

“UNPROTECTED” CONFIRMED, BUT HOPE REMAINS?

AN INVESTIGATIVE REPORT

BY THE SPECIAL INVESTIGATIVE PANEL APPOINTED

BY MORE THAN ME FOUNDATION (MTM)

**TO INVESTIGATE REPORTED INCIDENTS OF CHILD ABUSE BY
STAFF OF MTM**

June 1, 2019

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Executive Summary

In October 2018, ProPublica¹ published an investigative report titled “Unprotected”, which detailed allegations of how vulnerable young Liberian girls whom an American charity called More Than Me Foundation (MTM) had promised protection from rape and other sexual exploitation were in fact left unprotected by MTM and were thereby abused by at least two members of staff of the charity.

In response to the Pro Publica’s publication, the Liberian Advisory Board of MTM constituted an Investigative Panel (Panel) to investigate the multiple and specific allegations of sexual abuse and exploitation of the female beneficiaries of MTM along with the suggestion that MTM and/or its founder, Katie Meyler (i) partly created the environment that enabled the abuse, and (ii) upon discovery of the abuse, did little or nothing to ensure that the abuse got justice through at least the successful prosecution of the perpetrator(s).

The Panel’s mandate included establishing the truth of any or all of the allegations, and advising the Board on relevant measures to be adopted going forward for the safety of vulnerable children for whom MTM seeks to provide education and an opportunity for a better future.

The Panel carefully reviewed and summarized the key contents of the Pro Publica story, requested, received and reviewed relevant documents relating to MTM’s registration and operation in Liberia, and also held several meetings with key persons believed to have information and/or perspectives relevant to the investigation. Some of those met included survivors of the reported sexual abuse, parents and family members of the survivors, officials of the Liberian government, staff and Board members of MTM, members of the MTM

¹ProPublica is an independent news organization. See <https://www.propublica.org>

Academy Parents-Teachers Association (PTA) and residents of West Point. The Panel also sought and obtained consent to tape-record every interview conducted, and thus has the audio tapes along with the transcripts of all interviews it conducted, although those of the survivors have been redacted and also are not appended to this Report for purpose of confidentiality.

Based on the evidence culled from the records and interviews as well as written responses received, the Panel found that the allegations contained in the Pro Publica story relative to the female beneficiaries of MTM being “unprotected” are essentially true, but that the survivors, parents of the survivors, some government officials and members of the community especially from West Point continue to have both the confidence and hope that the laudable goals and mission of MTM can still be achieved if MTM is properly managed and supervised.

The Panel found that MTM was established with very good intentions and that its goals and mission are quite laudable, but that its operations in Liberia started more on idealism and passion than with thoughtful studies, plans and/or policies. Furthermore, some of the people recruited as members of staff apparently did not share fully in Katie Meyler’s vision for MTM and the members of the MTM Board at the time failed in their oversight functions and more importantly in appreciating the scope of their responsibility and that of MTM to protect and safeguard the MTM beneficiaries while they were in their actual or constructive custody. There is also deficit of information about communications between MTM and its donor regarding issues of safeguarding, especially after the discovery of the Macintosh Johnson’s abuses. Finally, some agencies of the Liberian Government failed to require MTM to comply with requirements of Liberian laws and regulations or to sanction MTM for noncompliance with any applicable legal requirement.

The Panel concludes, *inter alia*, that:

1. The conduct and other actions of each of Macintosh Johnson and Cyrus Cooper establish a *prima facie* case of statutory rape by Macintosh Johnson and Cyrus Cooper while in the employ of MTM and in the course of their duties;
2. MTM has responsibility and may be held liable civilly or otherwise for the acts of its employees-Cyrus Cooper and Macintosh Johnson- and also for its conduct in not reporting the Cyrus Cooper rape allegation.
3. MTM as an organization, along with its directors, CEO and other senior officers involved in handling the two incidents may be found to have violated the Children Law of 2011 (“Children Law”), especially the provisions of the Children Law dealing with (i) the principles of the best interest of the Child, (ii) the standards for child protection practitioners, and (iii) the failure to report “to report a case of child abuse or neglect. In particular, the records tend to show that MTM did not (i) “take as a primary consideration, the best interest of the” survivors as required by Section 1.2 of Article VIII of the Children Law; (ii) “demonstrate dedication to duty and commitment to the protection of every child, especially such a child as may be in need of protection”, as required by Section 1.2(d) of Article VIII of the Children Law; (iii) iteratively assess and respond to any risk that may result in any child’s vulnerability to abuse, exploitation, and neglect” as required by Section 1.2(f) of Article VIII of the Children Law; (iv) “demonstrate a holistic approach in child protection work aimed at achieving results that prevent, and respond to child exploitation and abuse”, as required by Section 1.2(g) of Article VIII of the Children Law;

4. The abuse of the MTM beneficiaries in Liberia and/or the delay in discovering the abuse can be traced to (i) the decision of Katie to start MTM's operation in Liberia at private home(s) without necessary policies, structures, and established offices; and (ii) her romantic relationship with and high trust in Macintosh;
5. The action of Katie Meyler in (i) granting Macintosh Johnson near sole authority in deciding who obtains and maintains the MTM scholarship; (ii) allowing Macintosh Johnson to be alone with one or a few of the minor students, and (ii) failing to report her fear or suspicion that Macintosh Johnson breached the duty of care owed the children and her safeguarding obligations to the survivors as per the provisions of the Children Law of Liberia and probably under other applicable laws;
6. That the conclusion of the McLane Middleton Report relative to the increased duty of care incumbent on person entrusted with the care of children is consistent with, and a fair statement of, the provision of Liberian law, but this enhanced duty is not limited to only those responsible for the day-to-day operations of MTM but to MTM directors who, by virtue of the Bylaws are responsible for and vested with the management of the organization;
7. That the facts of the incidents, horrible as they are/were, are not as troubling as the persistent failure of the MTM to have accepted responsibility for the incidents, learn from them, and, working with with partners, forged ahead with accountability, improved procedures and transparency;
8. That Katie's romantic relationship with Macintosh Johnson was a key factor that negatively influenced her handling of or response to the Macintosh case, including her reluctance to have gone to testify in the trial

despite repeated knowledge of the defense's key arguments that the prosecution was nothing more than the machination of Katie against Macintosh because the latter did not want to marry her and in fact terminated their romantic relationship;

9. That the conduct of Katie in respect of either or both of the two incidents was more the result of inexperience, but the conduct of the MTM Board now and then was/is an astonishing failure of oversight and/or refusal to accept responsibility and be accountable.
10. That MTM and/or its Board has neither accepted nor appear willing to accept full or partial responsibility for the causes of the incidents, and are very sensitive to public disclosure/discussions of the incidents, and the acts of the Board to (i) assert attorney-client privileges in respect of some queries of the Panel and (ii) its sudden preference to communicate with the Panel through legal counsel stand in proof of this conclusion;
11. That while Katie's conduct was wrongful, she appeared have been somehow remorseful and in fact provided the Panel most of the documents used to complete its investigation. The MTM Board, on the other hand, is a body of several experienced professionals who (i) have primary responsibility for management of MTM, subject to delegating some of its responsibility to agents such as Katie; and (ii) knew or should have known of Katie's limited experience in corporate governance and management of schools as well as safeguarding of vulnerable beneficiaries but provided not effective oversight in respect of MTM's operation under Katie.
12. The MTM Board has not accepted that the organization and the directors then in office (some of whom are still in office or associated with MTM) have/had responsibility and may be held liable for their actions and

inactions, including misrepresentation of facts and failure to report alleged or known abuse of a child in vulnerable situations;

13. The title of this Report initially ended without a question mark because the Panel entertained the belief or confidence that the MTM Board would accept responsibility or allow an open and frank discussion of the details of the incidents as a means of healing and forging a way forward. However, given recent conduct of MTM Board especially its expressed disassociation with the work of the Panel vis-a-viz prior assertion of attorney-client privileges in regards to a number of queries, the Panel has substantial doubts as to whether MTM currently has or can cultivate the requisite commitment, governance and transparency and sense of responsibility fit for its mission and operations in Liberia;
14. Given Michel Spada's emphatic allegation against Skip Borghese and the latter's equally categorical denial, it will take a trial jury to listen to the relevant testimonies and draw conclusions as to who to believe is saying the truth;
15. Saul Garlick's July 8, 2016 mail to members of MTM Board questioning whether incidents of rape of MTM beneficiaries is "something the board wants to know about every time" gave the impression that less premium was placed on the importance of safeguarding MTM's beneficiaries, and this conclusion is inescapable even if one accepts his claim as being new in the job as president of the organization;
14. That the Ministry of Education did not adequately exercise its accreditation and supervisory functions first (i) in allowing MTMA to open without first obtaining due accreditation, and (ii) in allowing or seeing MTMA operate as an all-girl school without having seen, reviewed and been satisfied with the background and experience of adequate female

administrative staff as is and would usually be the case, especially in light of the Ministry's experience with a number of other "all-girls" schools that have operated or are operating in the country;

15. That unless written evidence is shown of effective, executed consent of use of the names and photos and other information of the girls, MTM use of such information was wrongful under Liberian law and probably US laws;
16. MTM has more than just a moral obligation to the survivors, and the quantum and uncertain duration of the current support being provided them is manifestly inadequate, especially in light of the fact that at least one of the survivors is HIV+;
17. There is probably more that we did not uncover in respect of each of the two incidents given that the Panel did not have power to subpoena documents or compel attendance or testimonies of people believed to have relevant information;
18. Subsequent to discovering abuse of the girls by Macintosh, MTM adopted many of the policies it should have had in place prior to the incidents, but there are substantial doubts as to whether there is adequate commitment on the part of the director to abide by the policy and also demonstrate the openness requires for the sustainable corporate governance required to keep the organization capable of inspiring confidence.

Based on the foregoing findings and conclusions, the Panel recommends, *inter alia*, as follows:

- 1 That in any and all responses by whomever to (i) the Macintosh and Cyrus Cooper rape cases and/or (ii) MTM's handling of each matter or the

liability of responsible persons all efforts should be made to consider the best interest of the survivors consistent with the provisions of the children law; and this should include respecting their requests that MTM be allowed and continued to operate in an appropriate environment that adequately protects them from abuse and also ensure compliance with applicable laws and best safeguarding practices especially pertaining to children.

- 2 That MTM, as an organization, and the MTM Board as the body responsible for and vested with the management of MTM should (i) accept full responsibility and liability for the incidents in question and work with stakeholders to establish a path for moving forward based on openness, accountability, and due respect for the best interest of its beneficiaries.
- 3 That MTM should make reasonably adequate provision for the sustainable financial support of the survivors, which should substantially be greater than what is currently provided. This could entail the establishment of a trust fund for survivors known and others that may come forward or be identified in the future.
- 4 That Katie Meyler accept responsibility and/or be held held liable to the fullest extent of applicable law (s) for her actions, inaction and decisions that caused or contributed to (i) Macintosh Johnson and Cyrus Cooper abusing the girls; (ii) delayed discovery/reporting of the abuses and rapes.
- 5 That Saul Garlick should accept full responsibility and liability for his actions and omissions that contributed to MTM's failure to have reported the Cyrus Cooper rape incident to the competent authority.

- 6 That this Report be shared with the Government of Liberia to enable it hopefully (i) investigate and, if necessary, prosecute Cyrus Cooper and any other person(s) who assisted him with the alleged rape.

- 7 That, to protect the credibility of MTM and inspire the confidence of beneficiaries and their families as well as the Government of Liberia and donors, MTM should undertake comprehensive reorganization and restructuring, ensuring at a minimum (i) that those whose actions or omissions materially contributed to the incidents or contributed to false representation of Macintosh Johnson's position in MTM, and other facts, and the failure to have reported the Cyrus Cooper rape incident are sanctioned and/or removed; and (ii) that a reasonable number of its Directors are residents of Liberia.

1.0 Background and Terms of Reference

1.1 On October 11, 2018, an investigative report written by a Scottish freelance journalist, Finlay Young, and titled “Unprotected” was published by Pro Publica, detailing allegations of how vulnerable young Liberian girls whom an American charity called MTM had promised protection from rape and other sexual exploitation were in fact betrayed by the charity which failed to prevent or adequately respond to repeated and sustained sexual assaults meted against them by a member of the charity’s staff.

1.2 A summary of the key allegations contained in the Pro Publica’s publication/report is as follows:

1. That a young American woman called Katie Meyler established MTM in the United States of America as a charitable foundation with the aim of raising funds to support the education of vulnerable Liberian girls;
2. That upon raising some initial funds in the United States, Katie returned to Liberia in 2007 and engaged a West Point resident named Macintosh Johnson to help her recruit the most vulnerable of girls in West Point as the first beneficiaries of a scholarship scheme she was establishing;
3. That Mr. Johnson accepted the engagement, and became almost the sole recruiter of the girls in West Point at least during the first one or two years of the scholarship program, with Katie relying on his knowledge of the West Point community in particular and of Liberia in general;

4. That during and after recruitment of these underage girls, Mr. Johnson demanded to have sex with them and in fact raped them repeatedly in his house, at the MTM Academy, at the MTM guesthouse and even in vehicle(s);
5. That Mr. Johnson's abuse of the girls "went on for years and continued in the new school" without any exposure or punishment because he was protected by both his intimate relationship with the founder of MTM and also because the abused girls along with their parents and the general West Point community respected Mr. Johnson as the one who brought Katie and, with her, "a school, scholarship and, above all, hope";
6. That MTM actively "worked to obscure the details and to place responsibility almost anywhere, but with Meyler and MTM";
7. That in a 2012 promotion video produced by MTM in pitching for a JP Morgan Chase US\$1 Million award to be given out that year solely on the basis of which organization had the most likes on social media, MTM used the name and face of a minor called Abigail whom Katie said she first met when the child was just 10 years old, but became a prostitute at age 11. The video also showed footage of a number of other young Liberian girls with Katie talking about her plan to also help "thousands of girls just like Abigail, forced by poverty to open their legs to men so they can make just one dollar";
8. That Katie Meyler also blogged around the same time that four "former child prostitutes" had a sleep over with her, adding that "we fell asleep hugging", and that at about the same time Katie blogged about the four former prostitutes sleeping with her and hugging, Macintosh Johnson posted photos of Katie and a number of young girls

lying together and hugging, suggesting that the photo was of the girls mentioned in Katie's blog;

9. That upon winning the JPMorgan Chase US\$1.0 Million Dollar award, MTM scaled up its operations very rapidly in 2013 which culminated in the opening of a school, although at the time neither the founder of MTM nor any of its board members had "experience running a school or safeguarding vulnerable children";
10. That in preparation for opening of the school-MTM Academy-MTM (i) hired an American high-school English teacher with no administrative experience as the principal and (ii) made the decision that the "school would be staffed in large part by year-long American teaching fellows who would be paired with local teachers ostensibly because according to an MTM's job ad "most local Liberian teachers have only the equivalent of a 5th-7th grade education level";
11. That at the same time, MTM employed one Morgana Wingard as the foundation Liberian Country Director, but she resigned after roughly six (6) months on the job following disagreements she had with Katie Meyler, the founder of MTM. It appeared that Morgana Wingard had had enough after her strong but unsuccessful argument with Katie Meyer (i) about MTM's readiness to open the school as planned in September 2013, given the fact that necessary preparatory works had not been completed; and (ii) over questions such as girls sleeping over with Meyler, or with only Johnson and another male employee as chaperones;
12. That, having been informed by some victims several months earlier, the nurse of the school on June 12, 2014 informed MTM management through an MTM member of staff named Michelle Spada about

Johnson's abuse of the girls, and Spada promptly informed Katie Meyler who reportedly looped in Board member Skip Borghese. Board member Borghese then urged caution in order "to think about how to protect the organization". Borghese is said to have specifically advised that "we need to think about whether this was our responsibility", and when Spada insisted on immediate action including reporting, he told Spada to "get off your fucking soapbox";

