



Rights and Accountability in Development

## **Background Brief: Adding Insult to Injury at the North Mara Gold Mine, Tanzania**

**September 2016**

This report is based on a third field assessment by MiningWatch Canada (MiningWatch) and UK-based Rights and Accountability in Development (RAID) into the situation of human rights at the North Mara Gold Mine (NMG), Tanzania. The North Mara Gold mine is operated by UK-listed Acacia Mining ('Acacia', formerly African Barrick Gold), a majority owned subsidiary of Barrick Gold Corporation.<sup>1</sup> The mine has been beset by human rights and environmental problems for over 10 years. The research was carried out between 24 July and 1 August 2016 in Tarime and the villages surrounding the mine. The objectives of RAID and MiningWatch were threefold: (i) to collect information on allegations of the use of excessive force by mine security and by police guarding the mine under an MOU between the company and the Tanzanian state; (ii) to examine how – from the claimants' perspective – the mine deals with human rights complaints; and, (iii) to re-assess concerns about the mine's remedy programme raised previously by MiningWatch and RAID in the light of Acacia's responses. Previous field assessments were conducted in 2014<sup>2</sup> and 2015.<sup>3</sup> MiningWatch and RAID have also engaged in extensive written exchanges with Acacia's senior management and a meeting was held with company officials in London in March 2016.<sup>4</sup> There have been two meetings with staff at the North Mara mine in 2014 and 2015. During the recent visit interviews were held with alleged victims and witnesses of mine-related violence, with Tanzanian human rights organisations and monitors, and with members of a Committee of Inquiry, established in February 2016 by the Government of Tanzania to investigate problems between communities and the mine.

### **Background to Conflict at the North Mara Gold Mine**

The Tanzanian Government has instigated a number of inquiries that have failed to resolve the disputes between the communities and the mine, including regarding the high number of deaths and serious injuries of prospectors<sup>5</sup> and people living in the vicinity of the mine, attributed to police and mine security personnel.<sup>6</sup> The company has routinely rejected criticisms of its security arrangements and findings from investigations into incidents at the North Mara mine.<sup>7</sup> However, in November 2014 the Tanzanian authorities, in a letter to the company, called for 'zero intrusions and zero fatalities'<sup>8</sup> at

the North Mara mine. The problems have continued, in part – as acknowledged in the government’s letter – because of collusion between the police guarding the mine and ‘intruders.’ The letter states:

‘For a long time, NMGM has been using the Police Force to control security of the mine in the outer perimeter of the mine site through a MoU signed by the two parties. However, despite having large number of police at the mine (about 160) the intrusions have been escalating. It was reported during the visit that, some of the Police collude with some of the intruders by allow them to enter and get low grade rocks from the mine, the situation that encourages invasions from other intruders who are not in agreement with the Police.’

The government asked the company to relieve the situation by, for example, removing the police guards and relinquishing some areas, for which it has prospecting licences, for small-scale mining.<sup>9</sup>

In February 2016 another official inquiry was set up by the Tanzanian Ministry of Energy and Minerals, after concerns had been raised in parliament by John Heche, Member of Parliament for the Tarime Rural constituency, where the mine is located. The Committee’s remit was to examine complaints about land acquisition procedures and related inadequate compensation; dust and water pollution; and other human rights abuses. In February and March 2016, the Committee undertook a fact-finding visit to the villages surrounding the mine.<sup>10</sup> It was due to submit its report by the end of March 2016, but its release was delayed for months. A summary of the Committee’s findings and recommendations was only made public by Sospeter Muhongo, the Minister of Energy and Minerals, at meetings held in affected villages in Tarime District on 23 and 24 July 2016.<sup>11</sup> The Committee of Inquiry’s report, ‘**Recommendations on the best mechanisms for addressing citizens’ complaints regarding the North Mara Gold Mine**’,<sup>12</sup> **confirms receiving claims that 65 people have been killed and 270 people injured by police responsible for mine security.** The report has been criticised by opposition members of the committee<sup>13</sup> who complain that the findings have been watered down to protect the interests of the mine.<sup>14</sup> The report states that while the Committee was able to receive complaints, it did not have the competence to verify the facts. John Heche MP expressed his concern about the suppression of evidence in the Committee’s report related to police violence:

