

The System for Tracking and Monitoring Freedom of Information Requests in Liberia

Findings from a Year of Data Collection



**FREEDOM OF
INFORMATION
HOTLINE**

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Foreword

The right of access to information is a fundamental right guaranteed by the Universal Declaration of Human Rights, the African Charter on Human and People’s Rights, the Constitution of Liberia, and Liberia’s 2010 Freedom of Information (FOI) Act. As the Act says “access to information is indispensable to genuine democracy and good governance.”

For the FOI Act to work there needs to be people requesting information of government and public agencies responding. However, without the ministries and agencies submitting their annual FOI reports as required, there was no way to monitor the number and types of requests being made nor the government’s compliance with the law. The System for Tracking and Monitoring Freedom of Information (STAM-FOI) requests was developed to fill this gap.

The STAM-FOI tracks and monitors FOI requests—based on those that are reported to us—in order to provide government with a picture of compliance progress, while also helping civil society to assess its use of the law and to identify where the agencies are succeeding and where additional advocacy is merited. The STAM-FOI is being implemented in collaboration with the Liberia Media Center (LMC) and the Liberia Freedom of Information Coalition (LFIC) with technical and financial support from The Carter Center. The following report summarizes data collected over a one-year period from September 2015 to August 2016. As you will see in this report, some of the findings from STAM-FOI demonstrate that while requests are being made they are mainly from only a small group of persons, there is poor compliance by government, and we note a lack of effort by requesters to use appeal mechanisms to protect their right to information.

We want to recognize the hard-working and dedicated team that made the FOI Hotline, STAM-FOI, and this report possible. We especially thank LMC’s D. Klonnious Blamo, Jacob Debee, and Kaye P. Witherspoon for their

invaluable efforts. We also extend our gratitude to Varney Kamara of the Liberia Freedom of Information Coalition (LFIC) who provided implementation assistance. Lastly, we are grateful to The Carter Center for their development of the STAM-FOI and continued support and collaboration.

We proudly acknowledge the many individuals and organizations—including the Women’s NGO Secretariat of Liberia, County Freedom of Information Networks, and LFIC members—who have provided information about their requests for STAM-FOI data collection. We encourage everyone to continue spreading awareness of the FOI Hotline and STAM-FOI so that subsequent reporting can capture more of the requests being made and provide an even clearer account of FOI in Liberia. Moreover, we urge the Government of Liberia to continue providing the resources necessary to improve FOI implementation and compliance. Together, we can advance transparency and accountability for a greater Liberia.

Lamii Kpargoi
Officer-in-Charge

Introduction

The Liberian Freedom of Information (FOI) Act was established in September 2010. Over the past six years, Liberia has seen some progress: many government ministries and agencies have appointed public information officers and received capacity building training for implementation of the law; the Independent Information Commission (IIC) has set up its offices and procedures in order to oversee government efforts and ensure compliance with the law; and a number of hearings have been held and rulings issued. Awareness-raising efforts have aimed to increase user demand for information, and civil society groups have taken a lead, individually and working in consortium as part of the national Liberian Freedom of Information Coalition (LFIC) or more local Freedom of Information Networks, to support their constituencies in making FOI requests. Despite these advances, there remain significant challenges, and the institutionalization of access to information structures within Liberia continues to lag.

While outreach activities have done much to raise awareness of the FOI law, there was not a means to demonstrate whether people across the country were making demands for information. A common refrain often recited was that people were not interested in information and that requests were not being made, but there was no quantitative evidence to support whether these claims were accurate. Moreover, it was difficult to assess government agencies' compliance with the law as most were not effectively tracking requests or issuing annual FOI reports on number of requests and their responses. Without a robust and institutionalized government tracking system, there has been very little data to confirm whether awareness raising efforts are translating to an increase in FOI requests or if government capacity building is positively impacting agency response to requests.

In order to develop an evidence base of citizen requests and government responses and to assist persons seeking information, The Carter Center, in coordination

with partners LMC and LFIC, developed the System for Tracking and Monitoring Freedom of Information (STAM-FOI) requests. Over the past year, STAM-FOI monitors and helpline operators have collected information regarding numerous requests from key regions within Liberia and supported dozens of requesters.