13. That Spada said "she had to establish that the abuse took place on MTM's property", to prove" that MTM was "liable for this." She accordingly personally interviewed the girls and they confirmed that they had been raped at the school, the office and the guest house, and even in the car;
14. That based on board member Borghese's response focusing on protecting the organization, Spada says (in an audio recording available on the website of Pro Publica) she resigned her job with MTM because she concluded that the Board of MTM could not help her or the students or even the organization;
15. Before resigning, Michelle Spada reported the matter to the police and Mr. Johnson was arrested on June 16, 2014 about four (4) days after MTM was first informed of the allegation;
16. That in her statement to the Liberia national Police, Spada recalled a conversation she had "with Meyler in 2013, which involved one of the girls who had now come forward'. During the conversation, Spada said Katie told her that Macintosh's ex-girlfriend "had been claiming he was sleeping with one of our students", but that there was no evidence and so she took the accusation as a mere rumor;

17. That Spada also recalled a discussion she had with Katie concerning the allegations made against Macintosh and the following comment Katie made: “It wouldn’t surprise me”;
18. That in response to Johnson’s criminal investigation, MTM engaged a high-profile public relations specialist, Sarah Lenti, who had worked for US politicians Mitt Romney and Condoleezza Rice. Subsequent to the engagement of Ms. Lenti, MTM on June 20, 2014 (less than a week after Mr. Johnson’s arrest), issued a press release, which reported that “numerous students” reported “sexual misconduct by a community liaison.” The press release referred to what it called “Liberian epidemics of child abuse”. More significantly, the press release also spoke of how MTM “had taken steps to form a coalition to address child sexual abuse in the West Point Community”. The release then quoted Katie Meyler as saying this: “Our girls cannot be victimized a second time by a culture that accepts rape as standard practice”;
19. That the above-mentioned press release “established how the organization would frame the rapes. It was community business. Johnson and Liberia’s culture were the villains; MTM and Meyler still the intervening heroes.” Accordingly, “MTM blog posts featuring Johnson were deleted or edited without comments”, and the information deleted included “the organization’s description of Meyler and Johnson as “founders” and a reference to his roles in recruiting girls”;
20. That in a heated meeting in September 2014 during the Ebola outbreak in Liberia and in connection with MTM’s desire to join in the Ebola response, “Liberian officials grilled Meyler about allegations of widespread rape in the MTM School, about whether her school was accredited and about what steps she had taken to protect children in

her care”. Ms. Deddeh Kwekwe, Gender-based Violence Director at the Ministry of Gender, Children and Social protection said this about the September meeting and Katie’s response: “Nothing that I really got from her clear, about how she was running this school and without any accreditation from the Ministry of Education. And how did she even recruit the guy who sexually abused the children...The only thing I heard her saying, she was trying to help poor people in West Point”;

- 21.** That a U. S. legal advisor to the sex crimes prosecution unit of the Ministry of Justice of Liberia informed ProPublica about a meeting he had with Katie and Michelle Spada at which time he informed them that “Spada, the complainant in the case, was to be witness No. 1, according to prosecution documents”, but Spada told the legal advisor “she was leaving the organization and Liberia for good.” Spada, to her credit, told the advisor that “she promised she would return to testify” and that she would use her own money if necessary;

- 22.** That Katie Meyer remained in phone contact with Johnson, and even visited him in prison and gave him money and food. That the same U. S. advisor said he confronted Katie and asked her why “she was doing this with the man they were trying to prosecute for raping her students?” This question was answered by the President of MTM, Saul Garlick in these words: “She wanted him to go through the full justice process. And so she was in touch with him. And then, it reached staff and the feedback from staff was that this was totally inappropriate”;

- 23.** That neither Katie nor Spada appeared to testify in the case, although MTM was in fact the original complainant, and this fact was

smartly used by the defense counsel who told jurors that key MTM staff including its founder Katie Meyer have not only failed to appear but are all in the United States. “So Madam Witness, all these people that accused the defendants are in America?” “Some jurors laughed.” Additionally, the matter of Katie’s intimacy with Macintosh was introduced and used by the Defense, and this led to jurors asking Macintosh about his relationship with Meyler and what moral standards they were setting with their love affairs. Johnson denied the girls’ testimonies as all lies, adding that “whenever I took them, it was under the supervision of Katie Meyler.” Katie was not available to respond to any of these statements because she did not testify. In its trial memorandum, Macintosh Johnson’s defense team argued that all the witnesses that testified against Macintosh were not credible persons, but in fact people who “collaborated with Katie Meyler to punish defendant Macintosh for his refusal to marry her”;

24. That MTM planted a story in a Liberian newspaper called the New Republic, which story had the bold headline: “**More Than Me: Zero Tolerance for Sexual Abuse**”. This story carried the byline of the editor of the newspaper, but Katie Meyler expressly admitted that it was in fact planted by MTM because they did not want President Ellen Johnson-Sirleaf and others to think she/MTM was supporting Johnson; and

25. That in a recorded interview with the author of the ProPublica story, the directors of MTM acknowledged “that these girls were raped and abused” and that this “happened at our school.” The directors also admitted that “Macintosh failed the girls and we hired Macintosh”;

- 1.3 The Pro Publica Report and its detailed allegations were widely discussed, published and circulated both in and out of Liberia, with extended reporting on many international news media and outlets. Further, the Report angered many Liberians, with some calling for the closure of MTM and/or institution of appropriate legal actions against the school, the foundation and/or persons found responsible for the abuse suffered by the girls.
- 1.4 Based on the gravity of the allegations contained in the Report and the implications appertaining, the Liberian Advisory Board of MTM, with the consent of the Board and management of MTM, constituted a special Investigative Panel to review not only the report but to conduct such other inquiries as would enable the panel advise MTM in respect of the matters covered in the ProPublica Report and also provide concrete recommendations on what MTM can learn from the matters reported in the incident and what it can also do to improve overall governance system, policy architecture and operational environment that promotes protecting all beneficiaries of MTM and also keeping faith with the organization's mission and mandate.
- 1.5 The membership of the Panel was chosen to include Liberians from diverse backgrounds and representing various organizations and professions. In particular, those appointed on the panel were:
1. Cllr. T. Negbalee Warner, Senior Partner, Heritage Partners & Associates, Inc.
 2. Mr. David Sheik Konneh, Program Director, Gbowee Peace Foundation, Africa

3. Mr. T. Nelson Williams, Founder & Executive Director, Servants of All Prayer Assembly
4. Mrs. Frances R. Deigh Greaves, National Chairperson, National Civil Society Council of Liberia
5. Mrs. Marpue Speare, Executive Director, Women's NGO Secretariat of Liberia
6. Mr. Daniel S. Grant, Chairman, Disaster Victims Association, West Point
7. Mrs. Ne-Suah B. Livingstone, Founder, Rescue Abandoned Children in Hardship (REACH)
8. Atty. Tonieh Talery-Wiles, Independent National Commission on Human Rights

B. Terms of Reference

- 1.5 The letter constituting the Special Investigation Panel and appointing each of its members charged the Panel with the responsibility to investigate the report of alleged child abuse and make a formal report to the MTM Board of Directors.
- 1.6 In particular, the appointment letters detailed the panel members' term of reference (ToR) as follow:
 - i. Determine a list of claims that the investigation will seek to answer;
 - ii. Conduct interviews with relevant persons involved in the case;

- iii. Request documentation as required;
- iv. Prepare a report detailing the findings of the investigation; and
- v. Maintain impartiality during the course of the investigation.

2.0 Methodology; Limitation

A. Methodology

- 2.1 The Panel's mandate, as contained in its Terms of Reference summarized in the preceding paragraphs, basically entails reviewing documents and interviewing relevant persons having knowledge or believed to have had knowledge of the operations of More Than Me Academy, including knowledge of the work of Macintosh and Cyrus Cooper at MTM and their relationship with the girls. A key component of the Terms of Reference is for the Panel to also assess MTM's response to both the Macintosh case and the Cyrus Cooper incidente;
- 2.2 Accordingly, The Panel adopted the following methodology in carrying out our mandate:
1. Review of the entire Pro Publica documentary and/or Report, and development of a summary of its key contents;
 2. Review of the formational documents of MTM, and the various approvals, accreditations, certificates, licenses, registrations, etc. that MTM needed and/or obtained for its operations in Liberia;
 3. Obtain and review the various policies, procedures and requirements established by MTM in connection with its scholarship and school operations in Liberia;
 4. Interview relevant agencies and officials of the Liberian government, present and former staff and directors of MTM, members of the

Liberian communities and others regarding activities and other operations of MTM;

5. Review relevant files and information provided by MTM regarding the Macintosh incident and the Cyrus Cooper incident;
6. Obtain and review the court files regarding the criminal case against Macintosh;
7. Obtain information about support provided the girls by MTM upon discovery of the abuse and thereafter up to this date;
8. Evaluate the information obtained from the interviews, documentary reviews and other sources to derive specific findings and conclusions of our investigation; and
9. Develop some concrete recommendations on the way forward.

2.3 Further, and in order to ensure neutrality and independence in the conduct of the investigation, the Panel declined the offer of MTM to cover its expenses including cost of stationery and transportation and payment of reasonable honorarium. The Panel therefore funded its own operations and received not a cent from MTM or any other person.

B. Scope of Investigation

2.3 The scope of the Panel's investigation was primarily limited to the extent of:

- i. ascertaining the veracity of the assertions and/or claims contained in the Pro Publica's report;
- ii. obtaining information from relevant persons who agreed to speak with the panel, and then cross-checking such information with other sources including documents received;
- iii. Interviewing the girls who survived the abuses and sexual exploitation of Macintosh Johnson and Cyrus Cooper; their parents and other residents of the West Point community relative to the work of MTM, its continuing relevance and what lessons can be learned and the reforms that need to be implemented in order to avoid similar abuse but at the same time preserve that which is good and valuable; and
- iv. Reviewing such other past and present activities, programs, and conduct of MTM as would inform our recommendations on way forward.

2.4 In addition to the contents of the Documents Reviewed and the information obtained from interviewees, the Panel also took note of (but did not use or rely on) information provided by people who declined to go on records, using same only in the limited extent of understanding and evaluating the credibility of the information contained in the Pro Publica Story and that obtained from Interviewees and Documents Reviewed.

C. Limitation of the Inverstigation/Report

2.5 The Panel's investigation was limited to the extent that:

- i. The Panel focused primarily only on MTM's activities and operations relating to its initial scholarship program and subsequent establishment and operation of MTM Academy (MTMA);
- ii. The Panel met and interviewed only those who accepted to meet with it, and obtained only such documents and records as were voluntarily provided to by those in possession;
- iii. The MTM Board asserted attorney-client privileges in a response to a number of queries from the Panel;
- iv. A number of persons we sought to meet with us declined our invitation for meeting and one of those who declined to meet with us is the writer of the Pro Publica's story; and
- v. Nearly all the persons who the Panel interviewed appeared to have answered questions of the Panel very cautiously probably for fear of retribution or considerations of possible legal risk.

2.6 This Final Report along with its findings and conclusions is therefore based on what the Panel was able to learn from Documents Reviewed and persons interviewed, including analysis of gaps, if any, between expectation/requirement and what actually obtained in some instances.

2.5 Neither the Panel nor any of its members is responsible or can not be held liable for and do not accept any responsibility for any lack of depth or failure to have discovered or treat any information not provided us or the existence, content or importance of which we did not learn of and not communicated to us.

3.0 Overview of MTM's Registration and Accreditation in Liberia

- 3.1 MTM was incorporated under the laws of the State of New Jersey on April 28, 2008, and its sole incorporator is Katie A. Meyler. The expressed purpose of MTM is to give “opportunity to the dreams of the most desperate children in the world.” The initial three directors of the foundation, as named in its certificate of incorporation, were Katie A. Meyer, Francesco Piazza, and Erica Noelle Duncan.
- 3.2 Following its registration, MTM adopted necessary by-laws for its internal governance. The by-laws adopted on May 16, 2008 provided, inter alia, that (i) **“the general management of the affairs of the corporation shall be vested in the board of directors, which may delegate to officer, employees and committees”**; (ii) that the directors would be “elected at the annual meeting of the Board of Directors by a majority of the Directors then in office”; (iii) that each director shall serve for a term of two years, and shall be eligible for re-election without limitation. The by-laws also provided that the board of directors would make decision by majority vote and that quorum constituted a majority of the directors. The Bylaws was amended to increase the change of tenure of directors, but the directors remains responsible for and vested with management of the organization
- 3.3 While MTM was established in the United States, the idea behind its establishment was first conceived in Liberia by its founder, Katie Meyer, when she, then a 23-year-old American lady fresh out of college, took up

a five-month internship with Samaritan Purse International Liberia in 2006. According to Katie, while in Liberia, she was stationed in Bong County, Central Liberia where she worked with an orphanage caring for more than 80 children, each of whom had a story of what had happened to them and/or their families. Katie recalled that as she commuted from the village where she was living in Kokoyah to Gbarnga or Monrovia to get supplies, she would meet children who were walking in the streets and she would strike a conversation with them. “And I would ask these kids if you would have anything in this world, what would it be? The kids wanted to go to school. So I started to put the kids in school, using the little money I was getting. And I was asking people from my church, from my school and family back home to send me money, that I was paying school fees. And that basically evolved into the organization More Than Me, which started for boys and girls; just all vulnerable children, school fees. And it started at Sinkor because it was the children that were begging outside at old Royal Hotel.”

- 3.4 It is therefore not surprising that on September 12, 2010, a little more than two (2) years following its registration in the United States, MTM filed with the Ministry of Foreign Affairs of the Republic of Liberia an “Application for Authority to Do Business in the Republic of Liberia”. In the Application filed with the Ministry of Foreign Affairs, MTM elaborated on its general purpose of giving “opportunity to the dreams of the most desperate children by stating the activities it planned to undertake in Liberia as including (i) providing bi-weekly mentorship to the children, making sure they have the encouragement they need to continue their education; (ii) providing twice a week two (2) hours game

period on any designated soccer field as a means of teaching character building; (iii) to help remove from the streets abandoned and homeless youth who roam aimlessly, engaging in crimes, drug abuse and other unwholesome acts; and (iv) to run a youth facility with open space for students to come and learn where tutors will be available.² In Article VIII of the Application, MTM asserted that it “has not before this application, engaged in any activity constituting the doing of business therein contrary to the law.”

3.5 Following receipt of the requisite authorization to operate in Liberia, MTM applied for and was granted a Letter of Clearance by the Ministry of Education for use to apply for accreditation as an International NGO. The Letter of Clearance dated January 20, 2011 under the signature of then Deputy Minister for Planning, Research and Development, Honorable Kaideker Rex Dahn and addressed to the then Minister of Planning and Economic Affairs, Honorable Amara Konneh, stated as follows: “The Ministry of Education has reviewed, scrutinized the requested documents and conducted a thorough capacity assessment of the More Than Me Foundation, Inc. and further verified the facility’s location. Based on the report from the team sent in the field, we are convinced that it will meaningfully contribute toward the revitalization of the education sector.” It is noteworthy that the very categorical and laudatory assessment of MTM’s registration documents and “facility’s location” contained in the MOE’s letter of Clearance was made just four (4) months after MTM had registered in Liberia and the foundation had not even established a known office space. MTM’s own timeline indicates that it launched and operated what it termed Grassroots Scholarship program

² Article IV, Articles of Incorporation of More Than Me, filed on September 28, 2010

from 2009-2013; it was in 2012 that MTM acquired the land on which MTMA is built.

3.6 MTM duly used the January 20, 2011 Letter of Clearance obtained from the MOE in support of its application for accreditation as an international non-governmental organization (INGO), which would entitle it to enjoy tax exemption under Liberian law. The application was granted and MTM obtained its accreditation as an INGO on August 29, 2012. MTM was issued re-accreditation certificate on January 27, 2016, and April 17, 2017. We found no evidence of re-accreditation for the other years between 2012-2016.

3.6 The application for re-accreditation in 2016 was filed by Mr. Cyrus Cooper in his capacity as Operations Manager of MTM. The application listed the following as board members of MTM:

1. Katie Borghese of Jacksonville, Florida, USA,
2. Saul Garlick of Baking Ridge, New Jersey USA; and
3. Manish Patel of Baking Ridge, New Jersey USA.

Significantly, Mr. Cooper did not provide all the information requested by the NGO Annual Report Form he filed. In particular, he did not provide the requested information about (i) initial investment capital; (ii) sources of funding; (iii) list of capital assets; (iv) annual work plan; and (v) list of full-time staff with positions, nationalities and salaries. None of the above-required information was also seen as provided in connection with any of the re-accreditation certificates MTM received in 2016 and 2017.