‘The mine has asserted in government-controlled media that all those people who have been killed or injured were ‘intruders’. The Committee’s report fails to mention evidence that many of the victims were children younger than 10 years old and women who were killed in their own homes. There are cases where men who were arrested, were later reported to have died.’<sup>15</sup>

One case brought to RAID and MiningWatch Canada concerned a man who was outside his home in 2011 in his pyjamas brushing his teeth in the early morning when police chasing ‘intruders’ passed his house. The police accused him of being ‘an intruder’ and started to beat him and stamp on him. Despite protests from his family who were present, the police took him away in a vehicle. He died later that same day.

## **Human Rights Field Assessment – Key Findings**

Over the past three years RAID and MiningWatch Canada have collected first hand testimony and other evidence on 22 cases of alleged unlawful killings by police or mine security personnel, most of which have occurred since 2014. We have interviewed 21 women – nine of whom were allegedly raped by police or mine security personnel; other women interviewed have suffered harm through beatings, allegedly by police or mine personnel, or have lost the household breadwinner (husbands or sons), allegedly killed as a result of mine-related violence; a further 69 (mostly young) men have been left with severe, life-changing injuries, allegedly after being assaulted by police or mine security personnel.

### ***Excessive use of force by police and mine security***

In 2014, 2015 and 2016, according to statements given to MiningWatch and RAID by victims and witnesses, police and mine security have used excessive force against alleged trespassers and prospectors at the North Mara mine, which has led to death and serious injury. The number of incidents appears to have declined over the past year, partly as a result of the commencement of underground operations at one of the two open pits. But arbitrary acts of violence continue and the alleged shooting death in 2016 by police guarding the mine of another man in his 20s has caused a local outcry.<sup>16</sup>

#### **Father of six shot dead**

The father of six young children was shot dead by police in May 2016. He was walking with friends along a path open to the public. They were intercepted by a police patrol. The police ordered them to stop but the men – fearing that they might be harassed, beaten or subjected to arbitrary arrest – tried to run away. The police fired shots and threw tear gas canisters. The victim was shot in the back and left bleeding in the road. The police drove off, but his friends flagged down another mine vehicle and managed to get him to the nearest health clinic, where he was pronounced dead.

### ***Falsification of police and medical records***

RAID and MiningWatch were told by members of the 2016 Committee of Inquiry that there have been no prosecutions of police or mine security personnel for any of the deaths and injuries at or around the mine site. This has created a culture of impunity and accurate official reports on the level of violence are hard to obtain. First, many people who have been injured at the mine fail to make a formal complaint and may not even inform Village Chairmen for fear of reprisals or arrest. Second, police who are present at the scene and log the incident, regularly omit crucial information about the circumstances and even the location. Finally, medical staff at clinics and hospitals around the mine allegedly falsify records concerning the nature of the wounds and injuries. Gunshot wounds, for example, are almost invariably recorded as having been caused by ‘a sharp object’, as in the case of another man who was allegedly shot and killed by police guarding the mine in 2016.<sup>17</sup>

### ***Investigation of claims***

From a document disclosed in court proceedings in London,<sup>18</sup> and from subsequent discussions with Acacia’s senior management, it would appear whenever a human rights incident occurs or a claim is presented to the mine, the case is investigated by in-house lawyers and Community Relations staff under the direction of Acacia’s General Counsel. Both the Mine Investigations Group (which investigates problems on site including ‘incidents’, accidents and theft) and the Human Rights Investigations Group, which is tied to the Grievance Mechanism, may be involved in investigating human rights complaints. Since November 2014, Assaye Risk, a UK private security firm, has been in charge of investigating human rights claims.

