

PROJECT LINCOLN

24 May 2022

Independent Report

*“The Framework of Political Persecution:
The Case of Alexander B. Cummings”*

Summary

On 23 February 2022, Alexander B. Cummings, Political Leader of the Alternative National Congress (ANC) in Liberia, instructed law firm Omnia Strategy and investigations firm Alaco Limited to undertake an independent review of allegations made by the All Liberian Party (ALP), through its political leader and Chairman, respectively Benoni W. Urey and Theodore Momo, against Mr Cummings and two other senior figures in the ANC, Daniel F. Naatehn and Aloysius Toe. These claims stem from an internal dispute within the Collaborating Political Parties (CPP), an opposition alliance formed by four political parties in Liberia: the ANC, the ALP, the Liberty Party (LP) and the Unity Party (UP). The ALP's core allegation is that Mr Cummings conspired with Messrs Naatehn and Toe to tamper with the agreement that constituted the CPP, known as the "Framework Document", prior to it being filed with the National Elections Commission of Liberia (NEC). The ALP's allegations formed the basis of a prosecution before Liberia's criminal courts, which is going. Mr Cummings and his co-defendants vehemently deny the allegations of forgery and criminal conspiracy.

The primary findings of Omnia and Alaco's independent report, in summary, are as follows:

- i. The CPP Investigative Committee Report, relied upon by the Prosecution in the criminal proceedings, does not withstand scrutiny, provides no reliable substantiation for the allegations it purported to uphold and is a wholly unsafe basis for any criminal prosecution.
- ii. The existence of substantial differences between the original draft and later versions of the Framework Document is not in dispute, but nor is it untoward. Such an evolution is the logical and expected consequence of the iterative process of negotiating the Framework Document. In particular, the amendments proposed as a result of the CPP parties' legal review of the draft text were reviewed and approved by the constituent parties prior to registration of the Framework Document with the NEC.
- iii. The fact that the Chairman of the CPP Investigative Committee, Mr Momo of the ALP, played a prominent role in the multilateral review of the Framework Document (both via WhatsApp and in meetings) and therefore had direct knowledge of how the process had unfolded gives rise to questions not just about the CPP Investigative Committee's competence, but also about its motives.
- iv. A comparative analysis of the Prosecution's WhatsApp evidence against an authenticated version of the same chatroom reveals glaring omissions in the Prosecution's submissions. Despite assurances from the Prosecution that these omissions were inadvertent, it strains credibility that these omissions resulted from several pages of the Prosecution's exhibit having been inadvertently misplaced. Rather, there is a pattern of exculpatory evidence having been selectively withheld by the Prosecution.
- v. Ultimately, the simple fact is that the Framework Document as filed with the NEC on 14 July 2020 had been duly reviewed, discussed, approved, endorsed and signed by the relevant leaders of the Constituent Parties.

In light of the findings of the Alaco-Omnia Report, it is difficult to conceive how the allegation that Mr Cummings and others conspired to tamper with the Framework Document could be thought to have any legitimate foundation at all, let alone provide a secure foundation to bring a criminal prosecution where the consequences are so personally and politically profound.