3.7 Furthermore, an application for re-accreditation submitted by MTM under the signature of Alexandra Fallon, dated April 24, 2018 and addressed to Honorable Samuel D. Tweah, Minister of Finance & Development Planning, did not refer to or attach any information about the foundation investment or operating capital, work plan, staff, and/or sources of funding. In the 2018 application submitted a week after the 2017 accreditation had expired, MTM asserted that the “Foundation is an international NGO operating in Monrovia, Liberia. We presently run an all-girl, tuition free school serving vulnerable girls from the Township of West Point and central Monrovia. We are currently in partnership with the Government of Liberia in operating eighteen (18) schools in Bomi, Gbarpolu and Montserado counties, through the Ministry of Education under the program called Partnership Schools for Liberia.”

4.0 Overview of MTM's Scholarship and School Operations in Liberia

- 4.1 MTM started operations in Liberia in 2009 first by piloting a scholarship program by which the foundation paid the tuition of children in West Point and Sinkor that MTM determined to be among some of the most vulnerable children in Liberia. The scholarship program represented a basic response to Katie's awareness of the critical educational needs and vulnerability of many Liberian children who had earlier told her of their desire to be in school but for lack of funds. The scholarship program was started as a very basic operation informally designed and managed without any adequate forethought, established policies/procedures or sustainability plan nor a formal office.
- 4.2 The lack of plans, procedures and structures in starting the scholarship program and other latter activities of MTM was not and should not be surprising. Katie expressly confessed to the Panel that she is good basically at storytelling and fundraising, but little more than that. She told the Committee: "I'm not an operational person. I have never had plans. I am not good at details. These are all things I'm not good at too. I figure I can make friends with the people who are good at the things I'm not good at and ask them for help or get them involved somehow." Hence, Katie sought the aid of at least two Liberian men-Mr. Macintosh Johnson and Mr. Cyrus Cooper to help get the scholarship started and recruitment of the scholarship beneficiaries done.
- 4.3 The design, operations and structure of the scholarship program was simple: Katie raised funds from family and friends back in the United States and sent the funds to Liberia, and these funds were used to enroll

and keep in schools the most vulnerable of children in Monrovia, mainly West Point and Sinkor. To help her select those most needed, Katie sought the aid of Mr. Macintosh Johnson who was a well-known resident of West Point with previous NGO experience and community engagement skills. She also selected and recruited Mr. Cyrus Cooper who helped her with the recruitment of children in the Sinkor Area. The children selected by Katie through Johnson and Cooper were placed on scholarship in schools such as the St. Peter's Lutheran School and the Mary Sharp Memorial School. Katie told the Investigative Panel that all they wanted was "vulnerable" children -whether boys or girls - but they really never defined what criteria would be used to determine one's vulnerability or the extent thereof.

- 4.4 The role of Macintosh Johnson and Cyrus Cooper was critical to the establishment and running of the scholarship program, which culminated in the opening of the MTM Academy. Katie needed one or a few Liberians to work with, especially in West Point. "I have always had somebody that work next to me, because I am not strong at creating that infrastructure that the organization needs; the attention to detail and all that. So, I came back, and we had a list of what to find in a vulnerable child. And I reached out to Alfie, and I wanted to work in West Point. He re-introduced me to Macintosh." Katie said she first met Macintosh with Alfie in 2007 when Mr. Johnson had given them a tour of West Point. "Macintosh was someone who was seen in the community as a community leader. He worked for the police as a watchman, like a volunteer watchman. And he was running a sports program in West Point with kids. So, I went to visit the sports program, and it looked like what they're doing

was really nice, trying to give kids confidence, and they would do speeches to the kids, and let them enjoy it and play with toys. It was funded by a guy named Eduardo who worked for Jesuit Refugee Commission.”³

4.5 Based on the high confidence Katie reposed in Mr. Macintosh Johnson and her high regard for him as partly reflected in her above-quoted statement, Katie had him in almost exclusive charge of the selection of the vulnerable children in West Point who would benefit from the MTM scholarship program. A number of parents of the beneficiaries interviewed by the Panel spoke of how Mr. Macintosh Johnson was the sole person who made the decision of who got on the scholarship and how everyone had to go to Macintosh to appeal for inclusion of their child/children on the scholarship list to be submitted to Katie. Some of the West Pointers we met reported that Macintosh denied some children from benefiting from the scholarship simply because their parents had disagreement with him or questioned how he was treating the beneficiaries, especially requiring them to cook for him at his house and to stay at his place until sometimes around 8 o'clock p.m. The current head of the Parents-Teachers Association (PTA) of MTM Academy said that MTM Scholarship program started on his patio where Mr. Macintosh Johnson began the recruitment of scholarship beneficiaries. He said he and his wife had a strained relationship with Macintosh because they questioned his close relationship with the beneficiaries who were all girls and his conduct of keeping the girls at his place for long hours and up to late in the evening. There is also corroborated evidence including trial

³ ¶40, Interview Transcript: **Katie Meyler**

testimonies that the scholarship program was implemented mainly from Mr. Macintosh Johnson's house.⁴

4.6 Not only did MTM allow Mr. Macintosh Johnson to be essentially the sole decider of who got on its scholarship program, the organization also allowed Macintosh to carry on the recruitment of scholarship beneficiaries without both (i) an established definition of vulnerability or set of eligibility criteria for selection.⁵and (ii) an established formal process or procedure of reviewing Mr. Johnson's decisions to accept or reject a child's plea to be on the scholarship. MTM founder Katie admits to this but explained that other persons including a women's group in West Point later joined Mr. Johnson in selecting the vulnerable girls that would benefit from the scholarship. Indeed, other people assisted Macintosh Johnson in the recruitment process at one point or the other, but the Panel found that their role was merely to help identify pool of candidates from among whom Mr. Macintosh Johnson made the final selection. There is no claim, evidence or record that Mr. Johnson and anyone did work together as a body to deliberate and choose any of the beneficiaries; the ultimate decision was at all times Mr. Johnson's.⁶ One of the survivors described Macintosh's unsupervised activities in these words: "I can just say that

⁴ ¶3, Defendant's Testimony in Chief, Review of Case File: Republic of Liberia v. MacIntosh Johnson

¶6, ¶31, ¶32, ¶34, Interview with PTA/West Point Community Wednesday, 6th February 2019

⁵ In its response to the draft report submitted by the Investigative Panel, MTM submitted a business plan dated July, 2012, containing five core criteria which were reported to have been used in the recruitment of scholarship beneficiaries, but the Panel did not find any evidence showing that these criteria were employed in the recruitment of scholarship beneficiaries before July 2012, the date when the MTM Business Plan was developed.

⁶¶62, Interview Transcript: Katie Meyler

Nyumah was everything Katie wanted to do. When she is not here, Nyumah can do everything. Like if Katie supposed to take pictures of girls today, when she is not here, Nyumah would go and bring the girls from their home, carry them and do pictures and carry them back home. So he was just looking like the right hand to Katie. So everything he said, people would believe him. Even the parents would believe anything he said.”

- 4.7 Regarding scholarship recipients from the Sinkor Area (where Katie first encountered some of the vulnerable girls around Royal Hotel), Katie maintains that she did the selection, but was assisted by one Cyrus Cooper. Katie explained the role of Cyrus Copper in these words: **“His job was to send me the report on their school fees being paid or their progress in school. Cyrus sent me updates on their progress.”** Like the case of Mr. Johnson in West Point, MTM conducted some of its activities in the home of Mr. Cyrus Copper at which time he (Cyrus Copper) was left alone with the girls, thereby enabling him to abuse at least one of them. An excerpt from the MTM incident report of the Cyrus Cooper abuse case reads as follows: “Abuse took place at the alleged perpetrator’s residence after an art class in Sinkor that took place on Mondays, Wednesdays and Fridays. A group of MTM’s first scholarship students attended an art program and she was sometimes asked to stay behind when all of the children left. He would then provide money for her to go home. The alleged victim was told by the alleged perpetrator that he would have her mother “sacked” if she told anyone or that he would harm her family...She also indicated that she had been raped one time by Macintosh Johnson at the same location.”

4.8 The number of beneficiaries on the scholarship program grew steadily during the years 2010 through 2012. In 2012, MTM decided to establish a school of its own instead of sending its beneficiaries to other schools whose academic program and discipline culture was in some cases not fully satisfactory to MTM. Katie Meyler said that one of the reasons that led to the decision for opening MTM Academy was an experience she had when she came to Liberia and visited one of the partner schools. She says that when she arrived at the school, she saw one of the school teachers watching pornography on her cell phone. She was upset about this poor behavior and confronted the school's authority. She said that upon sharing the fact of this discovery and other matters in a meeting with parents of MTM beneficiaries, the parents suggested that the only way most of the problems would be permanently addressed was for MTM to build its own school. She said that this and other reasons led to the decision to establish the MTM Academy. Some parents of the MTM Academy students confirmed that they encouraged Katie/MTM to establish its own school because some of the partner schools were not paying much attention to their children.⁷

4.9 The establishment of the MTM Academy commenced following receipt of a JP Morgan US\$1.0 Million Dollar award in 2012, and the school opened its door within roughly one year as of the commencement of the construction of the School.

4.10 The document reviewed showed that upon representations apparently made by MTM that it would provide schooling for up to 500 girls, the

⁷ ¶34, ¶5, Interview with PTA/West Point Community on Wednesday, 6th February 2019

President of Liberia approved the request of MTM for use of the building that it presently occupies. In a communication dated July 10, 2012 and addressed to Honorable Grace Kpan, then Superintendent of Montserado County, the then Minister of State for Presidential Affairs, Honorable Edward B. McClain advised as follows: “This is a letter of approval from the office of the President for the use of the old Government Building on Ashmun and Mechlin Streets, to be transformed into an Academy for Girls under the sponsorship of the More Than Me Foundation. We understand that this project will provide schooling for up to 500 at-risk girls.” Subsequent to the Letter of Approval, the Government of Liberia through the Superintendent of Montserrado County entered into a Memorandum of Understanding dated August 9, 2012 for use of the subject premises. The MOU offered for notarization by Cllr. Jeffery George on August 10, 2012 granted to MTM an “unrestricted and unhindered right” of use and access to the subject property with no limitation as to time or otherwise, except that the property be “used solely for the purpose stated in the memorandum”. The MOU expressly provides that “should MTM use the property for any other reason, this rights and privileges (sic) herein granted shall immediately terminate and MTM shall forthwith vacate premises.” Under Article four, the MOU declares that given the activities of MTM “are complimentary of the government’s educational policy of providing quality education and skills to Liberian girls, MTM’s use of the GOL property is subject only to the provision of Article two above, and the GOL hereby waives any further consideration as the basis of this memorandum of understanding and MTM’s use of the property.” Signing the MOU on behalf of MTM were Katie Meyer who

signed as “Founder and CEO and Mr. Macintosh Johnson who signed as “Program Director””.

- 4.11 Upon securing the premises and commencement of renovation of the building to host MTMA, MTM set out to recruit presumably the highest quality of teachers and safe-guarding personnel that would help it achieve its avowed goals. MTM hired Maritza Montilla as the first principal of the MTM Academy, and Morgana Wingard as the Foundation Country Director. The Foundation also hired a number of American and international teaching fellows plus about ten Liberian teachers. A review of the profile of the American teaching fellows and the Liberian teachers shows that most of the American teaching fellows did not have many years of teaching experience and had little or no administrative experience. Additionally, these teachers came to Liberia and/or began work without extensive exposure to Liberians and Liberian culture and Liberian English, and this presented a problem of communication and of course delivering of academic instructions. The records also show that of the Liberian teachers hired, about a third of them were themselves still in school; one was pursuing AA Degree from LICOSESS teacher college while another was at United Methodist University, pursuing a degree in sociology.
- 4.12 The Ministry of Education requires schools to register and meet certain criteria including profile of faculty and minimum condition of facilities for the running of various educational programs ranging from Early Childhood Education through secondary school and technical, vocational education & training (TVET). Notwithstanding the language of the 2011 sectoral clearance issued MTM by the Ministry of Education in support of

the latter's application for accreditation as an INGO, it appears that MTM did not meet the requirements for registration or obtain registration form the MOE prior to the launch of the MTM Academy in Monrovia in 2013. The earliest available confirmation of MTM's registration with the MOE is as recent as 2015.⁸

4.13 The Minister of Education, D. Ansu Sonii, confirmed that the Ministry of Education undertakes verification and compliance checks before granting permits to any school, and that the verification process starts with the District Education Officer who makes report to the County Education Officer who in turn makes recommendation to the Assistant Minister for basic and secondary education. Minister Sonii said that from the limited inquiries he made and research he conducted upon his recent appointment as Minister, he had not seen any document that would enable him to confirm or deny that MTM fully complied with the requirements leading to it being granted permit to open and run MTM Academy. He then advised the Panel to speak with Madam Felecia Sackie Doe-Sumah, Assistant Minister for Basic and Secondary Education as she was incidentally serving in the same position at the time MTM applied for permit in 2015.

4.14 Based on interview held with Assistant Minister Doe-Sumah and the documents she provided, the Panel established that:

⁸ ¶10, Felecia Doe-Sumah's interview with the Panel

Letter of Attestation, **Ref: RL/MOE/-LOA-P-01/2015**, dated June 12, 2015

File containing MTM five-year operations plan, bank statement, payment of registration fees, list of teaching staff,

photographs of exterior and interior of school building

- a. The only record of application made by MTM for Ministry of Education Permit to operate a school was sometime in 2015 and this application was supported by a number of documents including MTM's registration documents, bank statements and "More Than Me Five Year Operations Plan" as demanded by applicable requirements established by the Ministry of Education, although not all requirements were met;
- b. an assessment of MTM's application for the establishment/registration of a school was completed by the District Education Officer of the Greater Montserrado District #2 on February 13, 2015 and approved by the County Education Officer of Montserrado County on March 9, 2015;⁹
- c. the assessment found that MTM Academy had six (6) teachers, one of whom (Amelia P. Y. Zackpah) was still a student at UMU and another (Christopher Saah) a student at LICOSESS Mobile Teacher Training while one teacher (Roselyn B. Doe) had "C" certificate and each of the remaining three had a bachelor's degree;
- d. a "letter of Attestation dated June 12, 2015 was issued MTM Academy by the Ministry of Education under the signature of Assistant Minister Felecia Doe-Sumah; and
- e. The June 12, 2015 Letter of Attestation stated as follows: "This instrument constitutes the official attestation that the More Than Me Academy located on Ashmun Street has met all requirements and is awaiting the issuance of the Permit Certificate. Therefore,

⁹Felecia Doe-Sumah's interview with the Panel

kindly accord the school all privileges befitting its status as a school recognized by the Ministry of Education.”

4.15 The Five-Year Operations Plan¹⁰ submitted by MTM to the MOE in support of its application for permit to operate a school stated that:

- a. “MTM currently operates the MTM Academy with K-4 classes in downtown Monrovia for girls from the West Point Community”, and that “over the next 5 years, MTM will expand to K-8 grades, construct and open a new boarding school facility in Monrovia, and begin operating an in-house teacher training program”;
- b. students at MTM “also receive access to medical care, (including medical insurance), social services including counseling, meals and family planning”;
- c. MTM US Board “provides legal, financial, and programmatic oversight for operations” and “meets monthly with MTMBS and MTM management”;
- d. MTM Liberian Board provides legal, financial, and programmatic oversight for operations, and for mission related decision making for the organization”, and meets monthly with MTMBS and MTM management”; and
- e. regarding selection of students, that “children will be nominated by MTM partner NGOs in the community and local civil society organizations... MTM will conduct background checks with children and their families, including home visits, to verify eligibility and a lottery to finalize selection for open spaces”.

