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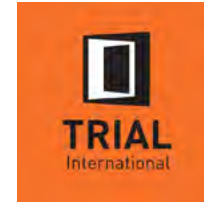
PILLAGE

WESTWOOD: DEALING IN CONFLICT TIMBER

PRESS KIT

March 2020





WESTWOOD : DEALING IN CONFLICT TIMBER

Between 2014 and 2017, The Gambia exported nearly 163 million US dollars-worth of rosewood, a rare and precious tree species, to China. During this time, Westwood, a Gambian company allegedly owned by Swiss national Nicolae Bogdan Buzaianu and former Gambian President Jammeh, had the exclusive license to export rosewood. The timber it exported was illegally felled in neighboring Casamance where the separatist armed group has been fighting the Senegalese army for decades. TRIAL International filed a criminal complaint with the Swiss Office of the Attorney General against Mr. Buzaianu accusing him of having pillaged conflict timber.

According to the criminal complaint (dénonciation pénale) filed by TRIAL International, Swiss businessman Nicolae Bogdan Buzaianu’s company was involved in the pillaging of precious rosewood from Casamance between 2014 and 2017. During this period, Westwood Company Ltd –which TRIAL International alleges Mr. Buzaianu co-founded with former Gambian President Yahya Jammeh – had a monopoly on the export of rosewood, a precious tropical wood from The Gambia. But with Gambian rosewood nearly depleted since 2011, most of the timber was actually imported from Casamance, a region in southern Senegal that borders The Gambia. For several decades, large areas of this region have been under the control of the separatist armed group, the *Mouvement des forces démocratiques de Casamance* (MFDC).

‘Exploiting natural resources from a conflict zone is a war crime that must be punished. Without the pillaging of natural resources, many armed groups would have no means of financing their wars’, said Montse Ferrer, Senior Legal Advisor and Corporate Accountability Coordinator at TRIAL International. ‘Despite numerous documented cases of pillage, not a single conviction against corporate actors has been made since the end of World War II.’

TRIAL International filed a criminal complaint for pillage against Mr. Buzaianu in Switzerland with the Office of the Attorney General (OAG) in June 2019. *‘We have waited until today to go public because we wanted to give the Swiss prosecutorial authorities sufficient time to review the evidence and take decisive action against Mr. Buzaianu. We are hopeful that these steps have been taken and that the OAG is investigating the matter’, she added.*

LOGGING THAT BENEFITS AN ARMED GROUP

Some estimates suggest that Senegal loses the equivalent of 40,000 hectares of forest per year, several dozen hectares of which are lost due to the illegal exploitation of rosewood in Casamance. This selective deforestation has led to a decrease in rainfall and increased desertification in the region. It has also led to conflicts between rebels and communities who can no longer use the forests for sustainable livelihoods.

Illegal logging of precious woods is problematic, as it undermines reforestation efforts in the region. According to the International Institute for Environment and Development (IIED), “in the village of Kouidioube, the restoration of the community forest has helped to overcome conflicts.” Illegal logging has stopped, fruits and wildlife are abundant, and local people are once again able to sell forest products. Communities that used to fight each other are now working together.

A large share of the trafficking and logging has been taking place directly in the territory controlled by the MFDC for almost thirty years. *‘Westwood’s illegal activity is all the more serious because it contributed to an illegal timber trade that has historically financed the MFDC. Equally striking is that this trade has had such a negative impact on the lives of local people contributing directly to the deforestation of the region’, said Jennifer Triscone, Legal Advisor at TRIAL International. The armed group exercises de facto control over the precious wood industry by issuing logging authorizations and transport permits, and by ensuring the security of the latter. The rebels also illegally exploit and sell precious hardwood timber to finance their armed struggle: an illegal trade fuelled by demand from the global tropical hardwood market. |*

TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice.

TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

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BACKGROUND INFORMATION

MFDC'S PRESENCE IN CASAMANCE

★ **Dakar**

★ **Baniul**

SENEGAL

THE GAMBIA

CASAMANCE (SENEGAL)



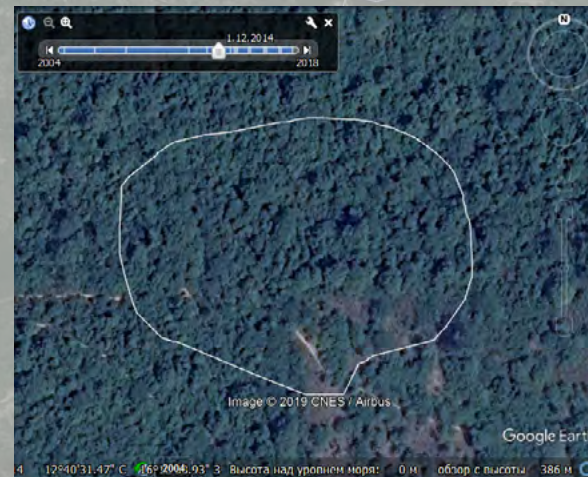
Copy of a transport permit issued in the village of Sambouladiang, Diouloulou district. The document is not officially stamped by the MFDC, but the presence of the armed group in this village is attested by other evidence in the filing.

Légende

- Bande armée, supposée appartenir au MFDC
- Coupes de bois sélectives
- Faction d'Ousmane Niatang Diatta
- Faction de César Atoute Badiate
- Faction de Ibrahima Compass Diatta
- Faction de Lamarane Sambou
- Faction de Paul Bassène
- Faction de Salif Sadio
- Faction du MFDC non-spécifiée



Between 18 April 2015 and 17 January 2016, the three large trees still present in 2015 were felled, as can be seen on this plot located south-east of Kolonba, in the Bignona forest. © Google Earth | selection made by Transparent World



Here is an example of selective deforestation between 12 January and 25 November 2014 in the Tabor forest. © Google Earth | selection made by Transparent World

60 km

BACKGROUND INFORMATION

SUMMARY OF THE CASE

In June 2019, TRIAL International filed a criminal complaint against Swiss national **Nicolae Bogdan Buzaianu**, a close business associate of former Gambian President Yahya Jammeh, for the alleged pillaging of protected, Senegalese rosewood. Between June 2014 and March 2017, *Westwood*, a Gambian company owned by entities affiliated to Mr. Buzaianu and former President Jammeh, allegedly exported over 315 million tons of *Pterocarpus erinaceus* to China (roughly equivalent to USD 163 million). This precious rosewood species was illegally harvested from the neighboring Casamance region, where the armed group the *Mouvement des forces démocratiques de Casamance* (MFDC), has been fighting the Senegalese army since the 1980s. With Jammeh as an ally, the MFDC was able to monopolize the timber trade in Lower Casamance, using its profits to finance its armed struggle. *Westwood* benefited generously from this trade, transferring its profits to individuals and companies associated with Former President Jammeh and Mr. Buzaianu.

TRIAL International filed the criminal complaint before the Swiss War Crimes Unit. This is the first case where illicit timber traders are accused of pillaging conflict resources in Switzerland; and if this case succeeds, it would be the first case anywhere to convict someone for the pillaging

of timber or any natural resource. It is also a groundbreaking case as it seeks to use the existing international criminal legal framework to punish non-enumerated environmental crimes, a subset of crimes that go mostly unpunished, in part given the lack of applicable legal regimes. |

FILING'S STATEMENTS

- A Swiss national partnered with – and benefited from – former Gambian President Yahya Jammeh, accused by the Gambian Commission of Inquiry of having stolen millions of dollars in state funds.
- The MFDC exercised de facto control over the timber trade out of Lower Casamance by issuing authorizations for logging and transport permits and by providing safe passage to the timber traders.
- *Westwood* benefited generously from this trade, transferring millions of dollars in profits to individuals and companies associated with Former President Jammeh and Mr. Buzaianu.
- The illegal felling of rosewood has had a detrimental impact on the Senegalese forests, contributing to declines in rainfall and desertification, as well as preventing the sustainable livelihood of local communities.