While STAM-FOI does not capture the universe of requests being made to agencies, it does provide quantifiable data related to this sub-set of requests being tracked, including the profile of requesters (location, age, gender), the categories of documents most often requested, the agencies receiving requests, the percentage of requests responded to timely, the rate of denial versus access, exemptions being applied, and the number of cases sent to internal appeal and/or the IIC. In addition to affording critical information to civil society related to FOI trends, the STAM-FOI data can assist governments in better understanding their compliance and where improvements may be needed.

The following report provides an overview of the methodology used to collect and analyze data; summarizes the findings from one year's worth of STAM-FOI data collection; recognizes the limitations of this work; reviews lessons learned and provides a number of recommendations for moving forward.

Methodology

The System for Tracking and Monitoring FOI requests consists of a hotline for assistance and to channel notification of requests to monitors; an extensive Excel spreadsheet for data collection and analysis; an accompanying procedures manual; monitors who operate the hotline, provide technical FOI assistance, and input data; and managers who are responsible for hotline/system oversight, quality control, and reporting. All monitors and managers received extensive training on addressing and assisting callers including protecting anonymity, gathering content/data, and maintaining related physical and electronic files. Monitors were required to have a general understanding of the benefits and function of FOI and received additional technical and substantive training. Initially the project employed four monitors but it was determined that two monitors were sufficient to effectively manage the hotline and input data.

For STAM-FOI to succeed, the monitors must be made aware of requests and receive sufficient details in order to track the request from application through receipt of information or denial. Therefore, in addition to the establishment of the STAM-FOI tracking system, much emphasis was placed on raising awareness of its existence and encouraging partner organizations and individual requesters to provide notification of requests, agency responses, and appeals.

Awareness Raising

In efforts to raise awareness about STAM-FOI and the hotline, LMC, LFIC, and The Carter Center used existing networks in target counties to spread the word and to provide additional follow-up on the status of requests. National partners in Monrovia, including LMC and LFIC, used various events as a platform for disseminating the hotline numbers among their constituents. In seven counties including Bong, Grand Bassa, Grand Gedeh, Lofa, Nimba, River Gee, and Rural Montserrado, The

Carter Center relied on its FOI Networks to raise awareness at town hall meetings and other capacity building events for civil society organizations (CSOs). Over 4,000 bumper stickers bearing the Lonestar and Cellcom numbers and short code for the FOI hotline were distributed in the seven regions and across Monrovia. In the first six months of STAM-FOI operation, dedicated funds were used to raise awareness over national and local radio and explicit meetings and gatherings were held for the sole purpose of STAM-FOI outreach. Limited funding in the second half of the year required partners to be more creative and rely on existing activities/events to get out the hotline number and encourage requesters to submit their information to STAM-FOI. LMC, LFIC, and Carter Center staff even conducted outreach by making personal calls to CSO leaders and community groups.

FOI Hotline and Support

The FOI Hotline was set-up to receive calls from the general public regarding the procedures for filing and tracking a FOI request, filing a related appeal, or any general questions about Liberia's FOI legislation and an individual's rights under the law. With the establishment of the STAM-FOI, the FOI Hotline assumed another function—to receive calls from persons specifically interested in having their request monitored and tracked and to channel relevant calls from the hotline to the STAM-FOI system. In addition to calling the FOI hotline, individuals can walk into the LMC offices to request assistance or provide information regarding a FOI request. Regardless of the manner in which an individual requests FOI support, the monitor who takes the call or serves the visitor is required to adhere to a general code of conduct to ensure prompt and professional customer service.

Once interested persons and organizations began using the FOI hotline, the monitors were charged with tracking data on callers and requesters. When answering calls, monitors follow carefully crafted scripts and record

information by hand on “caller information sheets” that are kept in a binder to ensure consistency and organization of data. Upon receiving a call, monitors must first determine if callers are interested in receiving support on how or where to submit requests for information or appeals, or if a caller has already submitted a request for information or filed an appeal and is calling to have their request recorded for tracking and monitoring in STAM-FOI.