¹⁰ Operational plan was submitted as part of the application package sent to the Ministry of Education in 2015

4.16 The MTMA opened in September 2013 with 124 students¹¹ enrolled during the first year. However, less than one year after its opening, the school was confronted with a story of the sustained rape of a number of its students by one of its members of staff in person of Mr. Macintosh Johnson. The story which broke out in June 2014 revealed that Mr. Macintosh Johnson, while serving as the head recruiter of beneficiaries for the MTM Scholarship program and then as Program Coordinator for students enrolled at the MTMA, did repeatedly rape many of the girls attending the MTMA. MTM filed a criminal complaint against Mr. Johnson with the Liberian Police, and, following investigation of the complaint, Mr. Johnson was prosecuted but the trial ended in a hung jury; Mr. Johnson died before his retrial. The Macintosh story is discussed further herein below.

¹¹ Page 6, Response by Current Board of Directors to Independent Panel Queries

5.0 MTM’s Governance, Finance&Policies

A. Governance: Board of Directors

5.1 MTM’s Governance is vested in its board of directors. The by-laws of MTM expressly provides that “the general management of the affairs of the corporation shall be vested in the board of directors, which may delegate to officer, employees and committees”. The Board is responsible for policy formulation and approval of decisions bordering on finances and programs and setting strategic direction for the organization.¹² The Board is therefore the highest decision-making body of the foundation, and all corporate officers act under the authority of the Board, which has overriding oversight responsibility in respect of all affairs and activities of MTM.

5.2 As a US foundation, the nature and the duty of both (i) the Board of MTM and (ii) of each member of the Board of MTM are each governed by the law of the state of New Jersey, USA, which is the state of incorporation of MTM. The Liberian Advisory Board is therefore not an MTM’s board per se because MTM, by law, can have only one board. The Liberian Advisory Board is therefore basically an informal body that advises the MTM Board when asked or consulted and also gives guidance within the local Liberian context.¹³ For purpose of clarity, we will refer to the MTM Board as the “US Board” and the Liberian Advisory Board as the “Advisory Board”, it being emphasized that this distinction is only for convenience and clarity as MTM in fact has only one Board of directors.

¹²<http://morethanme.org/meet-the-team/>

¹³ ¶12, James DorborJallah’s interview with the panel

- 5.3 The original members of the US Board were all non-Liberians as are all current six (6) directors. From the time of its establishment up to this date, one (1) Liberian in person of Chid Liberty has served as director of the US Board; Mr. Liberty resigned in February 2015. All the non-Liberian directors do not reside in Liberia, and nearly all of them hardly had any significant prior knowledge of Liberia and its context and realities before joining the US Board. In response to a query from the panel, the Board advised that one of the changes made by MTM since 2014 is the creation “of a Board handbook ...that outlines the responsibilities of each Board member, one of which is a visit to Monrovia sometime during a three-year term”.
- 5.4 Board meetings are generally held out of Liberia. The Board indicated that at least one meeting of Board was held in Liberia with the Liberian Advisory Board member in attendance, but the members of the Liberian board we spoke with indicated that no real board meeting has been held in Liberia; what is referred to as a meeting of both the US board and the Liberian Advisory Board was really an acquaintance meeting with no substantive discussions.

B. Finance

- 5.5 The Panel did not investigate the finances of MTM because such was not a subject of the core allegations contained in the ProPublica story. However, to the extent relevant to ascertaining (i) the use of the names and photos of MTM beneficiaries and (ii) the level of care/support provided or being provided the survivors of the abuses, the Panel took the

liberty to undertake a limited review of MTM's Finances and Fundraising activities and noted the following:

1. That during the period from its establishment to 2018, MTM raised up to US\$10,472,000;¹⁴
2. That some of the fundraising activities of MTM involved use of the name(s), photos(s) and other details of its beneficiaries who all were under age and therefore lacked the capacity to grant consent as a matter of Liberian law and US law, and this fact was expressly acknowledged by MTM in correspondence we reviewed and aptly expressed by Stephanie Hood in a July 14, 2010 e-mail to Erica Duncan, John McKenzie, Antonio L. Bovoso and Katie Meyler as follows: "Typically, minor children may not be bound by contracts, so I don't think we should reference the children in this Agreement. Liberia follows US law, so that is likely the case in Liberia too";
3. That MTM drafted a Scholarship Contract to be signed between it and the parents of its beneficiaries regarding the rights and obligations of each of the parties relative to the scholarship to be awarded to the students, but the Committee did not see any signed copy of such scholarship contract;
4. That Article III of the Draft Scholarship Contract captioned "Parental Permission" provides that the parents grant MTM (i) "permission to receive from the school information about the student that is relevant to the Scholarship Program"; and (ii) "permission to use the student's name, likeness and any other student information that is related to the scholarship program on its website, newsletter, and any other media and marketing materials";

¹⁴¶13, Answers Prepared for the External Panel

5. That MTM is not paying rent for the premises occupied by MTMA because the Government of Liberia granted MTM the use of the premises rent-free for as long as it is used for academic purposes;
6. That the US Board “invested in the survivors’ welfare” immediately “after the June 2014 allegations against Johnson” and that “over the period of the next 3+ years, prior to the interview with reporter Finlay Young in early 2018, MTM had already spent over US\$36,000 on safeguarding the girls”, which basically translates to US\$12,000 per year or US\$1,000 a month for all the survivors;
7. That the 12-month renewable MOU signed between MTM and the GOL Sex Crimes Unit¹⁵ obliges MTM to provide each of the girls with (i) “an allowance of US\$15 per month”; (ii) “Transport fare of US\$20.00 per month or US\$240 a year”; (iii) “meal at the rate of US\$2.50, which translates to US\$25 a month or US\$300 a year”; and (iv) “\$5 once per year for recreation visit”. Under the MOU, MTM also undertakes to pay for counseling for the girls at the rate of US\$15 per session and US\$180 for the entire year, bringing the total cash obligation of MTM under the MOU to US\$65-70 monthly and US\$840 for the entire one-year period of the MOU, which is in addition to the general support MTM provides all its students such as access to healthcare, education fees and school materials; and
8. That the US Board is confident and satisfied with existing internal controls and comprehensive financial framework established and being implemented by MTM to protect against malfeasance.

¹⁵The current MOU signed February 1, 2018 has a duration from February 1, 2018 up to January 31, 2019, but provides that “with the agreement of both parties, it may be renewed for a subsequent year.”

5.6 The Panel did also note that MTM has a diversified list of donors that continue to contribute to it.

C. Policies:

5.7 MTM began operations in Liberia in 2009 long before it applied for and was granted authority by the Ministry of Foreign Affairs in 2010. Further, MTM neither had nor implemented any policy duly approved by its US Board in connection with its operations from 2009 and throughout the period up to 2012. MTM therefore had no formal process and controls to guide and regulate the conduct of its volunteers such as Macintosh Johnson and Cyrus Cooper and/or the recruitment of scholarship beneficiaries. It was during this period that the abuse of MTM's beneficiaries started, as narrated by the survivors and also contained in official MTM documents including incident reports. In the incident report prepared by MTM relative to the alleged abuse of one MTM beneficiary by Cyrus Cooper, Laura Smith made the entry that the alleged victim **“wrote a letter indicating that she had been touched by a staff member (Cyrus Cooper) for a few years starting when she was 9 and ending when she and her family moved into the More Than Me staff House. The incidents took place before the opening of More Than Me Academy.”** Laura Smith continued on the same page of the same incident report: “Abuse took place at the alleged perpetrator’s residence after an art class in Sinkor that took place on Monday, Wednesday and Fridays. A group of MTM’s first scholarship students attended an art program and she was sometimes asked to stay behind when all of the children left. He would then provide money for her to go home. The

alleged victim was told by the alleged perpetrator that he would have her mother “sacked” if she told anyone or that he would harm her family...**She also indicated that she had been raped one time by Macintosh Johnson at the same location.**” The foregoing allegation that BOTH Cyrus Cooper and Macintosh abused the same girl at the same location (Cyrus Cooper’s residence) prior to the opening of MTMA in 2013 confirms how the pre-MTMA operations of MTM in the absence of adequate policies and structures exposed the girls to abuse and in fact led to their abuse.

- 5.8 Except for a child protection policy for which there are some disputes, all the relevant persons interviewed by the Panel agreed and confirmed that MTM had no personnel policy, admission policy, whistle-blower protection policy and other basic policies at the time it opened the MTM Academy. The US Board and management of MTM insist that there was some sort of Child Protection Policy developed in 2013, although not fully developed. In an October 1, 2014 e-mail sent by Michelle Spada to Katie Meyler, Michelle Spada reported on the questions of policies as follows: “In the months following this incident (meaning the June 2014 arrest of Macintosh), MTM has reached out to professionals to develop a full child protection policy to ensure that this abuse never happens again on our school property or with our staff members. This child protection policy includes hiring procedures, school security, whistle-blower policy, anonymous reporting, staff Code of conduct, and teacher/student interactions. This policy creates checks and balances so that no student is ever alone one-on-one with a staff member unless that individual is a licensed social worker or nurse.

5.9 The written submissions received from the US Board **showed that as at the beginning of 2013 only a child protection policy created in 2013 existed**, and that this child protection policy was revised in 2014, 2016 and 2018. In an interview with the Panel, officials of the Ministry of Gender denied that MTM had any child protection policy in 2013 that complies with the minimum requirement established by the Government, meaning that MTM did not have a child protection policy in 2013 that complied with established requirements. According to the Board's submission, other policies were developed subsequently from 2014 after the Macintosh abuse was discovered; this report of the Board is consistent with the quoted e-mail message of Michelle Spada.

5.10 In summary, MTM did not have necessary policies at the beginning of its operations in Liberia and at the opening of the MTM Academy to regulate staff/volunteers' conducts or to give clear criteria of how beneficiaries were to be recruited. The first two Liberian volunteers – Macintosh Johnson and Cyrus Cooper – were recruited void of any written policies. They were recruited based solely on referrals made by friends or acquaintances of Katie Meyler.¹⁶ There was also no policy or procedures on the selection of beneficiaries such as to avoid abuse of applicants for the scholarships by those who acted on the applications; this eventually happened presumably because of the absence of these needed policies. For the most part, the sole criterion for recruitment was vulnerability, and vulnerability was for most part determined arbitrarily and solely by each of Macintosh Johnson and Cyrus Cooper.¹⁷

¹⁶ ¶10, Katie Meyler's interview with the Panel

¹⁷Review of Case File:**Republic of Liberia v. Macintosh Johnson** at page 5, Defendant's Testimony in chief

6.0 Macintosh Johnson's Abuse of the Girls

- 6.1 On June 12, 2014, MTM's School nurse in person of Iris Martor informed MTM Director of Program, Michelle Spada, that a student had recounted her experiences of multiple rapes of her and other students "**by Macintosh Johnson, MTM Program Coordinator**". Although the rape and other abuses of the girls by Macintosh officially came to the attention of the MTM management on June 12, 2014, they in fact started many years before June 2014 as per the consistent testimonies of the survivors. Iris Martor said she was deeply troubled by the reported abuse of the girls by Macintosh, but had difficulty informing her bosses because she did not know would believe her and/or what would be their reaction, especially given that the alleged perpetrator was also having an open intimate relationship with the founder of MTM, Katie Meyler. She therefore delayed reporting the story for months.
- 6.2 An official MTM account of how the foundation learned of the rape and promptly reported it to governmental authority is contained in an October 1, 2014 update e-mail from Michelle Spada (then MTM Program Director) to Katie, which reads in part as follows:

"This student came to MTM's clinic with an STI in January and a possible pregnancy in May of 2014. In both instances, the student claimed Macintosh was raping her. Upon receiving this information, the Director of Programs immediately notified MTM's Management team and the Board of Directors. The Director of Program spoke with the student to confirm the allegations and the student produced a list of over 20 students who were also allegedly

raped by Macintosh. The Director of programs reported the situation to the Women and Children Protection Unit at the LNP on Friday, June 13th after confirming the allegations with two additional students. 7 additional students came forward admitting they had been raped by Macintosh over the past 5 years.” Michelle Spada’s e-mail continued: “More Than Me worked closely with the Women and Children Protection Unit of the LNP (AliouBility and Lindsay Gould), the Sex Crimes Unit at the Ministry of Justice (Counsellor Dedeh Wilson and Tenneh Johnson), the Ministry of Gender (Beatrice from SGBV Unit) the ICRC (Getrude Garaway) UNMIL (Nejwa Khaliland) and the Ministry of Health and Social Welfare (Sampson P. Hineh) during and following the investigation to ensure the health, safety and protection of all of its students. MTM also sent official communication to the Ministry of Gender, Ministry of health, Ministry of Education, Ministry of Youth and Sports and Madam President Ellen Johnson Sirleaf.” Michelle Spada ended her October 1, 2014 e-mail by praising herself and MTM regarding how they handled discovery and reporting of Macintosh alleged rapes, saying “we handled this situation BY THE BOOK as much as possible...we came forward immediately and didn’t try to hide this at all.”¹⁸

- 6.3 Michelle’s account of the discovery and reporting of the abuse and rapes of the girls by Macintosh is consistent in nearly all respects with both (i) the account of Iris Martor and (ii) the narration of the survivors when interviewed separately by the Panel. Each stated that the rape and related abuses started BEFORE and AFTER the opening of MTM Academy.

¹⁸ ¶1, Statement from Michelle Spada on October 1, 2014

- 6.4 A number of the survivors explained that Macintosh started abusing them at the time of the submission of their applications to get on the MTM scholarship program or during follow-up visits they made (mainly at his house) relative to getting the MTM scholarship. One survivor said that her parents are dead and so her grandma approached Macintosh to help her (this survivor) on the scholarship. She said when her grandma sent her to follow up with Macintosh, he asked her to come to his place and when she went there he began to touch her. She said she resisted and had to run away. Macintosh told her that if she wanted to get on the scholarship she had to accept him to have sex with her. She continued to resist for a while, but had to yield because she had no other means. Similar stories were narrated by at least three more survivors, all of whom are to this date afraid in coming forward to explain their full experiences.
- 6.5 Another survivor explained how Macintosh first raped her: **“The first time it was when Macintosh was taking me from home. He said it was Katie who wanted to see me. Katie was not in the country at that time. When I came to West Point, Katie was not there, and I spent the whole time. When he was carrying me back, that was the time he had sex with me in the car. That was the first time he had sex with me. And it was going on. Katie did not know about it, and I never knew that he was doing it to some other girls”**
- 6.6 One of the survivors disclosed that long before MTMA was established, Katie **apparently heard** of their abuse by Macintosh and therefore approached them to tell her if Macintosh was abusing them. The survivor continued that on one day Macintosh slept with her and a couple of other girls in his bedroom. **“And that day when Katie came back, she requested that we spend time with her. She was living at Old**

Road...And in the room, she asked if Nyumah was having any affair with us, and we said no. And she kept telling us if Nyumah is doing it, we should tell her so she can confront him. But we lied to her and said no. When she left, we were talking among ourselves. We said if we say yes, Nyumah will get in trouble and people will say we put Nyumah's job at risk. Even though Nyumah was the one who brought her to help us, she did not know about it."

6.7 While the Panel was unable to establish an exact timeline of events, it appears that Katie's interrogation of the girls followed her discussions with an ex-girlfriend of Macintosh who reportedly told Katie that Macintosh "likes small girls" or a statement to that effect. Katie admitted being told by this ex-girlfriend of Macintosh's interest in "small girls", but said she did not understand then what the girlfriend meant by the quoted phrase.

6.8 The Panel found it significant that despite Katie's (i) discussions with Macintosh's ex-girlfriend and (ii) her separate discussions with the girls about possible Macintosh abuse, she (i) did not report to the US Board or any competent authority what she learned from her discussions or her subsequent suspicion of possible abuse of the girls by Macintosh¹⁹ and/or (ii) ensure that Macintosh was no longer allowed to be alone with any of the girls. In fact, Katie continued to ask and use Macintosh as almost the exclusive person to go for the girls from their homes to her at any time of the day she wanted to see any of them. Nearly all the survivors say they were fingered, sexed, and molested by Macintosh whenever Katie sent him to bring them from their homes to her place or anywhere else and

¹⁹Except for Michelle Spada who in fact was only told of the ex-girlfriend's story, but not of Katie's interrogation of the girls

thereafter to send them home. Hardly ever did Katie accompany them back home.

