



## Rights and Accountability in Development

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18 July 2019

Mr. Arjun Raychaudhuri  
Managing Director & CEO  
MMTC-PAMP India Pvt. Ltd  
A-13 Green Park (Main)  
Aurobindo Marg  
New Delhi -110016  
India

### ***Via email***

Dear Mr Raychaudhuri,

We write to you to raise concerns about one of the mines from which MMTC-PAMP is sourcing gold. The mine in question is North Mara Gold Mine Ltd in Tanzania, owned by Acacia Mining Plc, a UK company. There are serious and ongoing human rights and environmental concerns at this mine which we believe merit your attention, especially in light of your company's commitment to the responsible sourcing of gold.

On 18 June 2019, the *Guardian* newspaper published an article entitled '[Tech firms to check suppliers after mining revelations in Tanzania](#)'. Your company was referred to in the article as sourcing gold from the North Mara mine and you issued a [public statement](#) on 28 June 2019 setting out your view on the human rights issues at mine and inviting any additional information. We write in response to this invitation, both to provide additional information and to request a meeting with you and/or your team to discuss our research findings which we believe are relevant to your due diligence efforts.

RAID is a UK based non-governmental organization that exposes corporate abuses and human rights violations, partnering with those harmed to hold companies to account. Through rigorous investigation, advocacy and the law, RAID seeks to strengthen regulation of business and achieve justice.

RAID staff have visited the North Mara mine numerous times since 2014, including on four occasions in 2018/19. Over the past five years, we have interviewed over 90 individuals who have suffered human rights violations and/or their families, lawyers acting on behalf of victims, company representatives and Tanzanian government officials. We have published several reports and press releases raising concerns about the shocking number of people killed at or near the mine by security personnel, including the Tanzanian police who work in coordination with the mine. I attach to this letter an annex with links to our reports and those of other civil society organizations which illustrates the full breadth of the research and reporting.

The abuses at the North Mara mine were brought into sharp focus by articles published on 18 June 2019 by investigative journalists as part of the *Forbidden Stories* consortium. These

included articles in [The Guardian](#), [Le Monde](#), [The Namibian](#), [Forbidden Stories](#), and the [Organized Crime and Corruption Reporting Project](#).

Your company issued a public [statement](#) on 28 June 2019 in response to the articles. In the statement, MMCT-PAMP expressed the view that the human rights allegations are “largely historical” and “related to the activities of the State police force operating in the area of the mine.” We believe this assessment is based upon incomplete information.

The human rights abuses at the North Mara mine have led to dozens of deaths and injuries within the last five years, which is not an historical time frame. RAID and MiningWatch Canada [documented](#) at least 22 people killed and 69 injured, many by bullets, at or near the North Mara mine by security personnel and the Tanzanian police between 2014 and 2016. This likely underrepresents the total. A Tanzania parliamentary inquiry in 2016 into complaints at the North Mara mine received [reports](#) of 65 killings and 270 people injured by police jointly responsible for security at the mine. More recent incidents include the killing of a man on the mine site in 2017 and the shooting of a student in 2018.

Acacia’s claim that the mine is no longer the site of violent confrontation is also contradicted not just by the recent incidents, but by the company’s own statements. In June 2019, in response to an incident raised by RAID, the mine’s General Manager [wrote](#) to RAID referring to a “violent invasion” at the mine site on 31 May 2019 and to the discharge of smoke canisters and “other such cartridges.” The General Manager also acknowledged claims concerning the killing of a child by a mine vehicle in July 2018 and injuries to four women in the aftermath. RAID [responded](#) to this correspondence in detail.

Moreover, Acacia’s 2018 [annual report](#) records 18 grievances concerning “security and human rights” registered in that year alone, disproving its claim that there are “few” new allegations of excessive force. RAID is also aware of two more incidents within the last year involving a security-related death and injury, which the mine has categorised as “accidental.”

MMCT-PAMP’s public [statement](#) said you had previously challenged the mine on the issues raised by NGOs, assessed the measures taken by the mine to remediate the human rights claims and found that the gold produced at the North Mara mine had been “extracted in a manner that does not fuel unlawful armed conflict or contribute to serious human rights abuses or breaches of international law.” Following the June 2019 news publications, your company conducted further “in-depth analysis” and you are now “satisfied that the information and explanations on measures taken by the mine with regards to the NGO’s allegations remain satisfactory.”

We understand that any due diligence you carry out must be based upon credible information, which ought, in accordance with OECD Due Diligence Guidance for Responsible Mineral Supply Chains, to extend beyond that provided by the company concerned, including civil society organisations, community networks and affected third parties.

We regret that your staff did not contact us as part of that analysis. As far as we are aware, they also did not contact other civil society organizations who have frequently reported on the abuses, such as MiningWatch Canada and the Legal Human Rights Centre (LHRC) in Tanzania, nor any of the British or Tanzanian lawyers representing victims of the violence at the mine.

Nevertheless, we welcome your commitment to undertake further due diligence.

We would be very happy to meet with your staff to discuss our research findings in more detail and to answer any questions you might have. Your public statement indicates your staff are currently organizing a new site visit to the North Mara mine, together with an independent expert, to verify the situation on the ground and the measures taken by the company. I very much hope we can organize a meeting, either in person or by conference call if necessary, at your earliest convenience to help inform such a visit.