Decisions on the validity of such claims have been decided upon largely by internal mine staff. The rejection rate is high, but according to Acacia this is because most claims are spurious or cannot be substantiated. In other cases, the mine says it has been unable to follow up on claims because of difficulties in verifying the identity of the claimants or locating where they live.<sup>19</sup>

RAID and MiningWatch have been in communication with Acacia concerning problems with the complaints procedures for a number of years. From interviews we conducted during 2014 and 2015, it was clear that the grievance mechanism procedures were unpredictable and opaque. In May 2016, following a meeting with Head of Legal and Compliance and the Head of People in Acacia’s London headquarters, we prepared a Memorandum setting out our concerns.<sup>20</sup> Acacia invited RAID and MiningWatch Canada to offer comments on ways the company might improve its procedures. RAID and MiningWatch proposed that the company should set up a transparent and inclusive process, consulting victims and victim’s families, to develop a rights-compatible remedy program. The company has declined to do so; only a limited consultation with village chairmen was conducted in

March 2014.<sup>21</sup> In June 2016, Acacia published on its website an updated version of its Community Grievance Management and Resolution Procedure (Grievance Mechanism).<sup>22</sup> It states that ‘any possible human rights and legal violations must be reported appropriately as set out in the ‘Acacia Reporting and Escalation Procedure for Human Rights and Related Legal Violations’, but to date the relevant document has not yet been posted on Acacia’s website (visited 18 September 2016). The new procedures have not yet been fully introduced and it is as yet unclear to what extent they will address the concerns identified by RAID and MiningWatch.

There are a number of concerns that have arisen in the course of interviews RAID and MiningWatch have had with victims, their families and witnesses regarding investigations of their claims, including:

- Investigations, even of serious *prima facie* crimes, are conducted by mine employees, to whom the police appear to defer;
- Even though, as Acacia confirms, most, if not all, of the mine site is under permanent CCTV surveillance,<sup>23</sup> it is often only the mine staff who appear to view relevant footage when there are investigations into human rights claims;
- Many victims and witnesses do not read and write, yet they are instructed by mine staff to go to the Community Relations Office, often unaccompanied by any advisors, where they are interviewed by lawyers from the mine investigations team. A Swahili summary of their statements (which are typed in English) is read out to them and they are told to sign these statements, without the benefit of independent legal advice;
- Bereaved family members in a vulnerable state are summoned to the mine office (at their own expense) and told to bring all relevant documents, including original medical records, which are then kept by the mine investigations team;
- Although the mine promises to inform them within thirty days of the results of these investigations, many of the claimants are routinely fobbed off and left for months without any notification about progress with their case;
- Bereaved families are given the impression that their claims for compensation will only be considered if they identify all relevant witnesses and bring them to the mine to be interviewed;
- Unsuccessful claimants are not given detailed reasons for the rejection of their claims and do not appear to have any idea of how they might appeal such decisions;
- Complaints made on behalf of some victims with strong *prima facie* claims have not elicited any response from the mine, while, in other cases, victims are approached by mine staff and asked to present a claim and take compensation in return for signing a legal waiver.

The mine exerts almost complete control over all of the information related to the cases and claims that are being investigated. The *modus operandi* of the Mines Investigation team appears to cross a line and to take on elements of criminal investigations usually reserved for public law officials. The capricious nature of the process appears driven more by a desire to limit legal liability, than to remedy serious human rights harms.

### ***Problems with existing settlements***

The existence of a human rights remedy programme at North Mara only came to light when a hitherto confidential agreement (‘Condolence Disbursement Agreement’) was disclosed during the legal proceedings in London.<sup>24</sup> In 2014, the company informed MiningWatch and RAID that ‘55 individuals (31 men and 22 women) have been offered and have accepted remedy packages in response to grievances that might be considered human rights-related because they involved allegations regarding the use of force by mine security or police against intruders.’<sup>25</sup> In agreeing to accept the remedy offered by the mine, the claimants have to sign away their right to file suits against NMGM, Acacia and Barrick.

