OLA

Note to Mr. Taksøe-Jensen

DEFENCE FOR CHARLES TAYLOR REQUEST FOR CARTER CAMP MASSACRE REPORT

1. In my note of 15 May 2008 to Mr. Larry Johnson on the above subject, I explained the political considerations for releasing the Carter Camp Massacre report or its executive summary, and requested OLA to determine the "ownership" of the report. I understand from your note to me of 4 September that the executive summary can be released to Mr. Courtenay Griffiths, Counsel for Charles Taylor.

2. Given that the report was the result of an investigation, over which DPA had no direct control and involvement, it is my view that releasing the report or its executive summary should be based on legal rather than political considerations. I would, therefore, suggest that the letter transmitting the executive summary to Mr. Griffiths be signed by an OLA official.

B. Lynn Pascoe
16 September 2008

cc. Mr. Haysom
Mr. Heitmann

RECEIVED
SEP 24 2010
EOSG / CENTRAL

28 - 10427

NH
VN

RECEIVED
SEP - 5 2008
28-10427
EXECUTIVE OFFICE
OF THE SECRETARY GENERAL

Note to Mr. Vijay Nambiar

Defence for Charles Taylor Request for Carter Camp Massacre report

1. Reference is made to the attached letter dated 12 March 2008 from Lead Defence Counsel for Charles Taylor, Mr. Courtenay Griffiths, Q.C., where he seeks access to the report on "The Carter Camp Massacre: Results of an investigation by the panel of inquiry appointed by the Secretary-General into the massacre near Harbel, Liberia, on the night of June 5/6 1993" dated 10 September 1993 ("Report"). The request was originally sent to Mr. Holmes, USG for Humanitarian Affairs.

2. The Executive Summary of the Report ("Summary") is enclosed. The attached internal memorandum dated 20 September 1993 transmitting this Summary to OLA from Mr. James Jonah, the former USG for Political Affairs, indicates that the Summary was distributed to members of the Security Council and released to the public. We are also informed that Mr. Griffiths is in possession of this Summary. On this basis, we intend to disclose this Summary to Mr. Griffiths.

3. However, Mr. Griffiths seeks access to the full 75-page Report. Defence Counsel from the Special Court of Sierra Court, and both the *ad hoc* International Criminal Tribunals, routinely revert to us seeking access to documents held by various bodies within the United Nations system. It has been the policy of this Office to cooperate to the fullest extent possible.

4. We would be grateful if you would inform us whether EOSG is in possession of this Report and if so provide us with a copy. You will note from the attached Notes from Mr. Pascoe and Ms. Bárcena, DPA and ARMS are unable to locate the full Report. In a letter dated 17 November 1993, the former Secretary-General informed the Security Council of the actions he had taken in response to the recommendations of the Panel of Inquiry and he made references to these actions in his public report to the Security Council dated 13 December 1993 (S/26868). During informal consultations with the Security Council on 17 September 1993, the former Secretary-General stressed that aspects of the Report remain confidential, particularly the names of those who had supplied information to the members of the Panel of Inquiry. It is however our understanding from the enclosed Note from Mr. Heitmann to Mr. Pascoe dated 8 November 2007, that neither the Report nor the Secretary-General's letter of 17 November 1993 were published as official documents of the Security Council.

5. In relation to such requests, our practice has always been to review the documents, in consultation with the substantive Office concerned, and ensure that disclosure would not:

a. present a risk to the safety of individuals who are mentioned in them;
b. violate a duty of confidentiality that the Organization owes to a third party (because the document concerned was provided to the Organization by a third party on a confidential basis); and
c. compromise the confidentiality of the Organization's internal decision-making processes.

6. Should you have a copy, kindly advise as to whether it may be disclosed to Mr. Griffiths. In view of the statement made by the former Secretary-General in September 1993, it is possible that the Report, if located, may be disclosed to Mr. Griffiths, subject to redactions and other restrictions as your Office may consider appropriate. Should you be of the view that the Report may not be released, please provide us with the reasons for non-disclosure.

7. In the event that EOSG is unable to locate the Report, we would be grateful for your consent to contact the former members of the Panel of Inquiry to obtain a copy in order that we may be able to process the request from the Defence for Charles Taylor.

8. Upon receipt of your response, we will prepare the draft letter to Mr. Griffiths accordingly.

Peter Taksøe-Jensen
Assistant Secretary-General
in charge of the Office of Legal Affairs
4 September 2008

cc: Mr. Haysom
Mr. Pascoe
Mr. Heitmann

SPECIAL COURT FOR SIERRA LEONE
OFFICE FOR THE DEFENCE OF CHARLES TAYLOR
Correspondence Address, C/o the SCSL Office at the ICC, P. O. Box 19519
2500 CM, The Hague, The Netherlands
Telephone +31705159743 Facsimile: +31703222711
E-mail: griffiths1@un.org; tejan@un.org; gatejan@aol.com

Mr. John Holmes
Under-Secretary-General for Humanitarian Affairs
and Economic Relief Coordinator
Office for the Coordination of Humanitarian Affairs (OCHA)
United Nations
New York, New York 10017
U. S. A.

12 March 2008

Your Excellency:

The Prosecutor v Charles Ghankay Taylor - SCSL -03-01-T
Special Court for Sierra Leone

I write further to the above matter. Please supply the following information, in addition to the items described in my letter dated 4 February 2008:

The Waco Commission Report into the Carter Camp massacre, United Nations, New York, 10 September 1993 - an investigation commissioned by the Secretary-General into the massacres near Harbel, Liberia, on the night of June 5-6 1993. (Amos Waco, former Attorney-General of Kenya was the Chairman of the Commission that produced the report.)

The information requested is potentially capable of undermining the prosecution case, and amounting to evidence in rebuttal. This is the background to my request but I am unable to expand further, owing to client privilege. Please do not hesitate to contact either myself, or our International Investigator, Miss Tejan, with any queries.

Yours sincerely

Courtenay Griffiths Q.C.,
Lead Counsel for Charles Ghankay Taylor

EXECUTIVE SUMMARY

THE CARTER CAMP MASSACRE

RESULTS OF AN INVESTIGATION

BY THE PANEL OF INQUIRY

APPOINTED BY THE SECRETARY GENERAL

INTO THE MASSACRE NEAR HARBEL, LIBERIA

ON THE NIGHT OF JUNE 5/6, 1993

Panel Members — Hon. S. Amos Wako, Chairman

Mr. Robert Gersony, Member

Amb. Mahmoud Kassem, Member

Secretariat — Mr. Gianni Magazzeni

New York, September 10, 1993

EXECUTIVE SUMMARY

I. BACKGROUND

1. This document summarizes the essential elements of a 75-page report of the Panel of Inquiry established on August 4, 1993 by the Secretary-General of the United Nations to investigate the massacre of nearly 600 displaced persons which occurred near Harbel, Liberia on the night of June 5/6, 1993.

2. Since it began in December 1989, Liberia's civil war has claimed the lives of between 10,000 and 50,000 innocent civilians, principally women, children and elderly persons, and has displaced an estimated 600,000 to 700,000 others.

3. The principal parties to the conflict are the Armed Forces of Liberia (AFL), the National Patriotic Front of Liberia (NPFL), and the United Liberation Movement of Liberia for Democracy (ULIMO), all of which are considered to have been responsible for gross human rights violations.

4. To attempt to keep peace, in August 1990, ECOWAS dispatched an ECOWAS Cease-Fire Monitoring Group (ECOMOG), including Nigerian and other West African armed troops. In October 1992, the NPFL attacked Monrovia, which was defended by ECOMOG. In the course of the struggle, to augment its forces, ECOMOG mobilized and rearmed AFL units which had previously been disarmed and confined to barracks.

5. In March 1993, some 60,000 persons displaced from Grand Bassa County in the fighting described above, were relocated by ECOMOG, the AFL and the United Nations to a series of Firestone Rubber Plantation worker camps around the recently captured Harbel area. Just over 1,800 of these displaced persons were assigned to live in Carter Camp, one of these Firestone facilities, located just one kilometer from the center of Harbel town. ECOMOG delegated to AFL units responsibility for security in the Harbel area.

6. At about midnight on the night of Saturday/Sunday, June 5/6, 1993, armed soldiers attacked and systematically massacred and mutilated the bodies of nearly 600 Carter Camp residents, mainly women, children and elderly persons. Some 45 bags of rice and beans and other loot were removed from the camp, apparently carried by 100 or more survivors abducted by the attackers. About 1,100 terrified survivors managed to escape the massacre and fled in all directions.

7. The next morning ECOMOG security forces who visited the camp discovered a trail of rice, beans, clothing and eight bodies leading to a nearby abandoned AFL Black Beret camp adjacent to an iron bridge called Du Bridge. Following the same trail, they discovered fourteen more bodies at a place called "Camp A," three kilometers further along.

8. Within hours of its discovery, Liberia's Interim Government of National Unity (IGNU), ECOMOG, the AFL, and the international media had attributed the massacre to the NPFL. By June 10, two well-known international human rights groups repeated the allegation in public statements and testimony. But strong NPFL denials, coupled with the testimony of some survivors reported in the Liberian press, raised the possibility of AFL negligence, or even complicity, in the incident. By June 6, the Secretary-General's Special Representative for Liberia had begun a preliminary investigation.

9. On June 9, the Security Council strongly condemned the massacre and requested that the Secretary-General conduct a "thorough and full investigation...including any allegations as to the perpetrators, whoever they may be." It warned that "those found responsible...will be held accountable." On August 4, the Secretary-General established an independent, neutral Panel of Inquiry to establish the facts; to examine allegations of responsibility; and to make recommendations.

II. ASSESSMENT PROCEDURES

10. Research for this inquiry was conducted during a three-week period in August/September 1993, mainly in Liberia. The principal source of the assessment's findings were 33 individual interviews with Carter Camp survivors. who provided eyewitness accounts or events before, during and following the massacre; with five eyewitnesses to circumstances directly related to the incident; and with close to fifty national and international officials, including representatives of all the parties to the conflict, UN and other international agencies, non-governmental organizations and diplomatic missions.

11. The panel made four field visits to the Harbel area; a field visit to Gbarnga (pronounced Banga), the NPFL administrative capital; and visits to other locations where survivors might be found.

12. All parties provided full cooperation, including freedom to travel, free access to displaced persons camps, and freedom to randomly select individuals for interviews in complete privacy. Security escorts for road travel were provided only when requested by the panel and were not present during panel activities.

13. Meetings with eyewitnesses took place in offices which offered privacy from the view and hearing of others. Eyewitnesses were assured their identities would be kept in absolute confidence.

14. Survivors and other interviewees provided eyewitness and other detailed, credible accounts of their experiences; spontaneous responses to many follow-up questions; and in some cases used simple diagrams to illustrate the manner in which incidents they described had occurred. The majority of the respondents had no formal education or literacy skills. But they described effectively what they had seen and what had happened to them and these observations are the principal basis for the findings of this report.

15. The reports of the eyewitnesses in Monrovia, Harbel and Gbarnga, although they reside as many as 150 kilometers apart and live under the authority of opposing forces, were credible and consistent. The witnesses are so isolated from each other that they were not aware of whether their closest relatives had been killed in the massacre or were still alive and residing in these widely separated locations.

III. DESCRIPTION OF CARTER CAMP

16. Carter Camp is located on the Firestone Rubber Plantation, whose 1,500 square miles are believed to make it the world's largest. Harbel and its environs (see map, Annex A), located 64 kilometers from Monrovia along an excellent tarmac road, can be reached by vehicle in about 45 minutes. At the far end of Harbel is a small wooden shack which serves as a military checkpoint. Civilians entering Harbel from the far side report that they are usually stopped and checked at that point.

