

REPORT OF THE NATIONAL



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THE FIGHT AGAINST TRANSNATIONAL ORGANIZED CRIME IN AFRICA

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THE FIGHT AGAINST TRANSNATIONAL ORGANIZED CRIME IN AFRICA

INTRODUCTION

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Organized crime is a phenomenon that affects the entire continent, leaving no jurisdiction unaffected.¹ Organized criminal groups and networks pose a serious threat to government and civil society and negatively impact the consolidation of sustainable peace and stability. Their activities significantly erode trust in public institutions, fuel violence, promote corruption, and undermine economic growth and potential². Criminal gangs and networks operate in ways that are reflective of the country they are operating in. They exploit and entrench themselves in whatever way possible. Organized crime continues to rain havoc on the continent, as it is a criminal enterprise that generates huge profits across the continent.

METHODOLOGY

This report will attempt to give an overview of the different aspects of organized criminal activities in West Africa, with particular emphasis on Liberia. In West Africa, organized crime has been made a lot easier due to the free movement of people and goods in the region as a result of the ECOWAS Protocol on free movement of people and goods. The free movement of people and goods has posed enormous security problems for member states, especially those countries that are just emerging from war. Liberia, like the other West African countries that experienced civil war, organized crime poses a threat to the peace and stability of the country. This report will discuss the various organized criminal activities the Liberia is experiencing and the efforts been made by Government to fight organized crime.

ORGANIZED CRIMINAL ACTIVITIES IN WEST AFRICA

Organized criminal networks in West Africa engage in many organized criminal activities. The most common ones are Drugs trafficking, Human trafficking, Money Laundering, (4) illicit mining and exploitation of natural resources, migrant smuggling, cybercrime and maritime piracy. This report shall discuss these criminal activities, their impact on Liberia, and efforts made by the Liberian state to curtail these activities.

DRUGS TRAFFICKING

Drugs trafficking is a very serious problem in Liberia. The proliferation and easy access to narcotic drugs have had a devastating effect on the country. Illicit drugs, mostly cocaine, opium and marijuana are very easy to obtain in Liberia. Although Liberia is not a significant transit country for illicit narcotics, the country's weak law enforcement capacity, porous border controls, and

proximity to major drug transit routes leave its vulnerable to becoming one³. Although Liberia is not a significant producer of illicit narcotics, local drug use, especially marijuana is very common.

Drugs trafficking is an organized criminal activity that poses a serious challenge to law enforcement agencies in Liberia. Prior to 2014, defendants charged with the possession, sale or use of narcotic drugs were charged and prosecuted under the Public Health Laws. After the war subsided, drug trafficking became so profound that the Legislature had to enact a new drugs law and an agency to enforce the drugs law and prosecute traffickers. Traffickers are now prosecuted under Chapter 14, sub-chapter (E) of the penal code.

To combat the illicit drug trade in Liberia, the Liberian Legislature enacted the “Controlled Drug and Substance Act” and the Liberia Drug Enforcement Agency (LDEA) Act in 2014. Since its establishment in 2014, the LDEA has been very active in cracking down on local and international drug dealers. The agency has regularly conducted raids on criminal hideouts, seized and destroyed large quantities of narcotic drugs. However, the fight against drugs trafficking has been hampered by its limited capacity and logistical problems. The porosity of the country’s borders, weak rule of law and limited infrastructure, limited resources and corruption makes its very easy for traffickers to smuggle large amounts of drugs into the country without been detected⁴.

Although the Liberian Government has committed itself to the fight against drugs trafficking, it still faces challenges in respect of adequate resources and specialized skills to respond to the threat. Since 2011, the United Nations Office on Drugs and Crime (UNODC) has supported Liberian authorities in combating illicit drug trafficking and transnational organized crime under the West Africa Coast Initiative (WACI) project. The UNODC also supported the establishment and functioning of the Liberia Transnational Organized Crime Unit (TCU) within the Liberia National Police⁵. Both the LDEA and TCU have been successful in raiding criminal drug gangs, seizing large quantities of drugs and arresting the culprits. In December, 2018 and January 2019, LDEA officers seized 26 kg of heroin with an estimated value of US\$910,000.00 and arrested eight (8) individuals in Paynesville and Grand Cape Mount County. In November, 2018, LDEA and TCU officers seized eight (8) kilograms of unprocessed heroin form a passenger’s luggage at the Roberts International Airport⁶.

