



29 August 2020

Richard Duffy
Chief Executive Officer
Petra Diamonds Limited
1st Floor, 52-53 Conduit Street
London
W1S 2YX

Via Email

Dear Mr Duffy,

Re: Williamson Diamond Mine

We are writing to you to seek your response to human rights concerns at Petra Diamonds Limited's Williamson Diamond Mine in the Shinyanga Region, Tanzania. Following research that has included multiple field visits to local communities around the Mine, first in November 2019 and most recently in August 2020, we have a number of questions relating to the human rights situation that we hope Petra will answer. You will find these questions attached.

RAID is a UK based non-governmental organisation that exposes corporate abuses and human rights violations, partnering with those harmed to hold companies to account. Our research on the Williamson Mine is based on over 100 interviews with local residents, members of local civil society, local authorities, medical staff, journalists and former security personnel employed at the Mine. As set out below, our research raises serious human rights concerns.

We plan to publish a report based on the research and seek Petra's response to a number of questions which you will find attached. In the interests of balanced and fair reporting, we strive to reflect all relevant information in our research and publications. In addition to information in response to the questions raised, we would be happy to receive any other information you believe might be relevant. We can assure you that Petra's response will be taken into account in our forthcoming publication. In light of our publishing schedule, we would be grateful to receive your response by 18 September 2020.

We understand that the Williamson concession is operated through Williamson Diamonds Ltd (WDL), in which Petra holds a 75% stake through its wholly owned subsidiary, Willcroft Company Ltd. Considering this relationship, we refer here on occasion to Petra and WDL collectively. As the Government of Tanzania owns a 25% interest in WDL, we have also copied this letter to the Ministry of Minerals for their information.

To provide you with context for our questions, please allow us to provide you with a brief summary of human rights concerns local residents described during the interviews:

- 1) Shootings, beatings and other assaults, including of minors, by security personnel on and around the Mine, causing serious injuries and death;
- 2) Deaths caused by material released from outlet pipes on the Mine burying those in its path;

- 3) Deaths as a result of pursuit by security personnel chasing people into deep muddy or swamp-like areas on the Mine from which it is extremely difficult to exit;
- 4) Sexual violence by security personnel against local residents;
- 5) Torture and/or cruel and degrading treatment of local residents detained on or near the Mine;
- 6) Mistreatment of those requiring medical treatment, including use of forcible constraints at the Mine's Mwadui Hospital, restrictions on visitations, threats by medical staff and other personnel, confiscation and denial of medical records, and the creation of misleading medical reports;
- 7) Inhuman and degrading conditions at a detention centre on the Mine;
- 8) The confiscation of livestock owned by those who enter the concession;
- 9) Controlling and restrictive access to Mwadui town, limiting commercial, educational and other opportunities.

We also documented a lack of engagement by the Mine with local communities. The vast majority of those interviewed stated that they did not know how they could raise concerns with the Mine, and many said they feared retribution if they did. The few who said that they had raised concerns stated that little or no helpful action was taken in response.

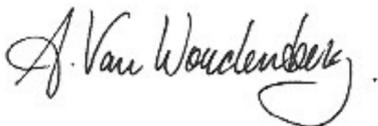
Threats to, and harassment and/or intimidation of human rights defenders, local journalists, and other local residents, including by police and/or local authorities, were also reported to our researchers. Such conduct appears to have escalated since RAID's first mission in November 2019 and has targeted those who met with us and/or lawyers from Leigh Day, a UK law firm. Leigh Day works independently from RAID and have also been following-up on reports of human rights abuses.

We note that Petra has [welcomed](#) attention on its human rights responsibilities and trust our correspondence will be received in such a light. Your response to our questions will, of course, be reviewed in the context of Petra's Human Rights Policy, Code of Ethical Conduct, Corporate Social Responsibility programmes, and grievance mechanism(s), which, to the extent available in written form, we have read in detail.

Please send any information to RAID at woudena@raid-uk.org. If you require any further clarifications or have questions, please do not hesitate to contact me. As mentioned previously, we would be grateful to receive your response by 18 September 2020.

We look forward to hearing from you.