If the caller is interested in general FOI support, monitors are directed to consult a thorough list of frequently asked questions and guidance that is annexed to the procedures manual. In the event a request already has been filed, the monitors record specifics about the request including the date submitted, to which agency, and the information requested into the STAM-FOI database. The requesters are encouraged to call back with any updates to ensure system data is as accurate and current as possible.

In both cases, the monitors record the caller’s name, contact information, location, gender, and age group. At times callers may wish to remain completely anonymous. In such cases information is recorded about the nature of the call and as many specifics as possible are captured, but the caller’s name, organization, contact information, or any other identifying information is not obtained. All entries into the STAM-FOI receive a unique identification number that is provided to the caller if he/she wishes to call back to provide follow-up information, which is particularly helpful in the case of anonymity.

Data Collection and Entry

The monitors began collecting data for the STAM-FOI in September 2015. In order to initially populate the system, the monitors were asked to gather any requests that had been submitted within the 2015 calendar year. While FOI requests filed by LMC, LFIC member organizations, and the civil society/community based groups comprising the seven county FOI Networks presented the majority of the requests for tracking, there were some instances in which awareness raising efforts led to the submission of requests from callers outside of the

target areas, such as Maryland County. Beyond this outlier, all data was confined to the seven, aforementioned counties and Monrovia.

Once the record sheet was manually completed, the monitors were required to immediately enter all of the information directly into the “STAM-FOI Chart”—the Excel database of FOI requests tracked by the LMC/LFIC. As the STAM-FOI is a relatively elaborate tracking system, the information is entered into the Excel database carefully following the “STAM-FOI Chart Conventions,” which provides detailed instructions on how to input the data. Examples of the data that is collected and entered include:

- ◆ Requester’s name, organization, contact information, gender, age group, location
- ◆ Details of the request including date filed, method by which it was filed, agency, information requested, whether an acknowledgment was received and when, agency-issued tracking number if any, response due date
- ◆ Information pertaining to extensions and transfers, if any
- ◆ Response received from the agency including date received, type of response (full, partial, denial/mute), and exemption cited, if applicable
- ◆ Information about internal reviews, IIC appeals, and judicial review including dates requested/ submitted, hearings, responses/rulings
- ◆ Whether a requester considers the request complete, is satisfied with the outcome, or has abandoned the process

In general, individual STAM-FOI entries represent one request for information submitted to one agency by one individual/organization/network. However, at times it was hard for monitors to discern if a request for multiple documents or pieces of information to a single agency should be entered into the system as one FOI request or divided into several, each with a distinct tracking number. While in analyzing the data we noted there were some inconsistencies, in most cases requests for more than one piece of information—even if from the same

individual and to the same agency—were appropriately entered into the system as multiple requests. A clear example are the several FOI requests to the Liberia Maritime Authority that all were filed by the same individual on the same day, but seeking different documents/information and so counted separately with each request receiving a unique tracking number.

Follow-up

Before ending each call, FOI Hotline monitors ask requesters to stay in contact to provide updates on the status of their FOI request, in view of the 30-day legal time limit imposed by the FOI Act, or other applicable dates depending on what transpired with their request. Requesters also are encouraged to inform the monitors if they choose to discontinue follow-up on FOI requests and/or appeals, at which point the monitor notes the case as abandoned and closes the file.

The data tracking spreadsheet includes conditional formatting that turns any overdue responses red, flagging the monitors to follow-up with the requester, especially if no additional contact was made by the requester. The monitors conducted a noteworthy amount of follow-up, albeit inconsistent over the year.

Quality Control

To ensure that data collected by the monitors was accurately entered, quality control checks were carried out regularly by senior LMC and LFIC staff. Specifically, hand-written data entry forms were verified against data input into the Excel spreadsheet, confirming that unique identification numbers matched and that all information was properly entered according to the conventions. Throughout the year, additional data checks were run by The Carter Center, especially pertaining to the functioning of the Excel database.