HUMAN TRAFFICKING

Human trafficking, specifically child trafficking, is rampant in Liberia. Liberia is now considered as source, transit and destination country for children trafficked for forced labor and sexual

exploitation. Most victims are trafficked within the country, mostly from rural areas to urban areas for domestic servitude, forced street selling and sexual exploitation⁷.

Liberia's capacity to fight child trafficking is greatly limited due to lack of resources and weak law enforcement capacity. As a result of its seemingly limited capacity to combat child trafficking, Liberia has been placed on the "Tier 2" Watchlist of the U.S. State Department 2018 Report on Trafficking in Persons (TIP).

In its effort to address the problem of child trafficking in the country, the Liberian legislature enacted the Anti-Trafficking Law in 2005. This law prohibits all forms of trafficking in persons. It prescribes a minimum penalty of one (1) imprisonment for labor trafficking of adults, six (6) years imprisonment for sex trafficking of adults, Five (5) to eleven (11) years imprisonment for child labor trafficking and eleven (11) to sixteen (16) years imprisonment for child sex trafficking. Since the enactment of the Anti-Trafficking Law, a total of four (4) cases of human trafficking has been successfully prosecuted at Criminal Court "A" in Monrovia and the traffickers sentenced.

Most cases of trafficking in persons do not come to court for various reasons. The reasons for the low prosecution of TIP cases include (1) lack of awareness of the crime, (2) lack of cooperation of victims, (3) inadequate training of law enforcement offices to quickly detect and arrest child traffickers, (4) inadequate financial resources to prosecute the crime, (5) relationship of the victim to the trafficker, and (6) complexity of the facts and the multiplicity of the laws violated..

To increase the capacity of law enforcement agencies, prosecutors and other judicial actors in fighting child trafficking in Liberia, the International Law Development Organization (IDLO) has been organizing training for law enforcement agencies, prosecutors, public defenders and magistrates and judges. The training program has greatly sharpened the skills of law enforcement, prosecutors and other actors in detecting, investigating and prosecuting TIP cases.

MONEY LAUNDERING

Money laundering is a derivative crime that is driven by proceeds of other organized crimes such as drug trafficking, oil bunkering, human trafficking and cyber-crime. It involves the attempt by criminal networks to legitimize the proceeds of their criminal activities.⁸

This organized crime is widespread in the region.

As a country just emerging from war, Liberia has serious problem with money laundering. To combat this crime, the Liberian legislature enacted the Anti- Money Laundering and

Terrorist Financing Act in 2012. The legislature also establish the Financial Intelligence Unit (FIU) in 2012 as the national agency responsible for receiving, requesting, conducting preliminary investigations, analyzing and disseminating information to competent authority concerning suspected proceeds of crime and terrorist property. The unit is also responsible to investigate and track illegal financial transactions, money laundering and other illicit financial flows.

Despite the enactment of the Anti-Money Laundering law and the establishment of the FIU to gather intelligence on money laundering, there has been little success in combating this crime. For this reason, Liberia has been categorized by the U.S. State Department as a country/jurisdiction of primary concern in respect of money laundering and financial crimes.⁹ Although the country has made some efforts to strengthen its Anti-Money Laundering regime, serious challenges still remain. A 2018 State Department Money Laundering Assessment Report established that the Central Bank of Liberia (CBL) failed to robustly enforce AML requirements. Additionally, financial institutions in the country have limited capacity to detect money laundering and that their financial controls remain weak. The Report concluded that the FIU was grossly underfunded and lacked the institutional and technical capacity to adequately collect, analyze, and disseminate financial intelligence.¹⁰ The Liberian Government needs to strengthen the capacity of the FIU by providing additional resources to the unit. Liberia must also continue to work with international partners to ensure that its AML laws, regulations and policies meet international standards.