Yours sincerely,



Anneke Van Woudenberg
Executive Director

Cc:

- Hon. Doto Mashaka Biteko (MP), Minister of Minerals, Government of Tanzania
- Hon. Stanslaus H. Nyongo (MP), Deputy Minister of Minerals, Government of Tanzania
- Prof Simon Samwel Msanjila, Permanent Secretary, Ministry of Minerals, Tanzania
- Cathy Malins, Corporate Communications Manager, Petra Diamonds Limited
- Marianna Bowes, Corporate Communications and Investor Relations, Petra Diamonds Limited
- Arlen Loehmer, Business Improvement Manager, Williamson Diamonds Limited

Questions from RAID to Petra Diamonds Ltd

To: Petra Diamonds Ltd

From: RAID

Date: 28 August 2020

Subject: Human rights concerns at Williamson Diamond Mine (the "Mine"), Tanzania

We would welcome responses to the following questions:

Human rights policies and systems

1. The Human Rights Policy [posted](#) on Petra's website is dated 1 September 2016, but states that it will be reviewed every three years. Can you please confirm that the 2016 version remains current, or, if not, provide us with the version currently applied?
2. Can you please describe the processes by which the Mine [monitors, and engages](#) with local residents, to identify human rights risks and impacts, the impacts identified, and the steps taken in response to them?

Human rights abuses

3. To the extent that Petra/WDL are aware of the following abuses, or allegations thereof, by security personnel (and/or plant operators in relation to (c)) at or around the Mine, can you please provide details, including when and where they occurred, the harm(s) caused, and the steps taken to investigate, respond to, and remedy them:
 - a. Shootings, beatings or other assaults (including by guard dogs) of local residents?
 - b. Killing or injuring of local residents by throwing them into pits and/or chasing them into dangerous areas on the Mine?
 - c. Killing or injuring of local residents by releasing material from pipes?
 - d. Humiliation, torture, unlawful detainment, and/or cruel, inhuman and degrading treatment of local residents?
 - e. Denial of medical treatment, or provision of medical treatment without informed consent, to local residents?
 - f. Sexual assaults of local residents?
4. Petra [stated](#) in correspondence to the Kimberley Process Civil Society Coalition that allegations regarding human rights abuses of local residents were investigated as part of a Parliamentary inquiry, and that "to date no allegations have been substantiated".
 - a. Can you please identify the Parliamentary inquiry being referred to and when it was conducted? If Petra/WDL has a copy of the report, please can you provide us with a copy.

- b. Has Petra/WDL undertaken its own investigation into these allegations and if so, how were such investigations conducted and what were their findings?

Injuries and deaths suffered by local community members

5. Does Petra/WDL monitor, record and/or investigate injuries and/or fatalities of local residents on or related to the Mine, for example of prospectors who enter the concession? We would be grateful if you could please provide copies of any documents governing the procedure for monitoring, recording of, and/or investigating such injuries and fatalities.
6. With due regard for protecting relevant identities, can you please provide us with the Mine's records of injuries and fatalities of local residents on or related to the Mine, to which authorities they were reported, and any remedies that were provided?

Harassment, intimidation and threats

7. Can you please provide the policies and describe the measures that Petra/WDL has in place to protect human rights defenders, journalists and other residents raising human rights issues related to the Mine from harassment, intimidation and threats?
8. Is Petra/WDL aware of any of its personnel being involved in, or otherwise encouraging, such conduct? If so, can you please describe the involvement and the steps taken to ensure that the conduct ceased and was remedied?
9. Can you please describe any steps that Petra/WDL has taken, and will take in light of the information in RAID's letter, to exercise leverage over police, local authorities and other entities to which it is linked, to ensure that human rights defenders, journalists, and other residents do not face adverse consequences for raising concerns about the Mine's activities or abuses related to the Mine?

