance policy on corruption.”¹ On many occasions, President Sirleaf has reassured the Liberian people that this policy will be fully respected. The establishment of the Anti-Corruption Commission and the drafting of a proposed corrupt offences Act are apparent indications of this reassurance.

In addition to the stance of the Government of Liberia (GOL) on combating corruption, its partners and the international community in general have continued to assess its performance and encourage it to remain steadfast in the fight against corruption. This assessment has appeared in a series of reports including one by Search for Common Ground in Liberia and another that gives the government a favorable rating in the global fight against corruption, especially in developing countries.²

Notwithstanding the government’s stance regarding corruption as well as its partners’ interest and the credible reports in this regard, it appears that the Liberian public remains distrustful of officials of government, most still believing that the social malady of corruption stands out in the public sector. This belief seems to find expression in numerous articles of allegations of corruption that continue to appear in the local newspapers, charging high ranking government officials and prominent public institutions with corruption. In fact, the government concedes some of the charges as it notes that the Liberian people “are naturally skeptical because dependency, deprivation and lawlessness have given corruption deep roots” *in the country*.³ Some of the newspaper articles have reflected “findings by the General Auditing Commission.”

Publications alleging corrupt practices have not been restricted to local dailies. Some international news agencies have made similar allegations in varying degrees. More significantly, the Front Page Africa internet news organ’s publication of repeated allegations of corrupt practices has been a matter of concern to both the government and the Liberian public. In recent times, those allegations have taken on greater dimensions, involving government officials, including the office of the President. The initial publication of these allegations appeared on Front Page Africa’s website⁴ on August 1, 2008. Since then, there

¹ Contained in the January 6, 2006 inaugural address of President Ellen Johnson Sirleaf and other instruments

² The World Bank reported Liberia made the second highest gains against corruption in the world by adopting 21 new measures. See the GOL’s response to the Christian Science Monitor published article of September 25, 2008, “Persistent corruption threatens Liberian stability” and World Bank Official Press Release No. 2008/392/WBI: World Governance Indicators. See also [Africa Confidential](#) “Liberia: Graft never really went away: Revelations of grand corruption in mining and shipping contracts embarrass the government,” Vol. 49, No. 20, 10/3/08.

³ GOL’s response mentioned in note 2; the emphasis in italics belongs to the Commission.

⁴ FrontPageAfrica.com

have been additional publications charging more acts of corruption involving several other persons and institutions.⁵

Unlike the newspaper articles that allege acts of corruption by providing explanations based mostly on unrevealed sources, the Front Page Africa publications contained numerous e-mail communications allegedly exchanged between various individuals. The exchanges also suggest that the e-mail addresses belong to the individuals accused of the corrupt practices as well as others mentioned, although not necessarily involved in those practices.

As a result of the publications, the government of Liberia decided to launch an investigation to establish whether the claims were in fact authentic, which would set the stage for further action by the government. The investigations according to the government were to be conducted independent of government or other influence. In this regard, President Ellen Johnson-Sirleaf appointed Dr. D. Elwood Dunn as chair of an independent ad-hoc investigation commission with the mandate to appoint other members of the commission. The commission was empowered to appoint a legal counsel and secure the services of an expert computer forensic investigative firm to assist in the investigations.

Eventually, the Commission came to include the following citizens: Sister Mary Laurene Browne, The Rev. Dr. Herman Browne, Ms Ruth Doe, Mr. Bill Frank Enoanyi, Mr. Laurence Norman, and The Rev. Fr. James Sallee. Counsellor Jallah A. Barbu served as legal counsel to the Commission. The international firm, The James Mintz Group, Inc. was hired as expert investigators for the Commission.⁶

The Commission's mandate is reflected in a letter of appointment to the chairman of 9/29/08, and Executive Order No.15 of 10/30/08. Cumulatively the Commission is mandated to investigate alleged improprieties suggested by the published e-mails in general as well as in reference to GOL/LISCR negotiations. The Commission's expansive interpretation of its mandate led it to a variety of sources to acquire information it deemed as having a bearing on the inquiry. Accordingly, the Commission availed itself of the opportunity to acquire from FPA's editor items in his possession that may not have been published on his website. Our expert investigators followed our lead in speaking to and acquiring from Editor Rodney Sieh, and a number of other individuals of interest, items they considered relevant to the investigation. In short, our quest for information led to individuals considered as primary and marginal to the inquiry.

The investigations involved interviews, analysis of documentations including the e-mails circulated on Front Page Africa's website, documents voluntarily provided to the Commission by the interviewees, documents acquired from other sources, relevant information received from various sources upon inquiry by the

⁵ The establishment of the Commission was made via a letter of appointment and an executive order (#15)

⁶ Curricula Vitae of Commission members and legal counsel in appendix to report.

Commission, and assessment of computer hard drives secured from some of the interviewees. Additional efforts were made to acquire assistance from the United States government, especially the status of investigations launched upon the separate requests of some of the individuals accused in the Front Page Africa circulation by the Federal Bureau of Investigation, the cooperation of Yahoo! Inc., and the confirmation of certain bank accounts were not concluded. The pieces of information that were expected from those sources may be procured by the government for future measures it may take.⁷

⁷ See Confidential Meeting Summary re “Yahoo! Discovery Petition Conference Call,” December 18, 2008. Also Diplomatic Note No. 181/08, Embassy of the United States of America, Monrovia to Ministry of Foreign Affairs, 10/23/08. The Commission made contact with Kyle Latimer of U.S. Justice Department in keeping with Monrovia Embassy advice and he requested and secured from Yahoo! Inc. preservation of records regarding the activity of a user with the Yahoo! ID “jrknuckles@yahoo.com.”

EXECUTIVE SUMMARY

The seven-member Ad-Hoc Independent Commission conducted these investigations over a period slightly in excess of three months with the assistance of a United States-based computer forensic investigative firm, a Liberian lawyer, and a small corps of support staff. These investigations proceeded as follows:

1. An analysis, comparison and contrasts of three sets of documents including published e-mails by Front Page Africa on its web site, unpublished e-mails received from Front Page Africa through its editor-in-chief, Mr. Rodney D. Sieh, and, documents relative to allegations of corruption contained in those e-mails which were received from Mr. Sieh, some of the individuals mentioned in the e-mails and other individuals engaged by the Commission;
2. Interview of individuals and entities mentioned in the allegations of corruption or other improprieties; and
3. A technical forensic review and analysis of the five hard drives acquired from some of the interviewees and others from LISCR.

Observations:

During the interviews the Commission observed, from the responses and arguments of the interviewees, that the e-mails in question were of three categories:⁸

1. Uncontested/undisputed e-mails
2. Partially disputed e-mails
3. False e-mails

It appears that the focus of some of the individuals alleged to have engaged in acts of impropriety was the LISCR/GOL negotiations, highlighted in Executive Order No. 15 that established the Commission. Consequently, those individuals did not fully cooperate with the Commission which, in the Commission's view, was predicated on apprehensions they maintained that the Commission would have found information not favorable to them.

Findings:

The Commission found that there were violations and breaches of Liberian laws and policies by some of the following groups of persons:

⁸ See table infra containing the various categories of e-mails, and the appendices for the relevant e-mail documents.

- I. Officials of Government
- II. Private individuals
- III. Private business entities

I. Officials of Government:

Although the e-mails alleged that several officials of government were involved in acts of corruption relative to the LISCR negotiations, there was no evidence to establish the truthfulness of the allegations. The Commission found as follows:

A. LISCR/GOL

Unsupported allegations: President Ellen Johnson Sirleaf, Minister of Justice Philip A.Z. Banks and Bureau of Maritime Affairs Commissioner Binyah C. Kesselly were found not to have been engaged in any acts of impropriety regarding the LISCR negotiations. The allegations made in the e-mails were found to be without any evidence and in fact, appeared to have been fabricated and were unknown to these individuals until they appeared on the website of Front Page Africa.

