



**P.O. BOX 100,
PORGERA,
ENGA PROVINCE
PAPUA NEW GUINEA**

Phone: (+675) 70232023

Email: akalitange_association@yahoo.com/mc.yapari@gmail.com

06 September, 2018

ATA corrects false claims by Barrick in its Response to Facing Finance's Dirty Profit 6 Reports – July 2018

It is becoming a systematic problem for Barrick Gold Corp for almost two decades in denying allegations of human and environment rights abuses. The reports as stated in the Dirty Profit 6 are all true. Other similar reports of human and environment abuses by Barrick do confirm the Dirty Profit 6 Report.¹

To our understanding and proof of evidences that we have on hand², we strongly dispute Barrick's response to the Dirty Profit 6 Report as biased and total misleading. In addition to other Barrick mining operations that are included in the report, Barrick's Porgera Gold Mine in the highlands of Papua New Guinea is really a hell on Earth where systematic rapes and or gang rapes, extra-judicial killings, tortures, beatings and force evictions by its security officers and its specially hired PNG Police Mobil Squads, as well as discharging of toxic chemicals directly into the riverine system are common.

ATA as a local grassroots human and environment rights defender organization has tried all avenues to hold the company accountable for its gross human rights violations but to no avail.³ Barrick has taken advantage of the very weak and corrupt laws of our country and has manipulated all applicable laws. This is evident in the National Government of PNG blindly reissuing riverine tailings disposal permits to discharge toxic chemicals directly into the Porgera's only riverine system despite several international reports and financial companies

¹ See <https://www.hrw.org/report/2011/02/01/golds-costly-dividend/human-rights-impacts-papua-new-guineas-porgera-gold-mine>;
<https://www.radionz.co.nz/international/programmes/datelinepacific/audio/201839477/claims-of-human-rights-abuses-near-a-png-goldmine>; <https://www.law.columbia.edu/human-rights-institute/news/PapuaNewGuineanhumanrightsdefenders>; <https://www.business-humanrights.org/en/papua-new-guinea-amnesty-intl-report-on-police-violence-illegal-evictions-near-barrick-gold-mine-raises-concerns-over-company%E2%80%99s-alleged-support-for-police>, https://earthrights.org/wp-content/uploads/documents/barrick_fact_sheet_-_earthrights_international_1.pdf, <https://www.amnestyusa.org/reports/undermining-rights-forced-evictions-and-police-brutality-around-the-porgera-gold-mine-papua-new-guinea/>.

² See attachments

³ See for example the complaint, filed by MiningWatch Canada with ATA and the Porgera Landowners Association in 2011, and supported by RAID and ERI, alleges that Canadian mining company Barrick Gold Corporation has violated the OECD Guidelines at its operations at the Porgera Joint Venture (PJV) gold mine in the Porgera valley, a remote region in the Enga Province in the highlands of Papua New Guinea (PNG). Barrick had then co-owned (95%) and operated the mine since 2006 through a subsidiary BNL. The other 5% is owned by Mineral Resources Enga (MRE). In 2015 Barrick sold half of its 95% ownership of the Porgera Joint Venture to Zijin Mining Group with each owning 47.5% of BNL. For the OECD complaint filed in 2011 see: https://www.oecdwatch.org/cases/Case_210

withdrawing their support after knowing the pollutions that the company and its mine has caused.⁴

ATA hereby corrects Barrick on its biased and totally misleading statements about its operations in Porgera Papua New Guinea as follows:

1. Riverine Tailings

Barrick states that ongoing monitoring results show that the river system is operating as expected and that, downstream of the mixing zone, water quality and sediment are consistent with the stringent metal limits established by the Australia and New Zealand Environment and Conservation Council. Barrick says that to date, the mine has not exceeded environmental permit water quality compliance levels. This is absolutely deceptive as last year Barrick dumped live chemicals directly at its waste dump where a number of men, women and children were burnt.⁵ Also the Riverine Tailing has long been disputed and number of reports claim that there will be serve consequences afterward.⁶ Only those reports from Barrick's consultant firms confirm the practice as not poisonous and destructive. But then a senior employee or a Shareholder and or Director of Barrick should drink a cup of the discharged tailings we call Red Water.⁷