17. The tarmac road continues past the checkpoint toward Carter Camp, which is about one kilometer further, a 10-minute walk. Carter Camp itself is comprised of four perfectly aligned rows which among them have a total of 166 small houses (see sketch map, Annex B).

18. The tarmac road continues on past Carter Camp for another 2.8 kilometers until it reaches the Du Bridge. Crossing the bridge, one encounters immediately on the right an abandoned AFL "Black Beret camp." Until they were assigned elsewhere in May, the Black Berets were responsible for the security of Carter Camp. Thereafter, it appears that an AFL regular unit in Harbel became responsible for the area's security, although this is subject to some dispute.

19. From the Black Beret camp, some 3.6 kilometers along an unsurfaced road, is another abandoned Firestone camp called "Camp A," which is smaller but otherwise no different from Carter Camp and the Black Beret camp. The unsurfaced road is said to lead eventually to the Farmington River, a major natural demarcation line in the plantation, which also defines a section of ECOMOG's defensive lines against the NPFL.

20. On June 5, 1993, the displaced population at Carter Camp was about 1,868 principally women, children and elderly people, predominantly Bassa speakers and Christians who had lived in the camp for nearly three months when the massacre occurred. The camp population received weekly distributions of rice, beans and other basic supplies from a local Liberian non-governmental organization with foodstuffs provided by the World Food Program. They collected additional food and the firewood needed to prepare it by scavenging in the bush on the camp's outskirts.

IV. NARRATIVE ACCOUNT

21. This section of the report sets forth in a narrative manner, the Panel's assessment of relevant events preceding the massacre; the massacre operation itself; and relevant events following the massacre, based largely on credible eyewitness accounts as well as on corroborating information.

A. EVENTS PRECEDING THE MASSACRE

22. Before their displacement, most interviewees had previously resided in their homes in Grand Bassa County which had been administered by the NPFL for up to three years. In the wake of its military operations following the October 1992 NPFL attack on Monrovia, an ECOMOG/AFL assault in early 1993 dislodged the NPFL from the area. ECOMOG decided that the civilian population, to insure their protection, should be relocated to displaced persons camps selected, ECOMOG asserted, by United Nations officials. Carter Camp, with 166 small residential units and located approximately one kilometer from the center of Harbel town, was one of these camps.

23. Senior ECOMOG commanders stated that the security and protection of the displaced persons camps was not an ECOMOG responsibility but corresponded to the United Nations and the International Committee of the Red Cross. Nonetheless, they explained that units of the AFL were responsible for the security of the Harbel area, including Carter Camp. ECOMOG commanders and NPFL officials stated that they had previously requested that the UN relocate the displaced populations from

the Harbel area to Monrovia. ECOMOG commanders based the requests on security concerns. NPFL officials stated that they were concerned for the protection of the displaced population as long as they remained under AFL security.

24. Although the AFL/Harbel commander stated that Carter Camp did not fall within the AFL's security jurisdiction, camp residents consistently reported that AFL soldiers would appear at the camp on food distribution days. Camp residents complained that AFL personnel "were in the constant habit of harassing them."

25. Numerous survivors described an individual named Zarkpa (pronounced Zagba) Gorh, a 23 year-old AFL private, as a permanent camp commandant. When other soldiers came to the camp, they liaised with Zarkpa. Camp residents could not go into the bush to collect food or firewood without his permission. He obliged camp residents without compensating them to harvest sugar cane which he then sold, and demanded money and cigarettes of them. AFL soldiers at the Harbel checkpoint confiscated a part of whatever the Carter residents could harvest in the bush to sell in Harbel market. In summary, the AFL presence in the area was perceived more as a threatening occupation force than as a source of security and protection against other hostile forces.

26. ECOMOG, AFL, NPFL and most organizations met by the Panel, and most written reports, asserted that the residents of Carter Camp were adherents or sympathizers of the NPFL and that at least some of their family members were NPFL combatants. On this point there was unanimity. ECOMOG and the AFL asserted that, in addition, former NPFL soldiers resided in the camp and that its residents provided food and intelligence information to NPFL combatants in the bush.

27. According to many of the survivors, on about June 3, several camp residents were preparing for a religious ceremony to be conducted that Sunday. A reverend, a young girl and her mother were walking through the bush just outside the camp, authorized to do so by Private Zarkpa. They were stopped by three AFL soldiers, two of whom raped and severely beat the girl. A camp delegation reported the incident to Major Nelson Paye, AFL/Harbel commander. One of the soldiers was arrested. Later, he returned to the camp and was said to ridicule the residents by saying, "What did you think they were going to do to me?" Another AFL soldier was reported to say in connection with the rape incident, "You Bassa people, this is the beginning of your death."

28. Throughout 1993, AFL soldiers apparently had received rice whenever it was distributed to camp residents, perhaps to compensate them for keeping order on food distribution days; because some AFL soldiers resided in the camps; or as a "humanitarian gesture," to appease the soldiers. However, in the month preceding the massacre, the quantity of rice distributed to AFL soldiers had increased nearly tenfold, reportedly from 17 to 113 bags. On May 27, World Food Program officials decided that food distribution to AFL soldiers was to be discontinued. A June 3 report described "continuous harassment" of food distributors by AFL soldiers and alleged that, following distribution to the displaced population, AFL soldiers were confiscating their food.

29. The food distribution at Carter Camp on Saturday, June 5, the day before the night of the massacre, was the first in the Harbel area in which soldiers would not receive anything. Almost all the survivors noticed a larger than usual number of soldiers in the camp. Eyewitnesses close to the distribution point said that the soldiers requested that the Block Supervisor give them some of the food. He replied that he had been instructed not to do so. One eyewitness alleged that the soldiers were angered by the supervisor's refusal and made vague threats. Following a 10-minute private discussion among ten of the soldiers, they ordered that distribution be suspended at once. An unusual 4:30 P.M. curfew was imposed. Some 36 bags of rice and 9 bags of beans, all intact, were stored in the camp warehouse, pending resumption of distribution the following day.

30. On that Saturday afternoon, several survivors recalled seeing Zarkpa and several other AFL soldiers they knew in the camp. They also recalled the presence of other AFL soldiers they had never seen before walking and talking together in a friendly manner with the AFL soldiers whom they recognized. Among the new soldiers, one eyewitness recalled, were two who wore ULIMO insignia (some ULIMO soldiers had in the past belonged to the AFL).

31. It appears from all reports that camp residents obeyed all instructions from AFL soldiers that day. They returned to their homes, cooked their food, and went inside. One survivor said that on late that afternoon AFL LT Kollie, who had not been seen before in the camp, addressed a group of camp residents, saying

> "We suspect you people in the camp of being NPFL soldiers because we don't know the difference between you people and the NPFL soldiers. So if anything happens, we'll come and kill everyone here. If anything happens in this camp, you people will die, but we military people will know how to save ourselves."

32. Another AFL soldier reportedly said, "You are feeding and keeping the rebels...we shall deal with you tonight."

33. ECOMOG and AFL reported no advance indications of an NPFL attack that evening. Shortly before June 5, it appears that the AFL Chief of Staff had withdrawn AFL intelligence personnel from the area who might have provided "early warning" and "averted" the massacre, according to a Special Military Board of Inquiry conducted after the massacre.

34. Most survivors report that there was considerable moonlight that evening. One said he was surprised to hear the soldiers patrolling the camp after curfew; except for the few who lived in the camp, the rest would usually go back to Harbel after food distributions. But as midnight approached, the camp residents were said to be sound asleep.

B. EXECUTION OF THE MASSACRE OPERATION

35. Camp residents were awakened at midnight by the sounds of gunfire, which soon became deafening. The massacre operation which they described was committed by armed soldiers against unarmed civilians who offered no resistance other than attempts to escape. Some of the survivors bolted from their houses as soon as they heard the first gunfire and headed toward the safety of the larger town, Harbel. Others fled toward Du Bridge and eventually arrived at Gbarnga.

36. Others thought they would be safer lying on the floors of their houses. All of the accounts are strikingly similar. Thirteen of them, received from among all the interview locations, are excerpted at length in the main report.

Massacre Accounts

37. In synthesis, the survivors said they saw soldiers ordering people out of their houses and killing them when they emerged. Many said they could specifically recognize the attackers as AFL soldiers. About six said they saw or recognized the voice of Private Zarkpa leading the soldiers on their murderous route and himself ordering the people out of their houses to their death. One eyewitness reported seeing Zarkpa himself killing a displaced person.

38. One survivor asserted that he was one of those abducted from Carter Camp and marched towards the Black Beret camp carrying a 100-pound bag of rice:

"I heard a lot of shots. Other people ran out of the house. But I secured myself in the house. They shouted, 'Come outside!' in English. When I came outside, they said, 'Why you need this cap, this belt, these shoes?' and took them from me. I saw two of my children and seven others were dead in front of my house. There were many many dead all around the camp. I saw a baby with the head cut off. Some people were killed with guns, some with cutlasses. Some soldiers had guns, some had cutlasses. There were many many soldiers in the camp, more than thirty, more than forty. They were the same army soldiers that always come to the camp. Then they put a whole bag of rice on my head. To this day my neck hurts me. 'If you put this down, we'll kill you,' they said."

39. This abductee said he was at the head of the column of porters just as they crossed Du Bridge. The first guard was far enough behind so that he and another abductee dropped their bags and escaped into the bush.

Flight to Harbel

40. Five survivor accounts excerpted in the full report describe what they found as they fled to Harbel town, about 1,000 meters from where the massacre was being conducted. They noted that the checkpoint was abandoned. There was no crossfire between hostile forces. Four of them report that as they staggered into Harbel they were ordered by AFL soldiers to return to Carter Camp or the AFL soldiers would kill them right there. "Go back," ordered an AFL soldier, "Zarkpa is your God!" There was one report of an AFL soldier ordering other AFL soldiers to open fire on the survivors, an order apparently disobeyed. No AFL soldiers asked the survivors what was happening in Carter Camp. One of the survivors, detained at AFL headquarters for the night, observed that the soldiers did not appear to be on any type of alert.

41. By daybreak, the shooting had abated. It is clear from the consistent accounts of the survivors that the massacre operation, including gunfire, continued for four to five hours.

Flight to Du Bridge/Journey to Gbarnga

42. With the exception of the escaped abductee described above, the remaining survivors in Gbarnga were apparently among the first to flee the camp. (Excerpts of three typical reports by survivors interviewed in Gbarnga are included in the full report.) Immediately upon hearing gunfire that night, they bolted from their doors. They did not have time to put on clothes or to grab food and personal belongings. Most of them were half-dressed. Their concern was survival. The direction from which they heard the fire persuaded them to head away from Harbel toward Du Bridge. They said that they encountered neither AFL nor NPFL soldiers along the main road which they followed.

43. From Du Bridge, they crossed right at the former Black Beret camp and headed for the Farmington River. As they proceeded, they were intercepted by NPFL units, which sometimes arrested and interrogated but eventually assisted them to reach and cross the Farmington River. They report that they were taken to a location called "Chama Camp," which they reached about June 10. On June 12, NPFL trucks arrived and took them tc Gbarnga.

C. EVENTS FOLLOWING THE MASSACRE

44. At around 7AM on Sunday morning an ECOMOG unit from Harbel Hills arrived at Carter Camp itself. After observing the situation, it is said to have followed what was called a "comfortable lead," a trail of rice, beans, clothing and eight bodies strewn along the main road, toward Du Bridge, then past the deserted Black Beret camp to Camp A, where it discovered fourteen more bodies.

