

Why seeking remedy from the company is a poor option for victims

For the vast majority, the complaints process ends before it has even begun. Statistics in Acacia's 2016 annual report show the Mine decided that over 90% of complaints against it were 'unsubstantiated or inconclusive'. Many who fill out a complaint form never hear from the Mine again. The Mine does not explain why a claim has been rejected.

Victims who complain are on their own. Most complainants do not have an adviser or lawyer and have no help to complete complex forms, gather evidence, or argue their case at dialogue meetings or appeal hearings. Even when claimants are told about company vouchers, these pay for just a few hours' worth of advice. Complaints are often about the most serious human rights violations, including killings by police guarding the Mine, but victims are effectively denied any further advice.

The company is reluctant to confront police violence. Despite their record of violations at the mine, the company does not clearly state that it will consider complaints against the police. It omits to do so in circumstances where the Mine calls upon, coordinates with and pays, armed police to provide security. Allegations about police brutality and killings go to the heart of this relationship. The Mine is disinclined to challenge evidence provided by the police, even when weak or blatantly biased.

Investigations are one-sided. Victims must face a team of investigators, all employed by the Mine, who decide whether they have suffered an impact. Victims without advisers, many of whom cannot read, have been presented with investigation reports in a foreign language they do not speak the evening before dialogue is due to begin. The same team offers to gather evidence on behalf of the victims, but in doing so controls their access to information held by the Mine about an incident. There is a fundamental conflict of interest when company investigators weigh evidence they choose to rely upon to decide if the Mine has a case to answer.

Appeals are subject to company control. If victims disagree with the Mine's findings, they can appeal to a supposedly independent committee. Even on paper, the company has significant control over the appointment of two out of three members of this appeals body. In practice, it currently appoints all three. Ultimately, the company calls the shots, including intervening in proceedings.

Compensation is low and arbitrary. If, against the odds, the Mine agrees to provide some compensation, victims must fill out complex remedy forms, evidence their claims, and decide whether any offer made to them is fair. It is unfeasible for victims, without proper advice, to have any chance of arriving at a decent settlement. As a final hurdle, the company will dock the amount awarded if it alone decides that victims were engaged in 'criminal' behaviour.

Maintaining dignity in a demeaning process. Victims are forced to go to the company responsible for their losses to seek redress. They must rely on the Mine for access to essential evidence, and have no alternative but to accept partial advice and assistance with basic tasks, even when concerning sensitive areas, like giving statements. Victims can be made to wait months to hear of progress, despite urgently needing medical treatment, all the while at risk from police reprisal and accusations of criminality. Throughout, the extreme power imbalance between victims and the Mine is driven home, requiring great resilience and strength of character on the part of complainants.