2. Porgera Remedy Framework

Barrick states that the Porgera Remedy Framework for women who have been raped by mine security and police guarding the mine was in-line with the UN Guiding Principles and claims that Porgera is a complex environment. Widespread criticism of the program, including by the women victims would not have been the case should local representative body; the ATA has been engaged during the planning, drafting and implementation stages of the mechanism. The involvement of unnecessary actors in the program has led to criticisms of the framework as a totally flawed program which Dirty Profit 6 was right in stating this. Also should the Barrick Gold Corp be committed to its policies in human rights, the company should also adhere to the report of the independent assessor Barrick chose and paid: *"Yet we cannot ignore that the cost of institutional failures—no matter their cause—was borne by the most vulnerable rights-holders. A number of the women the Framework was designed to benefit may not have been able to access it. Those who did may have been improperly denied remedies. And those who received remedies ultimately did not enjoy the lasting benefits to which the Framework aspired,*

⁴ See http://www.protestbarrick.net/downloads/recommendation_barrick.pdf Landowners frustrated with State for issuing riverine permit. See <http://www.looppng.com/business/porgera-landowners-frustrated-state-78589>.

⁵ On July 12, Barrick dumped a dry white chemical callim gluster mixed with Cyanide, according to Joycelyn Mandi of Akali Tange Association. According to Mandi, the chemical released looked yellow quite like gold and people rushed in at Anawe Erodible dump. The chemical spill created burns impacting the people of Panadaka and Paken tribe. See, <http://www.akalitange.org/chemical-burns-following-chemical-release-in-red-river/>

⁶ For example, the Norwegian Pension Fund divested from Barrick in 2009 because of the Riverine Tailings Disposal: "In light of the documentation at hand, the Council finds that Barrick's operation of the Porgera mine entails an unacceptable risk of extensive and irreversible damage to the natural environment. According to the Council's assessment, the company's riverine disposal practice is in breach of international norms. In the Council's view, the company's assertions that its operations do not cause long-term and irreversible environmental damage carry little credibility. This is reinforced by the lack of openness and transparency in the company's environmental reporting. Considering the intentions presented by the company with regard to production expansion, the Council finds reason to believe that the company's unacceptable practice will continue in the future." See, http://www.protestbarrick.net/downloads/recommendation_barrick.pdf

⁷ See Attachment I, "Photo of the controversial Red Water Tailings, the Pipe Mouth".

often suffering further harm at the hands of their families. If Barrick remains committed to its initial aims, these failures demand a response.”⁸

Also, the framework fell short in providing remedy to other allegations of extra-judicial killings, beatings and force evictions involving men and young boys.

3. Police Actions at Wingima

It is really becoming very painful to see Barrick always denying allegations and passing the bucks. With very strong evidences, ATA has accused Barrick of forcefully evicting the local Wingima Villagers to expand its mine operations. The house burnings in Wingima village have been going on for many years now, every time the people try to rebuild on their own land they are burnt out. The court order that Barrick always relies on to call these house burnings legal is a lie. The letter obtained by ATA from Porgera’s only District Court confirms that there was neither a court issued nor a warrant sought from the said court by the Police.⁹

Further, the Barrick’s claims of the operation as targeting by the Police of illegal activities is also misleading as Police Officers presented themselves with written statements as witness before the District Court in Porgera in the matter of Independent State of Papua New Guinea (Police Department) –vs- M^cDiyan Robert Yapari stated that it was Barrick’s Management at Porgera who has obtained the orders for evictions, and the they have planned and executed the operation of force eviction.¹⁰ Barrick’s statements of denying and passing of bucks in this global world is really unacceptable.

Now the questions are:

1. When will Barrick admit its human rights abuse allegations?
2. When will Barrick allow an independent investigation to be carried out by responsible government agencies and where possible freely prosecute those perpetrators?
3. When will Barrick provide remedy to the chemical burnt victims and the victims of force eviction at Wingima?
4. When will Barrick evaluate, process and where merit provide remedy to the allegations filled under Grievance ID 3936?
5. Further, from ATA’s view there are 940 backlogged of human rights abuse cases being filed with the Barrick’s **Black Hole** grievance mechanism at the PJV Mine Site. These claims have constituted an ongoing point of conflict with the community and many have not been adequately redressed. When will Barrick process and evaluate these allegations?

After providing all the factual evidences, ATA beliefs that the entire globe is now aware of the Barrick’s Dirtiest Profit which it enjoys in the cost of the lives of landowners around the globe.

⁸ EnodoRights Pillar III on the Ground. Independent Assessment of the Porgera Remedy Framework; See, <http://g4live.s22.clientfiles.s3-website-us-east-1.amazonaws.com/788666289/files/porgera/Enodo-Rights-Porgera-Remedy-Framework-Independent-Assessment.pdf>

⁹ Refer to Attachment II- Letter from the Porgera District Court’s Senior Magistrate.

