

April 15, 2024

The “Mines Against Humanity” report documents Australian owned and led companies in the Myanmar mining sector that have remained in business after the military’s attempted coup. It covers companies engaged in the extraction of minerals, mineral exploration and services for the mining sector. While companies extracting minerals are required to share profits with state-owned enterprises illegally under junta control, exploration and service companies are also a concern. Exploration permits involve a partnership with the junta controlled Ministry of Natural Resources and Environmental Conservation (MONREC) and if they reach production, will generate revenue for the junta. Similarly, service companies in the mining sector indirectly support the junta by keeping the mining sector open for business, which profits the junta. The junta needs revenue to fund its ongoing attacks across Myanmar, which amount to war crimes and crimes against humanity.

In the course of our research, we wrote to all companies mentioned and provided them an opportunity to respond to our findings. We gave Valentis ample time to respond to facts in our report, but they chose not to.

On July 31, 2022, we wrote to Valentis Group regarding the status of their businesses in Myanmar and did not receive a response.

On January 3, we sent Valentis Group a full copy of our findings giving them an opportunity to comment. We also asked them questions about their human rights due diligence, in accordance with their responsibilities under the UN Guiding Principles and OECD Guidelines. We gave a deadline of the close of business on January 8 and did not receive a response.

On January 8, we wrote again to Valentis Group requesting a response and extending the deadline to January 12.

On January 12, we received a short response from Valentis Group Chief Operating Officer and Chief Financial Officer Michael Phin stating, "The draft presented includes various incorrect claims about the entities mentioned. The assertions also lack the necessary context for a fair

and accurate consideration." The email did not inform us which claims were incorrect, however we did include this brief and non-specific statement in our report.

We responded to Mr. Phin on January 14 asking him to "please explain and detail what you regard as 'incorrect claims about the entities mentioned' and also to provide 'the necessary context for a fair and accurate consideration'" and gave a deadline of the close of business on January 16. However, neither he nor other Valentis executives copied in the email responded.

We finalised our report and shared it with journalists, some of whom contacted Valentis for comment. We only received a fuller response from Valentis on the evening of January 29 after our report was finalised and hours before publishing.

We responded to Valentis and asked if they would like us to publish their January 29 letter on our website on the same page where the report is published. We also asked them additional questions to confirm the claims they had made regarding their divestment from Myanmar and activities following the military's coup attempt. We also again asked what human rights due diligence they have done following the coup attempt and in relation to any disengagement from Myanmar, as well as the results of that due diligence. They did not reply to us.

We raised the following points with Valentis Group in writing in response to their January 29 correspondence to us, all of which remain unanswered.

1. Valentis states that in 2022, Valentis Asia successfully divested from its Myanmar operating subsidiaries. However, we have not found or received supporting evidence of these divestments, such as changes to the Myanmar corporate registry showing how these divestments were made and who the new owners are if an applicable company has not been liquidated.
2. If Valentis Asia divested from Myanmar in 2022, why did they tell us on January 12, 2024 that "The decision to divest and discontinue services is an ongoing process"? In 2022, Valentis also advertised for a new position in Myanmar of government liaison and community engagement officer which is concerning since they were engaging with the military junta as if it were the government of Myanmar. They also chose not to respond to our email of July 31, 2022 specifically regarding the status of their business.

3. If the Valentis Asia divestment from Myanmar was completed in 2022, why was La Min Win only removed from Valentis Asia Pty Ltd on January 25, 2024, after inquiries from journalists? On the same day, Valentis Asia changed the name of its Australia-registered business to SEA Group Pty Ltd.
4. Valentis stated that, "For the avoidance of doubt, Valentis Resources Limited was never part of Valentis Asia nor was it ever under its ownership or control."
Yet, "Valentis Resources Limited" is using the "Valentis" brand name and the owners of it are La Min Win, who has been listed as the managing director of Valentis Group and Nay Min Win who has been listed as the sole Myanmar director of Kipling Resources, which is also a Valentis company. We requested an explanation of this.
5. Valentis stated that, "In relation to the allegations regarding Myanmar Economic Corporation (MEC), we understand from Valentis Myanmar that no goods or services were ever provided to, and no contracts were ever entered into, with MEC." We requested an explanation as to the reasons that Valentis geologists visited an MEC mine and what work, if any, they conducted during the visit.
6. We also noted that Valentis Asia recently took down their Facebook page and we have asked them when and why this page was taken down.
7. Contrary to the claims of Valentis in their letter, our report does not refer to Valentis Group or their constituent companies as mining companies or companies that are undertaking mineral extraction. We accurately describe Valentis as "a network of companies focused on mining exploration, extraction and related services".

Our report accurately represents Valentis companies and activities and describes how their exploration activities and services support the military junta, which has sought to extract revenue from the mining sector following the military's coup attempt.

We remain concerned at Valentis' refusal to respond to questions in good faith regarding their business in Myanmar, and human rights due diligence in relation to their business in Myanmar and any divestment. We urge Valentis and all other companies in Myanmar to transparently engage with civil society and other relevant stakeholders on human rights matters regarding their business, and to abide by the OECD Guidelines and UN Guiding Principles.