Security at the Mine

10. Petra has [stated](#) that the "Williamson mine has developed a Security and Human Rights Policy in line with the Voluntary Principles on Security and Human Rights". Can you please:
 - a. Provide a copy of the Security and Human Rights Policy and any other policies, current or previous, relating to security at the Mine and their dates of implementation?
 - b. Identify the stakeholders, besides the local police force, to which the Security and Human Rights Policy was communicated?
 - c. Describe how Petra/WDL ensures that the Security and Human Rights Policy is complied with by all parties involved in providing security at the Mine?
 - d. Describe how the Security and Human Rights Policy is in line with the Voluntary Principles on Security and Human Rights?
11. We understand that security is provided through in-house security which oversees security operations at the Mine and is headed by Mr Ndoda; the Tanzanian companies Zenith Security and A Gimbi; and the Tanzanian police force (TPF).
 - a. Can you please confirm if that description of the security provision at the Mine is accurate or, if not, provide an accurate description?

- b. Can you please confirm the date when Petra/WDL began using the TPF, Zenith Security, and A Gimbi, respectively, for security services at the Mine?
 - c. Can you please describe the nature of the “[technical assistance](#)” that the Mine provides to the TPF (or other local police) and any other benefits provided to public security forces in return for their services?
 - d. We would be grateful if you could please provide the agreements or memoranda of understanding currently or previously in place with private and public security providers at the Mine.
12. Can you please describe what weapons security personnel at and around the Mine are equipped with, broken down by category of personnel, who provides such weapons, and the measures in place to ensure that they are used lawfully and in a manner consistent with human rights?
13. Is Petra/WDL aware of injuries to, or death of, security personnel caused by local residents at or around the Mine? If so, can you please provide details, including date, nature of the injury, how causation was determined, and the steps taken in response?

Detention centre

14. We understand that there is a detention centre on the Mine that is owned by Petra/WDL and operated with Zenith, where local community members are held. Can you please:
- a. Identify and explain the legal basis on which Petra/WDL considers it lawful to own and operate a detention centre and detain local residents?
 - b. Identify and provide copies of any policies in place at the Mine regarding detention of local residents?
 - c. Provide details of those held in the detention centre or other private facility, including the dates and duration of detention, and any mistreatment of detainees (beyond the fact of detention), including but not limited to torture, beatings and denial of food and water, and reasons for detention?

Artisanal mining at Williamson

15. Petra has [stated](#) that “there is an ongoing risk of illegal artisanal mining at Williamson”. Can you please describe how this risk was assessed and the measures implemented at the Mine in response, including any measures to prevent entry?
16. Is Petra/WDL aware of security personnel accepting payment or other benefits to permit local residents to enter the Mine? If so, can you please describe when, on how many occasions and the steps taken by Petra/WDL to address such practices?
17. Can you please describe the measures implemented to ensure that local residents, including those engaged in artisanal mining, do not enter dangerous areas on the Mine?
18. Does Petra/WDL keep records of:
- a. The number and dates of individuals engaged in artisanal mining at the Mine? If so, we would be grateful if you could please provide such information.

- b. Individuals charged with trespassing or related conduct at the Mine? If so, we would be grateful if you can please provide such information, including how many were convicted and the penalties imposed.

Mwadui (also known as Williamson Diamonds) Hospital

19. Are all local residents, including from communities surrounding the Mine, afforded open and equal access to Mwadui Hospital and its medical services? If not, can you please describe how and why access is restricted?
20. Does Petra/WDL have policies regarding the medical treatment of local residents injured at or around the Mine? If so, we would be grateful if you can please provide us with copies of such policies.
21. Is Petra/WDL aware of any of the following conduct, or allegations thereof, and if so, can you please provide details, including the date and nature of the conduct, and the steps taken in response:
 - a. Limiting patients' free movement, including by security personnel handcuffing or otherwise restraining patients to the bed or to other patients?
 - b. Threats issued against patients by medical and/or Mine personnel, for example to prevent or punish them for entering the concession?
 - c. Recording, or pressure by Mine/private security personnel to record, misleading information relating to the nature or cause of injuries or cause of death?
 - d. Provision of medical treatment without informed consent?
 - e. Confiscation or denial of medical records?
 - f. Conditioning provision of medical treatment, and/or the fees, on particular action or inaction, such as refraining from entering the Mine or reporting incidents or injuries?
22. How and on what terms, if any, are the costs of medical treatment for local residents injured on or near the Mine covered?