Data Cleaning and Analysis

Since the STAM-FOI project started, a total of 425 FOI requests have been tracked; however, some requests date as far back as 2013. For the purposes of this report, only requests submitted to agencies between September 2015 and August 2016 have been included.

Within that time period, 328 requests for information were entered into the system.

In analyzing the data and presenting the summary findings, we aggregated requests under lead Ministries and agencies, rather than departments. For example, FOI requests to various district commissioners, county inspectors or superintendents, were all aggregated under the Ministry of Internal Affairs (MIA) as their governing agency. We recognize that each department and unit of the MIA is responsible for FOI implementation, but policies, procedures, directives, etc. will flow from the top and thus it is helpful for the MIA to see how it fares as a whole.¹ Another example relates to Ebola task forces, county health teams, and district health officers, all of which were grouped under the Ministry of Health. For those ministries and agencies that have received several requests, in the summary of findings below, it is noted if the requests were made at the national or county levels.

Similarly, when analyzing the types of information being sought, classes of information were aggregated into larger categories as follows:

- ◆ Legislation
- ◆ Policies, procedures and rules
- ◆ Budgets, financial accounts, resources
- ◆ Contracts
- ◆ Organizational chart/employees
- ◆ Projects, progress reports, monitoring
- ◆ Other

Confidentiality

Freedom of Information requests can be sensitive or personal in nature. Even callers who do not wish to remain anonymous deserve to have their privacy protected and respected. For this reason, personal information, such as names, contact information, etc. obtained from the callers/requesters has not been included in this report. Rather, we have included aggregate statistics. Further, all FOI Hotline & STAM-FOI staffers, monitors, and managers were required to sign confidentiality agreements that are kept on file with the LMC and updated on annual basis.

¹Please note that disaggregated data is available. For more detailed data, please contact Carter Center Deputy Director of the Liberia Access to Information Program, Alphonsus Zeon at 777-522-916.

Summary of Findings

The findings below are based on requests received for tracking and monitoring and made during the reporting period of September 1, 2015 – August 31, 2016. In total there were 328 requests reported and entered into the system. It is worth noting that a total of 96 older FOI requests made prior to September 2015 also were reported to the STAM-FOI, but have not been included for analysis in this report.

Requesters

From the data gathered it can be seen that the majority of people making FOI requests over this period were male. Approximately 83 percent of requests for which the gender of the requester is known were submitted by men, whereas women requesters represent just over 17 percent of the tracked requests. For about 15 percent of the total number of requests tracked, the requester's gender was not provided.

The age range of the requesters varied from 18 to 69 years. From the data collected it is evident that people who are in their middle ages made the majority of requests for access to information. Of those requests for which the age group of the requester was provided, 63 percent were made by requesters in the range of 30-49 years of age. Younger requesters between 18-29 years old filed about 24 percent of the requests, and older requesters between the ages of 50-69 made just 13 percent of the requests. A small percentage of all

requesters, constituting approximately 9 percent, did not provide information about their age group.

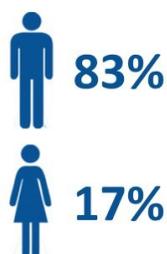
The STAM-FOI also tracks the county in which requesters currently reside. The majority, or about 54 percent live in Montserrado County, with 51 percent of the total requesters living in Monrovia and only 3 percent residing in Rural Montserrado. The next largest group of requesters, almost 15 percent, hail from Nimba County. Maryland presents a unique case, representing 12 percent of the total number of requests, but all were filed by a single requester. Just under 9 percent of the requesters tracked came from Grand Bassa. Lofa and River Gee represent 4 and 3 percent of requesters respectively. Together, just over 2 percent of requesters are from Bong and Grand Gedeh counties.