45. In Harbel at the same time, despite a daytime curfew, some observed a white pick-up being pushed down the main road in Harbel, from the direction of Carter Camp heading in the direction of Monrovia, carrying some 20 bags of rice. Four AFL soldiers jump-started the vehicle, and with three market women, drove off in the direction of Monrovia. AFL soldiers were observed pushing two wheelbarrows containing four bags of rice through Harbel from the direction of Carter Camp.

46. Some Carter Camp survivors reported that they subsequently recognized in Harbel AFL soldiers whom they had seen participating in the massacre. Several credible sources reported that the AFL did not permit Carter Camp survivors to return to the camp for fear of provoking a "social explosion."

47. Rumors also circulated in Harbel that additional killings had been planned to begin from a swamp area behind Harbel Gardens. Unverified reports stated that an AFL soldier had disobeyed an order to open fire, apparently against Carter Camp survivors or other displaced persons; he was reported to have been killed later by other AFL soldiers.

V. THE RIDDLE OF CAMP A

48. All reports agree that fourteen recently murdered adult bodies were discovered that Sunday morning at Camp A by the same ECOMOG unit which followed the trail of rice and beans which led there from Carter Camp. One person had been murdered by gunshot wounds, thirteen apparently with sharp or blunt instruments. By the time the Government Pathologist arrived on the scene on June 11, the bodies were said to be in an advanced state of decomposition.

49. The Government pathologist's report indicates that the bodies were fully dressed. He stated to the Panel that their houses showed signs of recent occupancy and that, in fact, the beds were made, the food was untouched, with no signs of looting. The report concluded that these fourteen people were Camp A residents. Fourteen chairs were said to be found arranged in a semi-circle, suggesting that a trial of some type had been conducted. A large quantity of torn Interim Government currency, called Liberty Notes, was scattered over the bodies and on the floor of some of the victims' rooms. As Liberty Notes are illegal within NPFL territory, the torn notes would have been the unmistakable signature of the NPFL.

50. The scene described by the pathologist was inconsistent with the Carter Camp massacre, where the victims had been randomly killed and found only half-clothed; and the food and houses had been looted. The Pathologist's report concluded that NPFL soldiers had passed through Camp A en route to Carter Camp on Saturday, June 5. Finding residents in possession of Liberty notes, they tried and executed them, without looting their homes, then proceeded to conduct the massacre and return along the same route the next morning, leaving a trail of rice and beans behind them.

51. The AFL August 31 official report, corroborated by another credible source, contradicted the pathologist. It concluded that the fourteen persons murdered at Camp A were, in fact, abducted as porters from Carter Camp on the night of the massacre and then murdered. The Ministry of Justice report stated that the rooms found at Camp A were in "complete disarray." Furthermore, both ECOMOG and AFL commanders stated that military common sense dictates that the attacking party would not use the same route to enter and withdraw from the attack location.

52. Despite profound differences in their descriptions and interpretations of the evidence found at Camp A, all the above sources concluded that the NPFL conducted the massacre.

53. When the team expressed an interest in visiting Camp A, a key Government investigator who had himself visited Camp A stated that the trip from the Black Beret camp would take 1-1/2 hours by vehicle over a deteriorated road through dangerous territory. In fact, the trip took about ten minutes over a wide, 3.6 kilometer unsurfaced but otherwise excellent road. Thus, the Panel observed that Camp A was within relatively close walking distance of Carter Camp.

54. The Panel needed to determine whether the Camp A murders preceded or followed the Carter Camp massacre; whether these two incidents were conducted by different parties or the same party; the motive of the Camp A murders; and the responsible party. The Panel was able to make these determinations, which are stated in the report's conclusions.

VI. ISSUES

55. In the full report, this section analyzes in detail some of the information provided by eyewitnesses. It also describes assertions and conclusions reached by other investigations which conflict with those presented in this report. Specifically, it refers to investigative reports by the Ministry of Justice, ECOMOG, the AFL, and the Special Military Board of Inquiry. In the full Panel report, key passages of these reports are excerpted. This executive summary presents a synopsis of these issues.

ISSUE #1: Personnel Transport

56. Credible but inconclusive eyewitness testimony received by the Panel suggests the possibility of vehicle movement and/or troop transport from Harbel to or past Carter Camp, on Saturday night between 6PM and midnight.

57. NPFL and ECOMOG state categorically the NPFL could not have used vehicles to reach Carter Camp. AFL reports state that none of its sources reported any vehicle movement that night.

58. The Ministry of Justice and pathologist's report state that "some" or "most" of the survivors with whom they spoke heard a vehicle coming from the Gate 15 (presumably NPFL) direction that night.

ISSUE #2: NPFL/AFL Engagement

59. The AFL report and AFL/Harbel Commander Paye assert that AFL forces repelled an NPFL attack on Carter Camp that night. The AFL report states that all AFL soldiers were withdrawn from the checkpoint pending augmentation. Major Paye insists that the checkpoint was manned throughout the night.

60. The AFL report indicates "few bullets" were exchanged; Major Paye reports a significant engagement with lengthy sustained exchanges of fire which even required replenishment of ammunition. The AFL report omits Major Paye's mention of an AFL soldier killed in the engagement.

61. The Special Military Board of Inquiry found "credibility problems" with the AFL assertions concerning the engagement. The ECOMOG report reflects no engagement. No NPFL soldiers were reported killed, wounded or captured.

62. Numerous eyewitness accounts contradict all reports of an AFL/NPFL engagement.

Issue #3: NPFL Retreat Positions Unprotected

63. Despite the relative proximity of ECOMOG mobile units, if the NPFL conducted this all-night attack, whether or not it utilized a vehicle, it apparently made no effort to secure a crucial route of retreat which, if cut off, could have isolated and exposed its soldiers to grave danger.

Issue #4: Duration of Attack

64. The AFL asserts that the Carter Camp massacre was conducted within a 45-minute period. However, its own reports contain information which contradicts this assertion.

65. All other reports as well as survivor testimony indicate that the incident at Carter camp had a duration of at least three hours and probably closer to five hours.

Issue #5: Mass Movement Undetected/Not Pursued

66. ECOMOG and AFL units knew by early Sunday morning that a major attack had been conducted at Carter Camp. By 10AM, the retreat route of a significant number of NPFL soldiers, reportedly with hundreds of abductees carrying heavy bags of rice, was well known. This column would have had to move undetected, a day or more later through ECOMOG defensive positions.

67. Nonetheless, no efforts appear to have been made by ECOMOG or the AFL to pursue what would have been a large column moving slowly along a known, easily accessible route, to engage the enemy or rescue the hostages. But by Sunday afternoon the Interim Government had mobilized a national and international group to visit Carter Camp and the Black Beret site.

Issue #6: NPFL Attacks Own Supporters

68. All investigations which identified the massacre perpetrator as the NPFL did not satisfactorily explain why the NPFL would have massacred and mutilated the bodies of its own former combatants and/or adherents.

69. The ad hoc nature of responses to the Panel's questions on this matter, and their contradiction of a fundamental fact to which all sides agreed, reinforced the Panel's view that this issue had not been given sufficient attention in previous investigations.

Issue #7: The NPFL Pattern

70. The reported NPFL pattern of atrocities in the three months prior to the Carter Camp massacre was given significant weight by official and independent investigators. In its absence, at least one important investigator would have concluded that the AFL conducted the Carter Camp massacre.

71. Both principal organizations suspected of perpetuating the massacre had engaged in a pattern of atrocities against civilians in their areas of authority and were deemed capable of carrying out the Carter massacre. The polarized political environment of Liberia mooted the objectivity of many of those who participated in investigations of the Carter incident.

72. The AFL successfully deceived public opinion regarding responsibility for another recent atrocity by using the "pattern" argument to shift the responsibility to NPFL for an act which AFL soldiers had committed.

Issue #8: "Strange Faces"

73. The "strange" faces seen in Carter Camp on the afternoon of June 5 may have been regular AFL soldiers or some new AFL soldiers who were reported by one source to arrive in Harbel the previous Thursday for a temporary operation. Information on this subject is inconclusive.

Issue #9: Private Zarkpa: Occasional Visitor or Camp Commandant

74. Many detailed survivor accounts excerpted in the full report and gathered in widely distant locations, and other corroboration, indicate that Private Zarkpa served as a type of commandant who resided almost permanently at Carter Camp. He was reported by numerous eyewitnesses to be guiding the attackers along their murderous route and participating actively in the massacre.

75. Official reports and Zarkpa himself state that he never resided nor exercised any authority over the camp. He was an occasional weekend visitor who kept to himself. He never saw other AFL soldiers in the camp that Saturday. Like other victims, he escaped, virtually naked; ran to the Harbel checkpoint (which unlike others he found fully manned); and reported the attack to Major Paye.

Issue #10: Replenishment of Ammunition

76. Major Paye's account to the Panel of gathering 1,500 loose rounds of all varieties at his own AFL headquarters that night and sorting them out at the front line with a flashlight contradicts his June 8 written statement to the AFL and information gathered by the Ministry of Justice. ECOMOG confirms that at 2AM it provided three boxes (3,000 rounds) of ammunition to Major Paye at Roberts International Airport (see map, Annex A).

Issue #11: Food as a Motive

77. The AFL command assertion that its soldiers did not require rice because they were well fed overlooked the importance of rice as a source of a significant amount of ready cash at a time when its value was doubling.

78. Distribution of WFP food to AFL soldiers had been discontinued days before the massacre, creating tension among the soldiers. Eyewitnesses claimed to have observed on the morning after the massacre three instances of AFL soldiers conveying 24 sacks of rice from the Carter Camp direction through Harbel town.

Issue #12: Signifying Messages by Attackers

79. Eyewitness accounts received by the Panel included signifying messages spoken by the attackers during the massacre which tended to point to the participation of AFL soldiers, and in one case to the possibility of an ULIMO soldier.

80. An unspecified number of Ministry of Justice eyewitnesses were said to have heard clear, unequivocal messages in which the attackers identified themselves unmistakably as NPFL soldiers.

Issue #13: Public and Intercepted Messages

81. ECOMOG and AFL provided transcripts of what were described as four NPFL messages which they had intercepted. The messages, which could not be independently authenticated, were said to contribute significantly -- perhaps conclusively -- to the view that the NPFL conducted the Carter massacre.

82. Three of the four messages appeared to be unrelated to the Carter massacre. The fourth message (described in detail in the full report) is inconclusive and seemed as likely to exculpate the NPFL as to implicate it.

Issue #14: Availability of Evidence

83. Because of an early apparent assumption that the NPFL was responsible for the massacre, many kinds of important physical and other evidence were systematically ignored or overlooked by other investigations.

Issue #15: Gbarnga Evidence Not Collected

84. Interviews with survivors in Gbarnga were not conducted by any other investigations. The views and reports of the party accused by these investigations (the NPFL) were not received or considered by them.

Issue #16: Interview Procedures

85. The manner in which many interviews were conducted by other investigators would not have created an atmosphere of confidence which would have encouraged eyewitnesses to provide their best and most detailed information.

Issue #17: Evaluation of Eyewitness Testimony

86. Most previous investigations discarded eyewitness accounts pointing to the AFL as perpetrator of the massacre based on "sociological/political" factors which they did not apply to testimony they reported receiving which tended to confirm the theory that the NPFL was the perpetrator.

Issue #18: Fear and Loyalty Impeach Testimony

87. The Panel concurs with previous investigations that eyewitness testimony could be perverted by fear of reprisals by the party such witnesses would identify as having conducted the massacre.

