



## **Affidavit by Civitas Maxima for the Tom Lantos Human Rights Commission Hearing: "Liberia: Next Steps Towards Accountability for War & Economic Crimes".**

30 July 2024

Dear Madam, Sir,

Please find below verbatim excerpts transcribed by Civitas Maxima from the Tom Lantos Human Rights Commission Hearing: "Liberia: Next Steps Towards Accountability for War & Economic Crimes". The excerpts include multiple accusations made against Civitas Maxima and the Global Justice Research Project. To ensure the record accurately reflects the work of these organizations, we have responded to each accusation and attached additional evidence in support of our responses (*see Annexes 1-3*).

### **1. Statements made concerning the case against Michel Desaeleer**

Statement by Alvin Smith:

*"Michel Desaeleer, an American Belgian citizen was lied on for gun running, blood diamond, etc. etc. by Bility and Werner. He was put on trial, false witnesses came forward, affidavits were full of flaws and then he was so embarrassed he committed unintended death 13 months, involuntary manslaughter"*

Statement by Alan White:

*"Can I indulge just for a minute. I became aware of Alain Werner and Civitas Maxima, as you know he used to work with me at the Special Court for Sierra Leone, so I've known him for a number of years, and I know after he left the Court, he contacted a number of my witnesses that I relocated, and they contacted me and asked me "how did he get my contact details? How did this happen? He wants me to be a witness on cases I don't want any part of". So, this has been going on for a very long time. And what my first incident involving Alain Werner and Hassan Bility providing false information was, little did they know that Michel Desaeleer, who was mentioned earlier today, was an informant for me at the Special Court, okay. I knew his wife, I knew his family, I knew his children. And I knew that the allegations that were made against him were completely false, and I was called as a witness by the Belgian police to be interviewed, and I was interviewed in March of 2016, and when I heard these allegations that he was gun running, he was eating people, he was killing people, I said "where did you get this information?" and the vast majority of it was from Civitas Maxima and Hassan Bility. So, that was Alain Werner and Hassan Bility. I said this is absolutely false, he was an informant of mine, and I know he didn't commit these things, and I also know that this has destroyed his family. He was distraught, he could not defend himself on this case because they would not let him out on bail, he became distraught and killed himself, committed suicide. You know what, his wife was devastated, left in financial ruins. You get no insurance policy money when a spouse commits*

*suicide. His two children, who I knew very young, have now grown up, they grew up fearing drug addiction and wanting to kill themselves. This is what I know, this is a bridge too far with what these guys have done. That was my first experience with them, and then when he killed himself, the family was just so devastated they didn't want this pursuit at that time.”*

### **Response by Civitas Maxima:**

Alvin Smith and Alan White have never had access to the evidence, exhibits and victims and witnesses’ statements contained in the Michel Desadeleer case in Belgium (2011-2016). An affidavit (see Annex 1) from Luc Walley, representative of victims in the case and an experienced and respected international criminal lawyer, confirms amongst other things that throughout the process of the investigation no suspicion of false evidence ever came up, or was raised by Desadeleer or his lawyers. Luc Walley had full access to this case for 6 years. Furthermore, no decision or order rendered by Belgian Judicial authorities throughout the span of this investigation establishes any wrongdoing by Civitas Maxima or the Global Justice and Research Project.

## **2. Statements made concerning the case against Agnes Taylor Reeves**

Statement by Alvin Smith:

*“Darius Tweh was recruited, coached, paid by Bility, flown to Accra where he met a British Metropolitan police team headed by one Gary Titherly, I can provide his information. And he made false statement against Mrs. Agnes Reeves Taylor for her rearrest. After that, Mr. Werner and Mr. Bility provided a false statement that Agnes Reeves Taylor in 1990 shot, gave instruction, two different statements. The first one said she shot and killed Amos Bohn, the second one she gave instruction for Amos Bohn’s execution. And another witness was provided, called Alieu Varflee Kanneh. Alieu Varflee Kanneh was provided that Agnes Reeves Taylor tortured her during the Liberian Civil War. Based on those two statements she was arrested and placed in solitary confinement for 27 months. Upon verification, Amos Bohn was alive and Alieu Varflee Kanneh because of a false statement he got granted asylum by the British government in the UK. Morris Jabateh, another witness, also lied under oath. After the case fell apart, Agnes Reeves Taylor got released.”*

Statement by Alan White:

*“Now, I will take exception to what my colleague said from Human Rights Watch, these cases, the cases that they’ve been involved in, are all generated by the statements that Hassan Bility and Alain Werner produced to the police. This has happened everywhere. Even the British police came to me and asked for my help to resurrect their case against Agnes Reeves Taylor. What we found out during that process was that a lot of the information was completely false. Where did that information come from? Civitas Maxima and also Global Justice Research Project, and it was based on statements that they produced, and the way that this works is they go back to the country, and they are they are led around by these NGOs you need to talk to this person, that person, this person, and they say exactly what was in that statement, okay.”*

