



## RAID Response to Acacia Mining

20 July 2017

On 11 July 2017, Acacia Mining published a [response](#) to RAID's [press release](#) of July 6. In April 2017 the company published its annual [report](#) and accounts, which included two pages on security and human rights at its mines in Tanzania. This response covers our analysis of both documents. RAID welcomes the publication of further information about the human rights situation at Acacia's North Mara gold mine in Tanzania, but remains deeply concerned at the lack of transparency over the company's grievance mechanism and the selective nature of the data Acacia has provided. It is also clear from Acacia's own account that human rights violations continue at its North Mara mine.

Acacia's publications starkly illustrate why it is crucial for a company grievance mechanism to be independent and transparent if local communities are to have any confidence in it. RAID has engaged with Acacia directly for over a year, but despite the company's promises, it has still not published its grievance mechanism or delivered on its commitment to implement what is has called a 'best in class' complaints mechanism at North Mara. Instead the company manages victim complaints through a process that remains opaque. Acacia Mining appears to act as its own investigator, judge and jury on claims that progress through its grievance mechanism.

For many victims and their families there is still no justice for the deaths, life-changing injuries or rapes they have endured at or near Acacia's North Mara mine. RAID [continues to question](#) whether company 'in house' grievance mechanisms are even appropriate when dealing with serious human rights violations since they lack independence and do not provide justice.

### **'Security-related' deaths not in dispute**

In its July 2017 response, Acacia states that RAID's 'allegations about the period since 2014 with respect to security related fatalities at the mine are vague, demonstrably false and have already been refuted elsewhere'. In fact, RAID has [documented](#) at least 22 cases of alleged unlawful killings by police or mine security personnel based on testimony gathered between 2014 – 2016. According to Acacia's statistics, finally published in its 2016 annual report after much pressure from RAID and others, there have been 32 'trespasser-related' fatalities at its North Mara mine between 2014 - 2016. It provides a minimal amount of data on these cases, acknowledging that a number of these deaths are due to police involvement. Other deaths, it states, are due to falls from heights, drownings, rockfalls, infighting, vehicle accidents and other. It provides no further details. According to research conducted by RAID and MiningWatch Canada, a number of people fell to their deaths during security operations and at least two of those who drowned at North Mara were being chased by police. Flooded, abandoned pits are left unfenced, constituting a serious hazard. The company has pledged to introduce safety barriers and other measures in 2017.

Acacia also acknowledges it received 37 security-related allegations in 2016 of which 30 relate to the police and 7 to its own mine security personnel. It provides no further details about such

incidents. One explanation for the large number of such complaints, especially when set against the two intruder-related deaths that Acacia records, is that many others may have been injured in security-related incidents. RAID has documented 69 cases of serious injuries since 2014 by police and mine security. A number of victims suffered life-changing injuries.

Acacia states that the ‘human rights situation improved across all indicators in 2016’, but this is inaccurate. Acacia attributes 2 deaths to police confrontations in 2016, which is an *increase* over the zero deaths the company attributes to ‘police involvement’ in 2015. Taking Acacia’s own monthly averages for the number of trespassers and the total number of intruder-related deaths each year, there were 0.2 intruder-related deaths per 1000 trespassers in 2014. Yet, in 2016, although the number of trespassers per month had fallen dramatically, the proportion of intruder-related deaths had increased to 4 per 1000 trespassers.

RAID urges Acacia to publish further details about each of the cases of deaths, including the circumstances in each case, and to provide details about all security-related incidents.

### **Complaints dealt with ‘in house’ away from scrutiny**

According to Acacia’s statistics, the company has rejected 93% of the backlog of security-related complaints from 2016 and previous years brought by the community through its own ‘in house’ grievance mechanism. The only explanation given for the rejection was that the cases were “unsubstantiated or inconclusive”.<sup>1</sup> The company provides no details on how it investigated these cases or the basis upon which it reached its conclusions. The company says it provided a remedy in eight of these security-related cases. It does not state what remedy it provided or if victims were given independent legal advice on whether to accept the offer made to them.

Without full transparency on how it conducted investigations into the allegations and how the grievance mechanism operates, it is impossible to verify if these cases have been appropriately scrutinized and resolved. Acacia says that it has taken on board many of RAID’s criticisms of the grievance mechanism at North Mara. To prove this, Acacia should publish full details of its grievance mechanism, the policies which underpin it, and further data on the cases it has concluded.

### **Security arrangements agreed by Acacia at the heart of the problem**

In its 2016 Annual Report to investors, Acacia acknowledges that the ‘tragic loss of life is unacceptable’, and that ‘we will continue to review our security and safety arrangements’. In its July 2017 response to RAID, the company appears to shift blame away from its own security measures to the Tanzanian police. The company states that ‘alleged adverse human rights impacts are related to North Mara only by virtue of the involvement of the Tanzanian police seeking to maintain law and order in the area of the Mine.’ Acacia acknowledges it has a formal memorandum of understanding (MoU) with the police for security at the mine.

This MoU (on file at RAID) is explicitly about the provision of security; it states Acacia will provide ‘monetary and in-kind support’ to the police, will pay officers an allowance, provide meals and accommodation, supply fuel. Crucially, the MoU makes clear it is Acacia that controls police access to the mine site and calls them in to deal with an incident. The MoU states, ‘Unless requested by ABG [Acacia]...it is agreed that all security services provided by the police shall be outside the perimeter of the Mine Site compound’. The MoU appears to fudge responsibility for

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<sup>1</sup> Acacia Mining says that of the 117 security-related incidents it dealt with, 109 were unsubstantiated or inconclusive.

security assignments. While the police issue orders to officers and direct assignments, this is done ‘in coordination with the Mine Site Security Manger’ and ‘the Company shall always be in coordination, cooperation, and communication with the Police regarding security and safety issues, including human rights.’ Where coordination ends and direction begins is open to question.

## **No justice for victims**

Acacia wrongly claims that ‘RAID calls upon the Tanzanian government to require Acacia to address violations of human rights.’ What RAID advocates for is not only that perpetrators are held criminally liable in Tanzanian courts, but also that Acacia accepts its responsibility for the violations that occur on its mine site by the virtue of its MoU with the police. RAID has, and will continue, to also urge the Tanzanian government to use the legal system to hold police to account for unlawful killings.

Acacia says it fired one employee for excessive use of force, but does not say what the perpetrator did or if the individual faced justice and was held to account. The MoU requires the Tanzanian police, after they have investigated misconduct claims made against them, to formally notify the company of the outcome and the steps taken. The company can also request the removal of particular police officers. RAID has repeatedly asked the company to publicly report on the removal of officers for human rights violations and the outcome of any misconduct investigations. Acacia has never provided this information. From a [copy](#) of the company’s Mine Investigations Policy (on file at RAID), it is clear that Acacia conducts its own investigations into security-related incidents and human rights violations and carefully controls any information pertaining to such investigations by placing it under legal privilege.

Acacia re-iterates that the MOU ‘commits the police to undertaking training on avoiding the use of excessive force or other breaches of human rights.’ This is a requirement the Voluntary Principles on Security and Human Rights which Acacia says it is guided by. But despite the killings, the injuries inflicted, and the rapes, it is RAID’s understanding that no one has ever been held to account or convicted for these crimes.