Requests

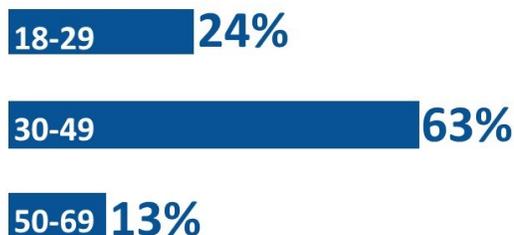
Requests for information were made to diverse institutions/agencies, including public and private institutions as well as national and international organizations. Information requests also were made to political institutions. Of the 328 total requests for information compiled and entered into the tracking system, the majority of them, 23 percent or 77 requests, went to the National Legislature, while the second largest number of requests, 17 percent or 57 requests, were made to MIA. Additionally, the Liberia Maritime Authority received almost 13 percent, or 41 requests, while about 9 percent of FOI requests representing 29 of all reported requests

Profile of Requesters

gender



age



location



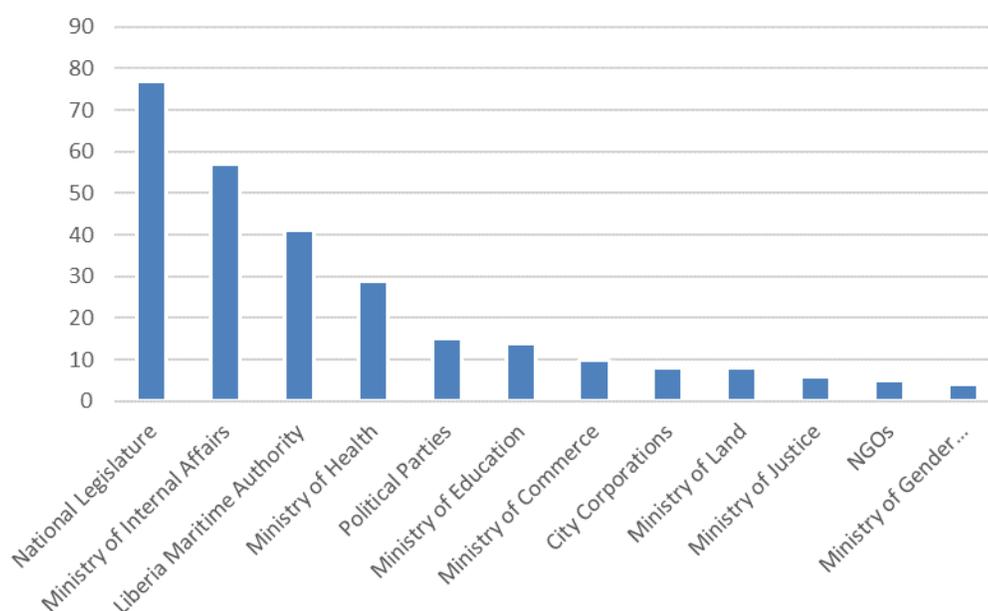
were sent to the Ministry of Health and Social Welfare, hospitals, or clinics. Furthermore, approximately 5 percent of all requests for information, were submitted to active political parties in Liberia. Almost 4 percent, or 14 requests, were submitted to the Ministry of Education or various schools. The Ministry of Commerce received 3 percent of the total number of requests tracked, and various city corporations received a little more than 2 percent or 8 requests in total. Of the requests entered into STAM-FOI, the Ministries of Land, Mines, and Energy; Justice; and Gender, Children, and Social Protection received about 5 percent collectively, or 7, 6, and 4 requests respectively. Various non-governmental organizations, mostly working to prevent the spread of the deadly Ebola Virus Disease, received 1 percent, or 4 requests. The rest of the requests were made to several other institutions and represented smaller numbers of requests per agency (see graph below).