B. OTHER ISSUES

1. Allegations of impropriety involving the importation of cement: At least three officials were the principal actors in the allegations surrounding the importation of cement to Liberia; they were, Executive Assistant to the President and Director General of the Cabinet Mrs. Medina Wesseh, Representative Dusty Wolokollie, and Deputy Minister of Finance for Administration Tarnue Mawolo. The Committee found generally that these individuals were using their official titles or influence to conduct their private businesses, as explained below:

Mrs. Medina Wesseh: Mrs. Wesseh confirmed that she did use her official position/title during her interactions/communications with other individuals with whom she conducted her private cement business but explained that this was basically because her computer is programmed to automatically insert her title on communications she writes.

Hon. Dusty Wolokollie was primarily engaged with Deputy Minister Tarnue Mawolo in a cement business. The Committee requested clarification from Hon. Wolokollie but did not receive a response.

Deputy Finance Minister Tarnue Mawolo affirmed the validity of the email pointing out an “old version” of the document in the email. He added that the common effort of himself and Representative Wollokollie and Mrs. Wesseh

was designed to address cement shortage on the Liberian market. As others have pointed out, the effort did not materialize (Barbu to Dunn, 12/31/08 & Commission letter to Mawolo of 12/29/08)

2. The US\$23,000 refund request by Mr. Willis D. Knuckles: In addition to Mr. Knuckles, the three individuals that acted in the US\$23,000 refund request were President Ellen Johnson Sirleaf, Minister Morris Saytumah, and Special Assistant to the President Ms. Elva Richardson. The Commission found that both Minister Saytumah and Ms. Richardson were only performing their respective duties of receiving and/or conveying messages from Mr. Knuckles, who communicated the request to Minister Saytumah, and President Sirleaf who instructed Ms. Richardson to relay her response to Mr. Knuckles.

President Sirleaf: President Sirleaf confirmed to the Commission the authenticity of the e-mails on the one hand which contents the Commission found to have been first a breach of procedure by Mr. Knuckles as to the manner in which he requested the reimbursement, but secondly, as a proper and well placed response by the President, insisting that the appropriate procedures should be respected in such matters.

3. Senator Cletus Wortorson's request for Presidential encouragement of his private business exploration: The Commission believes that the President's consent to encourage Senator Wortorson in the manner she did is open to misinterpretation and should be avoided.

II. Private Individuals

- A. Mr. Willis D. Knuckles Jr.: Mr. Knuckles is the central figure mentioned in all of the relevant e-mail allegations. He was engaged in matters concerning the LISCR/GOL negotiations, as well as the transactions involving the importation of cement to Liberia. The LISCR/GOL negotiations appear to be the relevant area in which it is probable that Mr. Knuckles engaged in acts of impropriety. Two main incidents support this finding: his offer as chairman of Cellcom board of directors to President Sirleaf to pay the travel cost of two members of the President's delegation to Israel, and spearheading the supply of scratch cards to members of the President's delegation to Israel suggest that Mr. Knuckles was at least attempting to employ undue influence in the search for a renewal of LISCR's contract.
- B. Dr. Charles A. Clarke: Dr. Clarke was instrumental in delivering a proposal from a potential competitor to LISCR for the maritime contract personally to Mr. Binyah C. Kesselly, Commissioner for the Bureau of Maritime Affairs although he asserts he had no knowledge of the contents of the document he delivered. The Commission's interviews with Kesselly, as well as indications from a cast of characters including a Jason Hickox who delivered the

document to Clarke suggest more knowledge on Clarke's part than he seems willing to acknowledge.

- C. Professor Dew Tuan Wleh Mayson: As Dr. Clarke delivered the package for UGH, Prof. Mayson served as conduit for the delivery of another proposal designed to replace LISCR, that of Oceanic Corporate Services of New York. In an e-mail message dated 5/1/08 and captioned "Transmission of Proposal to Bid for the Operation of the Liberian Registry," Mayson first forwarded the package to Kesselly's predecessor and subsequently to Kesselly himself. In a phone interview Mayson indicated that he was approached by friends who vouched for the credibility of OCS. He identified OCS as led largely by lawyers and former U.S. military people somewhat in the tradition of the old ITC folks of 1940s vintage.⁹

III. Private Entities

- A. Cellcom/LISCR: On the basis of his status as chairman of the board of directors of Cellcom, and that company's direct connection with LISCR under basically the same ownership and management, it is likely that the actions of Mr. Knuckles discussed above were tacitly supported by the two companies. Consequently, the companies are viewed as part of the attempt by Mr. Knuckles to employ undue influence in renewing their contract with the government of Liberia for the Maritime program.
- B. Front Page Africa: Evidence was found that alterations to email messages took place between the time some emails were received by FPA and when they were posted on the website. Beyond this, it is evident that some of the e-mails circulated on its website were fabricated in ways that indicate that individuals other than those alleged to have authored those e-mails were the ones who did such act. This suggests that the e-mails of individuals were accessed by unauthorized person(s). In addition to the alteration observed in the e-mail regarding the \$200 credit to Counsellor Bernard, there were fabrications in the e-mail that alleged the "need for more payments to be made to Kesselly and Banks to secure their favorable participation" as it appears that only the last paragraph of that e-mail is actually authentic. Further, the e-mail alleging that Minister Philip Banks owned seven accounts at the Liberian Bank for Development and Investment (LBDI) was found to be totally false.

⁹ Note the Commission's e-mail exchange with Kesselly of 12/22/08 "Please clarify for me, if you can, the role of Dew T.W. Mayson in the proposal of Oceanic Corporate Services for replacing LISCR. Might there be an analogy between his role here and that of Charles A. Clarke in the case of UGH?" Kesselly replied: "Yes, and I believe that he and a couple of others are silent partners in this endeavor." The name Ethelbert Cooper was mentioned as possibly one of the "silent partners." Interview of 12/26/08 & 1/4/09. Kesselly adds subsequently: "His [Mayson's] approach was a lot more professional than Dr. Clarke's. He only advanced the idea of the GOL being a little open-minded to accepting a possibility of another manager for the registry..." E-mail Kesselly to Dunn, 12/29/08.

Front Page Africa may have to be pursued to assist in identifying the sources of such e-mails on its website. (See JMG Memo of 12/9/08, p. 8)

1. INTRODUCTION

On August 15, 2008, Front Page Africa, an online news organ based in the United States with Mr. Rodney D. Sieh as its editor-in-chief, published a number of e-mails on its website, purporting to be e-mails originating from a number of persons. The e-mails contained various species of information that suggested possible violations of Liberian laws, fiscal and administrative polices as well as provisions of the code of conduct for public servants,¹⁰ and public policy. The e-mails circulated by Front Page Africa were attributed to some current and past officials of the government, private business houses and other private individuals. In addition, some foreign nationals were also linked to the corruption allegations. Among those foreign nationals were citizens of the United States of America. In that respect, it also became apparent that in the event the allegations were found to be credible, it would also have been possible that United States laws were violated as well.