RAID and MiningWatch have interviewed 26 claimants (17 men and nine women), who have signed settlement agreements with Acacia’s North Mara Gold Mine. All have expressed their dissatisfaction with: flaws in the process by which the agreements have been drawn up and agreed; deficiencies in

the way in which the agreements have been implemented; and the hostile or indifferent stance adopted by the company and its agents. RAID and MiningWatch have also made a careful study of relevant documentation, including Grievance Resolution Agreements (GRAs) and extensions to some of these agreements. In many GRAs, all remedies, including necessary medical treatment, the provision of prostheses and construction materials for houses, were contingent on the complainant accepting tied employment.

There are many discrepancies between Acacia's response<sup>26</sup> to concerns raised by RAID and MiningWatch about the remedy programme and the views of the beneficiaries interviewed in July/August 2016.

#### – **Tied employment**

##### *According to Acacia*

**'Job Skills Development:** 27 male beneficiaries have received sponsored employment with local companies where they have gained skills such as welding, masonry, timber businesses, store keeping/sales, motor vehicle mechanics and driving.'<sup>27</sup>

##### *Interviewees' account*

Most of the beneficiaries were obliged as part of their agreements to undertake tied employment with a local business appointed by NMGML. In the initial two-year contracts, many of the men in the remedy programme were given a job keeping chickens, which offered little opportunity for the development of skills they could apply outside of that short term employment. The interviewees expressed resentment at being forced to take this employment.

In RAID and MiningWatch's view, an employment contract does not constitute unconditional compensation for harm caused by the company in that disbursements are paid, but only as wages in return for work.

#### – **Training Programmes and the creation of cooperatives**

##### *According to Acacia*

'37 beneficiaries have also been trained by the ILO on business group formation, management and leadership which led to the formation of two economic groups (JIKOMBOE youth group and JUWAWANI women's group) engaging in agricultural and sewing activities respectively.'<sup>28</sup>

##### *Men in the Remedy Programme*

All of the 17 men interviewed had participated in a two-week ILO course. Most of them had very little formal education and only a few had attained the level of Standard 7 (end of primary education). During the course, they were encouraged to select their preferred area of future work. Many of the men, who have various degrees of disability, expressed an interest in agriculture and were encouraged by the mine to form a cooperative, which was called the JIKOMBOE youth group.

##### **JIKOMBOE youth group**

Before the end of the original two-year settlements, the Head of the Community Relations office came up with the idea of setting up a greenhouse cooperative. 'The idea was for us to form a cooperative and grow vegetables, tomatoes and fruit. We would then be able to sell the produce to AKO, the company that supplies food to the mine. AKO sourced all of its food from Dar es Salaam at that time. But when the extension contract came to an end we were just told to go.'<sup>29</sup> 'The mine promised to give us everything we needed: seeds, fertilisers, technical support and advice about how to take care of the products and on marketing. The mine even offered us labour to help us to get started. But we never saw any of this.'<sup>30</sup> With help from the mine, the group was formally registered as an association<sup>31</sup> and opened a bank account. With

encouragement from the Community Relations office, the group started to look for a plot of land to buy but the mine said it was too expensive.<sup>32</sup> In the end the project came to nothing.

In September 2015, the General Manager of the North Mara mine denied that the company had given any such undertakings. In a letter addressed to the Jikomboe Youth Group, he states that 'No promises oral or written were made in addition to the executed contracts'.<sup>33</sup> The group has disbanded.

#### *Women in the Remedy Programme*

Almost all of the claimants MiningWatch and RAID have interviewed are living in entrenched poverty, but women, who have allegedly been raped by mine security or police guarding the mine, face additional hardship. Their poverty has significantly increased because, in some cases, they have been abandoned by their husbands; other women are widows or the sole breadwinners and have sustained injuries (including from beatings) or acquired rape-related diseases that have impaired their ability to work to provide for themselves and their families. Nearly all have to meet ongoing medical expenses.