*“There will be many challenges and efforts to undermine the establishment of the Court, and we are aware of several NGOs who are trying to be involved in the establishment of Court whose affiliation will be*

*detrimental in doing so for purely personal and financial gain. Some of them have been criminally accused and civilly sued for engaging in criminal conspiracies to maliciously prosecute individuals for war crimes, and conspire to support perjury by coaching witnesses to lie. One case involves a \$15 million US lawsuit for malicious prosecuting for providing false affidavits that led to an arrest of an individual who was placed in solitary confinement for two years and three months. That defendant was Agnes Reeves Taylor, former wife of Charles Taylor, who was falsely accused of torture and ordering the execution of Amos Bohn, a former Liberian superintendent in Liberia. However, Bohn is alive and currently living in London. Witnesses have come forward claiming they were coached to provide false statements and false testimony, and money in return by these NGOs.”*

### **Response by Civitas Maxima:**

The Agnes Taylor case was dismissed by a judge of the UK Central Criminal Court (*R v. Reeves Taylor*, UK Central Criminal Court, 6 December 2019) before trial on 6th December 2019. This dismissal was in no way related to alleged witness coaching or false testimony. The decision to dismiss the case followed an appeal to the Supreme Court on a point of law regarding the specific requirements under section 134 of the Criminal Justice Act 1988 regulating the offence of torture, namely, what it means to be a person acting in an official capacity. In its decision, the Supreme Court ruled that members of non-state armed groups could in fact be prosecuted for torture if those groups exercised functions normally exercised by governments over their civilian populations (*R v. Reeves Taylor* [2019] UKSC 51).

Applying this standard, the Honourable Sir Nigel Sweeney Judge, determined there was insufficient evidence to conclude that the NPFL, a rebel group, had exercised governmental function in Liberia when the relevant events occurred and dismissed the case (*R v. Reeves Taylor*, UK Central Criminal Court, 6 December 2019, para. 160).

*“In the new circumstances of this application I have asked myself, in relation to each Count, [...] whether there is sufficient evidence, taken at its reasonable highest, upon which a jury could properly conclude that, at the time and location of each offence, the NPFL was exercising governmental function in the relevant area. In my view the answer, in each instance, is clearly in the negative.”*

However, he made explicit in his decision dismissing the case that there was credible evidence of torture committed by Agnes Reeves Taylor. In paragraph 20 of his decision, he stated:

*“For the purposes of the application it was not disputed by the defendant that there is prima facie evidence (all dates in 1990) that: (1) She held high rank in the NPFL and, when dressed in military clothing and armed carried out, whether personally, or by giving orders, or by acquiescing in, the acts of torture the subject of Counts 2-5, 7 & 8 - all of which took place in, or on the border of, Nimba County (...).”*

Not a line in this decision or any decision or order rendered by UK judicial authorities in the Agnes Reeves Taylor case establishes any wrongdoing by Civitas Maxima or the Global Justice and Research Project.

Please find the full text of the Supreme Court at *R v. Reeves Taylor* [2019] UKSC 51.

The full text of the judgement in the UK Central Criminal Court dismissing the case is not publicly available, but relevant paragraphs are reproduced above, and the full text is held on record by Civitas Maxima.

### **3. Statements made concerning the case against Gibril Massaquoi**

Statement by Alvin Smith:

*“Bility gave two contradictory statements against Gibril Massaquoi. As the case went further, he added 6 more statements that he had been tortured by Gibril Massaquoi. In 2002, Gibril Massaquoi was sent by police director Joe Tate in 2002. Joe Tate died in a plane crash in 1999, how can he come from his grave and be able to send Gibril Massaquoi to torture you? All of the witnesses from the defense counsel cross examined witnesses produced by Bility and Werner, the witnesses said they were paid to lie. After their testimony they were given the balance payment.”*

Statement by Alan White:

*“Additionally, these NGOs were involved in another malicious prosecution of Gibril Massaquoi, who's a protected witness for me at the Special Court of Sierra Leone, so I know this case firsthand. After testifying for the Court, he was relocated to Finland in 2008. In 28 (2018), two of those NGOs conspired to maliciously prosecute him and provided false statements to the National Bureau of Investigation and the Ministry of Justice in Finland. Their information was used in an open investigation that led to the arrest of Massaquoi. He was accused of killing and eating people in Liberia in July of 2003. However, there's a problem with that: in October of 2002, he was in my witness protection program, so he never left Sierra Leone and he was under 24-hour supervision by armed personnel of the witness protection section at the Court. Also, during that time as the Chief of Investigations, I occasionally visited our protected witnesses, including Massaquoi, so I saw him personally myself. So, I knew these allegations against him were false. Unfortunately, the Finnish government relied on false statements and information from coached witnesses, and Massaquoi was arrested and detained for two years. He went through two trials. He was publicly humiliated and pressed, based on false information provided by the police and press statements issued by NGOs. During the appeals trial, Massaquoi was acquitted once again, and many of the witnesses admitted that they had been coached to lie under oath and received money from these NGOs. They will be identified later in this hearing.”*

