



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

May 3, 2009

Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People
Special Rapporteur on Adequate Housing
Representative of the Secretary-General on the Human Rights of Internally Displaced Persons
Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions
Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
c/o OHCHR-UNOG,
1211 Geneva 10,
Switzerland

Re: Urgent Appeal related to human rights abuses and potential loss of life as a result of extrajudicial, summary or arbitrary executions related to a joint military and police “call out” named “Operation Ipili ’09” in Porgera, Papua New Guinea, and request for an investigation of potentially related security agreements between the Government of Papua New Guinea and the Porgera Joint Venture Mine.

Dear Mr. Anaya, Ms. Rolnik, Mr. Kaelin, Mr. Alston, Mr. Nowak,

Please accept this Urgent Appeal for action to stop human rights abuses and potential loss of life as a result of extrajudicial, summary or arbitrary executions related to joint military and police actions, named “Operation Ipili ’09” in Porgera, Papua New Guinea, and for an investigation of potentially related security agreements between the Government of Papua New Guinea and the Porgera Joint Venture Mine.

This letter follows, and is related to, my previous Allegation Letter to Mr. Alston (December 2, 2007) and subsequent communication (January 7, 2008) with Neal Gilmore, UN Human Rights Adviser then based in Port Moresby.¹

Urgent Appeal for action to stop human rights abuses and potential for loss of life in Porgera

We are extremely concerned about the human rights abuses that have already occurred as result of “Operation Ipili 09,” including abuse of the rights of Indigenous Peoples, right to housing and to security of the person. In light of a history of extrajudicial killings of citizens of Papua New Guinea in Porgera by private security guards (tolerated by the government), PNG Police and Mobile Unit Police, as detailed in my earlier communications with Mr. Alston, we fear that there is a real potential for loss of life as a direct result of “Operation Ipili ’09.” We therefore urgently appeal for the intervention of your offices.

In March 2009 the Government of Papua New Guinea’s National Executive Council responded to a request by Member of Parliament Philip Kikala of Lagaip-Porgera by deciding to deploy military and

¹ http://www.miningwatch.ca/index.php?/Porgera/Porgera_linked_to_abuse

police in a “call out” to address “tribal fighting and illegal mining”² in the vicinity of the Porgera Joint Venture gold mine.

On April 18, 2009, more than 200 troops including 4 mobile units, an air tactical unit and intelligence officials from the PNG Defence Force were deployed in Porgera³ in an operation named “Operation Ipili ’09.”

On April 27, 2009, MiningWatch Canada received communications out of Papua New Guinea from a member of a human rights organization based in Porgera: “*In Porgera at the Ungima village adjacent to the open pit mine, the call out ‘Operation Ipili 2009’ had completely burnt down all the houses and evacuated the land...*”⁴ A subsequent communication from the same person and on the same day provided the following information: “*...All the houses of the Ungima village about 80 and lately 2 houses of Yokolama village was burnt and another 4 houses of Kulapi village was burnt. Villagers who spoke up to protect their homes were bashed and bruised. I had that casualties are increasing at the Paiam Hospital. Others are detained. The incident happened at around 1pm yesterday the 27th of April 2009...*”⁵ With respect to the belongings inside the houses this communication clarified that: “*Not a single item was taken, everything inside was burnt.*”⁶ With respect to whether the inhabitants had any advance warning that their houses would be burnt down this communication clarified that: “*Warning was given a week ago to discourage the illegal mining practice and law and order they say but the indigenous land owners were not aware that their properties adjacent to the mine will be burnt. No formal warning was given to burn any house very close to the mine.*”⁷ The villages referred to here are within the Special Mine Lease area of Barrick Gold’s Porgera Joint Venture mine.

On April 28, 2009, MiningWatch Canada received further communications out of Papua New Guinea that: “*The situation at Porgera is getting extremely worse. (...) More than 300 houses are confirmed burnt.*”⁸ This communication included pictures of houses burning in Ungima village (see picture attached below, more are available upon request).