#### – **Dress design, operation and maintenance training**

##### *According to Acacia*

'A number of women receiving remedies under the grievance resolution agreements were provided with sponsored employment at a local sewing business (Mara Kaskazini Enterprises). This employment is in the process of transitioning to a co-operative formed by the women (JUWAWANI).'<sup>34</sup>

##### *Interviewees' account (women)*

In November 2015, women in the sewing programme informed RAID and MiningWatch that Acacia had undertaken to give them the sewing machines they were using at the end of their employment contract as part of their settlement, so that they could sustain themselves. The women said this promise had not been honoured.<sup>35</sup> MiningWatch and RAID raised this concern with Acacia in 2015 and March 2016. In July/August 2016, some of the women confirmed to MiningWatch and RAID that they had finally obtained their sewing machines in April 2016, apparently after reporting the problem to members of the Committee of Inquiry. The women categorically deny that there is any follow-up programme or any cooperative in operation.

#### – **Future employment opportunities**

##### *According to Acacia*

'Resolution agreements may have a fixed term (most no less than 2 years) appropriate to the particular remedy. In a number of cases, this term has been extended after the 2 year period to allow a transition to other Acacia livelihood programmes or other opportunities or the conclusion of necessary medical treatment. We continue to monitor these individuals post the expiry of the agreements.'

##### *Interviewees' account*

Only two of the men interviewed remain in employment, but not as part of an Acacia livelihood programme. The other men interviewed, whose contracts have ended, have been left dependent on their wives or families to support them as most can no longer carry out agricultural work. Several expressed an interest in starting a small business, but lack the start-up capital. Furthermore, many of the men and women we interviewed have ongoing medical needs. With the conclusion of their agreements, these men and women do not have any medical insurance for themselves or their families. In many cases, the only medical insurance provided was through the Tanzanian national health insurance scheme (National Social Security Fund, NSSF<sup>36</sup>). Many of those interviewed made contributions, which were deducted from their salaries. Once their employment ceased they could not continue to make the NSSF contributions.

– **Inadequacy of medical care**

**According to Acacia**

‘We have experienced some difficulties with a number of individuals who are receiving medical treatment, including individuals attending treatment sessions in an intoxicated state such that the medical practitioners at specialist hospitals have refused to treat them. We have also seen instances of fraud conducted by some individuals, including forging doctor’s appointment cards, medical prescriptions and receipts. Accordingly, we have had to source replacement medical services.’<sup>37</sup>

**Interviewees’ account**

One interviewee was shot by police at the mine site in 2014. His GRA specifies (under clause 1.1) only ‘Medical treatment at Bugando Hospital (paid directly by NMGML) 2,000,000 [Tsh]’ and ‘Provision of Prosthetic Eye (paid directly by NMGML) 1,000,000 [Tsh]’. No further details are given as to what assessment of the treatment needed has been done, what the treatment is to entail, how long it will last, how the limit on payment is derived, whether the claimant will receive ancillary costs (such as transport to the hospital, accommodation for extended stays). The wording in an extension agreement of another claimant is equally vague: ‘Continuation of medical aid regarding the injuries incurred when you were involved in the intrusion which is the reason for your complaint.’

Another claimant we interviewed was shot four times in the leg in 2010. He began to walk with difficulty again, but then slipped while bathing and broke his leg. He broke his leg once again, after slipping. His leg is wasted and swollen at the shin/ankle. He initially refused to have the leg amputated. Every three months he used to have a check-up at the Buganda Hospital in Mwanza, arranged by Acacia/NMGML. He went on public transport, but the mine paid the fare. This claimant’s last visit was in September 2015. Following this visit, doctors at Buganda Hospital have refused to take care of him anymore. He now goes to Kananga Hospital at his own expense. The doctors have advised him that he needs to have the leg amputated at a properly equipped hospital in Dar es Salaam.