Community engagement

23. Can you please provide copies of the following documents referenced in Petra's [2019 Sustainability Report](#), specifically: Williamson's CSR Plan; the Mine's Stakeholder Engagement Plan(s); Social and Labour Plan(s); environmental and social impact assessments; and the formal stakeholder engagement and management evaluation process conducted in FY 2016 (and the formal stakeholder engagement process and full sustainability strategy review [scheduled](#) for FY 2020 if completed)?
24. Can you please describe the community engagement undertaken by the Mine relating to the human rights of local residents, the form(s) of engagement, how often it occurs, with which communities/villages, and the measures taken in response?

25. Can you please describe, and provide copies of, Petra/WDL's policies regarding residents of communities around the Mine accessing, engaging in economic activities, and attending school in Mwadui, and to which specific communities/villages they apply?
26. Is Petra/WDL aware of livestock of local residents being confiscated by those employed, directly or indirectly, by the Mine? If so, can you please provide details, including when, what was confiscated and why, and the steps taken in response.

Grievance mechanism

27. Can you please provide the written procedures and other materials governing the mechanism(s) in place at the Mine to address grievances related to the human rights of local residents.
28. Can you please describe the measures taken to ensure that local residents are aware of the mechanism(s) and can use it effectively?
29. When was the mechanism implemented at the Mine and how many grievances, break them down by year and category (injuries, deaths, environmental damage, etc.), from local residents has the Mine received since then?
30. Can you please provide the number of grievances that: (a) were refused, the bases for the refusal, and the respective number for each basis; and (b) resulted in a remedy, and what remedies were provided?

Other entities

We understand that other entities, including Midwest Mineral Processors and El-Hillal Minerals, conduct operations on or near to the Mine.

31. Can you please identify, and describe the relationship to the entities to which Petra/WDL is directly linked, including but not limited to by contract, those that use or employ security on or near to the Mine?
32. Can you please describe the measures in place to ensure that any security operations on or near to the Mine managed by or otherwise involving such entities comply with Petra/WDL's human rights policies and commitments?

International Finance Corporation (IFC)

33. Can you please confirm whether Petra still has a relationship, contractual or by way of shareholding, with the IFC, and the particular IFC Performance Standards that applied to the Mine, with reference to the relevant time period?

Thank you.



13 October 2020

Anneke Van Woudenberg
Executive Director
Rights and Accountability in Development (RAID)
United Kingdom

Dear Anneke,

Re: ALLEGATIONS OF HUMAN RIGHTS ABUSES AT WILLIAMSON DIAMOND MINE

Following our discussions, I am now writing in response to your letter dated 29 August 2020, which alleges certain human rights abuses at the Williamson Diamond Mine (Williamson Mine) over the course of the last few years.

Thank you for bringing these to our attention. As you are aware, Leigh Day is also representing clients who have made allegations in similar terms. I am sure you can appreciate that the existence of those claims and the need to seek advice from lawyers to which legal professional privilege applies, means that I am constrained in the level of detail that I can provide in this letter.

I would like to take this opportunity to reiterate that Petra Diamonds (PDL) takes these allegations extremely seriously. PDL is committed to addressing past and future verified claims of human rights violations and remedying any harm done. I also wanted to thank you for the information you have shared with me thus far and for seeking my response to your findings.

As was discussed on our conference call on the 16th of September, given the claims made as noted above, the PDL Board has commissioned an independent investigation for the purposes of responding to those claims. I do believe, however, that it is important to share with you the following actions taken in the last few weeks:

- Firstly, it is important to the PDL Board that the process to evaluate these matters be carried out according to best governance principles. To this end, a sub-committee of the Board (the Committee), formed entirely of independent Non-Executive Directors, has been established.
- The Committee will be responsible for overseeing the investigation referred to above.
- Whilst the investigation is for the purposes of the legal claims noted above and will therefore be covered by legal privilege, the Committee will consider any required remedy or corrective action to be taken as a result of the investigation's conclusions.