BACKGROUND INFORMATION

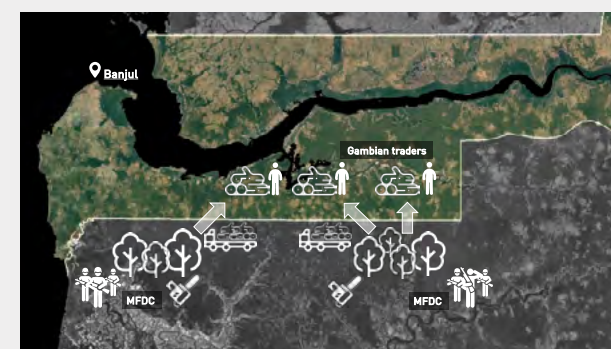
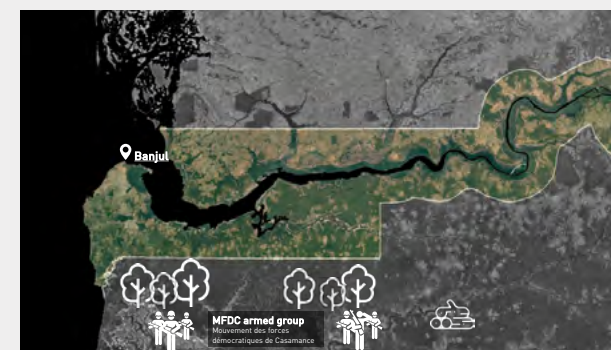
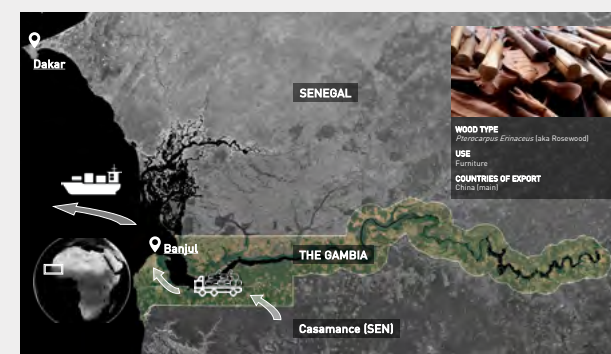
TIMBER TRADE SUPPLY CHAIN

In the course of its investigation at the border between The Gambia and Casamance, TRIAL International was able to visit the timber trade supply chain, from the forest controlled by the MFDC in Casamance to the port in Banjul where the timber was exported.

Rosewood was felled in Casamance with the support of the MFDC. The armed group allowed the cutting to take place and benefited financially by issuing transport permits in exchange for fees – at times, they also directly engaged in the trade. BBC Africa Eye's documentary *The Trees that Bleed: How rosewood is smuggled from Senegal into Gambia* shows the role of the MFDC in the timber trade.

The traders would then transport the timber to The Gambia via a network of small roads that were not subject to customs control. On the other side of the border, Gambian traders would set up timber depots displaying the valuable rosewood for sale. Convoys of trucks would then carry the timber through the main checkpoint, located in **Mandina Ba**, on the road to the capital, Banjul. The checkpoint was staffed by officials from the customs, forestry and tax authorities as well as a *Westwood* agent that would collect fees. Every shipment received a permit from the Gambian government before proceeding to the port. From this point on, their Senegalese origin was blurred.

The logs were placed in containers at the port of Banjul and then loaded onto cargo ships mainly headed for China. Between mid-2014 and early 2017, *Westwood* was the only company allowed to export any of this rosewood from The Gambia. |



'IVORY OF THE FOREST'

Rosewood consists of several species including *Pterocarpus erinaceus*. It is characterized by its greasy texture, its colour ranging from dark red to brown-violet as well as its black resin layers. In addition to its local use for medicinal properties, animal grazing, handicrafts, woodworking and charcoal, it has gradually become prized for its decorative attributes.

China has been the main importer of rosewood. Within 15 years, the volume of its imports increased from 200,000 cubic meters to more than 1.1 million cubic meters in 2017. Until 2009, the country was importing between 70% and 90% of this wood from South-East Asia. However, from 2010 onwards, wood imports from West Africa gradually increased, reaching more than three-quarters of the country's imports in 2016. |





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TRIAL International wants to thank the following individuals and organizations for their support in our case:

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