**Treatment ends for an amputee**

This claimant was shot in the leg by police guarding the mine in 2009. He is married with three children. His leg was amputated at the Buganda Hospital in Mwanza. His family paid for his medical expenses. The mine made no attempt to contact him until he joined a law suit. Prior to December 2012, this claimant was a client of Leigh Day. He was persuaded by North Mara personnel to drop the lawsuit in return for remedy through the mine’s remedy mechanism. After he signed a legal waiver, he was taken to the KCMC (Kilimanjaro Christian Medical Centre) in Moshi, Kilimanjaro where he was fitted with a prosthesis early in 2013. The prosthesis represented an improvement in his life. In order to be kept in good functioning condition, the prosthesis needs regular adjustment every 8 months. He was twice sent by NMGML to Moshi for such adjustments. After that, his requests for the next necessary adjustment were no longer met. In May 2016, he was taken to a local hospital in Shirati. There he was told by a doctor that the hospital did not have the necessary equipment to fix his particular prosthesis and he was sent home.

Two other men, both of whom lost legs in incidents at the mine are in a similar situation. After MiningWatch and RAID raised concerns about this in November 2015 and March 2016, the mine contacted the three men. In April-May 2016, they were taken to the Shirati hospital. In the case of one of the two men, an attempt was made to repair his artificial leg at the Shirati Hospital, but it does not fit properly and causes him pain. The other man has ceased to use his artificial leg.

According to the UK Limbless Association, artificial limbs for active adults do not last more than three years and amputees require regular visits to specialised disablement services centres throughout their lifetime.<sup>38</sup>

## – Confidentiality and Ownership of Agreements

### *According to Acacia*

‘In a limited number of grievance resolution cases, all involving vulnerable women, the women requested that the Remedy Co-ordinator hold the resolution agreements so that they were not found or taken by other members of the community.’<sup>39</sup>

### *Interviewees’ account*

The women MiningWatch and RAID interviewed said that they had not asked Acacia or the mine to hold onto their contracts and that they had, in fact, repeatedly asked for the contracts to be provided to them. Finally, in July 2015, they took collective action to demand copies of their contracts, by staging a sit in of the grievance mechanism office.

## – Dissatisfaction with the compensation process

Many of the interviewees reported discrepancies between what they had been promised orally, what was written up in the agreements and legal waivers they were asked to sign, and what they actually received from the mine. For example, a common promise made was that the company would build the claimant a house. However, frequently inadequate, or no, funds for the purchase of land and inadequate building supplies were provided, often sourced through business associates of the mine, leaving claimants with incomplete houses and debts.

## – Lack of access to the Grievance Office

Since 2015, it has become increasingly difficult for complainants to gain access to the remedy office, which is located behind a guarded fence. Victims who had access to the cell phone numbers of remedy program staff find their calls are no longer being answered or that the numbers have been changed. Some of the claimants interviewed by RAID and MiningWatch pointed out that access and responsiveness of the Grievance Office became increasingly problematic after the settlement of the Leigh day case in February 2015.<sup>40</sup>

## Notes

<sup>1</sup> The UK-registered and London-listed company Acacia Mining (formerly African Barrick Gold plc, (ABG)) indirectly owns the North Mara gold mine in Tanzania, via its wholly-owned subsidiary, North Mara Gold Mine Ltd. Barrick Gold Corporation acquired North Mara in 2006. ABG was ‘spun-off’ from Barrick in March 2010, although the latter retains a majority interest. Barrick has reduced its shareholding to 63.9%. In late 2014, ABG changed its name to Acacia Mining plc.

<sup>2</sup> For press release and summary of findings from Human Rights field assessment at the North Mara Gold Mine Ltd. in 2014 see: <http://miningwatch.ca/news/2014/8/5/violence-ongoing-barrick-mine-tanzania-miningwatch-canada-and-raid-uk-complete-human>

<sup>3</sup> For press release and summary of findings from Human Rights field assessment at the North Mara Gold Mine Ltd. in 2015 see: <http://miningwatch.ca/news/2015/11/17/broken-bones-and-broken-promises-barrick-gold-fails-address-ongoing-violence>

<sup>4</sup> See a summary of our communications with Acacia regarding the remedy mechanism: *In Need of Repair: Acacia Mining’s Grievance Mechanism at North Mara Gold Mine, Tanzania*, 10 May 2016.