ILLEGAL MINING ACTIVITIES

Illegal mining activities by aliens in Liberia's forests and waterways have greatly increased during the past few years. A local newspaper, the Daily Observer, reported in May, 2019 that the uncounted influx of illegal miners across the country, mostly from Ghana, Mali and Cote D'Ivoire was causing the government to lose millions of United States Dollars in needed revenue. The Ministry of Mines and Energy acknowledged the problem of illegal mining in the country, but admitted that the lack of adequate financial support to the ministry was hampering the effective management and prevention of illicit mining activities in the country.

The Environmental Crime Law passed by the legislature in 2013 prohibits illegal mining and logging activities, but to date, no one has been charged, tried and convicted for illegal exploitation of the country's natural resources. The government needs to curb this criminal activity by strengthening its border security, arrest and prosecute those involving in the exploitation of the country's natural resources.

MIGRANT SMUGGLING

In West Africa, smuggling of migrants constitutes a serious threat to human security and remains an impediment to economic development and the rule of law¹¹. Migrant smuggling is generally from West Africa to Libya through the Sahara Desert. Data on migrant smuggling in the region are very scanty due to the clandestine nature of migrant smuggling. This crime often occurs under radar, so it is often not identified and thus not recorded by any official source.

Under the present Liberian legislation, trafficking in persons and migrant smuggling are the same. This is clearly a defect in the law, as migrant smuggling is not the same as trafficking in human beings. Human trafficking involves some element of exploitation, while migrant smuggling is consensual. Because of the gap in Liberian law in respect of migrant smuggling, UNODC has advised the government to create a specific law on smuggling of migrants that will provide for the investigation and prosecution of cases that squarely deal with the smuggling of migrants across international borders.

CYBERCRIME

Although cybercrime is on the increase in West Africa, most countries in the region, including Liberia, do not have any enabling legislation to tackle the crime. Presently, Liberia has no legislation on cybercrime. While there are international efforts to stop cyber criminal networks, very little is being done in Liberia to create a system aimed at tackling the problem. There seems to be no urgency on the part of the Liberian Government to enact an enabling legislation on cyber crime. The government needs to enact an enabling law to prosecute, punish and deter cyber crime offenders and curb the problem before it gets out of hand¹².

MARITIME PIRACY

Maritime piracy in West Africa occurs mostly in the Gulf of Guinea where pirates attack commercial vessels and loot their cargo. Fortunately for Liberia, there has been no reported incident of piracy in the country's coastal waters. What has been reported regularly are incidents of illegal fishing by foreign fishing vessels in Liberia's territorial water.

CONCLUSION

The fight against organized crime in Liberia has not been successful. This is largely due to the limited capacity of law enforcement agencies, prosecution and the judicial sector. Law enforcement agencies are underfunded and poorly equipped to tackle transnational organized crime.

To effectively combat transnational organized crime in the country, the Liberian Government needs to adequately fund and train its law enforcement agencies. There is a need to strengthen the capacity of the Liberia National Police, the Immigration Service, the Drug Enforcement agency and other security apparatus to make them effective and efficient.

There is also an urgent need for increased cooperation and coordination amongst law enforcement agencies in West Africa. There should be increased intelligence sharing amongst law enforcement agencies on the movement and activities of criminal gangs operating in the region.

ENDNOTES

- 1 INTERPOL Report: Overview of Serious and Organized Crime in West Africa,(30 September 2018)
- 2 Ibid.
- 3 U.S. State Department, Bureau for International Narcotics and Law Enforcement, International Narcotics Control Strategy Report, March, 2013
- 4 UNODC 2019 Report on West and Central Africa
- 5 UNODC 2019 Report on Liberia
6. Ibid.
- 7 Human Trafficking in Liberia - Wikipedia
- 8 Etannibi Alemika: The Impact of Organized Crime on Governance in West Africa
- 9 U.S. Department of State Money Laundering Assessment Report on Liberia (2018)
- 10 Ibid.
- 11 UNODC 2019 Report on West and Central Africa
- 12 Tackling Cybercrime: Is Liberia Ready?, Jerry W. Bacon, Roger William University, Rhode Island, U.S.A. (2018)

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