- 6.9 When asked why they could not refuse to travel with Macintosh, the survivors interviewed said they could not do so because Macintosh was the person that Katie trusted and some of them would be there when Katie would call him and say go for this person or that person. Hence, they knew that Katie was indeed sending Macintosh to get them, although she very likely did not know what he was doing to them. The survivors also confirmed what MTM PTA members and other West Pointers told the Panel: That Macintosh would keep the girls at his place for as long as he wanted, even if Katie had released them to go home. They said he would them have sex with them in group and/or by turn. It is noteworthy that during the trial and in the absence of Katie and Michelle Spada, Macintosh stated that “whenever I took them, it was under the supervision of Katie Meyler.”
- 6.10 The survivors also reported that Macintosh had repeated sex with nearly all of them at will and in many places on the MTM Academy compound during and after school. They said if Macintosh wanted to have sex with them, he would use his “authority” to order a disciplinary measure against them during school hours, and that the disciplinary measure would generally be some confinement when he would later go and abuse them. They explained that the usual place of confinement was one room near the library where he would go and rape them. The survivors further explained that after school, Macintosh would have all or some of them stay until the evening hours without any MTM’s administrator objecting or asking any question. When asked whether the MTM administrators ever asked (i)

why Macintosh would have them stay on campus after school or (ii) about what they were doing on campus after school, they said no.

6.11 Additionally, the survivors explained that almost always when school was over in 2013, the American teachers and administrators of MTMA including the Liberian teachers would leave them (the students) on campus with only Macintosh. When further asked whether these MTM administrators and teachers knew that they were being kept on campus after school, the survivors explained that their presence on campus was very visible and that in fact these administrators and teachers would pass among them to go home, thereby having the students and Macintosh only on campus and with Macintosh having all the freedom to call and have sex with them in turns as and when he wanted. The girls said they knew Macintosh and Katie started the school together and that he therefore had enough authority and was very close to Katie. They said even the American administrators and teachers respected Macintosh, and that the Liberian teachers and staff, especially the security guard, hardly ever said a word to Macintosh. The survivors all consistently and separately said that Macintosh was the last person to leave campus almost always..

6.12 The account of the survivors is consistent with the narration of Iris Martor who informed the Panel that in several staff meetings that she attended prior to the Macintosh case, some staff members reported that parents of the girls were constantly complaining that (i) their children (the MTMA students) were coming home late; and (ii) MTM was also coming for them on nearly every weekend ostensibly to do MTM video(s). She said this matter came up several times without any concrete decision taken or action implemented against it. She said she was forced therefore to ask Maritza (who was then heading MTM) this question: Where does MTM

start and end, and where does the role of the parents begin relative to the students especially after school hours? Maritza only answered that this was a good question, and nothing more. Subsequently thereafter, she said Maritza directed that no MTM staff should be with the students after school. She said the directive by Maritza did not stop Macintosh from picking regularly picking up the girls and being with them after school.²⁰

6.13 A few days after learning from the survivors of the terrible abuses described above, MTM, by and thru its then Program Director, Michelle Spada, reported the matter to the Liberia National Police, thereby making MTM the complaint in the case. MTM's reporting of the alleged rapes to the Liberian authorities was heralded by many as a courageous move and an exemplary step of an organization that was transparent about rape. Evidently, MTM warmly received the praises about its apparent. In a transcript of social media chats that Katie shared with the Panel, Katie's announcement on June 26, 2014 **that MTM "had no choice but to take bold and immediate action"** in reporting Macintosh to the police and having him arrested attracted unanimous laudatory comments. For example, one Rachel James prayed for Katie and added that **"I am glad you are being so open and transparent with this terrible crime"** while Agela York Crane said that **"I am so glad that MTM is bringing it into light and making a strong statement in support of the girls."** And Laura Garrison wrote: **"Katie, this is heart breaking. But I commend you for your courage to stand for the truth! Thank you for being honest to the public that supports you."**

6.14 While MTM's reporting of the alleged rapes was both a legal duty and a moral obligation for which the organization deserved and earned praises,

²⁰ ¶7, Notes of Interview with Iris Kou Mator

it appears that (i) the reporting was apparently not supported by all officers and directors of MTM, and (ii) that several statements made by MTM subsequent to the reporting of the matter were carefully structured to achieve objective(s) not entirely focused on pursuing justice for the survivors. For example, the then Program Director of MTM , Michelle Spada, emphatically stated to ProPublica that one Director of MTM in person of Skip Borghese was not supportive of her desire to promptly report the matter to the police. Mr. Borghese emphatically denied this allegation by Michelle, and his denial was presented to Pro Publica along with a threat of legal action prior to publication of the Pro Publica's story and he repeated the denial in a written submission he provided the Panel. Another proof of the curious background and/or goal of the communication strategy and medial engagement of MTM after reporting the Macintosh rapes is reflected in a June 17, 2014 email from Katie Meyler to Jim Rettew, then interim COO of MTM. In the e-mail Katie says to Jim, in part, as follows:

“Our team literally did everything right in this case. **We got him arrested. We push(sic) the police. We are helping to collect evidence.** We want this sucker put in jail forever and we will go to any length to make it happen....With that we get on board all the major women/gender organizations in Liberia, the ministry of gender, the child protection unit etc (they are already on board)...**We get Nick Kristof on board. We get Anderson Cooper on board.** We don't just write stories. Say speeches. Hold signs. Macintosh goes to jail forever and he is the example....**Just think we can get ahead of all of this by calling up the most influential reporters and getting them on our side**” She ended with this line: “Just an idea. I don't think this is going to be kept so we might as well go loud like we always do and use it for something good really good.”

6.15 MTM admits that in order to guide it in dealing with the public and media queries concerning the Macintosh incident, the organization hired Sarah Lenti, a well-known public relations professional. Although the Panel did not see Ms. Lenti's engagement contract, Skip Borghese, in response to a query from the Panel. Said that the fee she was paid was not as significant as would require board authorization. Kate Meyler shared with the Panel copies of correspondence Sara Lenti drafted and others he advised on, including (i) a June 20, 2014 press release captioned "More Than Me Staff member Charged for Child Sexual Abuse", which listed her (Sarah Lenti) as the MTM Contact person for any inquiry, and (ii) a June 19, 2014 "Donor Supporter Call Script" she prepared for Katie and was used for the conference call Katie had with MTM donors on July 2, 2014 and reportedly moderated by Jim Rettew.

6.16 The June 20, 2014 press release drafted by Sarah Lenti was published almost verbatim by MTM on its website and in the Daily Observer Newspaper. It contained the following statements that have been the consistent mainstay of MTM's responses to the Macintosh case:

- A. That Macintosh Johnson was "the MTM Academy's community liaison to West Point" who "was reported to police by MTM Management after numerous students reported sexual misconduct"
- B. "More Than Me has also taken steps to form a coalition of partners-including HOPE, the Women's Protection and Empowerment team at the IRC, and THINK-to jointly address sexual abuse of children in the West Point Community";

- C. “More Than Me has consulted legal counsel in Liberia to ensure a smooth investigation, conduct internal probe into the event, and ensure that it is an isolated incident”; and
- D. “Earlier this year, Liberia’s president Ellen Johnson Sirleaf denounced the country’s epidemic of child rape, calling it one of Liberia’s “biggest challenges”.

These above-enumerated statements were repeated in nearly all communications sent out to Liberian authorities, MTM Donors and other stakeholders. In some instances, MTM went beyond these statements to making offer to share its “PR plans and steps”. For example, in a June 25, 2014 e-mail sent by Katie to Dalia Wilson and Callan Carvey of JP Morgan Chase, Katie wrote in part as follows:

“Hi Dalila and Callan,

I have attached the actions we’ve taken to date and our long and short term plans. Sara who is cc’ed here is our PR representative and can send you our PR plans and steps we’ve taken and she will be available for any question you may have as well. If your PR person would like to look over our plan that would be amazing.”

6.18 MTM records make abundantly clear that Macintosh Johnson was a senior member of MTM with the official title of Program Coordinator, and that he signed documents including agreement(s) on behalf of MTM; and was represented by MTM to the rest of the world as Program Coordinator. In fact, Michelle Spada e-mail updating Katie Meyler about the Macintosh case expressly described Macintosh as the “MTM’s Program Director” and this was his title in the personnel file and payroll records reviewed by the Panel. The Panel repeatedly asked Katie Meyler, Skip Borghese and other

MTM officials what was the basis of the sudden change in the official designation of Macintosh, but none answered. The Panel also found no record about (i) the establishment or work of a **“coalition of partners...to jointly address sexual abuse of children in the West Point Community”** and (ii) the promised efforts **“to ensure a smooth investigation, conduct internal probe into the event, and ensure that it is an isolated incident”** as contained in the June 20, 2014 Press statement of MTM.

- 6.19 Eventually, Macintosh was prosecuted, but his jury trial ended in a hung verdict, thereby necessitating a second trial. He died before the second trial could begin. Regarding the cause of death, Cllr. John A. A. Gabriel of the Sex Crimes Unit told the Panel that Macintosh died of AIDS, and that this fact was contained in Macintosh’s death certificate that the Sexual Gender Based Violence Crimes Unit received and reviewed. Cllr. Gabriel’s statement was confirmed by Ms. Tenneh Johnson who is the lead social worker in the Sex Crimes Unit that is working with the survivors.
- 6.20 A few MTM members of staff testified at the trial of Macintosh, but neither Michelle Spada (who was then Director of programs who reported the matter to the LNP) nor Katie Meyer, the founder and CEO of MTM (who in fact hired Macintosh and entrusted him to handle the recruitment of the beneficiaries) testified in the trial. According to one of the two prosecutors who tried the case, Attorney Joyce Tarpeh, the defense counsel of Macintosh made a lot of issue about what they described as the failure of Katie and Michelle Spada to come forward and testify in the case so that they would be cross examined. She said the defense team repeatedly made the point to the hearing of the jurors that Macintosh was basically framed by Katie Meyer out of spite because Macintosh had jilted

Katie and opted to marry a Liberian girl.²¹ When asked whether they had really determined that the testimonies of both would be essential, Atty. Tarpeh answered in the affirmative. In response to our follow-up question as to why they never put either or both Katie and Michelle on the stand, Atty. Tarpeh said they were told that Michelle had resigned and no longer in the country, and that Katie was also out of the country, doing fundraising for MTM. She said they really wanted to use Katie at least as a rebuttal witness, especially when the defense team asked one witness on the stand when last the witness had seen Katie, and the witness answered that she had seen Katie just the day before. Atty. Tarpeh said they were shocked because they knew that Katie was out of the country and that if she had returned she would have come to see them. They therefore planned to go to MTMA campus to ascertain when Katie was last in country or when she planned to come. She said they were shocked to learn that indeed Katie had been in country, and just left the day before. Atty. Tarpeh said that even the international advisor working with them, Mr. Sam Nugent, was very upset about Katie coming in country and making no efforts to contact them. The foregoing account of the SGBV Unit's prosecutor is consistent with the assertion of ProPublica that a U. S. legal advisor to the sex crimes prosecution unit of the Ministry of Justice of Liberia informed it of a meeting the adviser had with Katie Meyler and Spada at which time he informed them that "Spada, the complainant in the case, was to be witness No. 1, according to prosecution documents". The Panel wrote Mr. Nugent at his e-mail address he left with the SGBV Unit but received no response.

- 6.21 As to why she did not testify, Katie maintains that "... I was never asked to testify. I did try to attend the court. I was told by the Ministry of Justice that this was a close case; this was a serious case, and it was the Government of Liberia against Macintosh Johnson. If I was needed, I

²¹¶ 56, ¶71, Interview with Sexual & Gender Based Violence (SGBV) Unit, February 8, 2019

would be called.”²². She also referred the panel to a February 25, 2016 mail from Laura Smith to Michelle Spada as one evidence why she was not there, although she says at the same time that “our Liberian team member was there Tenneh”. The Laura Smith February 25, 2016 mail to Michelle Spada stated this: “I have actually not been allowed in the courtroom until yesterday for the bail hearing because their (sic) was a gag order on the case and nobody was allowed in the room.” Actually, a trial in camera does not mean that a person needed to testify will not be allowed to enter the court. In fact, on the same February 25, 2016, Laura Smith sent another e-mail to Michelle Spada where she said this: “Yesterday, I had the chance to meet with Sam Nugent, the Justice Advisor working with the Sex Crimes Unit. He mentioned that you had spoken with him before you left Liberia. He feels confidently that your testimony is crucial to the case. I was wondering if it would at all be possible for you to come back and testify during the re-trial (which does not have a start date). We would of course, arrange everything and it would only be for a couple of days.” It appears from the Mail quoted above, that MTM had not approached Michelle Spada about the need for her to testify at any time during the first trial and until the quoted mail. It also appears that if the Justice Advisor felt that Michelle Spada’s testimony was “crucial”, that determination was presumably made for the first trial, and the same was also applicable to Katie’s testimony.

- 6.22 The current Director of the Sexual Gender Based Violence Crimes Unit, Cllr. John A. A. Gabriel, told the Panel that he took over the Unit as Director after the first trial of Macintosh had ended in a hung verdict; his only minor role was when the Unit was preparing for the second trial that also got discontinued because of the demise of Mr. Macintosh Johnson.

²²¶132, Follow-up Interview with Katie Meyler Thursday, 31st January 2019

¶8, letter written by the Sexual Gender Based Violence Crimes Unit, dated January 29, 2018

Cllr. Gabriel confirmed that the lawyers who handled the trial along with Mr. Sam Nugent all agreed that MTM, especially Katie, did not fully cooperate with the Unit. He said the act of Katie not to contact the unit or respond to its interest to have her testified was disappointing. “When the entire situation burst out into the glare of the public, by then Katie was here. I told her why did you not come to get involved with prosecution. She said I was here. And I said did they call you, and she said no. Sam Nugent, prior to his retirement and departure from this country told me that Katie was not cooperating.... and you know the defense was playing hero out of her absence. It was like the entire public of West Point was against the prosecution for punishing an innocent man who was a self-styled hero. He had been there to help them. He helped a lot of them. He took their children. They were demonstrating, and I’m told they came all the way and stopped at the police station. Why are you punishing this innocent man? They did not agree; they were not convinced that this guy was engaged in this evil with their children. So it was obvious battle for the prosecution. Katie should have been here to take the stand, because after all she was a key complainant. It was she who authorized Michelle to file the complaint. And if you file a complainant, you are a witness. I don’t know if it was done by inadvertence. I don’t know why she failed to appear.”²³

- 6.23 The Panel was presented a communication dated January 29, 2018 and addressed “to whom it may concern”, which was signed by Cllr. Gabriel. The communication sought “to explain events surrounding the case against Macintosh Johnson”. In the communication, Cllr. Gabriel made the following assertion: “Katie Meyler and Michelle Spada were never asked to testify in court because their testimonies were not necessary as versions that they were to testify where (sic) already testified by other witnesses. Hence, the prosecution did not deem it necessary for Katie Meyler or

²³ ¶90, Interview with Sexual & Gender Based Violence (SGBV) Unit, February 8, 2019

Michelle Spada to attend court. If we had felt it was needed they would have been asked and we are sure they would have come.” Obviously, the above-quoted communication is overcome by (i) Cllr. Gabriel’s own recorded statement to the Panel as reproduced in Paragraph 6.13 above and (ii) the categorical narration of one of the SGBV Prosecutors who actually took part in the Macintosh’s trial. The credibility of the January 29, 2018 statement should be evaluated in light of the fact that (i) it was written by someone who was not involved with the trial, (ii) it is written almost four years after the trial, and (iii) it appears to have been prepared at the instance of MTM given its conclusion that the ProPublica story “is a one-sided story” that did not meet professional standards and that readers of the story should therefore “recourse to the accused so as to have a comparative, balanced and justifiable understanding of the scenarios that Fin Young is trying to explore.” The Panel reviewed Cllr. Gabriel’s communication also in light of the admission of Katie to the accusation contained in the ProPublica story that MTM did plant a story in the New Republic with the bold headline: “More Than Me: Zero Tolerance for Sexual Abuse”.