In support of its many pronouncements and established goal of eliminating corruption in government and the Liberian society,¹¹ the government of Liberia through President Ellen Johnson Sirleaf established an independent ad-hoc body to investigate the authenticity of the e-mails. Named the “Commission” per Executive Order Number 15 promulgated by the President, the body, chaired by Dr. D. Elwood Dunn, comprises seven Liberians and is assisted by a Liberian lawyer and a United States-based computer forensic investigative firm. Immediately upon its establishment, the Commission commenced its work, first in its preparatory phase and then the full investigation phase. The submission of this report concludes the life of the Commission.¹²

This report discusses the scope of the investigation, claims by individuals that their e-mail accounts were hacked into thus resulting in alterations and fabrications by the unknown hacker(s), the authenticity of the e-mails circulated on the website of Front Page Africa, and findings made by the Commission. Based on the findings made by the Commission, a set of recommendations is contained in the report relative to both judicial and administrative measures. The report is divided into five parts following the Preface and the Executive Summary. Part I is the Introduction. Part II, Conducting the Investigation, presents in some detail the various procedures and processes employed by the Commission in the conduct of the investigation and the observations made. It is this part that uncovers the events that took place in the LISCR/GOL negotiations which were central to the investigation – allegations of impropriety on the part of

¹⁰ There currently is not a code of conduct but a set of guidelines established by the Civil Service Agency pending the endorsement of the code of conduct presented by the Executive to the Legislature. Also see GOL’s response mentioned in note 2 and FPA’s quotation of President Sirleaf’s remarks, marked as note 6

¹¹ See note 1

¹² A letter had earlier been served Dr. Dunn appointing him as chair of the Commission, see note 5

officials of the Liberian government bearing on these negotiations as well as other related issues such as the hacking into the personal e-mail accounts of individuals, authenticity of the e-mails on Front Page Africa and the roles of the principal actors mentioned in the e-mails. Part III contains analyses of these transactions as well as findings relative to each of the actors considered by the Commission as relevant to the investigation. Part IV, Conclusion, presents the Commission's position based on what it found, thus leading to Part V which recommends a number of actions that the government of Liberia may take.

Part II CONDUCTING THE INVESTIGATION

2.1 Scope

The mandate of the Commission was contained in two separate documents issued by President Ellen Johnson Sirleaf – a letter appointing Dr. D. Elwood Dunn as Chair of the Commission, and Executive Order No. 15 establishing the Commission (See Appendix 1).

The Commission was mandated in those two instruments to investigate and submit its findings to the President and to a Special Prosecutor, based on allegations of corruption contained in several e-mails that were published by Front Page Africa on its website, frontpageafrica.com which involved officials of the government of Liberia and related individuals and entities.

Notwithstanding this clear mandate which the Commission shared with all of the interviewees, some of them argued and maintained that the Commission lacked the authority to investigate beyond the GOL/LISCR negotiations, and thus, would not cooperate with the Commission beyond that issue. For instance, in its effort to acquire clarifications on matters regarding both the attempts by Cellcom and Mr. Knuckles to be placed on the President's delegation that travelled to Israel and matters concerning Mr. Knuckles' involvement in the Western Cluster project, the Commission submitted a questionnaire to Mr. Knuckles and requested him to provide clarifications to the matters it contained. However, Mr. Knuckles refused to provide answers but replied "... I have noted that among the questions submitted to me along with copies of relevant emails are copies of my emails not carried on the web by Front Page Africa, the original publication source of all the media allegations and speculation. Considering that this happened before I gave your experts access to my computer records, I am left to wonder how the Committee gained access to my e-mails as no permission was obtained, either from me personally or through legal process. This leaves the question of the violation or invasion of my privacy, a matter which I take very seriously and would greatly appreciate your reaction to this."

The Commission reacted through its chair to Mr. Knuckles' assertion stating, "In reference to the scope of the questions we raised, I wish to inform you that our interpretation of our terms of reference is such that we have gone to a variety of sources to acquire information we deem as having a bearing on our investigation. Accordingly, we availed ourselves of the opportunity to acquire from Mr. Rodney Sieh items in his possession that may not have been published on this website. Our expert investigators, the James Mintz Group, Inc. followed our lead in speaking to and acquiring from Mr. Rodney Sieh, and a number of other individuals, items they deemed relevant to the investigation."

The investigations covered three core areas: the LISCR/GOL negotiations, which was the primary focus of the investigations; other transactions suggesting some forms of improprieties; specific roles allegedly played by individuals who placed them in the category of principal parties to the corruption allegations and thus, relevant persons for discussions with the Commission. The investigations, findings and conclusions from these core areas are presented below.

2.2 Principal Parties Interviewed

The Commission identified eight principal parties to the allegations including Mr. Willis D. Knuckles, LISCR/Cellcom (Mr. Yoram Cohen/Mr. Abraham Avi Zaidenberg/Mr. Anwar Nachmani), Mr. Binyah C. Kesselly, Mrs. Medina Wesseh, Counsellor Philip A.Z. Banks, Counsellor Estrada J. Bernard, Mr. Thomas Jeffery, and President Ellen Johnson Sirleaf. Except Mr. Yoram Cohen and Mr. Abraham Avi Zaidenberg who were interviewed in the US by the experts who assisted in the investigations, all of the individuals were interviewed by the Commission in Liberia. (Other persons named in the emails but marginal to the investigation are listed in appendix # 15)

2.3 The Investigations

2.3.1 LISCR/GOL Negotiations

The Commission found that several circumstances have prevailed from the inception of the current administration in January 2006 to August 2008 that demand the attention of parties who are desirous of fully understanding what may have transpired, how and why they did. The most significant of those circumstances determined by the Commission are discussed below.

A. Favorable circumstances: At least two sets of conditions seemed to have been sufficient to negate any effort of lobbying on the part of LISCR for renewal of its agency. The Commission notes that even if LISCR had engaged in lobbying to renew its contract, such action would normally not have been a violation of any laws of Liberia nor an infringement of public policy. On the contrary, the Commission concedes that where a party determines that it is in

its best interest to convince decision makers to decide an issue in its favor, that party has the right to do so within the confines of the law. The two sets of conditions in LISCR's favor were:

1. **LISCR as agent of the Liberian Registry:** By January 2006, LISCR had served as an agent of the GOL for approximately seven (7) years, (since 1999), half of which period was affected by war. Howbeit, LISCR is said to have maintained the Registry at a high standard, ranking as the second largest shipping registry in the world with a fleet of approximately ten percent of all merchant ships.¹³
2. **Status of negotiations to renew LISCR's agency:** By June 2008, it appeared that the GOL and LISCR had reached some agreement in principle that favored a renewal of LISCR's agency even though there still were some issues to be concluded. Although the GOL had suspended the negotiations in April 2008, the fact that it proposed a resumption of the negotiation and scheduled a meeting of the parties in early July¹⁴ attests to the existence of an understanding that there was a high probability for renewing LISCR's agency. As the records show,¹⁵ all that actually remained for the contract to be renewed were the appropriate reviews and endorsements by the executive and legislative branches respectively. It is apparent that the team of negotiators for the GOL was content with the new terms and conditions it had set forth in favor of Liberia.

As a consequence of our observations stated above, we conclude that the GOL had in fact given LISCR substantial reason to be assured that its agency would be renewed once it accepted the new terms and conditions, which from the records, LISCR generally accepted with few minor exceptions that the GOL allowed. Thus, we conclude that if these were the only circumstances that prevailed at the time, LISCR would not have had any reason to assume that its agency would not have been renewed, or at least, that it probably would have had to engage in a rigorous effort to acquire the renewal.

B. Adverse circumstances: Notwithstanding the very strong showing in LISCR's favor, there were also challenges that confronted LISCR which, in the normal course of business, would have posed some difficulty for the entity. The Commission believes that in the wake of these challenges, the urge to frantically engage decision makers and to attempt to pursue means other than the normal course of lobbying could have developed. In other words, the question the Commission grappled with is: why would LISCR feel the need to influence *unduly* the process leading to the renewal of its agency under the

¹³ See the testimony of Binyah Kesselly; also, Oceanic Corporate Services proposal to administer the Liberian Maritime Program, p. 4.