¹⁰ See attachment III – Witness Statements from Police Officers.

Attachment I: Photo of Porgera Red Water Tailing



Attachment II: Letter from the Porgera District Court



MAGISTERIAL SERVICES

District Court Porgera

Post Office Box 23, Porgera, Enga Province

Telephone: (675) 547110 /5471084 Facsimile: (675) 57886646 Mobile:

72719260 Email: mapiee492@gmail.com

21st of April 2017

Mr. McDiyan Robert Yapari

Public & Executive Officer

Akali Tanger Association.

Dear Sir,

RE: **EVICION OF WINGIMA VILLAGE-PORGERA ON 25TH OF MARCH 2017- YOUR ENQUIRIES.**

I have compelled the Clerk of Court to search our records/files to verify if I had issued any formal Court Orders to Evict the above mentioned Settlersat Wingima from the date of your enquiries on the 31st of March to date, but to no avail.

It is clear we have not issued any orders for Eviction of the said settlements at Wingima in the last 24 months from the date of this Eviction Exercise being the 25th March 2017.

I do recall however that an application for such an Eviction Order was filed on behalf of Superintendent Norman Kambo the SOE Contingent Commander then, sometime in late 2014, by Senior Constable Henry Sagu of Porgera Police, but such Orders were not formalized/entered as yet, hence we have not retained any copies of that Application since the Applicant then never returned our Copies.

Yours faithfully,

.....
Mr. Michael W. Apie'e.

Senior Magistrate

PORGERA DISTRICT COURT.



Attachment III: Witness Statements by Police Officers



**ROYAL PAPUA NEW
GUINEA
CONSTABULARY**



COURT FILE COVER

IN THE DISTRICT COURT
HELD AT POGERA, ENGA PROVINCE

IN THE MATTER OF STATE

VERSES
McDiyan ROBERT YAPARI

Offence: Cyber Crime – Defamatory Publications
Date of Offence: 26th & 27th March 2017
Time of Offence: 14:15pm- 27th March 2017
Place of Offence: Pogergera / Enga Province
Complainants: Inspector Kelly SOMBE & Others
Charges & Section: Defamatory Publications, Section 21 (2)

STATE WITNESSES.

- 1: INSPECTOR KELLY SOMBE
- 2: CHIEF SERGEANT AUGUSTINE WILLIAM
- 3: SENIOR CONSTABLE AMBROSE TORUORE
- 4: SENIOR CONSTABLE GEORGE OLOW
- 5: CONSTABLE PIWA KEWA
- 6: SERGEANT THOMAS MOIYANG

COURT RESULTS:


 THOMAS MOIYANG
 SERGEANT
 OIC CASE/ CID NATIONAL DRUGS & VICE SQUAD



**ROYAL PAPUA NEW
GUINEA
CONSTABULARY**



INDEX TO FILE CONTENT

Annexure "A"	Charge information	Page #
	Charge sheet	01
	Information sheet	02
	Summary of facts	03

Annexure "B" Witnesses List

WITNESSES LIST

			Pages
1.	Inspector Kelly Sombe	He's the Contingent Commander on the ground that time. He will testify on how the Operations was carried out during that time.	04 [a-b]
2.	Chief Sergeant William Augustine	He is the [OPSO] Operations Staff Officer and 2 nd in command for the PO17. He will testify on how the operations was carried out during that time, also the print out of the alleged pictures and comments.	05 [a-b]
3.	Senior Constable Ambrose Toruore	He is a Senior Constable and the Operations Admin Officer. He will testify on how the eviction exercise was carried out and what took place during the raid.	06 [a]
4.	Senior Constable George Olow	He is a Police Senior Constable and will testify on how the Defendant was apprehended on the 22 nd April 2017 and arrested on that day.	07 [a]
5.	Constable Piwa Kewa	He is a Police Constable and he will testify on what transpired during the ROI in the ITF office at Paiam Police Station	08 [a-b]
6.	Sergeant Thomas Moiyang	I'm the Case Officer dealing with the case and will testify on everything that I know from the beginning to the arrest and charging of the defendant and the ROI.	09 [a-b]