88. However, the most immediate threat to the eyewitnesses was posed by AFL soldiers in Harbel under whose authority the survivors were living and whom survivors in Harbel (as in all interview locations) identified as having conducted the massacre. Three survivors said they had seen in Harbel after the massacre AFL soldiers who they had witnessed participating in the massacre. This underlined the courage and conviction which characterized the survivor accounts and, in the Panel's view, enhanced their credibility.

89. The argument that the political loyalty of the survivors to the NPFL had not been affected by their knowledge that the NPFL had conducted the slaughter strains credibility.

Issue #19: ECOMOG vs. AFL Protection

90. A displaced representative in Harbel, while in a public commemoration service attributing the massacre to NPFL, urged the Interim Government to place ECOMOG in charge of Harbel area security. He beseeched the Government to immediately remove the AFL from the area and warned ECOMOG that its peacekeeping efforts would be undermined by that group. He said that while no one has accused the AFL of conducting the massacre, AFL soldiers had threatened the survivors who were so fearful that many had fled to Monrovia.

91. In connection with the original displacement of people from Grand Bassa County, unverified allegations suggested that able-bodied males separated from other civilians in joint ECOMOG/AFL operations in March 1993 may have been killed.

Issue #20: ECOMOG Protection Responsibilities

92. ECOMOG's assertion that it had no responsibility to protect large civilian displaced populations which it had caused to be relocated suggested the need for a review of the roles and responsibilities of ECOMOG, the Interim Government and the international humanitarian community.

Issue #21: Life-saving Actions by AFL Soldiers

93. Reports indicated that several AFL soldiers risked their lives to protect Carter survivors from their AFL peers; it was alleged that one of those who defended the survivors was killed by AFL elements after the incident.

Issue #22: Atonement and Reconciliation

94. The great majority of the Panel's interlocutors urged that its mandate be expanded to include other major atrocities committed in Liberia's recent history. Religious, human rights, trade union and other representatives and many others argued with conviction that the results of the Panel's work should be publicly disclosed.

95. Both the expansion of the mandate and disclosure of the Panel's findings were urged to insure that the true facts were established; to deter all parties from committing future atrocities; and to begin a process of healing and atonement which could lead to more durable national reconciliation.

VII. CONCLUSIONS

96. Credible, consistent and persuasive accounts received from thirty-three survivors and five other eyewitnesses in locations widely separated and isolated from each other; corroborating evidence collected in the field and from close to fifty other sources; and the results of careful analysis of other investigations conducted into the Carter Camp massacre, compelled the following conclusions:

WITH RESPECT TO RESPONSIBILITY FOR THE MASSACRE...

97. The massacre at Carter Camp was planned and executed by units of the Armed Forces of Liberia (AFL).

98. The murders at Camp A were carried out following the Carter Camp massacre by the same party which carried out the massacre itself, the AFL. The trails of rice and the torn Liberty notes were part of a scheme of deception.

99. The NPFL, ECOMOG and ULIMO had no role in the Carter Camp massacre and the murders at Camp A. However, evidence suggests, but is not conclusive, concerning the possibility that a few ULIMO stragglers or deserters who found themselves in Harbel may have on their individual initiative participated with the AFL soldiers in the massacre operation.

WITH RESPECT TO INDIVIDUAL RESPONSIBILITY...

100. Evidence collected by the Panel points to the participation in the massacre of Major Nelson Paye, AFL Commander in Harbel; Lieutenant Kollie, who was under Paye's command; and Private Zarkpa Gorh.

WITH RESPECT TO CONCEALMENT OF THE FACTS...

101. AFL senior leadership could not have remained unaware after the event of the involvement of its soldiers in the Carter Camp massacre and the murders at Camp A. The possibility of their prior knowledge of the operation remains open.

102. There is no evidence that ECOMOG personnel had advance knowledge of the massacre. ECOMOG, however, may have suspected soon after learning of the incident what had actually happened and treated the matter as if it were not its direct responsibility.

WITH RESPECT TO CONTRIBUTING FACTORS...

103. The lives and safety of the displaced families, who were considered NPFL supporters, were jeopardized when they were placed under the protection and responsibility of the AFL.

104. To the degree that the Carter Camp massacre was planned and executed at the AFL/Harbel level, and given the importance of rice as a source of income for AFL soldiers, the abrupt cancellation, during the week before the massacre, of the local practice of weekly distributions to AFL soldiers may have been a contributing factor.

WITH RESPECT TO CURRENT EMERGENCY SURVIVOR NEEDS...

105. The survivors of Carter Camp are divided between the two major zones of security control in the country, and to some degree are distributed in different locations within each zone. They remain unaware of whether their closest relatives survived or perished in the massacre. There is no evidence that an effort has been made by any national or international organization to conduct an emergency tracing or family reunification exercise.

106. Three months after the massacre, the physical condition of many of the survivors, including children and adults, appeared perilous. Many were starving, wasted, and in some cases too weak to talk. Even in the context of the unusual international attention focused on this incident, no special effort by international organizations appeared to have been made to provide appropriate emergency assistance to insure the survival of those who were fortunate enough to escape the massacre.

WITH RESPECT TO OTHER MATTERS...

107. The manner in which screening and transport of displaced families has been managed during the past months may have required more careful monitoring and protection by the international agencies which participated.

108. There was no procedure in place to systematically collect and preserve readily available information concerning the massacre which could have served as a basis for future investigation.

VIII. RECOMMENDATIONS

WITH RESPECT TO INDIVIDUALS RESPONSIBLE FOR THE MASSACRE AND RELATED INCIDENTS...

109. In accordance with the June 9 determination of the Security Council to hold accountable those responsible for these actions, criminal investigations should be undertaken with a view of prosecuting those named in this report. Any other persons who may have been involved in the planning and execution of the massacre should also be prosecuted and/or disciplined in accordance with any further information which may be disclosed.

110. Similarly, an investigation should be conducted by the competent authorities into the allegation that an AFL soldier in Harbel who refused to obey an order to murder Harbel area displaced persons was in fact killed by other AFL soldiers.

WITH RESPECT TO FURTHER INVESTIGATIONS IN LIBERIA...

111. The Carter Camp massacre was a case of Liberians killing Liberians. That the responsibility for this particular incident has been shown to rest with the AFL does not mitigate or diminish the responsibility of the NPFL, ULIMO and others alleged to have engaged in similar atrocities against unarmed, innocent civilians throughout the conflict.

112. The findings of this inquiry underline the need at this time for similar investigations of a number of major atrocities attributed to all parties to the conflict. This request was made strongly and with conviction by nearly all the persons whom the Panel met. The Panel agrees that this is necessary in the interests of both equity and to deter the recurrence of such actions. It agrees with many Liberians who expressed the view that the identification and disclosure of the perpetrators of such acts would lead toward atonement and reconciliation. Finally, it believes that this approach would help to construct a more solid foundation for durable peace.

WITH RESPECT TO PROTECTION OF MASSACRE SURVIVORS...

113. Units and personnel of the Armed Force of Liberia currently assigned to and present in the Harbel area should be promptly withdrawn to Monrovia and disarmed.

114. Protection and security for the Harbel area should be provided effective immediately by ECOMOG. In particular, forthwith, ECOMOG should be held responsible for the safety and protection of all Carter Camp survivors in the Harbel area. ECOMOG should also accept responsibility for the security of all displaced persons residing in camps within its areas of operation.

115. Consultations should be conducted immediately with all concerned parties with a view to providing adequate security to all displaced persons by neutral troops and observers where necessary.

116. Appropriate UN authorities and neutral troops should take measures to monitor any screening process undertaken in connection with the displacement of populations.

WITH RESPECT TO EMERGENCY SURVIVOR NEEDS...

117. The need for an emergency tracing and family reunification exercise for Carter Camp survivors should be conveyed to the ICRC.

118. An emergency assessment of the food, clothing, health and other survival needs of the Carter Camp survivors, in both Harbel and Gbarnga, should be conducted and assistance should be provided on an emergency basis.

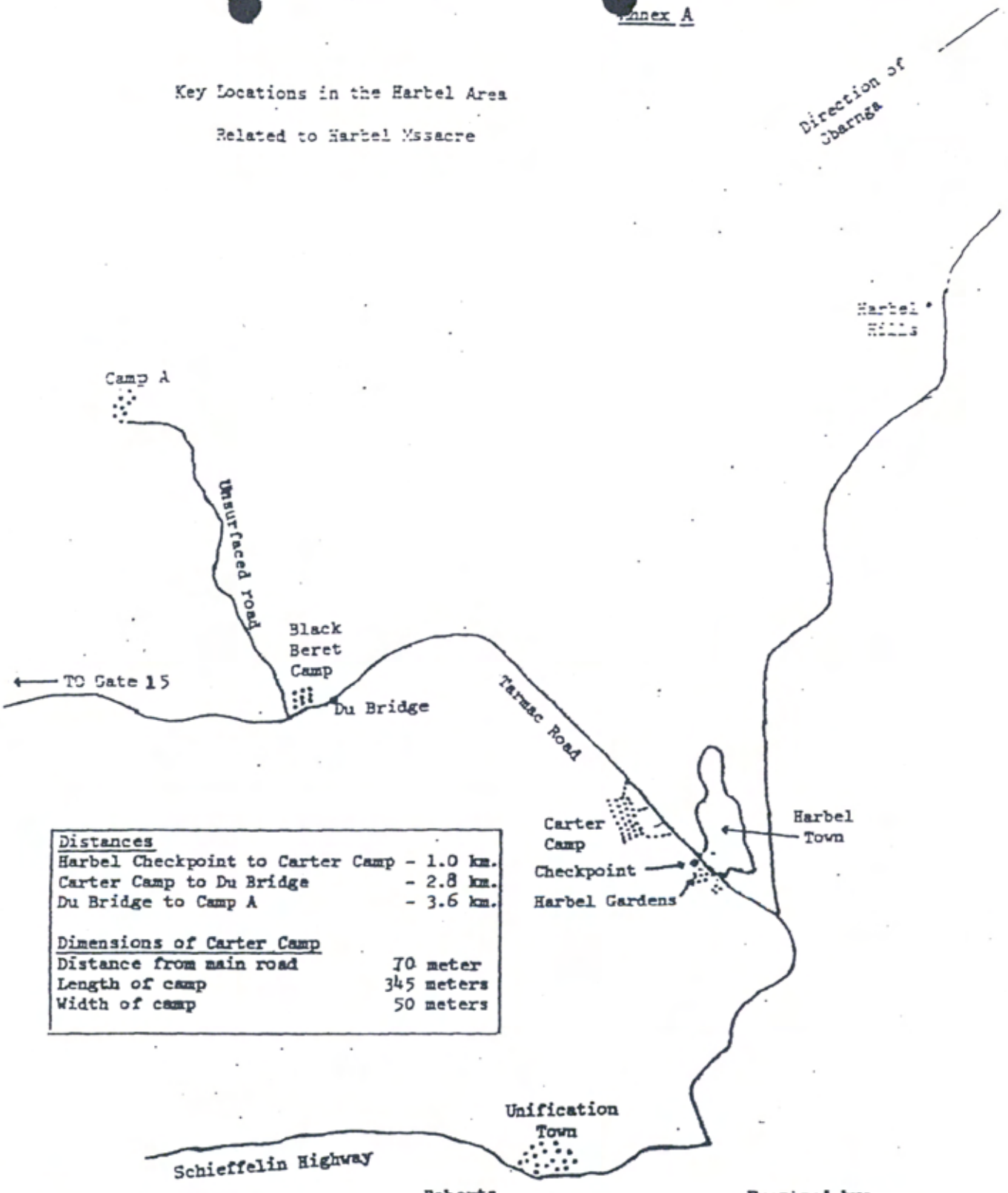
WITH RESPECT TO DEVELOPMENT OF GUIDELINES...

