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Rights and Accountability in Development

Broken Bones and Broken Promises

Barrick Gold's North Mara Mine Fails to Address Ongoing Violence

FOR IMMEDIATE RELEASE

Tuesday 17 November, 2015 – Oxford (UK)/Ottawa

A second human rights field assessment at Barrick Gold's Tanzania subsidiary, Acacia Mining¹ (formerly African Barrick Gold), calls into question commitments made by the company to stop excessive use of force by mine security and police guarding the mine. Interviews conducted by MiningWatch Canada and the British NGO Rights and Accountability in Development (RAID) also confirmed allegations made by a Tanzanian Human Rights NGO², at the United Nations in December 2014, that the grievance mechanism at the North Mara Gold Mine Ltd. (North Mara) was used strategically to divert victims from taking legal action. These victims are now facing broken promises by the company and inadequate remedy to deal with the serious long-term harm they have endured.

Between late October and early November 2015, MiningWatch and RAID revisited the North Mara mine after a year and conducted more than 50 interviews with victims of excessive use of violence by mine security and police guarding the mine and their families. Injuries are related to gun fire, severe beatings with batons and other weapons, rape and gang rape. "We were shocked to find a high number of victims whose alleged assaults had occurred in the months and weeks before our arrival, and even while we were at the mine," says Catherine Coumans of MiningWatch Canada, "every village we visited around the mine has numerous victims of excessive use of force, and the violence shows no signs of abating."

MiningWatch and RAID also conducted interviews with victims of violence who had been promised remedy by the North Mara mine. These victims all had to sign documents to relinquish their right to take legal action against Barrick Gold and its subsidiaries in return for remedy through the mine. Some of these victims were persuaded to drop their legal claims through a law suit filed on their behalf by Leigh Day in London, UK. "We have found that the process by which victims gave up their legal rights was highly irregular," says Tricia Feeney of RAID. "Promises were made verbally that were not reflected in the documents people were asked to sign, or thumbprint, and in some of these cases contractual

¹ UK-registered and London-listed Acacia Mining indirectly owns the North Mara gold mine in Tanzania via its wholly owned subsidiary, North Mara Gold Mine Ltd. In March 2010 African Barrick Gold (ABG) was spun off from Barrick and changed its name to Acacia Mining. Barrick retains a majority shareholding in Acacia Mining of 63.9%.

² Forum on Business and Human Rights, UN Geneva, 3 Dec 2014 – Panel discussion: Operational-level grievance mechanisms. <http://webtv.un.org/search/operational-level-grievance-mechanisms-forum-on-business-and-human-rights-2014/3947311996001?term=Evans%20Sichalwe> ; min 42:50

obligations were never carried out. In other cases victims didn't even get copies of the contracts they had signed until they organized to demand them more than a year later.”

The Leigh Day lawsuit was settled out of court in February of this year. Victims interviewed by MiningWatch and RAID who received remedy from North Mara now find themselves cut loose from the remedy program, but still facing life-altering injuries and medical needs, such as care for prostheses that need regular adjustments, while newly injured men and women are either unaware of the remedy program or finding it is not responsive to their requests for assistance.

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For more information see:

- Summary of findings from Human Rights Assessments in 2015 (below)
- November 3, 2015 letter from MiningWatch Canada and RAID-UK to Barrick/Acacia/NMGM Ltd. (below)
- Press release and findings from Human Rights field assessment at the North Mara Gold Mine Ltd. in 2104. <http://www.miningwatch.ca/news/violence-ongoing-barrick-mine-tanzania-miningwatch-canada-and-raid-uk-complete-human-rights-ass>

Summary of findings from human rights assessments at Barrick Gold's North Mara Gold Mine February and October–November 2015.

Catherine Coumans and Patricia Feeney

Ongoing high levels of excessive use of force by mine guards and police guarding the mine

- Shortly after MiningWatch and RAID completed a human rights assessment of the North Mara mine in June-July 2014, Inspector General of Police (IGP) Ernest Mangu and Home Affairs Minister Mathias Chikawe toured the mine for the first time. Mangu assured that “strong disciplinary measures would be taken against any police officers engaging in unethical practices when assigned to guard the mine,” and Chikawe “declared zero tolerance against unethical police officers.” However, data gathered in February 2015 under the direction of MiningWatch and RAID by a research assistant who worked with a local paralegal trained by the Tanzanian Legal and Human Rights Council, as well as by MiningWatch and RAID in October-November 2015, indicates that excessive use of force against both men and women by both police and by mine security remains high. ***MiningWatch and RAID have documented 33 new cases of alleged excess use of force by mine security or police guarding the mine since July 2014.***