The tracked FOI requests were aggregated into broad categories in order to analyze the general information interests of requesters. Seemingly, much of the requested information falls under Section 2.6 of the 2010 Freedom of Information Act which covers documents subject to automatic publication. The vast

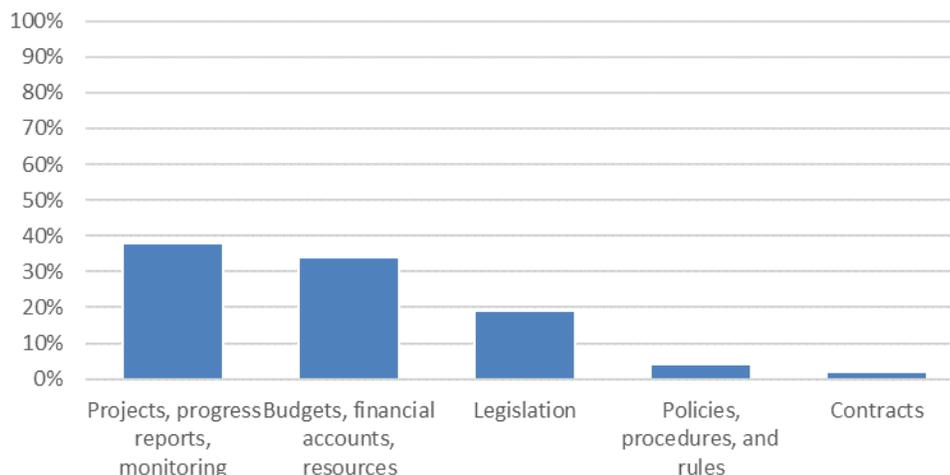
majority of requests for information, about 38 percent, relate to ministry/agency projects, strategy documents, progress reports, or other documents that arguably can be used to monitor government performance. The second largest category, representing about 34 percent of all requested information tracked, pertains to budgets, financial accounts, and resource acquisition/distribution. Legislation, policies, procedures, etc. represent approximately 23 percent of FOI requests captured by STAM-FOI, and information related to contracts and the organizational charts/employee make-up of various agencies account for 2 percent each of all requests (see graph below). The list of tracked requests will be available on the Carter Center website.

Most requests for information, 75 percent, were delivered by hand directly to the ministry/agency. However, it is worth noting that emailed requests are gaining some traction and make up nearly 13 percent of the requests tracked, even more than those submitted orally, which account for just 11 percent of requests. This percentage of electronic requests may be inflated, as the majority of requesters tracked in STAM-FOI included those made with CSO support, including organizations that have been involved in promoting e-requesting.

Number of FOI Requests per Institution/Agency



Percentage of FOI Requests by Category



Agency Response

For purposes of the analysis of agency response, it was first necessary to reduce the total number of requests from 328 to 278 as: 1) 40 requests were still pending and within the 30-day legal period for response during the time data collection; and 2) there was insufficient follow-up for 10 requests so government response is unknown. Notably, the total percentage of FOI requests that received a positive response were nominal. Only about 15 percent, or 41 requests, were responded to with full or partial information. The percentage drops even lower when the period for responding is considered. Only 6 percent (18 requests) of the overall number of tracked requests were responded to within the timeframe allotted by law. No single ministry or agency represented a significant number of these positive responses. There were some instances in which a ministry or agency received and responded to a single request for information, technically making their compliance rate for the purposes of this report 100 percent. However, one singular example should not be seen as reflective of the agency's overall compliance with the FOI law.