Specifically we would be keen to discuss:

- Information on “Intruder” deaths and injuries, adding perspective on Acacia’s reporting of a decline in security-related incidents.
- Recent security-related incidents and continuing human rights violations at the mine.
- The ongoing harm caused by violations.
- Failure of the mine’s grievance mechanism to comply with UN standards and deliver remedy.
- The Memorandum of Understanding between the North Mara mine and the police, which is not aligned to the model clauses set out under the Voluntary Principles on Security and Human Rights.

As the articles [identified](#) some of your customers, notably Apple, Nokia and Cannon, who said they will review their supply chains, we have copied them in on this letter since they have strong public commitments to responsible sourcing and may find this information relevant.

I look forward to hearing from you about a possible future meeting.

Yours sincerely,



Anneke Van Woudenberg  
Executive Director

Cc: Rashmi Dastidar, MMCT-PAMP, Chief Risk and Compliance Officer  
Paula Pyers, Senior Director, Supplier Responsibility, Apple  
Stuart Poore, Director Sustainability and Governance Affairs, Canon  
Fiona Cura-Pitre, Head of Human Rights, Nokia Group

## ANNEX

### Key Civil Society Reports on Human Rights Abuses at Acacia Mining's North Mara Mine

#### **1. RAID et al**

RAID, July 2019, Response to Acacia Press Release [forthcoming, to be posted on the Business & Human Rights Resource Centre's [web page](#) on Acacia

RAID, 3 July 2019, [Letter to North Mara Gold Mine Limited](#)

RAID, 12 June 2019, [Human Rights Violations Under Private Control: Acacia Mining's Grievance Mechanism and the Denial of Rights](#)

RAID, June 2019, [Questions & Answers - Acacia Mining: Human rights violations and the company's grievance mechanism in North Mara, Tanzania](#)

RAID, 11 June 2019, [Letter to Acacia Mining Board of Directors](#)

RAID, February 2019, [Beaten and Paralysed at Acacia's North Mara Gold Mine: The Story of Zakaria Nyamakomo](#)

RAID, 10 October 2018, [Letter to Acacia Mining Board of Directors](#)

RAID & Legal and Human Rights Centre, April 2018, [Acacia mining's Revised Operational Grievance Mechanism at North Mara Gold Mine, Tanzania](#)

RAID, July 2017, [Lethal Gold](#) [video]

RAID & MiningWatch Canada, 23 September 2016, [Tanzanian Government investigation receives hundreds of reports of violence and deaths at Acacia's North Mara Mine](#) [press release]

RAID & MiningWatch Canada, September 2016, [Background Brief: Adding Insult to Injury at the North Mara Gold Mine, Tanzania](#)

RAID & MiningWatch Canada, May 2016, [In Need of Repair: Acacia Mining's Grievance Mechanism at North Mara Gold Mine, Tanzania](#)

RAID, March 2016, [Principles without justice: the corporate takeover of human rights](#)

RAID & MiningWatch Canada, 17 November 2015, [Broken Bones and Broken Promises: Barrick Gold's North Mara Mine Fails to Address Ongoing Violence](#) [press release]

#### **2. Other civil society groups**

MiningWatch Canada, 11 June 2019, ["Boxing with My Hands Tied Behind My Back": Barrick Grievance Mechanism in Tanzania Not Fair, Say Lawyer, Village Representatives](#) [press release]

MiningWatch Canada, September 2018, [Inequality of Arms: A summary of concerns raised by victims of violence by private and public mine security at Barrick Gold's North Mara Gold Mine in Tanzania regarding the mine's new Operation-level Grievance Mechanism](#)

65 civil society groups, 10 May 2018, [Letter to President John Magufuli: Civil society groups express concern over rapid decline in human rights](#)

MiningWatch Canada, April 2018, [Review of Barrick Gold/Acacia Mining's Draft "Community Grievance Process Standard Operating Procedure" for the North Mara Gold Mine in Tanzania](#)

Legal and Human Rights Centre, May 2011, [Killings around North Mara Gold Mine: the human cost of gold in Tanzania – the shooting of the five](#)

### **3. Media coverage**

The Namibian, 20 June 2019, [‘Mines’ dirty secrets echo on three continents’](#)

Organized Crime and Corruption Reporting Project, 20 June 2019, [‘Green Blood: Journalists Killed or Silenced for Environmental Reporting’](#)

The Guardian, 18 June 2019, [‘Murder, rape and claims of contamination at a Tanzanian goldmine’](#)

The Guardian, 18 June 2019, [‘Tech firms to check suppliers after mining revelations in Tanzania’](#)

Le Monde, 18 June 2019, [‘Crimes et pollution pour de l’or : le scandale de la mine de Mara-Nord, en Tanzanie’](#)

Forbidden Stories, 18 June 2019, [‘Silence is golden for a Tanzanian mine’](#)

The East African, 15 June 2019, [‘Acacia under pressure for ‘human-rights violations’](#)

The Globe and Mail, 5 November 2018, [‘Tanzania deaths spark criticism of grievance process at Barrick subsidiary’](#)

The Globe and Mail, 22 September 2016, [‘Police killed 65, injured 270 at Barrick mine in Tanzania, inquiry hears’](#)