119. The UN should develop practical guidelines and procedures for rapid, methodical collection and preservation of evidence and interviews of eyewitnesses, for use wherever such tragedies may occur.

Annex A

Key Locations in the Harbel Area

Related to Harbel Massacre



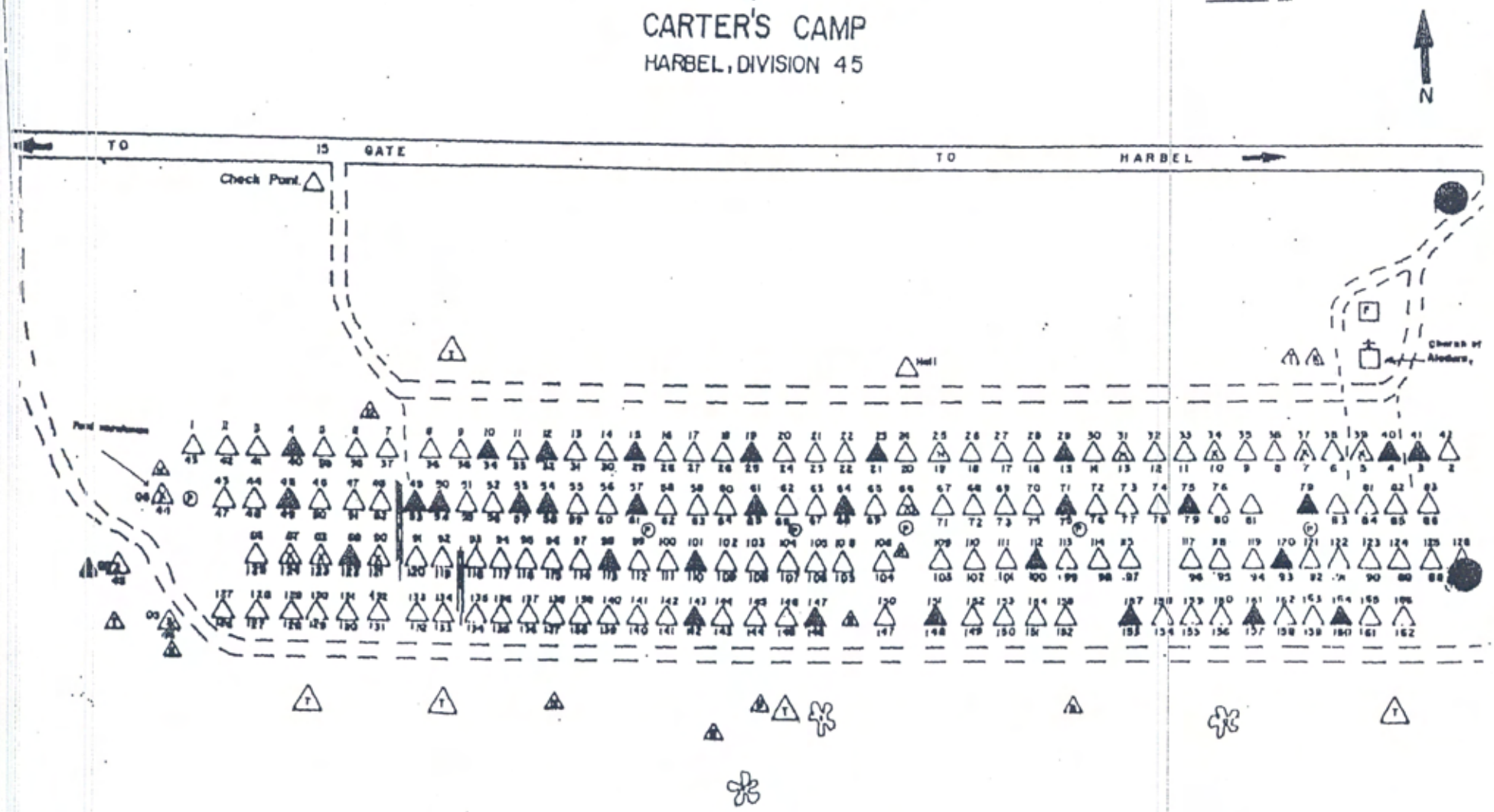
Distances	
Harbel Checkpoint to Carter Camp	- 1.0 km.
Carter Camp to Du Bridge	- 2.8 km.
Du Bridge to Camp A	- 3.6 km.

Dimensions of Carter Camp	
Distance from main road	70 meter
Length of camp	345 meters
Width of camp	50 meters

Prepared by:
Secretary General's
Panel of Inquiry
September 1993

SKETCH MAP
OF
CARTER'S CAMP
HARBEL, DIVISION 45

Annex B



Prepared by A C Jaryan

FOR LEGEND SEE FOLLOWING PAGE

Note to Mr. Pascoe

QUERY FROM THE MISSION OF LIBERIA

1. On Tuesday, 6 November 2007, SCAD was informally approached by representatives from the Permanent Mission of Liberia to the United Nations who were seeking a copy of a report prepared in 1993 by a Panel of Inquiry appointed by Secretary-General Boutros-Ghali in connection with a massacre of civilians near Harbel, Liberia on 5-6 June 1993. The Dag Hammarskjold Library was also approached by the Liberian Mission on this matter, and conveyed a similar query to SCAD.

2. Through the records of the Security Council, it was determined that, on 8 June 1993, the Council adopted Presidential Statement S/25918 which, inter alia, requested the Secretary-General to commence immediately an investigation of the incident and report to the Council as soon as possible.

3. On 4 August 1993, the Secretary-General wrote to the President of the Council (S/26265) and informed that he had appointed a Panel of Inquiry to undertake a more extensive investigation than the one already carried out by the UN Country Team.

4. On 17 September 1993, during private consultations of the whole, the Secretary-General informed Council members of the findings of the Panel. Thereafter, in his letter to the President of the Security Council dated 17 November 1993, the Secretary-General informed the Council of the actions he had taken in response to the recommendations of the Panel. These activities were mentioned in the Secretary-General's report to the Security Council dated 13 December 1993 (S/26868).

5. In response to the query from the Mission of Liberia, SCAD intends to orally inform the Permanent Mission of Liberia of the particulars of this case as set out above. Regarding the documents themselves, SCAD intends to orally inform the Mission of Liberia that the report of the Panel of Inquiry was not published as an official document of the Council, and it is therefore unavailable and that, similarly, the Secretary-General's letter of 17 November 1993 was not published as an official document of the Council, and it is therefore also unavailable.

H. Heit

Horst Heitmann
8 November 2007

cc: Mr. Menkerios (upon return)
Mr. Haysom, EOSG
Mr. Buo, DPA
Ms. Shraga, OLA

THE SECRETARY-GENERAL

17 November 1993

Dear Mr. President,

You will recall that on 17 September of this year when I informed the members of the Council of the findings of the Panel of Inquiry which had been appointed to investigate the Harbel massacre in Liberia, I indicated that I would carefully study the recommendations contained in the report in order to determine what further actions would be appropriate on the part of the United Nations. I would now like to bring my conclusions in this regard to the attention of the Council.

The principal recommendations of the Panel of Inquiry concern the undertaking of criminal investigations and possible prosecution of the individuals allegedly responsible for the massacre; the conduct of further investigations into other atrocities perpetrated by Liberian parties against civilians; a more effective protection of survivors of the massacre and an emergency assessment of their needs; and the development by the United Nations of guidelines for undertaking investigations of incidents similar to that at Harbel.

The recommendation concerning the criminal investigation of those responsible must, of course, be acted upon by the competent governmental authorities in Liberia. I understand that the Interim Government of National Unity (IGNU) has initiated certain actions in this regard. However, the authority of the IGNU does not extend over the entire territory of Liberia and this entity will, in the very near future, be replaced by the Liberian National Transitional Government, as

His Excellency
Mr. José Luis Jesus
President of the Security Council
New York

agreed upon by the Liberian parties to the Cotonou Agreement. The transitional government will have authority over the entire territory of Liberia. Accordingly, I intend to transmit to the transitional government the report of the Panel of Inquiry, drawing attention in particular to the recommendations regarding the prosecution of those allegedly responsible and will urge that prompt and effective action be taken to ensure that these individuals be brought to justice, as demanded by the Security Council.

Regarding the investigation of other atrocities against civilians committed during the course of the civil war in Liberia, I intend to make arrangements for the United Nations to undertake a wider investigation of gross violations of human rights that have allegedly occurred in Liberia during the period of the civil war.

I have instructed my Special Representative in Liberia to bring to the attention of ECOMOG the recommendation of the Panel relating to the protection of massacre survivors and to consult with ECOMOG concerning specific measures that may need to be taken to ensure the safety of the survivors.

Further, I have asked the Under-Secretary-General, Department of Humanitarian Affairs of the United Nations, to oversee and coordinate the implementation of the recommendations of the Panel concerning emergency tracing and family reunification and the assessment of the needs of the survivors.

Finally, with respect to the recommendation for the development of guidelines and procedures for the conduct of inquiries of this nature to be undertaken by the United Nations, I have asked the Legal Counsel, in cooperation with other relevant departments of the United Nations, to undertake the preparation of such guidelines and procedures.

Please accept, Mr. President, the assurances of my highest consideration.

Boutros Boutros-Ghali

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

TO: A: Mr. Carl A. Fleischhauer, Legal Counsel

DATE: 20 September 1993

REFERENCE: LA 36-4-2

THROUGH: S/C DE:

FROM: DE: James O. C. Jonah, Under-Secretary-General for Political Affairs

SUBJECT: OBJET: Report of Panel of Inquiry into Harbel Massacre

The Panel of Inquiry to carry out a comprehensive investigation into the massacre which took place at Harbel Liberia on 6 June 1993, appointed by the Secretary-General on 4 August 1993 pursuant to the request of the Security Council (S/25918), presented its report to the Secretary-General on 10 September 1993.

On 17 September 1993 the Secretary-General informed members of the Council, in informal consultations, that the report had been completed and distributed to them an executive summary of the report which has now also been released to the public. A copy is attached. The Secretary-General indicated to the Council that he would be studying the recommendations of the Panel of Inquiry to ascertain what further action on the part of the United Nations would be necessary. As some of these recommendations have legal implications, I would very much appreciate your advice and guidance in order to be able to advise the Secretary-General as to the most appropriate course of action.

Note to Mr. Johnson

DEFENCE FOR CHARLES TAYLOR REQUEST FOR CARTER CAMP MASSACRE REPORT

1. Thank you for your note of 21 April on the request by Charles Taylor's Defence Counsel for the full report on the Carter Camp Massacre. With reference to the internal memorandum dated 20 September 1993 from Mr. James Jonah, please be informed that, after an additional search, no record was found that the Security Council Affairs Division (SCAD) circulated to the Security Council members either the full report or its executive summary. Moreover, the full report could not be located in DPA's archives. However, it appears from SCAD's confidential summary (attached, pages 3-4) that at the Council consultations held on 17 September 1993, Council members had before them the executive summary.

2. We have noted your 21 April request to the USG for Management on whether ARMS has a copy of the full 75-page report. In the event the full report is located, and considering the criteria for disclosure set out in your notes of 5 March and 21 April 2008, we believe that disclosure of the full report to the Defence Council for Charles Taylor could raise issues of the confidentiality of the Organization's internal decision-making processes, particularly if the Council members themselves did not receive the full report. In this connection, it should be noted that the report had been requested by the Council in a Statement by the President of 9 June 1993 (S/25918), asking the Secretary-General "to commence immediately a thorough investigation of the massacre… and to report to it as soon as possible."