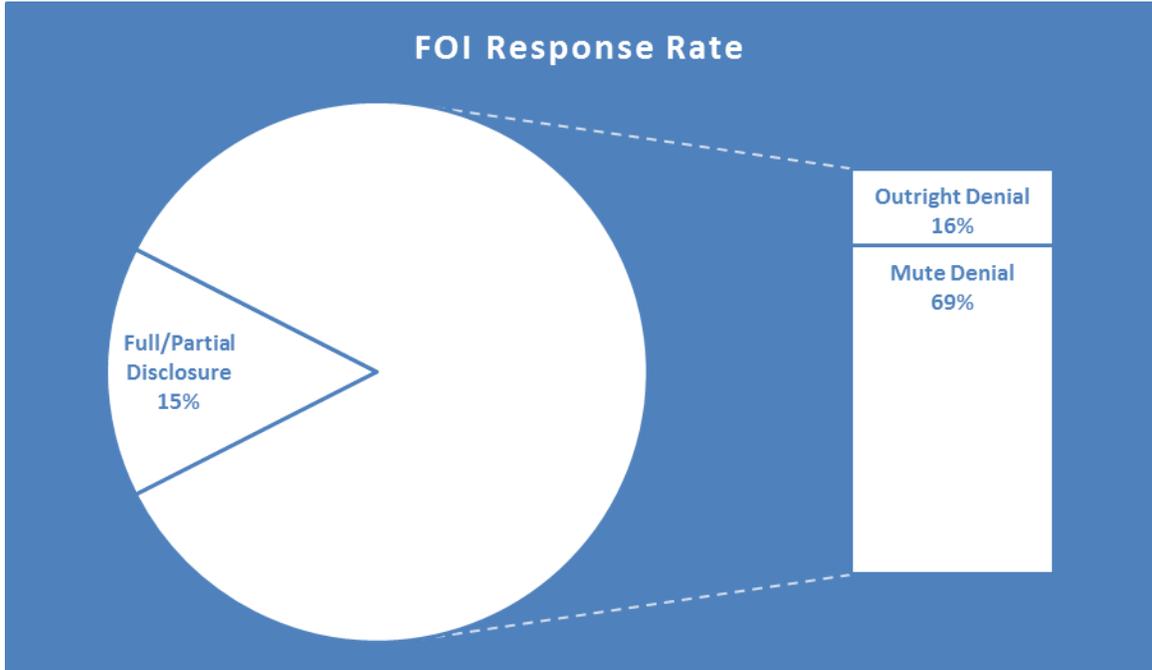
Overall, agencies performed quite poorly. In addition to the small percentage of requests that received a response within the statutory time period, of the 278 FOI requests assessed, about 44 requests or just under 16 percent were denied outright, but exemptions were

cited for only half of these denials. Notably, all 22 denials that included a legal reason for refusal cited Section 4.6 of the law, privileged communication, and all are attributed to the Liberia Maritime Authority. No exemptions were cited for the denial of the other 22 cases. Interestingly, in many of these cases, the information refused is legally mandated to be proactively disclosed, such as enabling legislation, budgets, and financial accounts, thus indicating that these denials to release information were contrary to law.

Most requests, about 69 percent or 193, were met with mute denial, whereby the ministry or agency simply did not respond. For those ministries and agencies that received a larger number of requests, an outright failure to even respond often was the case. For example, 92 percent of all requests received by various representatives of the National Legislature were not responded to in any way. About 83 percent of requests grouped under the Ministry of Health, 71 percent of various city corporations, and 60 percent under the MIA were ignored. Moreover, all 19 requests transferred to another agency for response were met with mute denials (see chart on following page).

Appeals

In 25 percent of the cases where requests were met with mute or outright denial, requesters merely



abandoned the process of following up. Data collected shows that a total of only 74 internal reviews were requested after the lapse of the first 30-day period for response. Unfortunately, there is no record to show that any actions were taken by the institutions to carry out the internal review. Most of the internal reviews were filed by just two requesters. Even more striking, only one complaint was filed with the IIC during the reporting period. This case remains unresolved, as the IIC hearing has been rescheduled twice due to negligence on the part of the Paynesville City Corporation to appear, and the IIC has failed to rule on behalf of the requester.

Limitations with the STAM-FOI

- ◆ STAM-FOI partners and monitors only were able to collect a subset of the full universe of requests made to Liberian public authorities. However, as there remain very few agencies reporting on the number of FOI requests submitted, we cannot determine the percentage of requests that are tracked via STAM-FOI versus the full number of requests being made.
- ◆ The sub-set of requests that were tracked may not be representative of all requests and responses.
- ◆ In light of the self-reporting of requests and the prerequisite of having learned through workshops or certain radio programs of the STAM-FOI's existence, there may be some bias in the findings, particularly related to the profile of requester, process used for making a request, agencies to which requests have been submitted, and type of information requested.
- ◆ Awareness raising efforts took place in a limited number of counties, accounting for the higher number of cases being tracked in certain areas of the country, also potentially leading to some bias.
- ◆ The local monitors received training and oversight, however, there may be instances in which conventions were not fully adhered to or mistakes occurred. Moreover, as noted in the report, there was some inconsistency among the monitors with relation to counting requests and applying unique tracking numbers.
- ◆ For purposes of this report, we aggregated agencies and departments into their lead ministry. This aggregation does not allow for the analysis of compliance rates by individual agency or local office.
- ◆ Lack of follow-up on behalf of both the requesters and STAM-FOI monitors resulted in the need to exclude a handful of requests from compliance calculations, as noted in the summary of findings.
- ◆ The STAM-FOI helps to gather data and identify trends in Liberia related to the right of access to information via requests. It does not cover information that has been proactively disclosed by institutions/agencies.