6.24 As to the New Republic story, Katie admitted essentially to what ProPublica published, but excepted to the use of the word “planted” or any word of similar import. Here is what Katie told the Panel: “I am overly honest to the point that it hurts me. I receive message that Ellen Johnson-Sirleaf had heard that I was supporting Macintosh. I don’t know where this was coming from. I got the advice I don’t know from whom that the best way for you to show her that you don’t support him is by putting something in the newspaper. So we put something in the newspaper. And when you try to put something in the newspaper in Liberia they charge you. People who know how this country works know that’s how the media works.”²⁴

²⁴ ¶14, Follow-up Interview with Katie Meyler, Thursday, 31st January 2019

6.25 The Panel requested and was provided what The MTM Board described as “excerpts of meeting minutes where issues pertinent to the investigation were discussed.” The documents provided the Panel consisted of what the MTM Board described as “excerpts” of relevant (i) “meeting minutes from January 2016” and (ii) “meeting minutes taken prior to January 2016”. Of the meeting minutes taken prior to January 2016”, the Panel found ONLY (1) A June 25, 2014 e-mail from Katie Borghese, then Chair of the MTM Board, to members of the MTM Board and senior officers captioned “Confidential: Update on Liberia”; (2) A July 15, 2014 e-mail from Katie Meyler to members of the MTM Board and senior officers captioned “Board Retreat Recap” (3) “Meeting Minutes: 12/23/2014”; and (4) Board Meeting (Conference Call) “Re: Staff Update, Updated Budget Review”. None really shows a concrete actionable decision taken by the Board in the form of a mandate given the management team or otherwise on the matter.

6.26 The major update in the June 25, 2019 e-mail of Katie Borghese was reflected in two paragraphs, which of course are a substantial restatement of the June 20, 2014 press released referenced above:

“Once these allegations were made known, the team worked swiftly to notify the police and provide support for the victims with the help of the and Children Protection Section of the Liberian National Police, Ministry of Justice, and the Ministry and Ministry of Gender. We have taken steps to form a coalition of partners-including West Point Women for Health and Development, HOPE, and THINK-to jointly address sexual abuse of children in the West Point Community. In addition, we have consulted legal counsel in Liberia to ensure a smooth investigation, conduct internal probes into the event, and ensure that it is an isolated incident.

In the US, we have solicited advice from a Crisis Management PR Firm who has helped to guide our communication with the press, donors and partners. We have reached out to major stakeholders through personal phone calls and are in the midst of drafting a letter that will be sent out to devotees and friends of the organization. We have built this organization on the pillars of openness and honesty and will continue to be transparent.”

6.27 Katie Meyler’s July 15, 2014 e-mail containing Board Retreat updates basically described the MTM directors as an “incredible team” that demonstrated their commitment by “flying in from all over the US for the retreat.” There is no mention whatsoever about the Macintosh incident, which suggests that the Board retreat did not discuss (or Katie did not find any significant discussion) about the Macintosh case that had happened a few weeks before the Board Retreat and in respect of which MTM had made specific promises to the public to investigate and ensure would not reoccur.

6.28 The Board minutes of December 23, 2014 and October 25, 2015 have some reasonable reference to the trial of Macintosh, but almost entirely in the form of updates on his investigation, indictment and trial. For example, in the December 23, 2014 minutes, Katie provided an update, captured as the last item of the minutes, with relevant portion being the following:

“Mac Update from Katie: things are looking better-huge progress-had dinner with Isha. She’s amazing and she’s been helping. Our Lawyer is really busy. She suggested a few diff. people. Met a woman who’s been on a ton of these cases. She’s won cases and she understands. Haven’t met her in person. She’s in DC, but will call after break. She’s been following case. We want to distance

ourselves. Having a lawyer guides us and give instructions as people come forward...looks like other knew but never reported it. Michelle-girls went in from of grand jury”.

Also in the October 25, 2015 minutes, there is an excerpt of how Laura Smith gave an update on Macintosh’s trial: The pertinent portion of the update provided the Board by Laura Smith are:

- A. That trial started in September “with 5 girls testifying and we had questioning by Macintosh’s lawyers as well as questioning by the jurors”;
- B. “We have had 2 staff members testifying against him”; and
- C. “Our last five girls are in the midst of testifying right now; after that happens Macintosh’s testifying starts”.

The same excerpts from the October 25, 2015 minutes also contained the following recorded exchange between director Mantel Manish and Laura Smith:

“Mantel: “any negative or positive surprise that has come out of the testimony?

Laura: the most surprising thing to me is their defense; he and Katie were dating and he didn’t want to marry her, and so then she paid the girls to lie about him to ruin his life.”

7.0 The Cyrus Cooper Incident

7.1 According to both the Management and Board of MTM, a female student on April 8, 2016 wrote the Vice Principal of MTM, indicating that she had been molested by Cyrus Cooper in Sinkor beginning sometime in 2009, four years before MTM Academy was opened and continuing up to 2013 after MTMA opened for its first year. A summary of the information gathered by MTM and provided the Panel is as follows:

- i. That the alleged acts of rape by Cyrus Cooper occurred at the perpetrator's residence and "after an art group for scholarship students";
- ii. The alleged act was reported by the student through a letter to the Vice principal and the Vice principal shared it with the Country Director;
- iii. Laura Smith, the Country Director at the time, prepared an incident report of the matter wherein she narrated that the alleged victim informed her that the abuse "took place at the alleged perpetrator's residence after an art class in Sinkor that took place on Monday, Wednesday and Fridays. A group of MTM's first scholarship students attended an art program and she was sometimes asked to stay behind when all of the children left. He would then provide money for her to go home. The alleged victim was told by the alleged perpetrator that he would have her mother "sacked" if she told anyone or that he would harm her family...She also indicated that she had been raped one time by Macintosh Johnson at the same location" ;

- iv. A further pertinent entry in the Cyrus Cooper incident report states as follows: “She said that he told her that if she ever wanted anything, she should just ask her. On various occasions, he gave her small money...In November/December of 2015, she told him that she wanted one of the computer laptops. He told her to take one from the suit case where they are stored and put it in her bag. That day, everybody’s bags were searched because I (Laura Smith) suspected students had taken text books. A laptop was found in her backpack. Her first response to us was that Cyrus told her she could take it. He denied it and she was punished for stealing.”
- v. The Vice Principal and the Country Director discussed details with alleged victim and thereafter went with the alleged victim to inform her mother of the incidents;
- vi. That MTM immediately suspended Cyrus Cooper from duties at MTMA, conducted internal “investigations involving questioning of student and mother” and then “MTMA vice principal and alleged victim went to the authorities at the Sex Crimes Unit”;
- vii. Cyrus Cooper was subsequently paid off;
- viii. That MTM’s handling of the Cyrus Cooper incident was based on advice of legal counsel: **“Laura and Boukari visited lawyer’s office. He indicated that because the alleged abuse did not take place on school grounds and we as well as the students informed the parents, it was up**

to the parents and students to press charges. He indicated that we did the right thing by immediately suspending Cyrus and that we could legally pay him for the rest of his contract and end his contract.”²⁵

ix. On April 14, 2016 Laura Smith visited the Sex Crimes Unit. “She asked what MTM’s legal responsibility was. Because MTM was not a registered NGO at the time and the abuse did not take place on MTM property. It was up to the parents to make a claim with the police. Sis. Tenneh also indicated that if Cyrus was no longer on staff, they would go after him as an individual, not the organization.”²⁶

x. From April 15, 2016 when the victim and her father reportedly first visited the police to report the allegation, up to April 28, 2016, the MTM incident Report indicates that no progress was made in having the Police move the case forward. **“They have been given the run-around...will go one day and be told to come back the next. She has been communicating with Ms. Briggs everyday”**. The incident report then contained an entry made on May 10, 2016 to the effect that **the victim “indicates that her father is ready to give up because they are not being taken seriously.”**

7.2 MTM did not disclose when the alleged victim was moved to the MTM staff house since that date was important to indicate that Cyrus Cooper continue to abuse the girl even when MTM opened and up to the completion of its staff house. Additionally, the fact that Cyrus Cooper was

²⁵ Excerpt from MTM incident Report relating to the Cyrus Cooper rape allegation,

²⁶ Ibid

still doing favor for the girl up to November/December 2015 is strong indication that his relationship with her was continuing up to that date. The Committee therefore did not find any adequate evidence for MTM rather summary conclusions that (i) the rape occurred before MTM A was opened, and (ii) that all incidents took place off MTM premises. Of course, the question remains whether MTM's apparent admission that the girls were required to attend art classes at the residence of Cyrus Cooper is not an evidence against the conclusion that any rape occurring at such place and during/after the MTM-required classes are within the scope of MTM's responsibility.

7.3 In a written response submitted to us, the US Board stated that upon learning of the Cyrus Cooper alleged rapes, MTMA "sent a letter to the US government in the interest of transparency." MTMA also said that it also sought legal advice on April 13, 2016 relative to this matter, but **"asserts the attorney-client privilege and work product protections to the fullest extent with regard to its communication with legal counsel."** However, in a prior interview with the Panel, Katie expressly explained that the MTM Liberian counsel had advised them that because the alleged acts did not happen on its premises MTM had no responsibility regarding Cyrus Cooper conduct. She said it was based on this advice that MTM never reported this case to the Police as the foundation did with the Macintosh Johnson case.

7.4 The SGBV Unit of the MOJ said they heard of the Cyrus Cooper incident only informally. They said they also asked the LNP about it, but their understanding was that no formal complaint was ever filed, although the written submission of the Board asserts that "More Than Me went to the Sex Crimes Unit with the victim and her mother to file a complaint, which

they did.” Ms. Tenneh Johnson, the lead social worker at the SGBV Unit (who is apparently referred to in the above-mentioned excerpts from the MTM incident report) categorically denied being told of the Cyrus Cooper incident by MTM.

7.5 The Panel inquired from the Chairman and members of the Advisory Board to what extent they knew of the Cyrus Cooper incident. The Chairman of the Advisory Board was emphatic that he never heard of it until the matter was published by ProPublica.

7.6 The Panel notes as significant the fact that MTMA thought it necessary to write the US Government about the Cyrus Cooper incident, but not to formally inform the SGBV Unit it has been working with or the Ministry of Gender responsible for children protection or any agency of the Liberian Government. The Panel also found it curious that neither the Management nor the US Board thought it necessary to inform the Advisory Board or seek its guidance on the Cyrus Cooper incident such that they became aware of it only after publication of the ProPublica story.

7.7 Even more significant is the content of an e-mail from Saul Garlick to members of MTM Board on July 8, 2016, regarding the Cyrus Cooper incident, which reads in part as follows:

“Hi Board,

I am writing about an event that happened in Liberia that was reported this Spring while Lori was still with us, that I learned more about while in Liberia in early May. The whole thing has

been handled confidentially, but we are able to discuss now that progress in the Liberian Judicial system has stalled.

The issue at hand is that MTMA Operations manager Cyrus Cooper was accused of raping a More Than me student after school hours. Below are the cases(sic) key facts as compiled by our country director, Laura. I am also attaching a letter we sent to the US Government in the interest of transparency on 5/20 that I drafted and co-signed with Katie Meyler.

When did the alleged incident /incidences first take place?

1. 2009, four years before More Than me Academy opened;
2. **Ended in 2013 when...after MTMA opened for its first year (we believe).**

7.8 After stating that the incident occurred at Cyrus Cooper's residence after "an art group for scholarship students", Mr. Garlick ended his July 8, 2016 e-mail with the following comment/question: **"This message brings to mind a critical question: We are going to be operating a 6-9 schools starting this Fall and these issues will arise again. Is it something that board wants to know about every time? Is it appropriate for whenever there are charges being pressed? It's a tough balance and there is the reality on the ground in Liberia."**

8.0 Current MTM Policy & Procedures

8.1 While there was no policy at the beginning to regulate the recruitment of scholarship beneficiaries and/or staff conduct, the Panel finds that MTM subsequently developed a number of policies, especially after the 2014 discovery of the Macintosh abuse.

8.2 According to a written submission by the MTM Board, “MTM has worked to improve its systems, policies, and processes around:

1. Child Protection + Safeguarding
2. Student Recruitment
3. Survivor Support
4. Staff + Hiring Practices
5. Organizational Structure”

8.3 In particular, MTM says “Explicit policies about professional standards, unacceptable behavior, and clear guidelines on preventing and responding to child abuse are paramount. More Than Me learned about where policies fell short and they continue to work to improve the completeness and clarity of their policies...”

Some specific policies adopted and other procedures and processes established and now being implemented by MTM include the following:

1. MTM completed three revisions of the 2013 Child Protection Policy. The first revision took place after the 2014 incident, while the second revision took place in 2016. The most recent revision was conducted by an internal Working Group beginning in 2017 and was concluded in 2018. Under the improved Child Protection Policy, each staff signs a performance bond, committing that he/she:

- i. will not physically, emotionally or sexually abuse any More Than Me child/beneficiary
 - ii. will only interact with a child in highly visible areas with others present
 - iii. will never be alone in a room with a child with the door closed unless a job description specifically requires privacy (i.e. social worker, nurse)
 - iv. will report any evidence or allegations of abuse
 - v. knows that staff are protected by MTM's Whistleblower Policy
 - vi. will report violation, as not doing so constitutes a violation of the policy

2. A fourth revision of MTM's Child Protection Policy is underway. This revision will incorporate existing Liberian child protection policies, international child safeguarding manuals and standards, the Children's Law of Liberia from 2011, and the Ministry of Gender's National Child Welfare and Protection Policy from 2017.

3. MTM improved Reporting Procedures & Definitions in 2015, which clarifies staff responsibility including a requirement for staff to report any suspected incidents of abuse and that staff should not conduct investigations to establish evidence before reporting to senior staff.

4. MTM enhanced incident reporting procedures and workflows to ensure incidents of all types immediately reach senior leadership and log action steps taken to address any related issues.

5. MTM established a Whistleblower Policy in 2015. This policy requires that if anyone sees or hears of someone breaking the code of conduct, they must report it immediately to the Country Director or Manager. It

also protects the reporter from retribution, outlines reporting procedures and allows for anonymous reporting.

6. MTM established a Fraternization Policy in 2015, to ensure any personal or romantic relationships are divulged to leadership and mitigated in case of conflict of interest.
7. MTM completed two revisions of the 2014 Employee Code of Conduct and Disciplinary Policy in 2015 and 2018.
8. MTM introduced reproductive health and life skills curriculum at its Academy.
9. MTM has improved the mechanism for accepting students recommended by the West Point Women, the Sex Crimes Unit, and other partners. The improved mechanism involves home visits and assessment of the students recommended by institutional partners of MTM.

9.0 Current Condition of the Survivors

- 9.1 The Panel saw all the survivors on different occasions, without them knowing and without any discussions. The Panel also met and interviewed about 50% of them. During the individual meetings/interviews, the Panel had the further opportunity to appreciate the physical conditions of each girl and to discuss their progress in school as well as what each was willing to narrate relative to the matter covered in this Report.
- 9.2 The survivors appeared to be doing quite well, and to have moved on beyond the Macintosh's abuse at least in body and based on their own statements, although the Committee did not and could not have evaluated their health and medical conditions
- 9.3 The girls do attend various schools in Liberia and also live in various communities in the country
- 9.4 At least one of the survivors is HIV+ and aware of her HIV status. The Panel was unable to establish how and when she was infected or by what or whom. The Panel also found no evidence of any difference in care, allowance or overall treatment that MTM has established or is providing or has secured to be provided the survivors on the basis of who is living with HIV and not.
- 9.5 The survivors neither complained of anything nor demanded anything from MTM. Rather, they expressed high appreciation for Katie Meyler and for what they all described as the good that MTM has done for them. One of them specifically pleads for people to stop blaming Katie: "One, to stop blaming Katie. We the girls, ourselves were at fault because we did

not say it so. Katie was talking to us; she even pleaded with us, we did not say it so.”

10.0 MTM’s Response to Draft and Completed Investigative Report

10.1 MTM responded separately to both (i) the initial draft of the Panel Report and (ii) to the Panel Completed Report. Because the content, timing and totality of circumstances attending each response are worth noting, the Panel has summarized the responses separately.

A. MTM’s Response to the Draft Report

10.2 The Panel submitted the draft of this Report to the management and staff of MTM for their review and comments that the Panel promised would be considered before finalizing the Report. MTM submitted a two-fold response: one response was from the MTM Board while the other response came from Katie Meyler, the founder and CEO of the charity.