<http://miningwatch.ca/blog/2016/5/10/need-repair-acacia-mining-s-grievance-mechanism-north-mara-gold-mine-tanzania>

<sup>5</sup> Prospectors, or ‘intruders’ in the mine’s terminology, refers to people who enter the mine site, most frequently the waste rock dumps, in search of gold bearing rocks.

<sup>6</sup> See for example, ‘The Report of the Inquiry into the Death of Five People on 16/05/2011 shot by the Police at the North Mara Mine, Office of the Prime Minister, Regional Administration and Local Government.’ English translation dated 13 June 2013. [http://miningwatch.ca/sites/default/files/commision\\_of\\_inquiry\\_report\\_english.pdf](http://miningwatch.ca/sites/default/files/commision_of_inquiry_report_english.pdf)

<sup>7</sup> See, for example, Deo Mwanyika, Vice President African Barrick Gold to Business and Human Rights Resource Centre, 14 August 2014. Available at: <https://business-humanrights.org/.../African%20Barrick%20Gold%20Response%202014>. The letter was a response to RAID and MiningWatch Canada’s press release: ‘Violence Ongoing at Barrick Mine in Tanzania: MiningWatch Canada and RAID (UK) Complete Human Rights Assessment’ 25 July 2014. Available at: <http://www.raid-uk.org/content/acacia-mining-african-barrick-gold-and-north-mara>

<sup>8</sup> Letter from Eliakim Maswi, Permanent Secretary, Tanzanian Ministry of Energy and Minerals, to Deo Mwanyika, Vice President Africa Barrick Gold 19 November 2014; it was made available to the 2016 Committee of Inquiry. (Hereinafter MEM Letter November 2014).

<sup>9</sup> See MEM Letter November 2014 p. 2 Available at: <http://www.raid-uk.org/content/acacia-mining-african-barrick-gold-and-north-mara>