Lessons Learned and Recommendations

Over the course of the STAM-FOI project, a number of lessons have emerged related to both the public agencies' responsiveness to requests and the attitude of the public in their quest to seek access to public information. The following list, though not exhaustive, represents some of these lessons and recommendations for future advancement:

- ◆ While it is unclear how many requests are actually being made, as the agencies are not effectively tracking or reporting this data, the use of the FOI Hotline and requests submitted to STAM-FOI for tracking appear quite low. Liberia is estimated to have approximately 2.4 million adults; the 328 requests entered into STAM-FOI for tracking represents approximately .014 percent of the adult population and most of these requests were made by the same individuals. This low figure of requests tracked by STAM-FOI may be attributable to a lack of awareness of the tracking system as well as the difficulties that the monitors faced in encouraging those organizations cognizant of the system to enter requests for tracking.

Recommendation: Future activities should focus on increasing awareness of the STAM-FOI and growing the number of FOI requests entered for tracking and monitoring.

- ◆ The lack of internal tracking systems in the public agencies and failure to report, resulted in our inability to compare and validate the STAM-FOI findings against official data.

Recommendation: The agencies should seek to institute an effective tracking system, and the IIC should oversee compliance with the law including submission of legally mandated annual reports.

- ◆ Although the FOI mandate extends to the private sector when receiving government monies or performing a public function, the preliminary STAM-FOI data indicates that the vast majority of requests are being made to public institutions.

Recommendation: Greater awareness around the right to seek information from private entities that

receive public funds or perform public duties may influence this finding.

- ◆ Most of the requests captured by STAM-FOI are for information that falls under the automatic disclosure provision of the Freedom of Information Act. This shows that an effective proactive publication scheme would greatly reduce burdensome requests being made to government institutions.

Recommendation: Public agencies should place increased emphasis on proactive disclosures of information as mandated by law.

- ◆ Complaint/appeals mechanisms are underutilized, even in Monrovia. Only a very few dissatisfied requests sought internal appeals, and only one of the requests tracked by STAM-FOI was appealed to the IIC.

Recommendation: The IIC should seek to increase awareness of the rights to appeal and mechanisms for requesting an appeal, and requesters encouraged to file appeals. A clear strategy of building strategic partnerships with Monrovia-based and rural community media outlets to popularize the rights to appeal and the IIC would help reach more Liberians across the country. Moreover, the Commission should seek to ensure appeals are handled expeditiously.

- ◆ Many women are not participating in the FOI process because of various obstacles that prevent them from exercising their right of access to information.

Recommendation: A sustained outreach, in collaboration with the efforts of The Carter Center and its partners, should be put in place to increase awareness of these obstacles and implementation of the identified solutions by all stakeholders.

- ◆ Public officials, especially at the county level, are ignoring requests for public information. In many instances these situations involve requests for information related to public finance expenditures, which should be available automatically without official approval.

Recommendation: Increase the awareness and understanding of the FOI law among local government should be considered a priority.



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**L/0888300264
C/0776729698
SC/1281**



THE
CARTER CENTER



Lamii Kpargoi
Officer-in-Charge
Tel. 777-008-143
lkpargoi@yahoo.com

Varney Kamara
National Program Coordinator
Tel. 886-431-139
alihassan1788@gmail.com

Alphonsus Zeon
Deputy Director
Liberia Access to Information Program
Tel. 777-522-916
alphonsus.zeon@cartercenter.org