¹⁴ See e-mail from Binyah Kesselly to Yoram Cohen and Joseph Keller dated June 26, 2008

¹⁵ The Term Sheet (Proposed Agreement for Liberia International Ship and Corporate Registry)

Maritime Program despite the sole source exception contained in the Term Sheet?

1. **Acute criticism of the current LISCR contract:** Criticism of the LISCR contract by various groups including the Bureau of Maritime Affairs, specifically its newly appointed Commissioner, Binyah Kesselly as presented in a study document he authored entitled “The Liberian Registry”¹⁶ which among many criticisms, charges LISCR with non-adherence to provisions of the agreement including its failure to disclose the initial and existing shareholders of LISCR as well as its shareholder dividend records. In some reports, (attached to note 14) LISCR is accused of money laundering and gunrunning in violation of United Nations embargo against the administration of former President Charles Taylor.

It should be remembered that the contract with the former agent IRI was terminated in 1998 because of the high rate of major conflicts of interest (e.g. managers were major shareholders of other companies to whom subcontracts were distributed; IRI was operating a parallel registry in the Marshall Islands to the detriment of the Liberian Registry).

In addition to the criticisms, the GOL had drawn up a document captioned “Guidelines on Renegotiation for Renewal/Extension of the GOL/LISCR Agreement” which also observed several breaches of the provisions of the existing contract by LISCR and which suggested stringent conditions for renewing the contract.

2. **Potential competition:** Our investigations revealed two potentially major competitors whose interests in the Liberian Registry might have unnerved LISCR, thereby creating uncertainty and skepticism regarding the guarantees they had received from the GOL. United Global Holdings, LLC (UGH) and Oceanic Corporate Services (OCS) both presented proposals to the GOL strongly expressing their interest in administering the Registry. Those two institutions seemed to have established some form of relationship and/or acquired some support from influential Liberians which, it appears, LISCR had some information about.

UGH, chaired by Mr. Michael Lempres, succeeded in delivering its proposal to BMA Commissioner Binyah Kesselly through Dr. Charles A. Clarke, Chairman of the ruling Unity Party. Dr. Clarke however informed the Commission that he did not know the contents of the document nor

¹⁶ Presented voluntarily to the Commission by Mr. Kesselly, the document asserts that, “it is rumored that Mr. Benoni Urey (former Maritime Commissioner under President Taylor) and former President Charles Taylor are shareholders of LISCR” See also Oceanic Corporate Services proposal at page 4 In conversation with former Commissioner John Morlu, the Commission gathered that he too had been critical of LISCR’ role in a program that clearly could net more dollars for GOL coffers (Phone conversation of 12/26/08)

had he met any of the individuals associated with UGH. To the contrary however, the Commission found that Dr. Clarke did meet with and collect the document from one of the representatives of UGH in the person of Jason Hickox. A cast of other characters interviewed by the Commission leaves an unsettling sense of activities, some of which could be questionable.¹⁷ Mr. Lempres is alleged to have sent, via e-mail, a letter to President Ellen Johnson Sirleaf detailing several reasons why the LISCR arrangement should not be continued after its expiry in 2009 and requesting an objective approach in awarding the Registry contract.¹⁸

Another prominent Liberian, Professor Dew Tuan Wleh Mayson (Special Envoy for the President of Liberia), served as conduit for OCS as it advanced strong arguments for an open bidding process for the management of the Registry. Professor Mayson conveyed both to Kesselly's predecessor and to Kesselly himself through electronic means a covering letter signed by OCS senior vice president, Richard Allocca and the proposal for the Registry signed by OCS President Mark J. Kremin.

Additionally, in conversations with Kesselly, Yoram Cohen and our expert investigators, it emerged that proponents of the UGH proposal were called "Hezbollah people," a reference to a Lebanese political party/faction, while Yazim Fawaz and his family were called the mastermind of the entire saga, possibly even the computer break-ins.

As a consequence of our observations stated above, we conclude that there were certain strong factors that mitigated LISCR's confidence in the assurances it sensed from the GOL and that those factors could have, in the least, resulted in a prolonged and very competitive open bidding process. Further, the Commission reasons that it did not seem that LISCR intended a bidding process to take place but rather, that its contract be extended or renewed in lieu of such process, as it is clear that LISCR did have some idea of the adverse factors challenging its interest. For example, with such a politically charged matter, it is inconceivable that LISCR would have been unaware of the suspicious inferences one might draw from such reluctance to disclose its shareholders or those to whom it paid dividends over the years. Hence, we believe that this propelled in LISCR the anxiety that GOL might not follow through its assurances to renew.

The Commission therefore takes the view that there were good reasons for LISCR to engage a lobbyist(s) and perhaps to grant the requests and heed the advice of the lobbyist(s) in its dire quest for renewing the contract.

Because of lingering questions about their possible roles in attempting to replace LISCR, both Dr. Clarke in the case of UGH, and Professor Mayson in the case of

¹⁷ "Random notes" in appendix.

¹⁸ The Commission confirmed the delivery of the proposal by Dr. Charles Clarke but there are controversies surrounding how he obtained the letter from UGH.

OCS might be requested to more fully disclose what they knew and when they came to know.

C. Lobbying and the proposed GOL award process: If indeed there was a lobbyist(s) working to ensure the renewal of the LSICR contract, it remains to be established who that was and what exactly did s/he do? On the other hand, if indeed the GOL assured LISCR of a renewal or extension of its contract, what would that renewal have amounted to insofar as it relates to the government's policy on creating an atmosphere for free competition and best practices?

1. The Lobbyist(s) and the lobbying process: Hardly would anyone believe that there was not an attempt to have an influential representative pursue LISCR or any other interested party in the presumed "lucrative Liberian Maritime Program." However, except where some hard evidence is established, it would not suffice to assume a lobbyist(s). Notwithstanding, one may infer that based on a chain of events and circumstances, there is high probability that a person could have played the role of a lobbyist even if not so appointed.

In the particular instance, the Commission notes two circumstances that could lead to such an inference in this particular case. Firstly, the Commission established that there is a direct link between LISCR and Cellcom, both companies having Mr. Yoram Cohen as the majority shareholder and leading administrator. Secondly, it was also established that Mr. Knuckles has been serving and is still the chairman of the board of directors of Cellcom, and in that position, has made representations to and for both companies as evidenced by records available to the Commission.¹⁹

Willis D. Knuckles' Role: The Commission believes that Mr. Knuckles did play some role in pursuing the LSICR contract renewal on the one hand while on the other, it does not find any reason to believe that either Mr. Binyah C. Kesselly or Counsellor Phillip Banks acted in favor of LISCR or engaged in acts that compromised the interest of the government in the negotiations.

The actions that suggest that Mr. Knuckles engaged in unwarranted lobbying effort for LISCR include, but are not limited to, his pursuit of spaces on the President's delegation to Israel; the offers by his company to underwrite a portion of the President's travel costs, and subsequent engagements with members of government's delegation including offers of cards that provided roaming services.

Counsellor Estrada J Bernard: Although it is established that a provision for \$200 credit facility existed in the LISCR/Cellcom circle for Counsellor Bernard,

¹⁹ See Mr. Nachmani's testimony in addition to Mr. Knuckles' communications to Mr. Cohen and Mr. Zaidenberg marked Note 17.

there is no evident that he enjoyed this service, other than the scratch card that was provided to members of the President's delegation in Israel. However, there was a fragment of a communication found on the hard drive of a desktop computer at the residence of the President, which he presented to the Commission, that referenced a "prepayment" of six hundred thousand dollars by Cellcom. This e-mail is authored by someone other than the name Estrada Bernard. Counsellor Bernard has clearly pointed out to the Commission that though he occasionally used the computer, as did other people, he has absolutely no knowledge of the e-mail in question nor is he familiar with any of the individuals mentioned therein. The Commission found this response reasonable given the findings are fragments from the hard drive. (See Appendix 10.8 - JMG Memo of 11/25/08, p. 5)

Mr. Binyah C. Kesselly: Despite allegations of payments to Mr. Kesselly, the nature of the interactions between Mr. Kesselly and Mr. Cohen does not support the suggestion that he had been influenced to support LISCR.