- 
- <sup>10</sup> Beldina Nyakeke ‘Committee Set to End North Mara Gold Mine Conflicts’, The Citizen, 16 Feb 2016 <http://www.thecitizen.co.tz/News/1840340-3079268-lqqq6jz/index.html>
- <sup>11</sup> Mugini Jacob ‘Settle Disputes Out of Court’ Daily News 25 July 2016 <http://www.dailynews.co.tz/index.php/home-news/52008-settle-disputes-out-of-court>
- <sup>12</sup> MEM ‘Mapendekezo Ya Namna Bora Ya Utekelezaji Wa Taarifa Ya Kamati Ya Kuchunguza Malamiko Kati Ya Wananchi Na Mgodhi Wa Dhahabu Wa North Mara’ July 2016 (original in Swahili). Available at: <http://www.raid-uk.org/content/acacia-mining-african-barrick-gold-and-north-mara>
- <sup>13</sup> The Committee had 27 members: 19 were government, 4 from Acacia [was it from Acacia or NMGM?], 4 from the Tarime Rural constituency, and one NGO, Search For Common Ground (which is funded by the mine).
- <sup>14</sup> Letter from John Heche MP to the Minister of Energy and Minerals, 29 July 2016 (original Swahili)  
RE: Major Limitations of the Committee to Resolve Disputes between Citizens and the Mine. John Heche is a member of the opposition Party for Democracy and Progress (known by its Swahili acronym, Chadema)
- <sup>15</sup> John Heche MP, letter to MiningWatch et al. 31.07.2016. Original in Swahili.
- <sup>16</sup> This account is based on statements from eye-witnesses and family members and after an examination of available documentation, including the post-mortem report
- <sup>17</sup> This information was shared with RAID and MiningWatch by eye-witnesses and family members
- <sup>18</sup> North Mara Gold Mine Limited ‘Agreement and Final Release’ dated 16 December 2012. In March 2013 proceedings were brought in the High Court of England and Wales by the leading law firm Leigh Day against African Barrick Gold (ABG; now Acacia Mining) and its 100% owned subsidiary, North Mara Gold Mine (NMGM) on behalf of a group of Tanzanian villagers. The agreement refers to ‘alleged harm suffered by the Complainant,’ a man, as a result of an ‘incident’ which occurred ‘on the NMGM property.’ In return for a ‘Condolence Disbursement’ the Complainant had to agree ‘that he will not instigate, encourage or in any way assist other complainants, demands or claims by any other person against NMGM, ABG or their affiliates’. The Complainant was also required to sign a ‘covenant not to sue,’ waiving ‘all and any rights’ to be a party to ‘any proceedings’ anywhere in the world against any of the aforementioned business entities. See Letter from MiningWatch Canada and RAID to Brad Gordon, Chief Executive Officer, African Barrick Gold, 24 February 2014. Available at: <http://miningwatch.ca/news/2013/12/17/african-barrick-s-confidential-compensation-agreements-questioned-troubled-tanzania>
- <sup>19</sup> Letter from Katrina White, Acacia Mining to RAID and MiningWatch, 7 January 2016
- <sup>20</sup> RAID/MiningWatch *In Need of Repair: Acacia Mining’s Grievance Mechanism at North Mara Gold Mine, Tanzania* May 2016. Available at: [www.raid-uk.org](http://www.raid-uk.org)
- <sup>21</sup> Acacia Mining, NMGM Consultation with Village Leaders. Available at: <http://www.acaciamining.com/sustainability/our-material-areas/community-relations/grievance-mechanism.aspx>. Visited 17 September 2016.
- <sup>22</sup> Acacia Mining, Community Grievance Management and Resolution Procedures. Available at: <http://www.acaciamining.com/sustainability/our-material-areas/community-relations/grievance-mechanism.aspx>.
- <sup>23</sup> See letter from Katrina White, Head of Legal and Compliance, Acacia Mining to RAID and MiningWatch 7 January 2016: ‘Additional cameras have been installed over time, with 444 infrared cameras and 14 FLIR thermal cameras providing coverage of the operation.’
- <sup>24</sup> Letter from RAID and MiningWatch to Brad Gordon, CEO African Barrick Gold, 14 February 2014
- <sup>25</sup> Letter from Deo Mwanyika, VP Corporate Affairs, ABG to RAID and MiningWatch, 1 July 2014
- <sup>26</sup> Acacia Mining, Response to MWC and RAID Field Assessment - November 2015. Available at: <http://www.raid-uk.org/content/acacia-mining-african-barrick-gold-and-north-mara>
- <sup>27</sup> *ibid*
- <sup>28</sup> *ibid*
- <sup>29</sup> Statement by A, one of the men in the remedy program.
- <sup>30</sup> Statement by B, another of the men in the remedy program.
- <sup>31</sup> Jikomoe Vijana was registered in October 2014
- <sup>32</sup> Statement by C, another of the men in the remedy program.
- <sup>33</sup> Letter from Gary Chapman, General Manager North Mara Gold Mine to the Jikomoe Vijana group 2 September 2015
- <sup>34</sup> See Acacia Mining, Response to MWC and RAID Field Assessment - November 2015
- <sup>35</sup> RAID and MiningWatch Canada: Summary of findings from human rights assessments at Barrick Gold’s North Mara Gold Mine, February and October–November 2015. See: <http://miningwatch.ca/news/2015/11/17/broken-bones-and-broken-promises-barrick-gold-fails-address-ongoing-violence>
- <sup>36</sup> <https://www.nssf.or.tz/index.php/registration/english/employees>
- <sup>37</sup> See Acacia Mining, Response to MWC and RAID Field Assessment - November 2015
- <sup>38</sup> <http://www.limbless-association.org/index.php/information/amputee/amputation>
- <sup>39</sup> Acacia Mining, Response to MWC and RAID Field Assessment - November 2015. Available at: <http://www.raid-uk.org/content/acacia-mining-african-barrick-gold-and-north-mara>
- <sup>40</sup> See <http://miningwatch.ca/news/2015/2/9/out-court-settlement-good-some-tanzanian-villagers-many-others-hindered-participation>