3. Also in connection with the criteria for disclosure, we would bring to your attention that SCAD's confidential summary of the consultations held on 17 September 1993 records that the Secretary-General had explicitly stated that it was very important that aspects of the full report be kept confidential, particularly the names of those who had supplied information. Because the names of individuals who supplied information to the investigation have not been included in the executive summary, it is our view that the executive summary may not present the same risk to the safety of those individuals as does the full report. At the same time, we would be guided by OLA's views on this issue.

4. In addition to the political points raised above, in light of the fact that the report was requested by the Security Council and was subsequently prepared by a commission appointed by the Secretary-General, OLA may wish to determine the "ownership" of the report, which appears to be an important element which will have to be taken into consideration in evaluating whether or not the full report and/or the executive summary should be disclosed.

B. Lynn Pascoe
15 May 2008

Note to Mr. B. Lynn Pascoe

Defence for Charles Taylor Request for Carter Camp Massacre report

1. Reference is made to the attached letter dated 12 March 2008 from Lead Defence Counsel for Charles Taylor, Mr. Courtenay Griffiths, Q.C., where he seeks to inspect and/or obtain the report on "The Carter Camp Massacre: Results of an investigation by the panel of inquiry appointed by the Secretary-General into the massacre near Harbel, Liberia, on the night of June 5/6 1993" dated 10 September 1993 ("Report"). The request was originally sent to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs.

2. A copy of an Executive Summary of the Report ("Summary") is enclosed. The attached internal memorandum dated 20 September 1993 transmitting this Summary to OLA from Mr. James Jonah, the former Under-Secretary-General for Political Affairs, indicates that the Summary was distributed to members of the Security Council and released to the public. On this basis, we would have no objection to disclosing this Summary to the Defence for Charles Taylor and have attached a draft letter to this effect for your consideration.

3. However, the Defence for Charles Taylor have requested the full Report. In discussions with colleagues in DPA, and as set out in the attached Note dated 8 November 2007 from Mr. Horst Heitmann to you, it is our understanding that neither the Report nor the Secretary-General's letter of 17 November 1993 to the President of the Security Council were published as official documents of the Security Council or made public. The letter dated 17 November 1993 informed the Security Council of the actions the Secretary-General had taken in response to the recommendations of the Panel. We also understand that the Secretary-General made references to these actions in his public report to the Security Council dated 13 December 1993 (S/26868).

4. We would appreciate it if you could confirm whether your Office has a copy of the 75-page Report. We have also written to the Chief of the Archives and Records Management Section through Ms. Bárcena to ask whether the Report is in the DPA archives for that period.

5. Defence Counsel from the Special Court of Sierra Court, and both the *ad hoc* International Criminal Tribunals, routinely revert to us seeking access to documents held by various bodies within the United Nations system and it has been the policy of this Office to cooperate with them to the fullest extent possible. In relation to such requests, our practice has always been to review the documents, in consultation with the substantive Office concerned to ensure that disclosure would not:

a. present a risk to the safety of individuals who are mentioned in them;
b. violate a duty of confidentiality that the Organization owes to a third party (because the document concerned was provided to the Organization by a third party on a confidential basis); and
c. compromise the confidentiality of the Organization's internal decision-making processes.

6. If the Report is available, we would be grateful for your advice as to whether it may be disclosed to the Defence for Charles Taylor, and if so, whether any conditions should be attached to its use in this trial. If the document may be disclosed, kindly provide us with a copy and we will proceed to draft a transmission letter for your consideration, as advised. In the event that the Report may not be released, please provide us with the reasons for non-disclosure.

Larry D. Johnson
Assistant Secretary-General
in charge of the Office of Legal Affairs
21 April 2008

cc: Mr. Haysom
Mr. Holmes
Ms Bárcena

Note to Mr. Larry D. Johnson

Defence for Charles Taylor requests Carter Camp Massacre Report

This is further to your Note of 21 April 2008 requesting ARMS assistance in locating a copy of the report on "The Carter Camp Massacre: Results of an investigation by the panel of inquiry appointed by the Secretary-General into the massacre near Harbel, Liberia, on the night of June 5-6, 1993". We have identified and searched the relevant archival boxes and folders. We focused particularly on records and archives transferred from the Department of Political Affairs (DPA) and the office of then Secretary-General Mr. Boutros Boutros-Ghali, as well as Department of Peacekeeping Operations (DPKO) records relating to the UN Observer Mission in Liberia for the period covering June through December 1993.

Unfortunately, despite a careful search, we have been unable to locate the 75-page report. In this connection, we would like to point out that DPA has transferred a limited amount of records and archives to ARMS, for the abovementioned period, and they may still have the relevant files in their possession.

Alicia Bárcena
1 May 2008

cc: Mr. Haysom
Mr. Pascoe

Note to Ms. Alicia Bárcena

Defence for Charles Taylor Request for Carter Camp Massacre report

1. Reference is made to the attached letter dated 12 March 2008 from Lead Defence Counsel for Charles Taylor, Mr. Courtenay Griffiths, Q.C., where he seeks to inspect and/or obtain the report on "The Carter Camp Massacre: Results of an investigation by the panel of inquiry appointed by the Secretary-General into the massacre near Harbel, Liberia, on the night of June 5/6 1993" dated 10 September 1993 ("Report"). The request was originally sent to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs.

2. A copy of an Executive Summary of the Report ("Summary") is enclosed. The attached internal memorandum dated 20 September 1993 transmitting this Summary to OLA from Mr. James Jonah, the former Under-Secretary-General for Political Affairs, indicates that the Summary was distributed to members of the Security Council and released to the public. We anticipate that DPA will disclose this Summary to Mr. Griffiths in the near future.

3. However, the Defence for Charles Taylor has requested the full Report. In discussions with colleagues in DPA, and further to the attached Note dated 8 November 2007 from Mr. Horst Heitmann to Mr. Pascoe, it is our understanding that neither the Report nor the Secretary-General's letter to the President of the Security Council of 17 November 1993, were published as official documents of the Security Council or made public. The letter dated 17 November 1993 informed the Security Council of the actions the Secretary-General had taken in response to the recommendations of the Panel. We also understand that the Secretary-General made references to these actions in his public report to the Security Council dated 13 December 1993 (S/26868)

4. We would appreciate it if you could confirm whether ARMS has a copy of the 75-page Report. If you locate it, we would be grateful if you could provide us with a copy.

Larry D. Johnson
Assistant Secretary-General
in charge of the Office of Legal Affairs
21 April 2008

cc: Mr. Haysom
Mr. Pascoe

OLA

RECEIVED
SEP - 8 2008
28-10427
EXECUTIVE OFFICE
SECRETARY-GENERAL

Note to Mr. B. Lynn Pascoe

Defence for Charles Taylor Request for Carter Camp Massacre report

1. Reference is made to the attached letter dated 12 March 2008 from Lead Defence Counsel for Charles Taylor, Mr. Courtenay Griffiths, Q.C., requesting access to the report on "The Carter Camp Massacre: Results of an investigation by the panel of inquiry appointed by the Secretary-General into the massacre near Harbel, Liberia, on the night of June 5/6 1993" dated 10 September 1993 ("Report").

2. We understand from your Note dated 15 May 2008 and the Note from Ms. Bárcena dated 1 May 2008 that neither DPA nor ARMS are able to locate the Report. We have therefore asked for the assistance of the EOSG on this matter.

3. As you are aware, OLA is in possession of the Executive Summary of the Report as transmitted to it by the former USG for Political Affairs, Mr. James Jonah on 20 September 1993. We have recently been informally notified by the Defence for Charles Taylor that they are in possession of this Executive Summary. You will recall from the Note dated 21 April 2008 from Mr. Larry D. Johnson that we have no objection to disclosing a copy of the Executive Summary of the Report to the Defence for Charles Taylor. Accordingly, please find attached for your consideration and signature a draft letter disclosing the Executive Summary of the Report to Mr. Griffiths.

Peter Taksøe-Jensen
Assistant Secretary-General
in charge of the Office of Legal Affairs
4 September 2008

cc: Mr. Haysom
Mr. Heitmann

SEP - 9 2008

United Nations Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

4 September 2008

Dear Mr. Griffiths,

Request for access to United Nations documents
Prosecutor v Charles Taylor, SCSL-03-01-T

I refer to your letter of 12 March 2008 in which you request the assistance of the United Nations to inspect and/or obtain the report on "The Carter Camp Massacre: Results of an investigation by the panel of inquiry appointed by the Secretary-General into the massacre near Harbel, Liberia, on the night of June 5/6 1993" dated 10 September 1993 ("Report"). The request was originally sent to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs.

I am pleased to advise you that the United Nations is willing to make the Executive Summary of the above report available to you. Please find a copy attached.

We are still in the process of reviewing your request for the full report.

Please note that the preparedness of the United Nations to make available to you the document enclosed with this letter is not to be understood in any way as constituting recognition of any obligation to make the document available to you, nor is it to be understood as involving the assumption of any obligation to that effect. It is also to be understood as being without prejudice to the immunity of the United Nations and of its officials from legal process and the inviolability of its archives.

Yours sincerely,

B. Lynn Pascoe
Under-Secretary-General for Political Affairs

cc: Mr. Taksøe-Jensen

Mr. Courtenay Griffiths
c/o The SCSL Office at the ICC
P.O.Box 19519
2500CM
The Hague, The Netherlands

SPECIAL COURT FOR SIERRA LEONE
OFFICE FOR THE DEFENCE OF CHARLES TAYLOR
Correspondence Address, C/o the SCSL Office at the ICC, P. O. Box 19519
2500 CM, The Hague, The Netherlands
Telephone +31705159743 Facsimile: +31703222711
E-mail: griffiths1@un.org; tejan@un.org; gatejan@aol.com

Mr. John Holmes
Under-Secretary-General for Humanitarian Affairs
and Economic Relief Coordinator
Office for the Coordination of Humanitarian Affairs (OCHA)
United Nations
New York, New York 10017
U. S. A.

12 March 2008

Your Excellency:

The Prosecutor v Charles Ghankay Taylor - SCSL -03-01-T
Special Court for Sierra Leone

I write further to the above matter. Please supply the following information, in addition to the items described in my letter dated 4 February 2008:

The Waco Commission Report into the Carter Camp massacre, United Nations, New York, 10 September 1993 - an investigation commissioned by the Secretary-General into the massacres near Harbel, Liberia, on the night of June 5-6 1993. (Amos Waco, former Attorney-General of Kenya was the Chairman of the Commission that produced the report.)

The information requested is potentially capable of undermining the prosecution case, and amounting to evidence in rebuttal. This is the background to my request but I am unable to expand further, owing to client privilege. Please do not hesitate to contact either myself, or our International Investigator, Miss Tejan, with any queries.

Yours sincerely

Courtenay Griffiths Q.C.,
Lead Counsel for Charles Ghankay Taylor

EXECUTIVE SUMMARY

THE CARTER CAMP MASSACRE

RESULTS OF AN INVESTIGATION

BY THE PANEL OF INQUIRY

APPOINTED BY THE SECRETARY GENERAL

INTO THE MASSACRE NEAR HARBEL, LIBERIA

ON THE NIGHT OF JUNE 5/6, 1993

Panel Members — Hon. S. Amos Wako, Chairman

Mr. Robert Gersony, Member

Amb. Mahmoud Kassem, Member

Secretariat — Mr. Gianni Magazzeni

New York, September 10, 1993

EXECUTIVE SUMMARY

I. BACKGROUND

1. This document summarizes the essential elements of a 75-page report of the Panel of Inquiry established on August 4, 1993 by the Secretary-General of the United Nations to investigate the massacre of nearly 600 displaced persons which occurred near Harbel, Liberia on the night of June 5/6, 1993.