*“So what happens in 2020, I get a contact by the defense counsel of Gibril Massaquoi, that he's been arrested based on information that was provided by Civitas Maxima, Alain Werner, and Hassan Bility, and these were statements that they prepared, they met with the NBI, they produced this information, and said that, even though he had immunity from being prosecuted, from being prosecuted in Sierra Leone, he had committed all of these atrocities in Liberia. And I said “when did this occur?” and they claimed that it was in 2003. I said 2002, October of 2002, he was in my witness protection program, he was an insider witness, so there is no way that he could have been there, and I knew that. The sad thing was he had to go through four years, a trial and then an appellate trial, okay? His family was devastated, he was accused of eating people, killing people, and all of these things in the Finnish press without any iota of evidence other than statements that were produced”*

*“So I know for a fact, and I know with the Hassan Bility case, that this case was fraught with fraud beginning to end. And this is how we got to know International Justice Group, because what they did, because of Covid-19, they moved the trial from Finland down to Monrovia, even though they couldn't see the witness, they could hear the witness, and when they were listening to the witnesses, a number of people in Liberia said: look, this is false, how can we get this to the defense counsel? That's when I found out the International Justice Group reached out to me and said, look, we have a number of witnesses, because we've been investigating this for 10 years, okay, we had an insider that was reporting this information. So, the defense counsel asked me if I would contact those witnesses, get a summary of information, and get back to them, and if they would be willing to cooperate, and I did. Guess what Hassan Bility did under oath? He testified that I was witness tampering and interfering with witnesses. I did not know this because this was going on in Finland, and I did not get to see that. So, he continuously provided false information to include, claiming that Gibril Massaquoi had tortured him. That was debunked immediately when we had a witness that was incarcerated with him at the same time when this allegation surfaced. Even the judges in the first acquittal in their written summary, they question the credibility of Hassan Bility three times because he changed his story three times. So, I wish I didn't have to bring this up, but this came to me, okay, this information came to me, and I know for a fact that this information was false, particularly on the Gibril Massaquoi case, on the Michel Desadeleer case.”*

*“But this is how these allegations come up, and just because they haven't been criminally convicted yet doesn't mean they're not true, because the witnesses did under oath second time around on the appeal side, did admit that the first time they ever saw Gibril Massaquoi was when somebody from Global Justice Research Project showed them a picture, okay, these are facts. There has been two criminal complaints filed in Liberia, we'll see what happens, there's a new government, a new willingness to investigate these things, and so we'll see what happens there, but my point is: the people that have these type of allegations with founded information despite any criminal conviction should not be anywhere near this Court, period, okay?”*

**Statement by Yahsyndi Martin-Kpeyei:**

*“There are individual organizations who have accused individuals of committing war crimes and those cases have been prosecuted. During trial there were allegations of witness tampering and coaching in 2020. we wrote an article in a spotlight newspaper questioning those involved in the coaching of witnesses. In one instant, we flew to Liberia and met with Darius Tweh, Mr. Tweh provided an insider account on the practice of recruitment and coaching. Mr. Tweh testified before the world at the Gibril Massaquoi trial that he had worked along with Mr. Hassan Bility on fraudulent war crime trials. We have waited so long for justice, and now we learn that Hassan or Mr. Hassan Bility, has proven to be involved in a witness coaching scheme that coached people to provide false information and lie under oath for personal and financial gain, cannot be affiliated with the establishment of the War and Economic Crimes Court. We are baffled by the United States government, which supports Bility and others involved in coaching witnesses to lie and be a part of the court. I urge the congress not to let the US government to allow Bility or any affiliate to be involved in any way of the establishment of the court as they will undermine the credibility in to do irreparable harm to the court by tainting it from the beginning.”*

**Response by Civitas Maxima:**

Please find an affidavit from a Federal Finnish Prosecutor which states neither the District Court nor the Appeal Court found any wrongdoing by CM and/or GJRP, the information provided by CM/GJRP was not the sole evidence used to prosecute Gibril Massaquoi, and all information provided by CM/GJRP was always verified by Finnish authorities before possible use in the prosecution process (see **Annex 2**). Furthermore, neither judgment rendered by Finnish judicial authorities in the Gibril Massaquoi case establish any wrongdoing by Civitas Maxima or the Global Justice and Research Project.