News reports on April 30th indicate that “[m]ore than 300 houses belonging to local landowners near the Porgera gold mine in Enga Province have been torched allegedly by the policemen called out to restore law and order in the district.”⁹ Mr. Mark Ekepa, Chairman of the Porgera Landowners Association is quoted as saying that “these houses belong to the second and third generation landowners (...) [m]any of those left homeless were three of the seven landowner clans – Tieni Wuape, Tieni Wiagolo and Tieni Lakima – in Porgera.” These houses are located within the Special Mine Lease area of the Porgera Joint Venture mine which is 95% owned by Barrick Gold Corp. of Canada.

² Kepson, Philip. *Ipatas opposes troops for Enga*. The National. April 9, 2009.

³ Muri, David. *Porgera ‘empty’ on eve of call-out*. The National. April 20, 2009.

⁴ Personal e-mail communication received out of Papua New Guinea from a member of the grass-roots human rights organization Akali Tange Association based in Porgera. Sent Monday 27/04/09. MiningWatch Canada has known this individual since 2005.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Personal e-mail communication received out of Papua New Guinea from a member of the grass-roots human rights organization Akali Tange Association based in Porgera. Sent Tuesday 28/04/09. MiningWatch Canada has known this individual since 2005. The text is unaltered from the original.

⁸ Personal e-mail communication received out of Papua New Guinea from a member of the grass-roots human rights organization Akali Tange Association based in Porgera. Sent Tuesday 28/04/09. MiningWatch Canada has known this individual since 2005.

⁹ Eroro, Simon. *Porgera up in flames*. Post Courier. April 30, 2009; Radio New Zealand International. *Homes burnt at PNG’s Porgera Mine*. April 30, 2009.

“Operation Ipili ’09” cannot be understood separate from the Porgera Joint Venture (PJV) mine and its history of conflicts with local landowners over access to land. In recent years, landowners have gone public with their request to be relocated away from their traditional lands, now within the PJV Special Mine Lease (SML) area, as these lands are no longer considered fit for human habitation. At a news conference in Canada, Mr. Mark Ekepa, Chairman of the Porgera Landowners Association said: “The mine has made it impossible to live here (...) Either we need to be moved immediately, or Barrick needs to leave this place.”¹⁰

Barrick originally showed interest in moving landowners off their land in order to accommodate proposed mine expansion. Porgera Joint Venture contracted the consulting firm URS in 2006 to conduct studies in anticipation of moving affected landowners out of the Special Mine Lease area. Interviews were conducted with landowners and expectations of relocation were raised over a period between early 2006 and June 2007 when URS released its final report. However, PJV ultimately decided against relocation of all people living within its Special Mine Lease area, due, in part, to the costs associated with a full relocation.¹¹ In a letter from Mine Manager Mark Fisher to the Chairman of the Porgera Landowners Association, Mark Ekepa, Fisher states “...there will be no full relocation of people off the SML, but we have begun the process of moving those eligible people who are at risk of being affected by the mining operation due to safety or geotechnical considerations.”¹²

In light of the ongoing disagreements between landowners and PJV over relocation and relocation compensation levels, it is particularly disturbing that the houses that are currently being targeted and burned down are in the Special Mine Lease area.

Request for disclosure of potentially related security agreements between the Government of Papua New Guinea and the Porgera Joint Venture Mine.

Right to Information: The call-out and the house burnings in Porgera emphasize the urgent need for public disclosure of the ***2005 Memorandum of Understanding*** between the PJV security forces and the PNG Royal Constabulary. Reports indicate that PJV at times provides logistical support to state police in connection with operations around the mine.¹³ This information was confirmed in my discussions with government officials in Port Moresby.¹⁴ In light of the human rights abuses associated with “Operation Ipili 09,” and particularly in light of the fact that the state police in Port Moresby were reportedly not immediately aware of the house burnings at the mine, it is important to know what role, if any, PJV security played in the house burnings and related alleged abuses of residents of the villages near the Porgera mine. It is also important to know whether PJV contributed financially to the call-out.