Counsellor Philip A.Z. Banks: Counsellor Banks was mentioned once in the e-mails that were circulated on the website as well as those that were provided to the Commission. That e-mail was established to have been altered by a person other than the purported author. Consequently, it is evident that he was not engaged in any of the alleged acts of impropriety.

President Ellen Johnson-Sirleaf: President Sirleaf confirmed that Mr. Willis D. Knuckles/Cellcom requested placement of its representatives on her delegation and offered to assist with the travel costs but she turned down both the request and the offer. She also confirmed that despite her refusal of the request and offer, Mr. Knuckles traveled to and was in Israel during her visit there.

2. **The Proposed GOL award process:** Was the process of a close bid a deviation from GOL's policy of best practices? What would have prompted the GOL's preference for a contract renewal in favor of LISCR over an open bidding process?

The Commission found that given the likelihood that frequent turnover of the administration of the Registry would result in loss of confidence in the sector and subsequently a loss of significant revenue for Liberia (the Registry accounts for 10% of our national budget),²⁰ in addition to the sensitivity of Liberia's shipping clientele to unstable arrangements, the reasonably good record of LISCR in managing the Registry, and since the query with LISCR had never quite been over managerial issues but simply better contractual terms for the people of Liberia, it was in the national interest to renew the contract with the same agent on terms and conditions more favorable to Liberia while maintaining stability in the Program, and not exposing to risk needed revenue by a bidding process. For example, it would be difficult to insure vessels, since insurance companies are

²⁰ See Appendix for President Sirleaf's comments on the Liberian Registry contribution to the economy

usually reluctant to insure vessels that are registered with inexperienced agents or marginally known maritime institutions.

The Commission's review of the proposed and almost settled-upon agreement shows that it appeared more favorable to Liberia and that it seemed to have met the threshold of best practices within the context of good governance; that is, to pursue legitimately the maximum benefits for the governed. Consequently, the Commission concludes that the GOL's consideration of renewing the contract under the identified terms and conditions appeared sound and credible.

2.3.2 OTHER TRANSACTIONS

A. The Cement Transaction: This transaction involved three of the principals invited for interview, Mrs. Medina Wesseh, Mr. Willis D. Knuckles, and Mr. Thomas Jeffery. Mr. Jeffery clarified, pursuant to the Commission's concern that his bank was requested by Mrs. Wesseh to facilitate letters of credit in her favor to import the cement, but her request was not granted.

Mrs. Medina Wesseh: The cement transaction revealed attempts by both Mrs. Medina Wesseh and Mr. Knuckles to import cement into the country during a period when there appeared to be a shortage of the commodity. Both Mrs. Wesseh and Mr. Knuckles attested to their involvement in the transactions as published by Front Page Africa although Mrs. Wesseh sternly argued that the Commission had no basis to inquire into this aspect of the e-mail exchanges published on the website of Front Page Africa.

The Commission noted the use by Mrs. Wesseh of her official title in communicating with her business associates both in and out of the country and inquired from her the basis for her action.

In her response, Mrs. Wesseh insisted that her private business engagement was legitimate and that her official title appeared on her communications because her computer is programmed to automatically insert her title on documents produced from it.

Although she attested to the communications, Mrs. Wesseh clarified that she is not in a business partnership with Mr. Knuckles but rather chose to assist him with a cement business opportunity she had since he was unemployed and needed assistance.

Mr. Willis D. Knuckles: Mr. Knuckles corroborated the statements made by Mrs. Wesseh but also noted that his efforts to import the cement did not materialize.

B. The Western Cluster Scandal: This aspect of the Commission's inquiry involved only Mr. Willis D. Knuckles. He was requested to provide certain

clarifications but refused on grounds that he felt the Commission did not have authority to seek any clarification on this set of the published e-mail.

C. The \$23,000.00 Refund Request: The Commission found two principal parties to this e-mail; Mr. Willis D. Knuckles and President Ellen Johnson Sirleaf.

Mr. Willis D. Knuckles: Mr. Knuckles refused to respond to the Commission's inquiry to him as to the veracity of this e-mail, again on grounds that the Commission lacked authority on this matter.

President Ellen Johnson Sirleaf: President Sirleaf confirmed that indeed the request was made by Mr. Knuckles and that she instructed the response that was sent to him through Ms. Elva Richardson informing him that the procedure he adopted was contrary to government's policy and as such it had to be corrected.

D. Senator Cletus Wortorson's e-mail: There were three principal parties to this e-mail; Senator Wortorson, Mr. Willis D. Knuckles and President Ellen Johnson Sirleaf

Senator Wortorson: Senator Wortorson confirmed that the e-mail is authentic and that he had made this request in earnest insofar as seeking support for Liberian business was concerned.

Mr. Willis D. Knuckles: Mr. Knuckles refused to also address the inquiry regarding this e-mail on the same grounds that the Commission lacked the authority to cover it.

President Sirleaf: President Sirleaf corroborated Senator Wortorson's statement and emphasized that she advised him to ensure that he satisfied all of the requirements of the institutions he intended to seek assistance from as a condition for her support.

E. The Bus Project: President Ellen Johnson-Sirleaf was considered the single most significant player in this transaction. When asked, she confirmed the bus arrangements and narrated that it was first considered that, given his management skills, Mr. Knuckles would manage the system, but later a decision was made to direct its management to the Monrovia Transit Authority, which now manages the buses from McBain. She explained that the project is intended to help address the inadequacy of public transportation and high fares.

2.3.3 HACKING AND AUTHENTICITY

The Commission considered firmly the distinction between “hacking” and “authenticity” and as such, contrasts them as much as possible. Hacking by its very nature is characteristic of a criminal act or violation of a rule, and connotes a foul play while authenticity merely categorizes a thing, such as a piece of information, as to the degree of how genuine, truthful or factual it is.

The Commission reasoned that some of the emails suggesting corrupt practices were manipulated and altered, while others were entirely fabricated. It reasoned further that those actions were the result of a hacker (s) other than the purported authors of such emails.

A. Hacking of e-mails: During the investigations, two of the interviewees, Mr. Willis D. Knuckles and Cllr. Philip A.Z. Banks claimed that their e-mail accounts had been hacked into by unknown persons who had allegedly fabricated and manipulated communications in their respective accounts. Both interviewees informed the Commission that they had in fact launched independent investigations into the hacking of their e-mails but that those investigations were inconclusive. Mr. Knuckles explained that he had filed a complaint with Yahoo and had also been receiving assistance from a computer expert, Mr. Henry Reed Cooper in the United States, while Cllr. Banks explained that the FBI was conducting an investigation on his behalf.²¹

The Commission established that the claims of hacking by both Mr. Knuckles and Counsellor Banks are genuine. The Commission reasoned that some of the emails suggesting corrupt practices were manipulated and altered, whilst others were entirely fabricated. It reasoned further that those actions were the result of a hacker (s) other than the purported authors of such emails. It also reasoned that the current and future investigations should be directed towards finding the perpetrators of the unauthorized entry into the e-mail accounts and more significant, fabrication of contents of the e-mails, taking into account its devastation not only on the integrity of the victims but also the image of the nation. Consequently the Commission commenced the process of pursuing Yahoo through the United States legal system to assist in tracing the origin of those e-mails. A discovery petition process was initiated through the good offices of the James Mintz Group, Inc., but remains inconclusive as the Commission’s work came to a close. It is the Commission’s view that an office of the Special Prosecutor should continue this process.