At present, and pending the investigation, the veracity of the claims made is unknown, but in the meantime, and whether or not there is any substance in the allegations, Williamson Diamonds Limited (WDL) has taken the following interim measures:

1. *Voluntary Principles of Security and Human Rights ("VPSHR") refresher training* of all those involved in security at Williamson, namely the WDL security team, the third-party security contractor and local police forces to ensure that the risk of potential future incidents is minimised. This training was initially provided to over 220 people and refresher sessions will be organised on a regular basis going forward. WDL has made clear that it has a zero tolerance policy in relation to threats, harassment and/or intimidation of human rights defenders, local journalists, and other local residents. WDL has and will continue to engage with national and local authorities on the issue,

as well as ensuring that WDL's staff and contractors understand that such behaviour would be in breach of WDL policies and subject to immediate disciplinary measures.

2. *Rolling out of a VPSHR awareness campaign:* this campaign is targeting Petra and WDL executives, as well as the security teams at both Group and mine level in South Africa and Tanzania. The third party security provider at Williamson Mine has also been included in this awareness campaign.
3. *Deployment of a stakeholder engagement expert* at WDL to provide support to the General Manager and other mine leadership in their engagement with the communities and other stakeholders.
4. *The development and roll out of a dedicated and independently managed grievance mechanism,* with the support of the independent consultancy, which will ensure that any stakeholder issues are recorded, responded to and monitored according to the appropriate standards of stakeholder engagement, including addressing any past and future claims of human rights violations.
5. *Suspension of the Mine Chief Security Officer and Support Services Manager at WDL,* pending the outcome of the investigation, and appointment of an interim Security Lead. This measure has been taken as a responsible action whilst matters are being investigated. The interim Security Lead's focus will be to review current practices against applicable policies, including compliance with VPSHR. The interim Security Lead will also lead the engagement with the Tanzanian Police.
6. *Tender process to award a new contract for third party security* at WDL, following the expiry of the current contract.
7. *Closure of the on-site facility that had been used by the Tanzanian Police as a temporary police post* where trespassers on the mine would be detained by the police before their transfer, either to the Maganzo/Kishapo Police station or to Court.
8. *Upgrading of the Mwadui medical facility* is underway to ensure that it continues to provide appropriate facilities, not least to those detained by the Tanzanian Police.

In addition to the above, PDL has updated its *Human Rights Policy Statement*. This was planned for revision this year by PDL's Social Ethics and Diversity Committee. An updated policy statement was approved by the PDL Board on 10 September 2020 and is available at <https://www.petradiamonds.com/about-us/corporate-governance/business-ethics/>.

Lastly, I wanted to reiterate that I will continue to engage with you, and will ensure that any information that you provide relating to the allegations you have listed in your report is passed on to the team that is undertaking the independent investigation mentioned above.

Please do not hesitate to contact me should you require any further details or wish to discuss the matter.

Yours sincerely,



Richard Duffy
Chief Executive Officer



23 October 2020

Richard Duffy
Chief Executive Officer
Petra Diamonds Limited
1st Floor, 52-53 Conduit Street
London
W1S 2YX
United Kingdom

Via Email

Dear Mr Duffy,

Re: Williamson Diamond Mine

Thank you for your letter of 13 October 2020, replying to our initial letter of 29 August 2020 raising human rights concerns at Petra Diamonds' Williamson Mine. We welcome your engagement on these matters, and note the interim measures being implemented. However, we are disappointed by the limited information provided in your letter and would be grateful for clarification on a number of points. In addition, new concerns have been identified as part of our ongoing research. These are set out below and we would appreciate Petra's response.

Absence of response to requests

We had hoped in extending the deadline for a reply, that Petra would be providing responses to the requests for information in our 29 August letter. These were requests intended to understand better the situation at Williamson Mine and Petra/WDL's perspective on it, inform those most directly affected, and ultimately enable more productive engagement. These objectives cannot be met without further information from you. We thus wish to reiterate our request for responses to the questions set out in our 29 August letter.

