



Rights and Accountability in Development

26 October 2018

Mr Mark Bristow
Chief Executive Officer
Randgold Resources Limited
3rd Floor, Unity Chambers
28 Halkett Street, St. Heller
Jersey, JE2 4WJ
Channel Islands

Sent Via Email

Dear Mr Bristow,

RE: Human Rights Abuses at Acacia Mining and Proposed Merger with Barrick Gold

I am writing to you ahead of Randgold Resources Ltd.'s proposed merger with Barrick Gold Corporation to alert you to significant human rights concerns at Acacia Mining's North Mara Gold Mine in Tanzania. As you will be aware, Barrick holds a 63.9% interest in Acacia Mining. Not only are the human rights concerns at North Mara an important consideration for the merger, but once it is complete you, as the new CEO, will inherit this troubling situation.

I write to you to provide further background on the abuses and urge you to use your influence with Barrick to ensure the situation is appropriately and swiftly addressed.

[RAID](#) is a non-governmental organization which exposes corporate human rights abuses in Africa and stands with victims to seek justice. We were first alerted to the situation in North Mara in 2013 and our staff have conducted five detailed research missions to the area since then, interviewing scores of victims and witnesses. Our research uncovered that local people have been killed, beaten, or subjected to sexual violence at North Mara as the result of security operations and excessive use of force by police and mine security against so-called "intruders." The Tanzanian police operate at the mine under a Memorandum of Understanding between the company and the Tanzanian state.

RAID and MiningWatch Canada [documented](#) at least 22 people killed and 69 injured, many by bullets, at or near the Mine between 2014 and 2016, though the numbers may be much greater. A 2016 Tanzanian parliamentary [inquiry](#) into the abuses at North Mara, for instance, received complaints of 65 killings and 270 people injured by police jointly responsible for mine security. In September 2017, following a visit to the North Mara mine by a delegation of eminent legal judges and experts, the International Council of Jurists (ICJ) said it was "deeply concerned about the gravity of many of [the] allegations and the difficulties [victims] experienced in accessing any adequate remedy and reparation."

Acacia Mining has attempted to refute these reports. In March 2017, after considerable pressure to publish further information, the company finally confirmed in its [annual report](#) that there had been 32 “trespasser-related” fatalities between 2014 and 2016. Although there has been a decrease in the number of deaths over the past two years, incidents continue to occur.

What has compounded the problem is Acacia’s failure to justly compensate the victims or their families. Since 2014, we and others have raised [concerns](#) about the operational grievance mechanism Acacia uses to redress the human rights violations. It pressurised claimants to sign settlements they did not understand, used legal waivers to stop claimants turning to the courts, and offered inadequate compensation.

Following public pressure, Acacia published a revised version of its grievance mechanism in December 2017, but much [more work](#) needs to be done. The revised mechanism is still not compliant with human rights obligations. Furthermore, RAID met with victims in June 2018 and found that implementation on the ground falls far short of what is written in the new procedures. We and four other human rights groups raised our concerns [directly](#) with Acacia’s board of directors in April 2018 and RAID has done so again in October 2018.

The lack of adequate remedy for the harm suffered is part and parcel of an overall lack of justice. We are not aware of any police officer having been [held to account](#) by the Tanzanian authorities for the unlawful use of force or other serious human rights violations at North Mara. Acacia is also failing to adequately press for justice when violations are committed at its mines.

There have been repercussions beyond Tanzania. In 2013 a small number of victims engaged UK lawyers and brought their claims before the UK courts, since Acacia is a UK registered company. Acacia [settled](#) these claims in 2015. In 2017 a group of new victims instructed UK lawyers and also filed legal cases. These claims are yet to be resolved.

Over the past year and half, Acacia’s problems in Tanzania have multiplied which has further undermined its social licence to operate. The company is entangled in a multi-million-dollar tax and export [dispute](#) with the Tanzanian government and it is facing corruption charges [laid](#) against current and former Acacia employees and those of its subsidiary.

We have noted your [critical](#) views of how Barrick has handled the dispute with the Tanzanian government, and your role as an [‘an interested by-stander’](#) in these matters. I expect you are well aware that Acacia’s loss of legitimacy in Tanzania could have important consequences for the proposed merger. At Randgold you highly value your company’s reputation on the African continent and [identified](#) ‘a lack of corporate and social responsibility’ as a significant barrier to maintaining the social license to operate. Acacia’s operations at its North Mara mine jeopardizes that social licence.

Acacia holds a pre-emptive right to acquire gold mining businesses and exploration rights in Africa. According to the published [Disclaimer](#) to the merger, this may ‘impair the future growth of Barrick’s African gold operations following the merger’. While Acacia has agreed not to exercise its pre-emptive right in relation to Barrick’s merger with Randgold, it has [expressly reserved](#) it in relation to businesses and exploration rights in Africa going forward. Accordingly, the reputational,

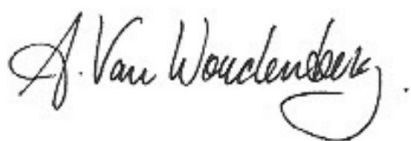
litigation and other risks arising from Acacia's disregard of its corporate social responsibilities and human rights obligations have the potential to increase. If, as has been [reported](#), the newly merged company takes full ownership of Acacia post-merger, you will directly inherit the significant risks that accompany Acacia's Tanzanian operations.

Whichever direction the merger takes, I urge you to give special attention to the human rights concerns at Acacia's North Mara operations and to work with Barrick and Acacia to resolve the issues, including by ensuring that past victims are justly compensated and that Acacia's grievance process reflects, at a minimum, its stated aim of being compatible with the *United Nations Guiding Principles on Business and Human Rights* and other international standards. In our view, Acacia's grievance process is far from being compliant even with these standards.

The [announcement](#) of the proposed merger, states that following its completion the management team will be focusing on building 'trust-based partnerships with host governments and local communities to drive shared long-term value.' Undoubtedly, Acacia's North Mara operations will need to be a top priority.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "A. Van Woudenberg". The signature is written in a cursive, flowing style with a large loop at the end.

Anneke Van Woudenberg
Executive Director

Cc:

- Christopher L. Coleman, Non-Executive Chairman
- Graham Shuttleworth, Finance Director and Chief Financial Officer
- Andrew J. Quinn, Independent Non-Executive Director
- Safiatou F. Ba-N'Daw, Independent Non-Executive Director
- Jemal-ud-din Kassum, Independent Non-Executive Director
- Jeanine Mabunda Lioko, Independent Non-Executive Director
- Olivia Kirtley, Independent Non-Executive Director
- Hilaire Diarra, Group Community and Environmental Officer