Serious allegations against North Mara's grievance mechanism

- Promises made verbally to victims of excess use of force by mine security or police guarding the mine did not end up in the formal contracts signed, or finger printed, by recipients of grievance mechanism remedy packages. For example, as part of their remedy package, victims of rape and gang rape were entered into a time-limited program where they learned how to sew clothes. Women interviewed by MiningWatch and RAID indicated that they were told verbally that they would be receiving the sewing machines they had worked on once the program ended. However, when the program ended abruptly, before the date indicated in the contracts, the women were locked out and told they would not be receiving the sewing machines.
- Rape and gang rape victims signed or finger-printed contracts in which they waived their legal right to take civil action against Barrick Gold and its subsidiaries. However, MiningWatch and RAID were told that the women were not provided copies of the contracts they had signed until they collectively took action to demand to see their contracts in July 2015. Depending on the dates of the contracts this was a year or more after the contracts had gone into force. Shortly after this successful action by the women to get copies of their contracts (during which they were allegedly confronted by police) the sewing program closed down without warning.
- Victims of excessive use of force by mine security and police (some of whom were clients of the UK law firm, Leigh Day & Co.) have indicated that prior to the settlement of the Leigh Day case in February 2015 they were actively pursued by personnel from the mine's Human Rights Grievance Team to accept a remedy package offered by the mine (in return for signing legal waivers). However, after settlement of the Leigh Day case in February 2015, victims enrolled in the mine's remedy program who spoke to MiningWatch and RAID indicated that they found the mine's grievance mechanism and officers increasingly less responsive to their needs.
- Victims who signed legal waivers in return for remedy packages offered by the mine often have medical needs that require life-long attention – such as prostheses. MiningWatch and RAID found that some of these victims are finding that the grievance mechanism has stopped providing the ongoing support they need.
- MiningWatch and RAID interviewed numerous male and female victims of excessive use of force by mine security or police guarding the mine in 2014 and 2015 who either are not aware of the existence of the grievance mechanism, or who had approached the grievance office and were not assisted. Some of these victims are in need of immediate medical support.

Letter from MiningWatch Canada and RAID-UK to Barrick/Acacia/NMGM Ltd. Hand delivered to the grievance office at the North Mara Gold Mine on 3 November 2015.



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Rights and Accountability in Development

3 November 2015

Chief Grievance Officer
North Mara Gold Mine Ltd
PO Box 422

Tarime, Tanzania

Dear Sir or Madam,

We are writing to request that Acacia Mining give urgent consideration to the situation of a number of people we have interviewed, most of whom require emergency assistance. Some of the individuals allege that they sustained serious injuries as a result of excessive use of force by mine security personnel and/or police guarding the mine over the past few months. These incidents are recent, most occurred in September and October 2015. Two cases concern a fatality (on the mine site) and injuries sustained in traffic accidents involving NMGM vehicles.

In a few instances the cost of preliminary medical treatment has been covered by NMGM but the injuries are of such gravity as to require further treatment to avoid a drastic deterioration in the individuals' condition and/ or to prevent permanent physical impairment. Some of the victims require urgent neurological examinations and may need long-term rehabilitation and adaptive equipment to enable them to live with dignity. In other cases those injured have not approached the Complaints Office because either they were not aware of its location or of its existence. Many people who have contacted the Complaints Office claim that they have not had a response within the promised 30-day period.

We hope it will be possible to meet staff at the Complaints Office before we leave Tarime to enable us to discuss the evolution of the Grievance Mechanism and measures taken to deal with the continuing high level of violence in the vicinity of the North Mara Mine, as well as concerns about specific urgent cases.

We note that in Acacia Mining's Responsible Mining Report 2014 the Company states that it has 'transitioned management of security at North Mara' with 'encouraging results'. However reports of the use of excessive force by police and security personnel are widespread even if the number of incidents involving the use of firearms would appear to have declined during 2015. Apart from shootings, the abuses allegedly carried out by police and mine security personnel involve indiscriminate beatings with

blunt instruments (batons, metal pipes and hammers) or throwing of large rocks and boulders, which can cause very serious internal injuries and may lead to severe neurological damage.

We would appreciate obtaining a breakdown of the number of complaints received by the NMGML Office in 2014 and 2015 involving alleged physical abuse and the use of excessive force by police or mine security; and the number of people who have been or are still receiving assistance from NMGML.

We would also welcome the opportunity of discussing concerns that have been raised about the implementation of the remedy programme and Acacia's alleged failure to meet its obligations under the agreements with a group of men and women, who suffered harm and who had accepted the company's offer of a remedy. The original agreement required complainants to waive their legal right to seek judicial redress before they could access the remedy package.

Yours sincerely,

Catherine Coumans, Mining Watch Canada
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Patricia Feeney, RAID UK
Email:Tricia.feeney@raid-uk.org

[Signed original hand delivered to the North Mara Gold Mine Ltd. grievance office on 3 November 2015.]

CC Gary Chapman, General Manager, North Mara Gold Mine Ltd
Brad Gordon, CEO Acacia Mining
Katrina White, Director, North Mine Gold Mine Ltd and General Counsel, Acacia Mining
Deodatus Mwanyika, Director, North Mara Gold Mine Ltd and Vice President Corporate Affairs, Acacia Mining
Peter Sinclair, Senior Vice President, Corporate Affairs, Barrick Gold Corporation