10.2 The US Board (which is formally referred as the “Global Board”) together with the Liberian Advisory Board extolled the work and independence of the Investigative Panel, informing the Investigative Panel of preparations being made to evolve MTM into a stronger and safer organization dedicated to educating vulnerable Liberian children. The Board recommitted the organization to serving 4,100 students and their communities, and reaffirmed MTM’s position that “no child should ever have to endure sexual abuse...”²⁷ The Board further expressed its commitment not only to remain cooperative with any related investigations and external audits but also to continually improve in governance, administration and policies and procedures.

²⁷Letter to Investigative Panel, dated March 15, 2019.

10.3 As an additional general response to the content of the draft report, the MTM Board disclosed that one of the MTM Board’s initial responses to the reported abuse of the girls was to retain the services of Nixon Peabody, LLP, a US law firm, which in turn retained another law firm called McLane Middleton with significant practice experience in education and related matters. The terms of reference of McLane Middleton was “to review and assess MTM’s child safeguarding framework and report its findings and recommendations to the organization’s US-based Board of directors. The Board further noted receipt of the interim audit report ²⁸of McLane Middleton, and that some of the findings and/or observations in the interim report corroborate with the Panel’s (our report), including the common finding of the two reports that the most recent version of the Child Protection Reporting Procedure was approved in March 2018. Contingent upon submission of the final report of the Investigative Panel, the McLane Middleton final report is expected to be completed with recommendations made for improving governance and operations of the More Than Me Foundation.

10.4 The Board further forwarded to the Panel an October 4, 2018 letter written by the legal counsel of Scipione “Skip” Borghese (a long-serving director of MTM who recently resigned as member and Chair of the MTM Board) and addressed to Pro Publica Inc. wherein Mr. Borghese’s counsel described the Pro Publica story by Fin Young as libelous and threatened legal action if the story was published without removing the defamatory information pointed out in the letter. The Panel noted that the

²⁸Retrieved May 28, 2019
<https://cdn2.hubspot.net/hubfs/3409632/Article%20Response/5.9.19%20McLane%20Middleton%20MTM%20Safeguarding%20Audit.pdf>

referenced letter predated the publication of “Unprotected”, but acknowledged and disclosed Mr. Borghese’s denial contained therein.

10.5 The Board’s response to the draft of this Report ended with an express commitment to supporting the survivors who have come forward, adding that the organization was working closely with the Ministry of Gender to understand how best to support these young women-now and in the future- and to formulate a plan with the Ministry to provide for their ongoing education and care.

10.6 For her part, Katie denied the Panel’s conclusion contained in the draft report that (i) she knew or should have known that Macintosh Johnson was abusing the girls; and (ii) that she did not cooperate with the prosecution of Macintosh Johnson. Regarding Macintosh Johnson’s conduct, she said in her response as follows:

“In 2011, when Johnson’s ex-wife made a statement to me about Johnson that made me uncomfortable, I immediately took appropriate measures to investigate and conduct due diligence to ascertain whether Johnson had committed any misconduct and to ascertain whether there was truth to or evidence of my concern. I repeatedly interviewed the girls in question, Johnson’s ex-wife, and numerous members of the community to determine whether there was reason to believe that Johnson had engaged in sexual misconduct or inappropriate behaviour. During each interview and meeting, I was told that Johnson had not done anything wrong and the

girls adamantly denied that Johnson abused them. Yet, despite these accounts, I persisted in my efforts, but did not uncover evidence that Johnson had sexually abused the girls. I undertook these efforts before hiring Johnson to work at MTM.” Regarding cooperation with prosecution of Macintosh Johnson, Katie basically cited what she described as the “January 29, 2018 letter from the lead prosecutor in the case, Director of the SGBV Crimes Unit, John A. A. Gabriel.”

- 10.7 The Panel found Katie’s denials neither credible nor adequate to overcome other evidence received. First, during the two times she appeared before the Panel, Katie never mentioned that she ever asked the girls about Macintosh’s reported abuse of them; she only acknowledged it after reading the draft report. Secondly, we never found any member of the community who admitted that Katie ever asked them about Macintosh’s reported sexual misconduct. Further, the Panel finds as improbable Katie’s assertion that she “undertook these efforts before hiring Johnson to work at MTM” (emphasis added). given all the evidence received, including MTM’s apparent representation to Ithaca College that Macintosh Johnson was a co-founder of MTM and also the fact that Johnson started working with MTM from 2009. As to Cllr. Gabriel’s letter, the Panel is satisfied that the author of the letter has himself repudiated its content.
- 10.8 Katie further denies that MTM began operations in Liberia in 2009. She also denied other sundry statements she had made to the Investigative Panel. The Panel maintains all matters denied by Katie to the extent

backed by independent evidence obtained and available, including interview transcripts.

10.9 Finally and in specific reference to Katie's denial the Panel observed that Katie made multiple efforts to influence the investigation and/or its findings and conclusions by several means including (i) allowing at least three (3) of her current and former staff (including her cook and security guard) to appear before the Panel along with residents of West Pointed that MTM management had arranged for us to interview under the guise of being residents of West Point; and (ii) sending the Panel unsolicited communications apparently procured by her to the effect of her character and dedication .

B. MTM's Response to the Panel's Completed Report

10.10 Following consideration of all comments and clarifications as well as denials received from Katie and the MTM Board, the Panel submitted its "Final Report" to the MTM on April 8, 2019. The submission was conspicuously marked "**FINAL Report**" and delivered in both hard and soft copies.

10.11 For a period of about a week after receipt and apparent review of the Final Report without any formal acknowledgment, the MTM Board through Ms. Amada Kelso wrote the Panel on April 14, 2019, drawing the Panel's attention to a footnote that said: "**MTM Board, in response to the draft report submitted for review and feedback, informed the Investigative Panel that Skip Borghese, the former Board Chair of MTM, intended to send supplemental documentation to clarify his**

position at the time the abuse was reported. Up to the time of the formal presentation of this report, the Panel did not receive any submission from Skip Borghese.” The e-mail continued: “As I mentioned in an earlier email I sent you on Sunday, April 7, 2-19, this footnote is not accurate **because Skip Borghese’s materials that outline his rebuttal were included in Exhibit E in the joint Board’s response to the draft of the report.”**...In order to maintain the accuracy of this report, would you please provide a revised version that strikes this footnote. **In the event that is not possible, we will need to explain that in a preface to this report in our public statements.”** The Panel searched and found the file and accordingly corrected the factual misstatement by acknowledging Skip Borghese’s denial as mentioned hereinabove.

10.12 On April 15, 2019, the completed report, revised only to reflect correction of footnote 29 to acknowledge receipt of Mr. Borghese’s denial or “rebuttal” was submitted to the Panel in both hard copy and soft copy on April 15, 2019.

10.13 From April 15, 2019 when the corrected final report was submitted and received by the MTM Board to May 5, 2019, the Panel received no acknowledgement or acceptance of its report nor any notice whatsoever from MTM in respect of the submitted completed, corrected Final Report. However, at about May 5, 2019, the Panel learned that while the MTM Board was yet to see it fit to acknowledge or accept the report submitted, the Board had actually shared the report (or the content thereof) with a number of persons including even staff of the MTM Academy in Monrovia, and that what the Board said of the report was that its

publication would depend on whether or when they would succeed to have some concerns raised by Skip Borghese and Saul Garlick addressed.

10.14 Based on what the Panel learned, on May 6, 2019, the Panel wrote the MTM Board, expressing disappointment about not only the absence of an acknowledgement or acceptance of the report, but that the Board had begun sharing select comments of the Report without reference to the Panel and or publishing the full report as they had promised members of the panel and the public. The Panel then invited the MTM Board to advise if there was any specific concern/issue or mater relating to its findings, conclusions or recommendations that was hindering action on the final report being published. The Panel welcomed the opportunity to discuss any concern or issue but advised the Board that unless the Panel heard from them soon, the Panel would be constrained to inform the public accordingly.

10.15 Following the Panel's May 6, 2019 e-mail, a number of events ensued as chronicled below:

A. On May 9, 2019, Amanda Kelso wrote the Panel's Chairman, stating as follows: **"I am writing on behalf of both the Global Board and the Liberian Advisory Board of More Than Me.** Please accept our sincere apology for not responding to your earlier e-mail. **We acknowledge receipt of the report you sent via e-mail on April 15, 2019, and are currently reviewing it internally."**

- B. On the same May 9, 2019, the Panel Chairman responded to Amanda Kelso, stating in pertinent part as follows: “I note ...the time taking to acknowledge both my May 6, 2019 mail below and the final report we sent you several weeks ago. I note your reference that the report was sent (1) by e-mail and (2) on April 15, 2019. I also note the absence of any reference to the report being “final”. It seems that the hard copy of our final report sent under cover of a transmittal dated April 8, 2019 and duly bound by at reasonable efforts and cost has not been seen or recognized by both the Liberian Advisory Board and MTM US Board, notwithstanding e-mail exchanges had subsequent to the April 8th submission.”
- C. On the same May 9, 2019, the Liberian Advisory Board Chairman wrote immediately following receipt of the e-mail of the Chairman of the Panel. Chairman James Dorbor Jallah said in his May 9, 2019 e-mail as follows:

“Dear Cllr. Warner and Amanda:

I would like to make the following clarifications:

1. the independent Panel’s signed report was delivered to me under cover pf a letter under the signature of Cllr. Warner to me on April 8, 2019.
2. The submission included the following in hard form: cover letter, signed report and annexes to report.
3. Following receipt, I duly informed both the US Board and the LAB of the submission, and scanned and shared the signed report with each member via email.”

D. On May 10, 2019, one day after Amanda Kelso had written “**on behalf of both the Global Board and the Liberian Advisory Board of More Than Me to advise internal review of the panel’s report**”, the Panel received a letter from the MTM US Board through the law firm of Nixon Peabody which introduced itself as the counsel of record for the More Than Me Foundation. The Nixon Peabody’s communication stated. Inter alia, that “**the Global Board did not commission the investigation nor did we have any input into the membership of the panel or the scope of its work**”, and as such the “**the Panel has the sole authority to make the report public.**”

10.16 The Panel found it curious that the MTM US Board disassociated itself from the appointment and work of the Panel shortly after the Panel had pressed for release of its completed Report, and despite the fact (i) the said US Board had received the Final Report of the Panel and kept it for more than one (1) month; (ii) passed it on to McLane Middleton, which used it to prepare its report that was published or authorized published by the US Board without delay, and (iii) the US Board along with the Liberian Advisory Board had written the Liberian Ministry of Education on May 9, 2019 acknowledging receipt of the Panel’s report but advising that it had not decided whether or when to publish it.

10.17 In any case, upon learning that each of Mr. Saul Garlick and Skip Borghese complained of not being asked for their comments, the Panel duly served them appropriate invitation to answer a number of questions and to advise the Panel of any matter or point they wish to be noted. Mr.

Saul Garlick and Skip Borghese each submitted written comments and responses that are annexed to this Report for purpose of full disclosure and adequate acknowledgement of their comments, denials and explanations.

10.18 In his responses to questions of the Panel, Saul Garlick said essentially as follows:

1. He did not know who approved the hiring of Ms. Sara Lenti or the terms of her engagement, but confirm that MTM paid her US\$1,650 for her work;
2. That the June 20, 2014 press release issued by MTM was drafted by “Ms. Lenti and staff”, but that he did not know why Macintosh Johnson was described in the press release as “community liaison”.
3. That his e-mail of July 8, 2016 asking whether the Board needed to hear about every rape case affecting an MTM student or staff was made in light of the following: “It was eight weeks after I joined the MTM staff as President, and I sought to provide the MTM Board the latest information I had about the situation and also gets the Board input on an appropriate process for any such future allegations as MTM’s operations were expanding through a public-private partnership.” In response to what was the MTM’s Board’s response to his question, he said “nothing in writing. Discussions by phone re: process.”

4. In response to a question of the panel as to whether the Board had any meeting on the Cyrus Cooper rape incident and, if so, what was the decision or resolution, Mr. Garlick answered as follows: “I seem to recall that we discussed the matter by phone, but the Board made no formal findings and took no formal action. We concluded that we would support the girl, and MTM did so in several respects.”

10.19 The response of Mr. Skip Borghese was communicated to the Panel by his legal counsel, Weintraub Tobin Chediak Coleman Gordin Law Corporation. The key summary of Mr. Borghese’s responses are as follows:

1. That he “was asked to serve on the board by MTM officials in order to boost MTM/s fundraising and help raise awareness of the critical mission of MTM is and was serving”;
2. He “believes that his expertise in this area was a great boon to MTM and provided substantial additional resources for MTM to continue its important work. He was not involved in the day-today operations in Liberia”
3. “At the time the criminal action of Mr. Johnson came to light, Mr. Borghese was a board member. He was not the Chairman of the Board. He had no more power or authority than any other board member. While he was involved in many discussions regarding MTM’s response, he did not control MTN’s action”

4. “Mr. Borghese was elected Interim Chairman of the Board in November of 2016”; and
5. At no time did Mr. Borghese speak to Ms. Spada alone regarding Mr. Johnson. At no time did Mr. Borghese tell her to put the organization MTM ahead of Mr. Johnson’s victims, or to “get off your fucking soapbox”.

10.20 The Liberian Advisory Board (LAB) also provided what it termed as “observations and comments” on the Panel’s final report. In summary, the LAB suggested that some of the Panel’s conclusions and recommendations concerning Skip Borghese, Katie Meyler, and the US Board of MTM were without adequate factual basis. In particular, the LAB said that the Panel “fails to establish what specific crimes or other violations or other violations Mr. Borghese, Mr. Garlick or other members of the MTM Board of Directors have committed in order to be held to the fullest extent of applicable law(s).” The LAB therefore suggested that the recommendation concerning prosecution and liability of MTM officers and Board members should be removed or revised unless the Panel could produce more facts in the body of the report. Additionally, the LAB repeatedly made the point that the “Panel was set up to help the MTM Foundation determine facts of the case and offer an assessment of what occurred in the Macintosh Johnson and Cyrus Cooper rape cases, not solicit legal recommendations.” Finally, the LAB excepted to the Panel’s conclusions that (i) MTM sought to avoid responsibility; (ii) MTM acted improperly in Cyrus Cooper rape case; (iii) MTM’s instructors had deficiencies in experience and quality; and (iv) Katie attempted to influence the Panel’s report. The full copy of the Liberian Advisory

Board's submission containing its observations and comments is attached as an annex to this report.