You have noted constraints on the level of detail Petra can provide in light of the legal claim filed by Leigh Day and legal professional privilege. However, in our view, many of our requests for information do not properly fall within the scope of such privilege, even broadly interpreted. In fact, some of our requests relate to materials that Petra has indicated are publicly disclosed, such as [the results of social impact assessments](#), others relate to material which is meant to be public, such as procedures governing any grievance process at Williamson Mine, or simply clarification regarding Petra's public statements, such as identification of the Parliamentary inquiry referred to by the company in [correspondence](#) with the Kimberley Process Civil Society Coalition. A number of our requests seem entirely extraneous to the scope of any legal action for human rights abuses against Petra and Williamson Diamonds Ltd, such as Petra's current relationship, if any, with the International Finance Corporation.

Further, to the extent that specific information we have requested, including that obtained through the investigation referred to in your letter, is properly subject to legal privilege, it could be excluded from the information provided in response.

Please also note that legal professional privilege may be waived by the party entitled to claim it. Given the nature of the serious human rights concerns we have raised at the Williamson Mine, we encourage you to consider doing so. If the human rights concerns identified are to be resolved, and new procedures put in place to ensure such abuses do not recur, transparency will be essential so that those most affected can make informed decisions and have trust in the process.

Clarifications

There are certain matters raised in your letter which we would be grateful if you could please clarify. In particular:

1. Can you please confirm when the current contract with Zenith Security expires and when it is expected that the new contract for third party security at Williamson Mine will be completed.
2. Who has been appointed interim Security Lead at the Williamson Mine and what are the oversight measures put in place by both WDL and Petra Diamonds in light of the issues we have raised.
3. Could you provide more information on the terms of reference for the community engagement expert, including what steps he/she will be taking to engage communities.
4. Your letter refers to the closure of an on-site facility used for detention. Is this the same facility referred to in question 14 of our 29 August letter? If so, can you please confirm who owns it, if it was at any time operated by Zenith guards to detain local residents, and the legal basis relied on for such detention.
5. Can you please explain what the upgrading of the Mwadui medical facility will involve? In particular, will it address the conduct identified in question 21 of our August 29 letter?

Additional concerns

Since our 29 August letter, RAID has received reports of mistreatment of employees at Williamson Mine and we are conducting further research on these matters. While we cannot currently confirm if these incidents have occurred, the reports appear credible and we would be grateful for your response to the allegations. They include reports of differential treatment on the basis of race, and between expatriate workers and Tanzanian workers and residents, including in terms of separate areas of accommodation and access to basic utilities (such as water and electricity), and seeking to limit interactions between those two groups of workers. We have also received reports of sexual harassment by Williamson Mine employees of Tanzanian women. We were further informed that a number of employees working at Williamson Mine, including the general manager, were detained on at least one occasion, possibly more, around 2017-2018, by Tanzanian police and kept overnight. We would be grateful for your response on these reports, including:

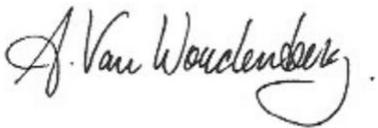
1. Has Williamson Diamonds Ltd or its management been subject to allegations of discrimination on the basis of race since Williamson Mine was acquired by Petra, and if so, how were these allegations addressed?
2. Are there differences in treatment in particular relating to accommodation and access to utilities between expatriate and Tanzanian workers at Williamson Mine?
3. Has Williamson Mine or its management sought to dissuade or discourage, directly or indirectly, interactions between expatriates and Tanzanian employees or residents? If so, can you please explain the reasons?

4. Could you please confirm if Mine employees have been detained by the Tanzanian police. If yes, could you provide information about why they were detained, if charges were brought and any steps taken to respond to police concerns.
5. Please could you provide us with a copy of your sexual harassment policy. Could you also provide us with information on whether any employees at Williamson have been disciplined for sexual harassment, and if yes, how many cases this entailed.

We would be grateful to receive your response by 30 October 2020. If you require any further clarifications or have questions, please do not hesitate to contact me.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink that reads "A. Van Woudenberg". The signature is written in a cursive style with a large, sweeping flourish at the end.

Anneke Van Woudenberg
Executive Director

Cc:

Hon. Doto Mashaka Biteko (MP), Minister of Minerals, Government of Tanzania

Hon. Stanslaus H. Nyongo (MP), Deputy Minister of Minerals, Government of Tanzania

Professor Simon Samwel Msanjila, Permanent Secretary, Ministry of Minerals, Government of Tanzania