B. Authenticity of the e-mails: The Commission found three categories of the e-mails circulated on the website of Front Page Africa, undisputed, partially disputed and completely false. The specific e-mails are presented in subsection “c” below.

²¹ The testimonies of both interviewees contain these explanations in addition to documents voluntarily provided by them to the Commission to attest to their assertions.

To determine the issues of hacking and authenticity of the e-mails, the Commission requested interviewees to allow its forensic experts to make mirror images of their hard drives for further investigation, assuring them that only information relevant to the investigation would be accessed. The Commission received the consent and cooperation of five of the six interviewees that were requested. The seventh interviewee, Mr. Thomas Jeffery III of the International Bank was requested to make certain information available to the Commission relative to account information in his bank, which he did. As the report shows below, the Commission sought to no avail the hard drive of Mrs. Medina Wesseh. The findings from the forensic investigations and inspection of hard copies of the e-mails are presented below.

C. Categories

- 1. Undisputed e-mails and other documents:** A total of twenty-four e-mails were found in this category.

Date	Time	Name	Recipient	Copied	Subject
Sun 19 Aug 2007	18:13:19- 0700 (PDT)	Willis D. Knuckles	saytulink@ yahoo.com	None	\$23,000 refund request
Not dated	None	Elva Richardson	W. Knuckles	None	Pres' response
Fri 8/22/08	1:23 am	Willis D. Knuckles	President Sirleaf	None	RE: Message from the President
Tue Nov 06, 2007	22:31:27	Willis D. Knuckles	Rob.sirleaf@ wachovi a.com	Donald Johnston, John McCall MacBain	Bus project
None	None	Cletus (Wortorson)	Willis (Knuckles)	None	None (Pres. Sirleaf promise to assist his business
Sun 25 May 2008	12:34:54- 0500	mlempres@ lawyer.c om (Michael Lempres)	ejbernard@ msn.com (Estrada Bernard)	None	Liberia Registry
Wed 28 May 2008	08:33:12- 0400	Estrada Bernard	Michael Lempres	None	Re: Liberian Registry

Sat 31 May 2008	21:47:27-0500	Mlempres@lawyer.com	ejbernard@msn.com	None	Re: Liberia Registry
Tue 10 June 2008	23:21:10-0400	Estrada Bernard	Michael Lempres	None	Re: Liberian Registry
Mon 7/21/08	9:09 PM	Michael Lempres	Estrada Bernard	None	Re: Liberia Registry
Sun Aug 31, 2008	9:01 PM	Willis D. Knuckles	None	None	Contacts at lbdi (cement)
None	None	Medina Wesseh	None (Moto & Finda)	None	None (Contact at LBDI-Mrs. Mildred Reeves)
Sun Aug 31, 2008	8:59 PM	Willis D. Knuckles	None	None	Cement for Liberia
Sun Aug 31 2008	8:59 PM	Willis D. Knuckles	None	None	Cement for Liberia
Sun Aug 31, 2008	8:37 PM	Willis D. Knuckles	None	None	Re: now now (cement)
None	None	Medina Wesseh	Uncle Willis (Knuckles)	None	None (cement)
None	None	None (Medina Wesseh)	None (Mr. Rodney D. Sieh)	None	None (Reaction to e-mail on FPA.com)
None	None	Peter Kaine	Mr. Kesselly (Binyah)	None	None(independent investigation of the e-mails/trip to US to meet Cohen)
None	None	Binyah C. Kesselly	Mr. Sieh (Rodney)	None	None (Reaction to e-mail-fabricated)

Mon 14 Apr 2008	5:33 PM	Binyah Kesselly	Phillip Banks; Antoinette Sayeh; Morris Saytumah; Angelique Weeks	B. Kesselly; Elva Richardson	LISCR Contract Re- Negotiation s (breach of confidentia lity)
Fri Apr 18 2008	1:26 PM	Angelique Weeks	Yoram Cohen, Joseph Keller	Pbanks3d@aol.com ; Binyah Kesselly; Antoinette Sayeh; Morris Saytumah; Raja Kaul; Cheroutes, Michael L.	Proposed Term sheet, Venue and Time for LISCR Negotiation Meeting (Scheduled for D.C. at Hogan & Hartson, LLP office on Monday Apr 28, 2008 at 10 AM
Fri 25 Apr 2008	4:13 pm	Binyah Kesselly	Raja Kaul; Angelique Weeks;	Pbanks3@aol.com ; Binyah Kesselly; Antoinette Sayeh; Morris Saytumah; Cheroutes, Michael L.; Elfreda Tamba; Matthew, Elizabeth M.	Re: Proposed Term Sheet, Venue and Time for LISCR Negotiation Meeting (placed the negotiation on hold until further notice)

Sat May 03, 2008	7:19 PM	Pbanks3d@aol.com (P. Banks)	Yoram Cohen	None	GOL-LISCR Negotiations (urging that the parties meet soonest)
Mon 19 May 2008	10:45 am	Yoram Cohen	Philip Banks	None	RE: GOL-LISCR Negotiations

2. Partially disputed e-mails: Two e-mails, in the chart below, were partially disputed either as to differences in the dates, some parts of the texts, or the subject, thus suggesting that a “cut and paste” procedure had taken place. Despite the contentions by certain interviewees, the Commission found discrepancies and inconsistencies in the e-mails in this category:

Date	Time	Name	Recipient	Copied	Subject
Sat 8/16/08	5:52 PM	Willis D. Knuckles	Banke	None	Per our conversation (Israel trip)
Mon Aug 11, 2008	6:35 AM	Willis D. Knuckles	Yoram Cohen	None	LISCR Update

3. E-mails completely false: Ten e-mails were outrightly denied by the persons to whom they were ascribed or who were mentioned in them, on the basis that they had no idea of the existence of such e-mails until they appeared on the website of Front Page Africa.

Date	Time	Name	Recipient	Copied	Subject
Thurs, 2/14/08	None	A. Avi Zaidenberg	Willis	None	“you are the man
Wed 13 Feb 2008	08:06:28-0800 (PST)	Willis D. Knuckles	A. Avi Zaidenberg	Yoram Cohen	Re: President’s Invitation
Wed 2/13/08	None	A. Avi Zaidenberg	Willis (Knuckles)	None	None (Yoram is in Conakry and prefers not to be bothered)

Tue 2/12/08	None	A. Avi Zaidenberg	Willis (Knuckles)	None	None (President's Invitation)
Tues Aug 12, 2008	8:54 AM	Yoram Cohen	Willis D. Knuckles	None	LISCR Update
Sat Aug 16, 2008	6:00 AM	Willis D. Knuckles	None	None	LISCR Update
Wed Aug 13, 2008	3:20 AM	Willis D. Knuckles	Yoram Cohen	None	LISCR Update
Sat Aug 16, 2008	4:35 AM	Willis D. Knuckles	None	None	Estrada Bernard
None	None	Avi Zaidenberg	None	None	None (\$200 cards/ \$2,500 monthly to Estrada Bernard
Thur Feb 14, 2008	11:22:51 (PST)	Willis D. Knuckles	A. Avi Zaidenberg	Yoram Cohen	Re: Re: Re: President's Invitation (Kesselly father founded our party)

2. SUMMARY OF FINDINGS

After a scrutiny of the various findings alleged in, but not limited to, FPA's allegations, the Commission determined that the portion of those findings relevant to the purpose of these exercises, is as follows:

3.1 The GOL/LISCR Negotiations

- A. Letter of invitation to the President:** The offer by Cellcom/LISCR to the GOL in its letter of invitation to President Ellen Johnson Sirleaf regarding her trip to Israel was, for all intents and purposes, meant to unduly influence decisions of the GOL in favor of Cellcom/LISCR. This attempt to unduly influence such decisions was made manifest by Cellcom/LISCR's issuance, through Mr. Willis D. Knuckles, Jr. of calling facilities (phone /scratch cards) to members of the President's delegation while they were in Israel.
- B. \$200 scratch card for Cllr. Estrada J. Bernard:** The purported arrangement to supply Cllr. Estrada Bernard, (Cellcom and Cllr. Bernard both deny having any relationship) with \$200 value of scratch card each month with facilities for roaming suggests an unclear favor from Cellcom to Counsellor Bernard, brother-in-law of the President of Liberia.
- C. Breach of confidentiality:** The premature release to Mr. Yoram Cohen of very confidential and sensitive information (the contents of the Term Sheet) while still being within the circles of high ranking officials of government including the Bureau of Maritime Affairs, suggests that Mr. Cohen, Cellcom/LISCR and their lobbyist(s) had immense influence over, and possibly questionable relationship with some members of the inside circle of the GOL negotiating team.
- D. Non-bidding renewal of the LISCR contract:** The GOL's intention to renew the LISCR contract in the manner it was considering was proper and in the best interest of Liberia insofar as the issue of stability in the Maritime Program goes, but other circumstances surrounding the undisclosed and seemingly unethical maneuvers by Cellcom/LISCR are factors that may lead the GOL to over-rule that consideration.
- E. Unclear Transfers:** There appears to have been some sort of payment of money by Cellcom/LISCR to individuals whose relationship with those companies are yet unknown. Specifically, the e-mail from Mr. Knuckles regarding the "balance thirty of the honorarium for 107 as per his promise" and the one found on the hard drive at the President's residence regarding \$600,000 transferred as a "prepayment", the purpose of which

remains unknown, are indications that transactions might have been carried out. The purported transactions need to be further probed.

From our observations, either Front Page Africa or some other entity is responsible for the fabrications/manipulations of the e-mails identified supra under this category. The Commission believes that a point for initiating further inquiry into the fabrications/manipulations, and, by extension, the hacking, is Front Page Africa through its editor-in-chief, Mr. Rodney D. Sieh.

3.2 The Cement Transactions

As expressed in Part II, section 2.3.2 a above, the e-mails regarding the cement transactions were confirmed by both Mrs. Medina Wesseh and Mr. Willis D. Knuckles. They contended that the transactions were absolutely proper and that their involvements were legal and consistent with ethical standards. The Commission however noted firstly the circumstances prevailing in the Country at the time as to the availability of cement as well as the urgency with which the individuals and their partners were working to land the cement in Liberia. In the Commission's opinion, it is not a violation of the law for any official of government to engage in a private business venture as long as such engagement does not conflict with the office of the official. This is the point at which the Commission determined the likelihood of abuse of public office by Mrs. Wesseh.

As the e-mails show, Mrs. Wesseh's private business communications both in and out of the Country continuously bore her official title which had the potential of firstly providing extra-ordinary assurances to those she was dealing with and secondly to give a scenario that the office of the President is either a part of the business or endorses the use of her office to transact her private business. On the other hand, the Commission does not believe that Mr. Knuckles engaged in any unwarranted behavior regarding the cement transaction as he did so as a purely private businessman

3.3 The Western Cluster Project

The Commission firstly acknowledges that the GOL has made firm decisions regarding the Western Cluster award principally because of the irregularities that accompanied the initial process. The Commission however considered this issue in its investigation because it formed a part of the serious allegations circulated on the FPA website as well the fact that the documents and information in possession of the Commission raised questions that were helpful in addressing the allegations in total.

The Western Cluster investigation ostensibly involved only Mr. Willis D. Knuckles as it was intended to seek clarifications to issues raised in the circulated

e-mails that referred solely to Mr. Knuckles and his consultancy engagement with Tata Steel, one of the companies that expressed interest in the project.

The Commission reports that despite repeated promises to submit answers or his reaction to the questions, Mr. Knuckles did not submit any answer but raised the issue of the Commission exceeding its scope. The Commission communicated with Mr. Knuckles urging him to submit his formal reaction but he did not do so.

3.4 The \$23,000.00 Refund Request:

While the e-mails are genuine, it is clear that President Sirleaf acted in an appropriate manner by instructing that the established procedures are adhered to in matters regarding the disbursements of funds.

3.5 Wortorson's Transaction

There is a danger here in the head of the Executive branch facilitating the business venture of a member of the Legislative branch despite the cautions given by the President to Senator Wortorson. We believe that such a relationship has the potential to undermine good governance.

3.6 The McBain Foundation Bus Project

The Commission found nothing untoward in this transaction.

3. CONCLUSION

As a result of our findings, we conclude that:

- The e-mail accounts of Mr. Willis D. Knuckles and Counsellor Philip A.Z. Banks were violated by unknown hackers who, after having unauthorized access to those accounts, distorted some of the existing contents of the e-mails that had been written by these two persons as well as fabricated other e-mails, using their names.
- It appears that persons other than the owners of some of the computers which hard drives underwent forensic investigations had access to and did use those computers, especially the computers belonging to Mr. Willis D. Knuckles and the desktop computer at the President's residence occasionally used by Counsellor Estrada Bernard.
- Cellcom and LISCR are interconnected and managed by the same group of individuals with Mr. Yoram Cohen and Abraham Avi Zaidenberg at the helm of the leaderships.
- There were instances of impropriety involving the GOL/LISCR negotiations, specifically the attempt by Mr. Willis D. Knuckles to influence the decision by his offer to the President and the distribution of scratch cards to members of Government's delegation to Israel.
- The cement transactions suggest the misuse of public offices by Mrs. Medina Wesseh, Mr. Tarnue Mawolo and Representative Dusty Wolokollie.
- Dr. Charles Clarke's role in the UGH proposal has the appearance of undue influence in reference to the LISCR contract negotiations
- Professor Dew Mayson's role as conduit in respect of the OCS proposal, though reportedly less pretentious, requires close scrutiny given what has gone down regarding the Registry in the past several years. It also has the appearance of undue influence in reference to the LISCR contract negotiations.
- The McCall McBain bus project did not reflect any act of impropriety.
- The Government of Liberia's resolve to renew the LISCR contract though understandable, seems not to have been the best procedure to adopt in light of scandals involving certain LISCR executives including the allegations of gunrunning in Liberia and other parts and the possible concealment of revenues that should have accrued to Liberia from the maritime program.

- That President Ellen Johnson Sirleaf's consent to provide support to the business venture of Senator Cletus Wortorson was problematic considering the character of the relationship between the two separate branches each of them is a member of.
- That the rate of breach of confidentiality within the government is increasing and poses serious threats to the interests of the Country as evidenced by the premature exposure to Mr. Yoram Cohen of the term sheet that was still being discussed by high ranking officials representing the government of Liberia in the negotiations.

4. RECOMMENDATIONS

The Commission recommends the following:

1. Our investigation of the LISCR/GOL negotiations led us to a brief review of the history of the Registry as established in the 1940s and the evolution of that history especially during the last quarter century of instability and war in Liberia. Some of the information uncovered in the course of the investigation is quite troubling in terms of how they bear adversely on the interest and the image of our nation. To address this situation, the Commission recommends that a National Task Force be created by the President of Liberia, preferably led by her, for the purpose of revisiting the Maritime Program in order to realize the program's full contemporary potential in the national interest.