¹⁰ http://www.miningwatch.ca/index.php?Porgera/Porgera_linked_to_abuse; See also letter by Mark Ekepa to ESCR Team/Special Procedures Branch of November 10, 2008 in which he says that almost 75% of the total SML land area has been taken up by mining and that “the remaining balance has become not suitable for subsistence gardening the traditional way.” See also letter of landowner representatives Ekale Kangalia and Yakopia Kulinia dated 11 November 2008, in which they detail the aspects of life that make living in the SML area untenable, such as, blasting in the open pit and underground “50 meters close to where people are living,” and being surrounded by mine waste dumps that people need to traverse to do their business. They also conclude: “Due to these issues we made the call to the company to relocate the affected land owners...” In personal communications with landowners (during a visit to Porgera in November 2008) I have also heard that accessing clean water in the mine lease area is a major concern.

¹¹ Personal communication with Mine Manager, Mark Fisher, Porgera, November 11, 2008.

¹² Letter of Mark Fisher to Mark Ekepa of July 23, 2008.

¹³ *Police Guard Porgera Mine*. Postcourier. December 12, 2007;

¹⁴ I have discussed the 2005 MOU between the PJV security forces and the PNG Royal Constabulary with PJV mine manager Mark Fisher (November 11, 2008 in Porgera) and government officials (November 13, 2008 in Port Moresby) in general terms but do not have a copy of the MOU nor detailed information on the contents.

News reports present a clear link between the PJV mine and the request for a State of Emergency by MP Philip Kikala. Kikala himself reportedly said “the plea for help had come from situation reports presented to him by Barrick (PNG) limited, the operator of the rich Porgera mine...”¹⁵ Police Commissioner Gari Baki reportedly said “the call-out was for the good of the innocent people and gold mine that had been affected by the attitudes of some people and also clamp down tribal fighting in the area.”¹⁶ Internal Security Minister Sani Rambli is reported to have said: “It’s not a political matter as some prominent leaders from the province claimed but it is for the good of the people and the Porgera gold mine which was affected severely by thousands of illegal miners forcefully entering the mining area every night and stealing gold.”¹⁷

Reports also indicate that when Barrick’s new President and CEO arrived in Papua New Guinea in the weeks before the call-out started: “Mr. Rambli and Deputy Prime Minister and Mining Minister Dr. Puka Temu also met with the global president of the Barrick Group, Aaron Regent, in Port Moresby over the weekend and assured him of the Government’s commitment to deal with the illegal miners in the world-class mine. He said the security operation would start some time this week, after approved funds were released by the Treasury Department.”¹⁸ The mine manger of the Porgera Joint Venture is reported to have expressed strong support for the operation: “Porgera mine general manager Mark Fisher welcomed the call-out, saying he would support the operation in its entirety with accommodation, meals and providing other logistics.”

In the past (October 2005) PJV reportedly has “initiated legal action against the PNG Department of Mining, demanding that police take action against what the company calls ‘illegal’ miners.”¹⁹

When the reports of house burnings made their way to the international community and into the local media it was striking that Police Commissioner Gari Baki and Assistant Commissioner Raphael Huafolo were apparently not aware that houses were being bunt down. “Police Commissioner Gari Baki when contacted yesterday said he was not aware of torching and was yet to be briefed by the Operation Ipili commander. Assistant Commissioner Raphael Huafolo said communications breakdown between Porgera and Port Moresby had caused difficulties in getting updates from the commander.”²⁰ It is important to understand under whose command and on whose orders the houses were burnt down.

I hope you will be able to accept this Urgent Appeal for action to stop human rights abuses and potential for loss of life in Porgera as result of “Operation Ipili ’09”.

Sincerely,



Catherine Coumans, Ph.D.
Research Coordinator
MiningWatch Canada

¹⁵ Joku, Harlyne. *MP call for SoE in Porgera*. Postcourier. February 22, 2009. Kikala also reportedly mentioned other groups who had supported a call-out.

¹⁶ Timb, Sent. *Police move into Porgera*. Postcourier. April 20, 2009.

¹⁷ *Ibid.*

¹⁸ Muri, David. *Porgera security ops set to kick off*. The National. April 6, 2009.

¹⁹ Burton, Bob. *Canadian Firm Admits to Killings at PNG Gold Mine*. Ipsnews. November 18, 2005.

²⁰ Erero, Simon. *Pogera up in flames*. Postcourier. April 30, 2009.



Houses burning in Ungima Village in the Special Mine Lease area of Barrick Gold's Porgera Joint Venture mine. Photo received by MiningWatch Canada via e-mail from Akali Tange Association on April 28, 2009.