2. Since it began in December 1989, Liberia's civil war has claimed the lives of between 10,000 and 50,000 innocent civilians, principally women, children and elderly persons, and has displaced an estimated 600,000 to 700,000 others.

3. The principal parties to the conflict are the Armed Forces of Liberia (AFL), the National Patriotic Front of Liberia (NPFL), and the United Liberation Movement of Liberia for Democracy (ULIMO), all of which are considered to have been responsible for gross human rights violations.

4. To attempt to keep peace, in August 1990, ECOWAS dispatched an ECOWAS Cease-Fire Monitoring Group (ECOMOG), including Nigerian and other West African armed troops. In October 1992, the NPFL attacked Monrovia, which was defended by ECOMOG. In the course of the struggle, to augment its forces, ECOMOG mobilized and rearmed AFL units which had previously been disarmed and confined to barracks.

5. In March 1993, some 60,000 persons displaced from Grand Bassa County in the fighting described above, were relocated by ECOMOG, the AFL and the United Nations to a series of Firestone Rubber Plantation worker camps around the recently captured Harbel area. Just over 1,800 of these displaced persons were assigned to live in Carter Camp, one of these Firestone facilities, located just one kilometer from the center of Harbel town. ECOMOG delegated to AFL units responsibility for security in the Harbel area.

6. At about midnight on the night of Saturday/Sunday, June 5/6, 1993, armed soldiers attacked and systematically massacred and mutilated the bodies of nearly 600 Carter Camp residents, mainly women, children and elderly persons. Some 45 bags of rice and beans and other loot were removed from the camp, apparently carried by 100 or more survivors abducted by the attackers. About 1,100 terrified survivors managed to escape the massacre and fled in all directions.

13. Meetings with eyewitnesses took place in offices which offered privacy from the view and hearing of others. Eyewitnesses were assured their identities would be kept in absolute confidence.

14. Survivors and other interviewees provided eyewitness and other detailed, credible accounts of their experiences; spontaneous responses to many follow-up questions; and in some cases used simple diagrams to illustrate the manner in which incidents they described had occurred. The majority of the respondents had no formal education or literacy skills. But they described effectively what they had seen and what had happened to them and these observations are the principal basis for the findings of this report.

15. The reports of the eyewitnesses in Monrovia, Harbel and Gbarnga, although they reside as many as 150 kilometers apart and live under the authority of opposing forces, were credible and consistent. The witnesses are so isolated from each other that they were not aware of whether their closest relatives had been killed in the massacre or were still alive and residing in these widely separated locations.

III. DESCRIPTION OF CARTER CAMP

16. Carter Camp is located on the Firestone Rubber Plantation, whose 1,500 square miles are believed to make it the world's largest. Harbel and its environs (see map, Annex A), located 64 kilometers from Monrovia along an excellent tarmac road, can be reached by vehicle in about 45 minutes. At the far end of Harbel is a small wooden shack which serves as a military checkpoint. Civilians entering Harbel from the far side report that they are usually stopped and checked at that point.

17. The tarmac road continues past the checkpoint toward Carter Camp, which is about one kilometer further, a 10-minute walk. Carter Camp itself is comprised of four perfectly aligned rows which among them have a total of 166 small houses (see sketch map, Annex B).

18. The tarmac road continues on past Carter Camp for another 2.8 kilometers until it reaches the Du Bridge. Crossing the bridge, one encounters immediately on the right an abandoned AFL "Black Beret camp." Until they were assigned elsewhere in May, the Black Berets were responsible for the security of Carter Camp. Thereafter, it appears that an AFL regular unit in Harbel became responsible for the area's security, although this is subject to some dispute.

the Harbel area to Monrovia. ECOMOG commanders based the requests on security concerns. NPFL officials stated that they were concerned for the protection of the displaced population as long as they remained under AFL security.

24. Although the AFL/Harbel commander stated that Carter Camp did not fall within the AFL's security jurisdiction, camp residents consistently reported that AFL soldiers would appear at the camp on food distribution days. Camp residents complained that AFL personnel "were in the constant habit of harassing them."

25. Numerous survivors described an individual named Zarkpa (pronounced Zagba) Gorh, a 23 year-old AFL private, as a permanent camp commandant. When other soldiers came to the camp, they liaised with Zarkpa. Camp residents could not go into the bush to collect food or firewood without his permission. He obliged camp residents without compensating them to harvest sugar cane which he then sold, and demanded money and cigarettes of them. AFL soldiers at the Harbel checkpoint confiscated a part of whatever the Carter residents could harvest in the bush to sell in Harbel market. In summary, the AFL presence in the area was perceived more as a threatening occupation force than as a source of security and protection against other hostile forces.

26. ECOMOG, AFL, NPFL and most organizations met by the Panel, and most written reports, asserted that the residents of Carter Camp were adherents or sympathizers of the NPFL and that at least some of their family members were NPFL combatants. On this point there was unanimity. ECOMOG and the AFL asserted that, in addition, former NPFL soldiers resided in the camp and that its residents provided food and intelligence information to NPFL combatants in the bush.

27. According to many of the survivors, on about June 3, several camp residents were preparing for a religious ceremony to be conducted that Sunday. A reverend, a young girl and her mother were walking through the bush just outside the camp, authorized to do so by Private Zarkpa. They were stopped by three AFL soldiers, two of whom raped and severely beat the girl. A camp delegation reported the incident to Major Nelson Paye, AFL/Harbel commander. One of the soldiers was arrested. Later, he returned to the camp and was said to ridicule the residents by saying, "What did you think they were going to do to me?" Another AFL soldier was reported to say in connection with the rape incident, "You Bassa people, this is the beginning of your death."

32. Another AFL soldier reportedly said, "You are feeding and keeping the rebels...we shall deal with you tonight."

33. ECOMOG and AFL reported no advance indications of an NPFL attack that evening. Shortly before June 5, it appears that the AFL Chief of Staff had withdrawn AFL intelligence personnel from the area who might have provided "early warning" and "averted" the massacre, according to a Special Military Board of Inquiry conducted after the massacre.

34. Most survivors report that there was considerable moonlight that evening. One said he was surprised to hear the soldiers patrolling the camp after curfew; except for the few who lived in the camp, the rest would usually go back to Harbel after food distributions. But as midnight approached, the camp residents were said to be sound asleep.

B. EXECUTION OF THE MASSACRE OPERATION

35. Camp residents were awakened at midnight by the sounds of gunfire, which soon became deafening. The massacre operation which they described was committed by armed soldiers against unarmed civilians who offered no resistance other than attempts to escape. Some of the survivors bolted from their houses as soon as they heard the first gunfire and headed toward the safety of the larger town, Harbel. Others fled toward Du Bridge and eventually arrived at Gbarnga.

36. Others thought they would be safer lying on the floors of their houses. All of the accounts are strikingly similar. Thirteen of them, received from among all the interview locations, are excerpted at length in the main report.

Massacre Accounts

37. In synthesis, the survivors said they saw soldiers ordering people out of their houses and killing them when they emerged. Many said they could specifically recognize the attackers as AFL soldiers. About six said they saw or recognized the voice of Private Zarkpa leading the soldiers on their murderous route and himself ordering the people out of their houses to their death. One eyewitness reported seeing Zarkpa himself killing a displaced person.

38. One survivor asserted that he was one of those abducted from Carter Camp and marched towards the Black Beret camp carrying a 100-pound bag of rice:

Flight to Du Bridge/Journey to Gbarnga

42. With the exception of the escaped abductee described above, the remaining survivors in Gbarnga were apparently among the first to flee the camp. (Excerpts of three typical reports by survivors interviewed in Gbarnga are included in the full report.) Immediately upon hearing gunfire that night, they bolted from their doors. They did not have time to put on clothes or to grab food and personal belongings. Most of them were half-dressed. Their concern was survival. The direction from which they heard the fire persuaded them to head away from Harbel toward Du Bridge. They said that they encountered neither AFL nor NPFL soldiers along the main road which they followed.

43. From Du Bridge, they crossed right at the former Black Beret camp and headed for the Farmington River. As they proceeded, they were intercepted by NPFL units, which sometimes arrested and interrogated but eventually assisted them to reach and cross the Farmington River. They report that they were taken to a location called "Chama Camp," which they reached about June 10. On June 12, NPFL trucks arrived and took them to Gbarnga.

C. EVENTS FOLLOWING THE MASSACRE

44. At around 7AM on Sunday morning an ECOMOG unit from Harbel Hills arrived at Carter Camp itself. After observing the situation, it is said to have followed what was called a "comfortable lead," a trail of rice, beans, clothing and eight bodies strewn along the main road, toward Du Bridge, then past the deserted Black Beret camp to Camp A, where it discovered fourteen more bodies.

45. In Harbel at the same time, despite a daytime curfew, some observed a white pick-up being pushed down the main road in Harbel, from the direction of Carter Camp heading in the direction of Monrovia, carrying some 20 bags of rice. Four AFL soldiers jump-started the vehicle, and with three market women, drove off in the direction of Monrovia. AFL soldiers were observed pushing two wheelbarrows containing four bags of rice through Harbel from the direction of Carter Camp.

46. Some Carter Camp survivors reported that they subsequently recognized in Harbel AFL soldiers whom they had seen participating in the massacre. Several credible sources reported that the AFL did not permit Carter Camp survivors to return to the camp for fear of provoking a "social explosion."

52. Despite profound differences in their descriptions and interpretations of the evidence found at Camp A, all the above sources concluded that the NPFL conducted the massacre.

53. When the team expressed an interest in visiting Camp A, a key Government investigator who had himself visited Camp A stated that the trip from the Black Beret camp would take 1-1/2 hours by vehicle over a deteriorated road through dangerous territory. In fact, the trip took about ten minutes over a wide, 3.6 kilometer unsurfaced but otherwise excellent road. Thus, the Panel observed that Camp A was within relatively close walking distance of Carter Camp.

54. The Panel needed to determine whether the Camp A murders preceded or followed the Carter Camp massacre; whether these two incidents were conducted by different parties or the same party; the motive of the Camp A murders; and the responsible party. The Panel was able to make these determinations, which are stated in the report's conclusions.

Issue #3: NPFL Retreat Positions Unprotected

63. Despite the relative proximity of ECOMOG mobile units, if the NPFL conducted this all-night attack, whether or not it utilized a vehicle, it apparently made no effort to secure a crucial route of retreat which, if cut off, could have isolated and exposed its soldiers to grave danger.

Issue #4: Duration of Attack

64. The AFL asserts that the Carter Camp massacre was conducted within a 45-minute period. However, its own reports contain information which contradicts this assertion.

65. All other reports as well as survivor testimony indicate that the incident at Carter camp had a duration of at least three hours and probably closer to five hours.

Issue #5: Mass Movement Undetected/Not Pursued

66. ECOMOG and AFL units knew by early Sunday morning that a major attack had been conducted at Carter Camp. By 10AM, the retreat route of a significant number of NPFL soldiers, reportedly with hundreds of abductees carrying heavy bags of rice, was well known. This column would have had to move undetected, a day or more later through ECOMOG defensive positions.

67. Nonetheless, no efforts appear to have been made by ECOMOG or the AFL to pursue what would have been a large column moving slowly along a known, easily accessible route, to engage the enemy or rescue the hostages. But by Sunday afternoon the Interim Government had mobilized a national and international group to visit Carter Camp and the Black Beret site.