#### **4. Other allegations**

Statement by Alvin Smith concerning future involvement in the establishment of a War Crimes Court:

*“In my conclusion, with evidence available to the International Justice Group and Court records, Alain Werner, a Swiss lawyer, executive director Civitas Maxima Geneva, Switzerland should not come anywhere near this Court for Liberia. Mr. Hassan Bility, executive director, Global Justice Research Project, should not come anywhere near this Court. Center for Justice and Accountability, California Switzerland, but they cannot come anywhere near this Court. Ambassador Beth van Schaack is conflicted. Counselor Jerome Verdier wrote her a letter, you cannot be on the board of these NGOs who are conflicted and lie on people, you have to recuse yourself. She recused herself on paper, but she is still affiliated with them. Thank you.”*

Statement by Michael Rubin regarding witness coaching and other defamatory statements:

*“For several years, Civitas Maxima, a non-governmental organization founded by Swiss lawyer Alain Werner, coached witnesses to give false testimony, in a war-crimes prosecution for profit scheme. The unwillingness of Western partners to perform due diligence on partners enabled Civitas Maxima to claim many sponsors and collaborators, including the Department of State and the Center for Justice and Accountability where current U.S. Ambassador at large for global criminal justice, Beth Van Schaack, previously worked. At issue is more than reputational damage, Civitas Maxima’s scheme and the Center for Justice and Accountability’s lack of due diligence have cost lives and upended legal cases on three continents. Rather than recognize flaws in their methodology and mitigate shoddy human rights practices, Werner tries to muzzle criticism via lawfare.”*

*“Simply put, the State Department should allow the Office of Global Criminal Justice to recuse itself from any future work with Liberia’s War and Economic Criminal Crimes Court given Van Schaack’s links to groups engaged in alleged fraud. The Werner/Bility scandal, however, highlights the need to address post 2003 corruption. It is essential to simultaneously create an anti-corruption court to try those whose corruption has undermined Liberian democracy and stability over the subsequent two decades and especially during the time of the previous president George Weah. Van Schaak should testify willingly given that multiple witnesses have now, under oath, revealed the coaching and fraud that her partners and grantees supported.”*

*“You know, one thing I want to point out, and I made reference to this in my written testimony, Alain Werner tried to compel my retraction and that of my publisher at the time the Washington Examiner, but he dropped efforts when it became clear I would hold my ground and he could face discovery. The question then*

*becomes why was he so afraid to face discovery, and should a human rights group really try to use lawfare in order to, if you will, restrict free speech and, in this case, very valid research.”*

### **Response by Civitas Maxima:**

Civitas Maxima and the Global Justice and Research Project have collaborated for over 12 years with judicial authorities in 8 countries on 2 continents. These efforts have contributed in one way or another to 5 criminal judgments in 4 different countries, including 5 convictions (3 in the United States, 1 in Switzerland, 1 in France) and 1 acquittal (in Finland). Stemming from our collaboration with judicial authorities we expect 3 to 4 other criminal trials in the next 2 to 4 years in 3 different countries.

Since our inception, there has been no finding by judicial authorities of any wrongdoing on our part in any of the cases we have been involved in. In the case of Alieu Kosiah the defence made multiple allegations of criminal behavior on our part, very similar in nature to those made by Alan White, Michael Rubin, Alvin Smith, and some defense witnesses in the Gibril Massaquoi case. The Swiss Judicial authorities in 2022 and 2023 examined these allegations, including email exchanges between the defence lawyer of Gibril Massaquoi, Alan White, and Alvin Smith. Mr. White refused to come and testify under oath in front of the Court of Appeals of the Swiss Federal Criminal Court in 2023, and he did not come to testify in front of the Finnish Judges in the Gibril Massaquoi trial in 2021.

A French version of the judgment against Alieu Kosiah is available online with all names redacted, including the names of Alan White and Alvin Smith (TPF CA.2022.8 (f) of May 30th 2023). An unredacted original French version of the relevant portion is available upon request. The Swiss Court of Appeals of the Federal Criminal Court concluded these accusations were without factual basis and dismissed them. The court also noted the following: *“While the conspiracy theory cannot be accepted in the light of these elements, it should be noted that the theory of a smear campaign directed in particular against Hassan Bility and Me (Alain) Werner is supported”* (see **Annex 3**, an English translation corresponding to pages 51 to 57 of the original French judgment).

Done by Civitas Maxima  
30 July 2024

Annex 1: Affidavit by Luc Walley, Belgium (Michel Desaeleer case)

Annex 2: Affidavit by Elisabeth Stenman-Haltia, Finland, (Gibril Massaquoi case)

Annex 3: Extract of Appeal Judgment of the Swiss Federal Criminal Court (Alieu Kosiah case)