11.0 Findings

The Panel found that:

- 11.1 The content of the ProPublica story entitled “Unprotected”, as summarized in Section 2 of this Report, is supported by the records, and is not specifically denied by MTM.
- 11.2 MTM launched its scholarship program in 2009 and implemented said scholarship program from 2009-2013 without any (i) formal operational space/structure; (ii) supervision or policy framework on child protection or safeguarding generally; (iii) clear eligibility requirements; (iv) documented, auditable and transparent scholarship beneficiaries selection process/procedure(s), and (v) grievance redress mechanism providing for how the scholarship applicants or their parents would seek review of any adverse decision by the recruiter or any injuries suffered as a consequence of the conduct of MTM or its agent(s);
- 11.3 MTM authorized, allowed, permitted and, in some cases, asked each of Macintosh Johnson and Cyrus Cooper to be, remain, and/or travel alone with one or a few of the girls without any kind of safeguarding measure or necessary supervisory check(s), thus exposing the girls to possible rape, which rape in fact did occur;
- 11.4 Macintosh repeatedly raped the girls on many occasions while on assignment for MTM and also at many places including MTM premises and his vehicle and home;
- 11.5 Katie Meyler and Macintosh Johnson began a romantic relationship after they established MTM operations in Liberia, and Macintosh’s abuse and

rapes of the MTM beneficiaries existed and continued while he remained in the romantic relationship with Katie Meyler's relationship;

- 11.6 Katie was informed by a former girlfriend of Macintosh that the latter likes "small girls" and, based on this and maybe other information, Katie asked some of the girls if Macintosh was having sexual affairs with them but they all answered in the negative;
- 11.7 Although Katie had cause or suspicion that led her to ask the MTM students if Macintosh was abusing them, she failed to (i) inform the MTM Board or competent Liberian authority about such fear/suspicion or (ii) stop Macintosh Johnson from being alone with any of the survivors or to have his association with them monitored;
- 11.8 Macintosh Johnson was a senior staff of MTM having the title of Program Director, but a press release published on June 20, 2014 by MTM after news of the Macintosh incident became public described him as a "community liaison", and this designation was thereafter consistently used by MTM in all communications sent out concerning the incident;
- 11.9 The above-referenced June 20, 2014 press release was drafted by Sarah Lenti, a public relations professional hired by MTM to guide it in the preparation and/or execution of its public relations plans and steps in response to the negative publicity that attended news of the Macintosh incident;
- 11.10 For a period of six months from (i) June 2014 when the Macintosh Johnson rapes were exposed and Macintosh arrested (ii) up to December 23, 2014, MTM never had a board meeting (called, emergency or regular) at which time the Board discussed and agreed a process or took action to

(i) establish the cause for the incident; (ii) accept or establish responsibility for the cause of the incident; (iii) authorize a probe of the entire incident to derive conclusions that the organization would learn from; and/or (iv) provide for the sustainable care and support of the survivors who have come forth and any other(s) who may later come forward or otherwise become identified;

11.11 That excerpts of the minutes of MTM Board meetings held between the period from June 2014 when the the Macintosh incident became known up to the time the Panel commenced its work in October 2018 showed that the MTM board's attention to the Macintosh incident was only in the context of staff updates on the indictment and trial of Macintosh, and no more;

11.12 The Panel found no evidence that MTM authorized and/or conducted an internal probe into the Macintosh incident;

11.13 Katie maintained contact with Macintosh after he was arrested for raping the girls and even when he was charged and being held at the Monrovia Central Prison;

11.14 Katie knew, and the MTM Board was also informed by Laura Smith as per excerpts of the minutes of the MTM board meeting of October 25, 2015, that the key defense of Macintosh was that he **“and Katie were dating and he didn't want to marry her, and so then she paid the girls to lie about him to ruin his life”, but Katie failed to proceed to testify in the trial in order to rebut this plausible defense, and the MTM Board never asked her to do so;**

11.15 MTM knew that Michelle Spada, in her capacity as Program Director of MTM, filed the criminal complaint that commenced the investigation and prosecution of Macintosh and was therefore an essential prosecution witness, but MTM made no efforts to ask Michele Spada to testify in the trial notwithstanding Ms Spada's assurance of here willingness and availability to testify once called upon;

11.16 While the trial of Macintosh proceeded and the Prosecution case was being attacked and undermined by continuing suggestion of defense counsel that the entire prosecution was the product of the vengeance of Katie, a jilted lover, Katie was hardly in contact with the prosecution and was for most part out of the country supposedly raising funds;

11.17 There is credible evidence that Macintosh Johnson died of AIDS, and the SGBV Unit of the Ministry of Justice expressly confirmed requesting and receiving from the relevant authority/hospital a copy of the death certificate of Macintosh Johnson showing the cause of his death to be AIDS;

11.18 Subsequent to the arrest and failed prosecution of Macintosh Johnson along with the negative publicity that MTM received in connection therewith, another MTM beneficiary lodged yet another complaint of rape against MTM's then Operations Manager, Cyrus Cooper, but MTM decided to have the complaint (i) **"handled confidentially"** and (ii) **not to report the complaint (as it did in connection with the Macintosh incident) to competent Liberian authorities or to the Liberian Advisory Board that had been established by then;**

11.19 MTM's purported defense for not reporting the Cyrus Cooper rape incident was that the reported incident happened prior to the opening of

MTM Academy, but this defense is rebutted by (i) MTM’s own records showing the rape continuing even after MTMA had been opened and the mother of the victim incidentally employed of the organization; (ii) the allegation that Cyrus Cooper procured the silence of the victim by threatening the dismissal of her mother if she reported him; and (iii) more importantly, the fact that MTM’s activities in Liberia did not start with the opening of the MTMA, but at the time the it began its scholarship program and its beneficiaries were being asked to go to the homes of Cyrus Cooper and Macintosh Johnson for arts classes or other purposes;

11.20 MTM maintains its position of not being responsible for reporting the Cyrus Cooper rape incident even after the survivor and her parents informed the organization that the Liberia National Police was giving them the go-around and they would just “give up because they are not being taken seriously”;

11.21 MTM has been implementing a renewable one-year MOU with the SGBV Crimes Unit of the Ministry of Justice in respect of the girls counseling and other support, and that the cash obligation of MTM under the MOU and for its entire one-year period is US\$840.00²⁹, which covers meal, transportation and recreational allowance for all of the ten (10) girls as well as allowance for their counseling sessions and foster care monitoring by the SGBV Crimes Unit;

²⁹ The MTM’s Board, in response to the draft report, suggests that “In addition to the payments above in the MOU, MTM spends roughly \$12,000 annually for the 10 girls with the following breakdown:

\$2k stipends

\$1.5K weekly life skills sessions

\$3.5K foster care

\$800 health

\$3.3K school fees

\$900 transportation

- 11.22 At least one of the survivors is HIV+ and is aware of her status;
- 11.23 The residence, training, experiences, and other backgrounds of previous and current directors of MTM do not reflect a proper mix of the expertise, sector and locale knowledge appropriate to the operations of MTM in a post-conflict African country;
- 1.24 The excerpts of the minutes of MTM Board meetings provided the Panel showed (i) inadequate documentation of the deliberations and decisions of the directors and (ii) either a limited appreciation of or a deliberate indifference to the responsibility of corporate directors that include duties of care to both the organization and its primary stakeholders as well as, in the particular case of MTM, safeguarding obligations to beneficiaries;
- 11.25 The Advisory Board of MTM comprising of Liberians in Liberia has no effective authority or voice in the running of MTM, and there is little evidence that they have had any formal consultation or meeting with the US Board in respect of MTM operations; and
- 11.26 Nearly all of the survivors and their parents as well as other residents of West Point whom the Panel met are very appreciative of the work of MTM and desire that MTM be supported to continue its operations but in compliance with Liberian law and procedures because they believe that if MTM was made to close or suffer any other serious action it would only work injuries mainly to the girls.

12.0 Conclusions

Based on a careful review of all the relevant information, circumstances, actions and inactions, responses and no responses contained mentioned in this Report, the Panel concludes as follows:

1. The conduct and other actions of each of Macintosh Johnson and Cyrus Cooper establish a prima facie case of statutory rape by Macintosh Johnson and Cyrus Cooper while in the employ of MTM and in the course of their duties;
2. MTM has responsibility and may be held liable civilly or otherwise for the acts of its employees-Cyrus Cooper and Macintosh Johnson- and also for its conduct in not reporting the Cyrus Cooper rape allegation.
3. MTM as an organization, along with its directors, CEO and other senior officers involved in handling the two incidents may be found to have violated the Children Law of 2011 (“Children Law”), especially the provisions of the Children Law dealing with (i) the principles of the best interest of the Child, (ii) the standards for child protection practitioners, and (iii) the failure to report “to report a case of child abuse or neglect. In particular, the records tend to show that MTM did not (i) “take as a primary consideration, the best interest of the” survivors as required by Section 1.2 of Article VIII of the Children Law; (ii) “demonstrate dedication to duty and commitment to the protection of every child, especially such a child as may be in need of protection”, as required by Section 1.2(d) of Article VIII of the Children Law; (iii) iteratively assess and respond to any risk that may result in any child’s vulnerability to abuse, exploitation, and neglect” as required by Section 1.2(f) of Article VIII of the Children Law; (iv)”demonstrate a holistic approach in child protection work aimed at achieving results that prevent, and respond to child

exploitation and abuse”, as required by Section 1.2(g) of Article VIII of the Children Law;

4. The abuse of the MTM beneficiaries in Liberia and/or the delay in discovering the abuse can be traced to (i) the decision of Katie to start MTM’s operation in Liberia at private home(s) without necessary policies, structures, and established offices; and (ii) her romantic relationship with and high trust in Macintosh;
5. The action of Katie Meyler in (i) granting Macintosh Johnson near sole authority in deciding who obtains and maintains the MTM scholarship; (ii) allowing Macintosh Johnson to be alone with one or a few of the minor students, and (ii) failing to report her fear or suspicion that Macintosh Johnson breached the duty of care owed the children and her safeguarding obligations to the survivors as per the provisions of the Children Law of Liberia and probably under other applicable laws;
6. That the conclusion of the McLane Middleton Report relative to the increased duty of care incumbent on person entrusted with the care of children is consistent with, and a fair statement of, the provision of Liberian law, but this enhanced duty is not limited to only those responsible for the day-to-day operations of MTM but to MTM directors who, by virtue of the Bylaws are responsible for and vested with the management of the organization;
7. That the facts of the incidents, horrible as they are/were, are not as troubling as the persistent failure of the MTM to have accepted responsibility for the incidents, learn from them, and, working with with partners, forged ahead with accountability, improved procedures and transparency;

8. That Katie's romantic relationship with Macintosh Johnson was a key factor that negatively influenced her handling of or response to the Macintosh case, including her reluctance to have gone to testify in the trial despite repeated knowledge of the defense's key arguments that the prosecution was nothing more than the machination of Katie against Macintosh because the latter did not want to marry her and in fact terminated their romantic relationship;
9. That the conduct of Katie in respect of either or both of the two incidents was more the result of inexperience, but the conduct of the MTM Board now and then was/is an astonishing failure of oversight and/or refusal to accept responsibility and be accountable.
10. That MTM and/or its Board has neither accepted nor appear willing to accept full or partial responsibility for the causes of the incidents, and are very sensitive to public disclosure/discussions of the incidents, and the acts of the Board to (i) assert attorney-client privileges in respect of some queries of the Panel and (ii) its sudden preference to communicate with the Panel through legal counsel stand in proof of this conclusion;
11. That while Katie's conduct was wrongful, she appeared have been somehow remorseful and in fact provided the Panel most of the documents used to complete its investigation. The MTM Board, on the other hand, is a body of several experienced professionals who (i) have primary responsibility for management of MTM, subject to delegating some of its responsibility to agents such as Katie; and (ii) knew or should have known of Katie's limited experience in corporate governance and management of schools as well as safeguarding of vulnerable beneficiaries but provided not effective oversight in respect of MTM's operation under Katie.

12. The MTM Board has not accepted that the organization and the directors then in office (some of whom are still in office or associated with MTM) have/had responsibility and may be held liable for their actions and inactions, including misrepresentation of facts and failure to report alleged or known abuse of a child in vulnerable situations;
13. The title of this Report initially ended without a question mark because the Panel entertained the belief or confidence that the MTM Board would accept responsibility or allow an open and frank discussion of the details of the incidents as a means of healing and forging a way forward. However, given recent conduct of MTM Board especially its expressed disassociation with the work of the Panel vis-a-viz prior assertion of attorney-client privileges in regards to a number of queries, the Panel has substantial doubts as to whether MTM currently has or can cultivate the requisite commitment, governance and transparency and sense of responsibility fit for its mission and operations in Liberia;
14. Given Michel Spada's emphatic allegation against Skip Borghese and the latter's equally categorical denial, it will take a trial jury to listen to the relevant testimonies and draw conclusions as to who to believe is saying the truth;
15. Saul Garlick's July 8, 2016 mail to members of MTM Board questioning whether incidents of rape of MTM beneficiaries is "something the board wants to know about every time" gave the impression that less premium was placed on the importance of safeguarding MTM's beneficiaries, and this conclusion is inescapable even if one accepts his claim as being new in the job as president of the organization;

14. That the Ministry of Education did not adequately exercise its accreditation and supervisory functions first (i) in allowing MTMA to open without first obtaining due accreditation, and (ii) in allowing or seeing MTMA operate as an all-girl school without having seen, reviewed and been satisfied with the background and experience of adequate female administrative staff as is and would usually be the case, especially in light of the Ministry's experience with a number of other "all-girls" schools that have operated or are operating in the country;
15. That unless written evidence is shown of effective, executed consent of use of the names and photos and other information of the girls, MTM use of such information was wrongful under Liberian law and probably US laws;
16. MTM has more than just a moral obligation to the survivors, and the quantum and uncertain duration of the current support being provided them is manifestly inadequate, especially in light of the fact that at least one of the survivors is HIV+;
17. There is probably more that we did not uncover in respect of each of the two incidents given that the Panel did not have power to subpoena documents or compel attendance or testimonies of people believed to have relevant information;
18. Subsequent to discovering abuse of the girls by Macintosh, MTM adopted many of the policies it should have had in place prior to the incidents, but there are substantial doubts as to whether there is adequate commitment on the part of the director to abide by the policy and also demonstrate the openness requires for the sustainable corporate governance required to keep the organization capable of inspiring confidence.

13.0 Recommendations

- 13.1 That in any and all responses by whomever to (i) the Macintosh and Cyrus Cooper rape cases and/or (ii) MTM's handling of each matter or the liability of responsible persons all efforts should be made to consider the best interest of the survivors consistent with the provisions of the children law; and this should include respecting their requests that MTM be allowed and continued to operate in an appropriate environment that adequately protects them from abuse and also ensure compliance with applicable laws and best safeguarding practices especially pertaining to children.
- 13.2 That MTM, as an organization, and the MTM Board as the body responsible for and vested with the management of MTM should (i) accept full responsibility and liability for the incidents in question and work with stakeholders to establish a path for moving forward based on openness, accountability, and due respect for the best interest of its beneficiaries.
- 13.3 That MTM should make reasonably adequate provision for the sustainable financial support of the survivors, which should substantially be greater than what is currently provided. This could entail the establishment of a trust fund for survivors known and others that may come forward or be identified in the future.
- 13.4 That Katie Meyler accept responsibility and/or be held held liable to the fullest extent of applicable law (s) for her actions, inaction and decisions

that caused or contributed to (i) Macintosh Johnson and Cyrus Cooper abusing the girls; (ii) delayed discovery/reporting of the abuses and rapes.

13.5 That Saul Garlick should accept full responsibility and liability for his actions and omissions that contributed to MTM's failure to have reported the Cyrus Cooper rape incident to the competent authority.

13.6 That this Report be shared with the Government of Liberia to enable it hopefully (i) investigate and, if necessary, prosecute Cyrus Cooper and any other person(s) who assisted him with the alleged rape.

13.7 That, to protect the credibility of MTM and inspire the confidence of beneficiaries and their families as well as the Government of Liberia and donors, MTM should undertake comprehensive reorganization and restructuring, ensuring at a minimum (i) that those whose actions or omissions materially contributed to the incidents or contributed to false representation of Macintosh Johnson's position in MTM, and other facts, and the failure to have reported the Cyrus Cooper rape incident are sanctioned and/or removed; and (ii) that a reasonable number of its Directors are residents of Liberia.

14.0 Acknowledgments

The Panel acknowledges with appreciation the following persons who greatly contributed to the completion of this work:

- a. The MTM Liberia Advisory Board
- b. The MTM Global Board
- c. The Management and Staff of MTM
- d. All those who accepted to be interviewed by the Panel and
- e. The following persons who provided secretarial, IT, and other technical support to the Panel:
 - i. Mr. Alston Armah
 - ii. Mr Kpetermeni Siakor
 - iii. Mrs. Patricia Wiah

15.0 Signatures

Except for Mrs. Ne-Suah B. Livingstone who attended a few meetings before being indisposed, all members of the Panel fully participated in the investigation and preparation of this final report including its findings, conclusions and recommendations.



Cllr. T. Negbalee Warner
Chairperson



Mr. David Sheik Konneh
Member

Mr. T. Nelson Williams *(out of Monrovia)
Member



Mrs. Frances R. Deigh Greaves
Member



Mrs. Marpue Speare
Member



Mr. Daniel S. Grant
Member

Atty. Tonieh Talery-Wiles *(out of the country)
Member

16.0 Appendices:

Appendix A:

1. Committee's Terms of Reference
2. List of Persons Interviewed
3. MTM's Response to Draft Report
 - i. Board's Response
 - ii. Katie Meyler's Response
4. Responses to Initial Final Report
5. MTM's May 9, 2019 Letter to Ministry of Education
6. MoU Between MTM and SGBV Crime Unit

Appendix B (in a separate package):

1. Interview Transcripts
2. Other Documents Reviewed