Issue #6: NPFL Attacks Own Supporters

68. All investigations which identified the massacre perpetrator as the NPFL did not satisfactorily explain why the NPFL would have massacred and mutilated the bodies of its own former combatants and/or adherents.

69. The ad hoc nature of responses to the Panel's questions on this matter, and their contradiction of a fundamental fact to which all sides agreed, reinforced the Panel's view that this issue had not been given sufficient attention in previous investigations.

Issue #10: Replenishment of Ammunition

76. Major Paye's account to the Panel of gathering 1,500 loose rounds of all varieties at his own AFL headquarters that night and sorting them out at the front line with a flashlight contradicts his June 8 written statement to the AFL and information gathered by the Ministry of Justice. ECOMOG confirms that at 2AM it provided three boxes (3,000 rounds) of ammunition to Major Paye at Roberts International Airport (see map, Annex A).

Issue #11: Food as a Motive

77. The AFL command assertion that its soldiers did not require rice because they were well fed overlooked the importance of rice as a source of a significant amount of ready cash at a time when its value was doubling.

78. Distribution of WFP food to AFL soldiers had been discontinued days before the massacre, creating tension among the soldiers. Eyewitnesses claimed to have observed on the morning after the massacre three instances of AFL soldiers conveying 24 sacks of rice from the Carter Camp direction through Harbel town.

Issue #12: Signifying Messages by Attackers

79. Eyewitness accounts received by the Panel included signifying messages spoken by the attackers during the massacre which tended to point to the participation of AFL soldiers, and in one case to the possibility of an ULIMO soldier.

80. An unspecified number of Ministry of Justice eyewitnesses were said to have heard clear, unequivocal messages in which the attackers identified themselves unmistakably as NPFL soldiers.

Issue #13: Public and Intercepted Messages

81. ECOMOG and AFL provided transcripts of what were described as four NPFL messages which they had intercepted. The messages, which could not be independently authenticated, were said to contribute significantly -- perhaps conclusively -- to the view that the NPFL conducted the Carter massacre.

82. Three of the four messages appeared to be unrelated to the Carter massacre. The fourth message (described in detail in the full report) is inconclusive and seemed as likely to exculpate the NPFL as to implicate it.

Issue #19: ECOMOG vs. AFL Protection

90. A displaced representative in Harbel, while in a public commemoration service attributing the massacre to NPFL, urged the Interim Government to place ECOMOG in charge of Harbel area security. He beseeched the Government to immediately remove the AFL from the area and warned ECOMOG that its peacekeeping efforts would be undermined by that group. He said that while no one has accused the AFL of conducting the massacre, AFL soldiers had threatened the survivors who were so fearful that many had fled to Monrovia.

91. In connection with the original displacement of people from Grand Bassa County, unverified allegations suggested that able-bodied males separated from other civilians in joint ECOMOG/AFL operations in March 1993 may have been killed.

Issue #20: ECOMOG Protection Responsibilities

92. ECOMOG's assertion that it had no responsibility to protect large civilian displaced populations which it had caused to be relocated suggested the need for a review of the roles and responsibilities of ECOMOG, the Interim Government and the international humanitarian community.

Issue #21: Life-saving Actions by AFL Soldiers

93. Reports indicated that several AFL soldiers risked their lives to protect Carter survivors from their AFL peers; it was alleged that one of those who defended the survivors was killed by AFL elements after the incident.

Issue #22: Atonement and Reconciliation

94. The great majority of the Panel's interlocutors urged that its mandate be expanded to include other major atrocities committed in Liberia's recent history. Religious, human rights, trade union and other representatives and many others argued with conviction that the results of the Panel's work should be publicly disclosed.

95. Both the expansion of the mandate and disclosure of the Panel's findings were urged to insure that the true facts were established; to deter all parties from committing future atrocities; and to begin a process of healing and atonement which could lead to more durable national reconciliation.

WITH RESPECT TO CONTRIBUTING FACTORS...

103. The lives and safety of the displaced families, who were considered NPFL supporters, were jeopardized when they were placed under the protection and responsibility of the AFL.

104. To the degree that the Carter Camp massacre was planned and executed at the AFL/Harbel level, and given the importance of rice as a source of income for AFL soldiers, the abrupt cancellation, during the week before the massacre, of the local practice of weekly distributions to AFL soldiers may have been a contributing factor.

WITH RESPECT TO CURRENT EMERGENCY SURVIVOR NEEDS...

105. The survivors of Carter Camp are divided between the two major zones of security control in the country, and to some degree are distributed in different locations within each zone. They remain unaware of whether their closest relatives survived or perished in the massacre. There is no evidence that an effort has been made by any national or international organization to conduct an emergency tracing or family reunification exercise.

106. Three months after the massacre, the physical condition of many of the survivors, including children and adults, appeared perilous. Many were starving, wasted, and in some cases too weak to talk. Even in the context of the unusual international attention focused on this incident, no special effort by international organizations appeared to have been made to provide appropriate emergency assistance to insure the survival of those who were fortunate enough to escape the massacre.

WITH RESPECT TO OTHER MATTERS...

107. The manner in which screening and transport of displaced families has been managed during the past months may have required more careful monitoring and protection by the international agencies which participated.

108. There was no procedure in place to systematically collect and preserve readily available information concerning the massacre which could have served as a basis for future investigation.

WITH RESPECT TO PROTECTION OF MASSACRE SURVIVORS...

113. Units and personnel of the Armed Force of Liberia currently assigned to and present in the Harbel area should be promptly withdrawn to Monrovia and disarmed.

114. Protection and security for the Harbel area should be provided effective immediately by ECOMOG. In particular, forthwith, ECOMOG should be held responsible for the safety and protection of all Carter Camp survivors in the Harbel area. ECOMOG should also accept responsibility for the security of all displaced persons residing in camps within its areas of operation.

115. Consultations should be conducted immediately with all concerned parties with a view to providing adequate security to all displaced persons by neutral troops and observers where necessary.

116. Appropriate UN authorities and neutral troops should take measures to monitor any screening process undertaken in connection with the displacement of populations.

WITH RESPECT TO EMERGENCY SURVIVOR NEEDS...

117. The need for an emergency tracing and family reunification exercise for Carter Camp survivors should be conveyed to the ICRC.

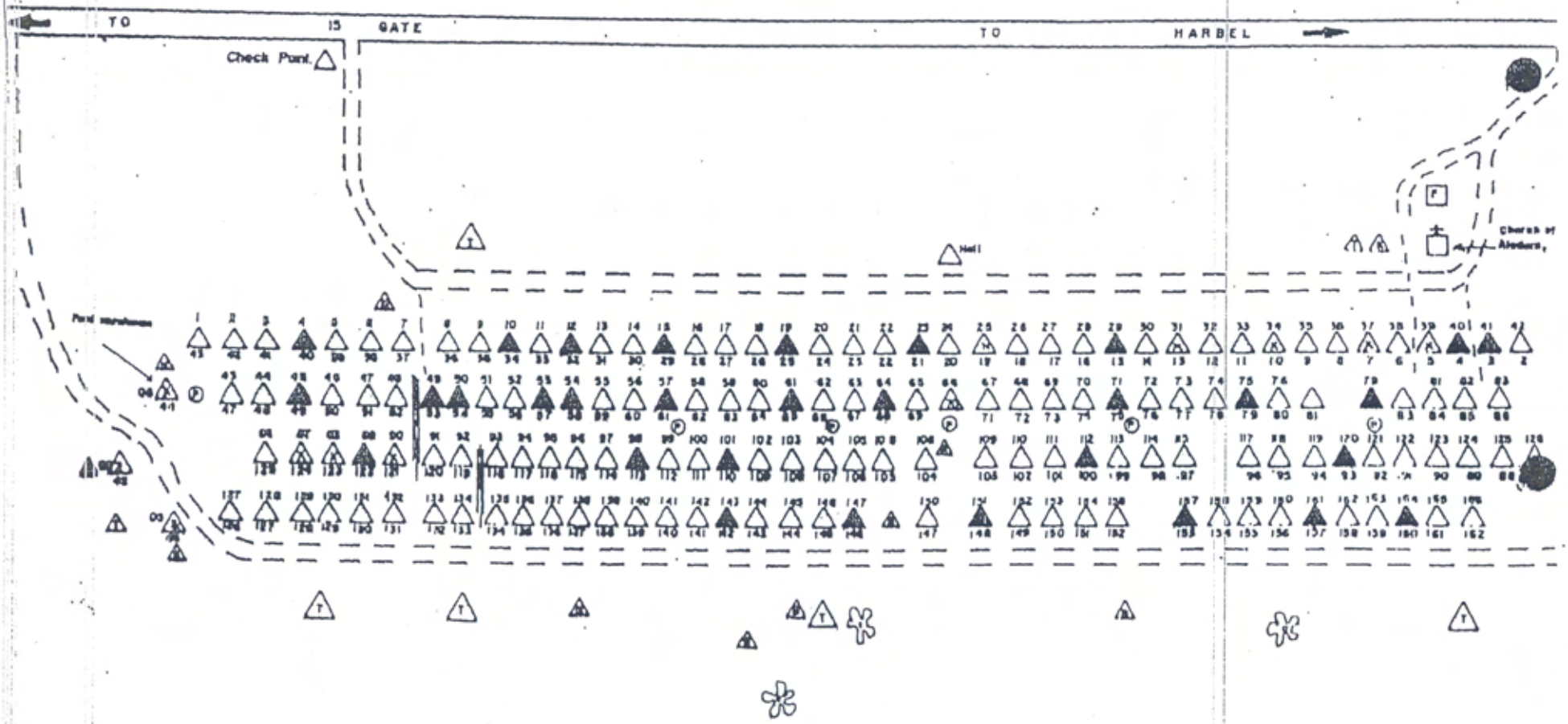
118. An emergency assessment of the food, clothing, health and other survival needs of the Carter Camp survivors, in both Harbel and Gbarnga, should be conducted and assistance should be provided on an emergency basis.

WITH RESPECT TO DEVELOPMENT OF GUIDELINES...

119. The UN should develop practical guidelines and procedures for rapid, methodical collection and preservation of evidence and interviews of eyewitnesses, for use wherever such tragedies may occur.

SKETCH MAP
OF
CARTER'S CAMP
HARBEL, DIVISION 45

Annex B



Prepared by A C Jaryan

FOR LEGEND SEE FOLLOWING PAGE

THE SECRETARY-GENERAL

17 November 1993

Dear Mr. President,

You will recall that on 17 September of this year when I informed the members of the Council of the findings of the Panel of Inquiry which had been appointed to investigate the Harbel massacre in Liberia, I indicated that I would carefully study the recommendations contained in the report in order to determine what further actions would be appropriate on the part of the United Nations. I would now like to bring my conclusions in this regard to the attention of the Council.

The principal recommendations of the Panel of Inquiry concern the undertaking of criminal investigations and possible prosecution of the individuals allegedly responsible for the massacre; the conduct of further investigations into other atrocities perpetrated by Liberian parties against civilians; a more effective protection of survivors of the massacre and an emergency assessment of their needs; and the development by the United Nations of guidelines for undertaking investigations of incidents similar to that at Harbel.

The recommendation concerning the criminal investigation of those responsible must, of course, be acted upon by the competent governmental authorities in Liberia. I understand that the Interim Government of National Unity (IGNU) has initiated certain actions in this regard. However, the authority of the IGNU does not extend over the entire territory of Liberia and this entity will, in the very near future, be replaced by the Liberian National Transitional Government, as

His Excellency
Mr. José Luis Jesus
President of the Security Council
New York