

**RAID**  
*Rights & Accountability in Development*

**Open Letter to Bill Turner, Chief Executive, Anvil Mining Ltd**

15 July 2005

Dear Mr. Turner,

I am writing about a matter of the utmost urgency. Rights and Accountability in Development (RAID) has been informed that the staff of the Congolese human rights organization, l'Association africaine de défense des droits de l'homme (ASADHO/Katanga) have been subjected to a campaign of intimidation and threats, many of which have been relayed on the official radio and television station, Radio Télévision Nationale Congolaise, Station du Katanga (RTNC/Katanga). This intimidation followed calls by ASADHO/Katanga in the beginning of July to the Congolese authorities to conduct a prompt and impartial inquiry into the events that occurred at Kilwa last October.

According to information that RAID has received on Wednesday 13 July 2005, ASADHO/Katanga's office in Lubumbashi was surrounded by an angry mob making overt threats against ASADHO's staff. Despite appeals for assistance, the Congolese Police allegedly took no action to calm the situation, to disperse the crowd or to provide protection to ASADHO.

According to ASADHO/Katanga the level of intimidation against them has increased as a result of a series of broadcasts on RTNC/Katanga which appear to have been condoned by M. Kisula Ngoy, the Governor of the Province of Katanga. ASADHO/Katanga has been threatened apparently because of the allegations that have been made about Anvil Mining's role in the tragic events at Kilwa, which, in the face of Congolese Government inaction, RAID and others have asked the Australian Federal Police to investigate.

Over 100 people died, 28 of whom, according to the U.N., might have been summarily executed, when the Congolese Armed Forces went to quell a small-scale uprising in Kilwa, near to Anvil's Dikulushi mine. According to an Anvil news release dated 15 October 2004, the rebel group comprised 50-100 people whose leader wore sandals, and comprised a small band of disaffected individuals "who had no issues with Anvil". The response by the Congolese military the following day was indiscriminate and ferocious. The appropriateness of Anvil providing logistical support to the Congolese Armed Forces, which has an appalling human rights record, in such circumstances, is one of the issues that the Australian authorities has been asked to investigate.

In calling for a full inquiry into the Kilwa incident ASADHO/Katanga has done nothing more than exercise a right recognized under Article 12 of the United Nations Declaration on Human Rights Defenders which states: "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms".

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Clearly it is the responsibility of the Government of the Democratic Republic of the Congo to take appropriate steps to protect the physical integrity of the staff of ASADHO/Katanga. However, in view of the fact that the intimidation appears to be motivated by a misplaced desire on the part of some who have taken upon themselves to defend the interests of Anvil Mining in the DRC, it is important for the company to distance itself publicly from these actions.

The U.N. Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, in its preamble, recognizes “that though States have the primary responsibility to promote, secure the fulfillment of, respect and ensure respect of and protect human rights, transnational corporations and other business enterprises, as organs of society, are also responsible for promoting and securing the human rights set forth in the Universal Declaration of Human Rights”. The OECD Guidelines for Multinational Enterprises also calls on enterprises to respect human rights, not only in their dealings with employees, but also with respect to others affected by their activities in a manner that is consistent with host governments’ international obligations and commitments. Companies that operate in countries like the DRC have an additional responsibility to ensure that they do everything possible within their sphere of influence to reduce potential areas of conflict including incitement to ethnic violence.

For these reasons, RAID would urge you to issue a public statement deploring the intimidation and threats against ASADHO/Katanga and to use your good offices with the Governor of Katanga and the Government of the DRC to request that matters concerning the Kilwa incident should be properly investigated and resolved according to the rule of law.

Yours sincerely,

Patricia Feeney  
Executive Director

CC. Mr. Thomas R. Vant, Secretary General, Business and Industry Advisory  
Committee to the OECD