ROYAL PAPUA NEW GUINEA CONSTABULARY



WITNESSES LIST

1.	Inspector Kelly Sombe	He's the Contingent Commander on the ground that time. He will testify on how the Operations was carried out during that time.	04 [a-b]
2.	Chief Sergeant William Augustine	He is the [OPSO] Operations Staff Officer and 2 nd in command for the PO17. He will testify on how the operations was carried out during that time, also the print out of the alleged pictures and comments.	05 [a-b]
3.	Senior Constable Ambrose Toruore	He is a Senior Constable and the Operations Admin Officer. He will testify on how the eviction exercise was carried out and what took place during the raid.	06 [a]
4.	Senior Constable George Olow	He is a Police Senior Constable and will testify on how the Defendant was apprehended on the 22 nd April 2017 and arrested on that day.	07 [a]
5	Constable Piwa Kewa	He is a Police Constable and he will testify on what transpired during the ROI in the ITF office at Paiam Police Station	08 [a-b]
6	Sergeant Thomas Moiyang	I'm the Case Officer dealing with the case and will testify on everything that I know from the beginning to the arrest and charging of the defendant and the ROI.	09 [a-b]

04 a

ROYAL PAPUA NEW GUINEA CONSTABULARY

FORM 12 (A)

FIRST SHEET

STATEMENT

Date: 21st August 2017

Surname in Capitals

Christian Names

Name of Witness	SOMBE	Kelly
Occupation	Inspector of Police	Age A/M
Address	C/O PO Box 346, Mt. Hagen. Western Highlands Province	

States-

My full name is Kelly SOMBE and I am an Inspector of Police attached to the Special Services Division (SSD) as the acting Group Commander – Highlands Mobile Group Headquarters based at Mt. Hagen.

From January 2017 to June 2017, I was deployed to Porgera District as the Contingent Commander of Police operations at the Porgera valley.

I can recall on Saturday, the 25th March 2017 between the hours of 6.00am to 8.00am, I had instructed my men to execute an eviction exercise at Wingima which is located at the Porgera Gold mine's SML area. This is an area where illegal miners have set up make shift bush material structures to live in and conduct illegal mining at the Mine's open pit.

During the eviction, 18 bush material structures were demolished with no other damages done as reported by my Investigations Task Force (ITF) members.

The eviction order issued by the court in 2013 and 2014 was authorized by me after having sighted it and decided to be valid.

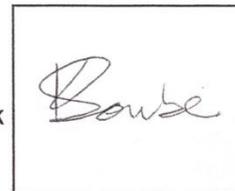
The eviction exercise had been conducted after having sighted a valid eviction order obtained by Barrick Gold Limited, the licensed operator of Porgera Gold mine.

I later learned that the accused now before court namely McDiyan Robert Yapari has been arrested and charged for spreading false allegations on social media namely facebook claiming police had burnt one hundred and eight (108) houses, raped eight (08) women and brutally assaulted six (06) men during the eviction exercise.

The suspect now before court namely McDiyan Yapara was never present during the exercise.

I Kelly SOMBE certify that this statement of one (01) page is true to the best of my knowledge and belief. I make it knowing that if it be tendered in evidence, I will be liable to prosecution if I have knowingly stated anything that is false or misleading in any particular.

SIGNATURE/THUMB MARK



06

ROYAL PAPUA NEW GUINEA CONSTABULARY

FORM 12 (A)

FIRST SHEET

STATEMENT

Date

Surname in Capitals

Christian Names

Name of Witness	TORUORE	Ambrose
Occupation	POLICEMAN	Age 43
Address	Mt Hagen Police Station P.O Box 346 Mt Hagen, W.H.P	

States

I am Ambrose TORUORE the Admin and Logistics Officer for Porgera Operations attached to HMG Logistics in Mt Hagen

That on the 24th of March 2017 an eviction order was given by Barrick Gold to evict illegal settlers at Wingima.

On the 25th of March 2017 at around 4:30am began executing the Eviction Order. Troops involved were members of Admin members, SOT and members of Mobile Squad 19.

Upon arriving at the said location there were about roughly 12 make shift house and no permanent house.

During the eviction the make shift houses were pulled down by the members, no domestic animals were slaughtered.

After the Eviction exercise the members withdrew from the said location and the following day an article popped out on the Facebook PNG News Page claiming that 150 houses were burnt down, eight (08) women were raped and six (06) men were badly beaten up. The article was released by the suspect now before the court namely Robert YAPARI.

The article posted is false and for someone's personal gain and for the Police to go about burning 150 houses, raping women and beating up men is unrealistic.

That is all I can remember

I Ambrose TORUORE certify that this statement of one (01) page is true to the best of my knowledge and belief. I make it knowing that if it be tendered in evidence, I will be liable to prosecution if I have knowingly stated anything that is false or misleading in any particular.

SIGNATURE/THUMB MARK