



MiningWatch Canada

Mines Alerte

Suite 508, 250 City Centre Avenue, Ottawa, Ontario, Canada K1R 6K7
tel. (613) 569-3439 — fax: (613) 569-5138 — info@miningwatch.ca — www.miningwatch.ca

December 2, 2007

Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions
c/o OHCHR-UNOG
1211 Geneva 10
Switzerland
Fax: 41 22 917 9006

Re: Allegation Letter concerning: extrajudicial killings of citizens in Papua New Guinea by private security guards (tolerated by the government), PNG Police and Mobile Unit Police at the Porgera Mine; breach of the obligation to investigate alleged violations of right to life and to bring those responsible to justice; breach of the obligation to provide compensation to victims of violations to the right to life.

Dear Mr. Alston,

Please accept this Allegation Letter concerning killings of Papua New Guinea (PNG) citizens at the Porgera Joint Venture mine in Enga Province in the highlands of Papua New Guinea.

The first allegation concerns extrajudicial killings, which have been tolerated by the government of PNG, perpetrated by private security guards, as well as by PNG police and possibly Mobile Unit Police. These violent deaths have been taking place since at least 1993¹ at the Porgera Mine, currently 95% owned by Barrick Gold.² The number of alleged deaths by shooting at the hands of security guards or police range from eight admitted to by Placer Dome³ (former 75% owner of the mine) to eleven documented by a local human rights group, Akali Tange Association (ATA) in 2005.⁴ ATA has documented an additional 3 deaths at the hands of security forces through means other than shooting.⁵ Others have put the total number of deaths at Porgera by security forces and police higher.⁶ In particular, Prime Minister Sir Michael Somare told parliament he would seek answers for the 29 killings at the mine noting the allegations that the mine's security forces were involved: "We want to know why they

¹ Akali Tange Association Inc. 2005. *The Shooting Fields of Porgera Joint Venture...* p. 70

² Barrick Gold acquired Placer Dome in 2006.

³ Burton, Bob. 2005. *Canadian Firm Admits to Killings at PNG Gold Mine.*

<http://www.ipsnews.net/news.asp?idnews=31074>

⁴ Akali Tange Association Inc. 2005. *The Shooting Fields of Porgera Joint Venture.....* The names of the eleven cases of deaths by shooting recorded by Akali Tange Association are: Henry Tendeke; Taitia Maliapa; Paul Pindi; John Wangla; Pyakani Tombe; Yandari Pyari; Jerry Yope; Jackson Yalo; Joe Opotaro; Aglio Wija; Mina Mulako.

⁵ The names of the three cases of deaths at the hands of security guards (other than by shooting) recorded by Akali Tange Association are: Alonge Laswi; Minata Pita; Pyakane Eremi.

⁶ The Porgera Special Mining Lease Landowner Association claims 21 people have been killed at the mine site by security personnel. Huafolo, Anton. 2005 Landowners call for mine closure. In *The National, Papua New Guinea*. March 30.

are killing those people, and whether the law allows them to do that.’ He said there appears to be foreign tactics, because 29 deaths was too many for one mine area.”⁷

A second allegation concerns the breach of the obligation to investigate alleged violations of right to life and to bring those responsible to justice. There is very little evidence that in the cases of most deaths by shooting by Porgera Joint Venture security guards, police or Mobile Unit Police there have been proper investigations of these deaths leading to arrests and legal action against perpetrators.⁸ Following years of calls from citizens for a government investigation of the unusually high number of killings at the Porgera Joint Venture Mine, an investigation was finally initiated by the government of Papua New Guinea in 2006 to “inquire and report to the Government on the incidence and causes of injuries and deaths at the Porgera mine site.” However, the Terms of Reference⁹ for the inquiry limit the inquiries investigation to those “circumstances in which any persons have been injured or died whilst engaging in, or as a consequence of, unauthorized gold mining activities.”

The Terms of Reference for the government’s inquiry are clearly prejudicial, assuming a link between the shootings and killings by Porgera Joint Venture’s security forces and alleged unauthorized gold mining before such a link has been established in evidence. They also expressly exclude all evidence of shootings and killings by mine security or police that can be shown not to be linked to alleged unauthorized mining activities.¹⁰ Finally, in spite repeated requests from citizens of PNG, the government has refused to release publicly the findings of its inquiry into the killings at Porgera. These findings need to be made public.

The third allegation concerns the breach of the obligation to provide compensation to victims of violations to the right to life. As there has to date not yet been a proper investigation of the many alleged deaths by security forces and police at the Porgera Joint Venture there has also not been compensation paid to the relatives of the victims.

I hope you will be able to accept this Allegation Letter and request of the Government of Papua New Guinea that it: 1) conduct a thorough, independent and unprejudiced investigation of all allegations of extrajudicial killings at the Porgera Joint Venture mine; 2) release the report of the investigation the government has already conducted; 3) provide compensation to the relatives of all victims of extrajudicial killings at the Porgera Joint Venture mine.

Sincerely,



Catherine Coumans, Ph.D.

⁷ Probe looms for mine deaths. 2005. *The National, Papua New Guinea*. May 6. Governor Luther Wenge also pegged the deaths by killing at 29 (Porgera Mine Deaths Prompt Call for Independent Probe. 2005. In *PNG Post-Courier*. May 11.

⁸ Akali Tange Association Inc. 2005. *The Shooting Fields of Porgera Joint Venture...*

⁹ The terms of reference for the government of PNG inquiry into the killings at Porgera can be viewed at: “Papua New Guinea Conducts Flawed Investigation of Killings at Barrick Mine”

http://www.miningwatch.ca/index.php?/Porgera/Porgera_ToR

¹⁰ Ibid.