2. That in light of the strong evidence of hacking and illegal entry into the e-mail accounts of Mr. Willis D. Knuckles, Jr. and Counsellor Philip A.Z. Banks that an office of the Special Prosecutor be duly established to fully investigate the matter.

3. That the inconclusive process of pre-litigation discovery initiated by the Commission through the lawyers of the James Mintz Group "to determine the veracity of the information Willis Knuckles provided the Commission regarding the takeover of his Yahoo! account by a third party" be pursued by an office of the Special Prosecutor. It should be noted that the Commission has already taken measures requesting Yahoo! Inc. to preserve any and all records regarding the activity of a user with the Yahoo! ID "jrknuckles@yahoo.com."

4. That the Anti-Corruption Commission be requested to pursue the following matters that the Ad Hoc Independent Commission was unable to bring to term:

- The problematic respective roles of Dr. Charles A. Clarke and Prof. Dew T.W. Mayson regarding the LISCR contract renewal negotiations.
- The role of Cellcom in unduly attempting to influence the LISCR contract renewal negotiations. This includes alleged payments and funds transfers.
- The inconclusive (or ongoing) approach by the GOL to the U.S. government for assistance in the investigation of the LISCR matter, under the terms of the United Nations Convention Against Corruption to which both countries are parties.

5. That for the use of their public offices and titles for transacting private businesses and in order to deter such behavior, Mrs. Medina Wesseh and Mr. Tarnue Mawolo be reprimanded.

6. That Representative Dusty Wolokollie be requested to clarify his involvement in the cement importation arrangements and his interactions with Mr. Tarnue Mawolo in this regard;
7. That Government review protocol on use of personal e-mail for official business, enhance security of official government e-mail, and create and enforce Government standard operating procedures for electronic information.
8. That the Code of Conduct for public officials pending action by the National Legislature be speedily concluded and introduced to ensure standardized conduct for public servants.

APPENDICES TO REPORT

Appendix 1: Authority documents

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| 1.1 | Letter of appointment from President Ellen Johnson Sirleaf to Dr. D. Elwood Dunn |
| 1.2 | Executive Order No. 15 |
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Appendix 2: Background/brief resumes of members of the Commission

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|-----|---------------------------------|
| 2.1 | Dr. D. Elwood Dunn |
| 2.2 | Sister Mary Laurene Browne, OSF |
| 2.3 | Rev. Fr. James Selee |
| 2.4 | Ms. Ruth Doe |
| 2.5 | Mr. Bill Frank Enoanyi |
| 2.6 | Rev. Dr. Herman Browne |
| 2.7 | Mr. Lawrence Norman |
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Appendix 3: E mails investigated by the Commission

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| 3.1 | All of the e-mails in the table in the report |
| 3.2 | E-mails received from Mr. Rodney D. Sieh and investigated but not on FPA's website |
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Appendix 4: Testimonies received from interviews and transcribed

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| 4.1 | Testimony of Mr. Willis D. Knuckles, Jr. |
| 4.2 | Testimony of Counsellor Estrada J. Bernard |
| 4.3 | Testimony of Mr. Binyah C. Kesselly |
| 4.4 | Testimony of Mrs. Medina Wesseh |
| 4.5 | Testimony of Mr. Avnan Nachmani |
| 4.6 | Testimony of Mr. Tom Jeffery, III |
| 4.7 | Testimony of Counsellor Philip A.Z. Banks, III |
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Appendix 5: Document from Counsellor Estrada J. Bernard re President Sirleaf's visit to Israel / Interest expressed by other parties in the Liberian Maritime contract

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|-----|--|
| 5.1 | Invitation from the government of Israel to the Presidential reception |
| 5.2 | Instructions on usage of the Cellcom scratch card (roaming service) |
| 5.3 | Various communications with Mr. Michael Lempres |
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Appendix 6: Documents from Mr. Tom Jeffrey regarding personal accounts at his International Bank Liberia Ltd. (IBLL)

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|-----|---|
| 6.1 | Non-existence of escrow account in favor of Counsellor Estrada J. Bernard |
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Appendix 7: Consent forms received from some principal persons mentioned in the e-mail saga

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- 7.1 Mr. Willis D. Knuckles, Jr.
 - 7.2 Counsellor Estrada J. Bernard
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Appendix 8: Reports on corruption in Liberia and the Liberian Government's fight against corruption

- 8.1 Report of the Panel of Experts Pursuant to U.N. Security Council Resolution 1343 (2001) Paragraph 19, Concerning Liberia
 - 8.2 Search for Common Ground report of February 2008
 - 8.3 Official Press Release No. 2008/392/WBI from the World Bank
 - 8.4 "The Liberian Registry" presenting an analysis by the Bureau of Maritime Affairs on the Maritime Program
-

Appendix 9: Findings on bank accounts at Liberian Bank for Development and Investment linked to Counsellor Philip A.Z. Banks

- 9.1 Communication from the Commission to Counsellor Yvette Chesson-Wureh
 - 9.2 Response from Ms. Cyvettee Gibson (daughter of Cllr Wureh) refuting the claim
-

Appendix 10: Findings from the forensic investigation of hard drives, Memo of 11/25/08

- 10.1 Excerpts from Newspaper articles found on the hard drive of Mr. Binyah C. Kesselly
 - 10.2 E-mails from the hard drives of Mr. Willis D. Knuckles, Jr.
 - 10.3 E-mails from the hard drives of Counsellor Estrada J. Bernard
 - 10.4 Attachment 9, e-mail no. 7
 - 10.5 Attachment 9, e-mail no. 10
 - 10.6 Findings by James Mintz Group, Inc. of continuous use of Mr. Willis D. Knuckles' lap top by his daughter, Ms. Hawa-Ellen Knuckles (Target 4 in JMG's report of November 25, 2008 at page 14)
 - 10.7 December 9, 2008 Memo of the James Mintz Group, Inc. (complete)
 - 10.8 November 25, 2008 Memo of the James Mintz Group, Inc. (complete)
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Appendix 11: Documents regarding Dr. Charles Clarke's support of a potential competitor to LISCR, and documents of Professor Dew Mayson's similar support for a potential competitor to LISCR.

- 11.1 Letters from various sources evidencing Dr. Clarke's knowledge of contents of the proposal he delivered to Commissioner Binyah C. Kesselly from UGH expressing interest in the Maritime contract
 - 11.2 Dr. Clarke's response to the Commission's letter of inquiry
 - 11.3 Random notes bearing on Clarke's and Mayson's involvements
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Appendix 12: Press release by the Ministry of Justice on investigating and the prosecution of violators by the Government of Liberia

Appendix 13: Documents evidencing potential competition to LISCR

- 13.1 Untied Global Holdings (UGH) Proposal for the Liberian Maritime agency contract
 - 13.2 Oceanic Corporate Services Proposal for the Liberian Maritime agency contract
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Appendix 14: Counsellor Estrada J. Bernard's response to the findings of \$600, 000 transfer by Cellcom found on the hard drive of computer at residence of the President, occasionally used by him.

Appendix 15: List of individuals named in the e- mails either only communicated or not interviewed by the Commission

MEMBERS OF THE COMMISSION

Dr. D. ELWOOD DUNN
Chairman

SISTER MARY LAURENE BROWNE, OSF
Member

The Rev. Dr. HERMAN B. BROWNE
Member

Ms. RUTH B. DOE
Member

Mr. BILL FRANK ENOANYI
Member

Mr. LAURENCE C. NORMAN
Member

The Rev. Fr. JAMES B. SELLEE
Member

DATED: Monrovia, Liberia, January 7, 2009.