



Rights and  
Accountability  
in Development



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## **Out-of-Court Settlement Good for Some Tanzanian Villagers – But Many Others Hindered from Participation by Barrick’s Grievance Mechanism**

FOR IMMEDIATE RELEASE

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Rights and Accountability in Development (RAID) and MiningWatch Canada (MiningWatch) recognise the significance of the settlement, announced on Friday 6 February 2015, of claims brought by Tanzanian villagers alleging that African Barrick Gold (now Acacia Mining) and its subsidiary were liable, through complicity, for the killing and injury of locals at the North Mara mine<sup>1</sup> by police guarding the mine. The claims, brought by leading law firm Leigh Day, were denied by the companies. The settlement will be of substantial material benefit to the claimants concerned, yet wider questions about alleged human rights violations at the mine remain unanswered. No one has been brought to justice for the abuses, and those victims who were not included in the settlement will be unable to benefit from the more generous compensation offered to those who persevered with the claim. Acacia Mining and Leigh Day have not provided any details about the terms of settlement in this case.

The North Mara mine has long experienced violence allegedly involving both mine security and local police who are paid under an agreement to provide security at the sprawling Tanzanian mine. Patricia Feeney, RAID’s Executive Director, said:

The settlement is good news for the 9 claimants and their 13 dependents. Leigh Day is one of few law firms willing to take on such cases. But Acacia Mining should not be let off the hook about its obligations towards the many other victims of ongoing mine violence. Justice has not yet been achieved

Originally, Leigh Day represented 33 claimants but the number was rapidly whittled down. According to MiningWatch’s Catherine Coumans:

It is deeply troubling that some of Leigh Day’s former clients whom we interviewed in June and July 2014 told us that they had been specifically targeted to forgo their legal claims and sign up to the Mine’s flawed remedy programme.

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<sup>1</sup> In March 2013 proceedings were brought in the High Court of England and Wales by the law firm Leigh Day against African Barrick Gold (now Acacia Mining) and its 100% subsidiary, North Mara Gold Mine (NMGML).

In 2013, in an apparent response to the threat of litigation, the company hastily put in place a grievance mechanism to deal with alleged cases of human rights abuses. In order to receive compensation, victims must sign a controversial legal waiver preventing them from suing Barrick or any of its subsidiaries in any jurisdiction for the harm they have suffered. Many of Leigh Day's original clients were persuaded to sign up to the programme<sup>2</sup> without the benefit of having their lawyers present. Some now regret this and believe that they fell victim to a process by which they received paltry levels of compensation for life-changing injuries or deaths sustained in security incidents at the mine.

Apart from the legal waivers, MiningWatch and RAID found other flaws with the North Mara grievance mechanism. It is not transparent, the findings of internal investigations are not published, it is administered by mine staff in a seemingly *ad hoc* fashion and the level of compensation being offered is often neither appropriate nor commensurate with the harm suffered.

There are continuing reports of violence at the mine: since September 2014, local human rights sources allege that there have been at least 20 new cases of deaths or serious injury at the North Mara.

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<sup>2</sup> See "Barrick Faces Court in London", 6 November 2014, <http://www.miningwatch.ca/news/barrick-faces-court-london>