



CORE

*Rt Hon Baroness Warsi,
Senior Minister of State,
Foreign & Commonwealth Office
Via email*

25 March 2014

Dear Baroness Warsi,

Human Rights Incidents at the North Mara Mine, Tanzania

We are writing to request that the UK government ask questions of African Barrick Gold (ABG) and its majority shareholder Barrick Gold Corporation regarding continuing human rights violations at North Mara mine in Tanzania. In particular, it should be impressed upon both Barrick and ABG that there is an urgent need to review the reliance on the Tanzanian police as an integral part of the mine's security.

The attached briefing details deaths, injuries and credible reports of the rape of women by Tanzanian police and employees of the Mine's security unit over the past six years. The Tanzanian police has an appalling record of widespread and systemic use of excessive force.

There has been a distinct lack of forensic investigation and prosecution of police or mine employees involved in human rights abuses at the mine. A failure to systematically investigate and prosecute can lead to a culture of impunity. In our view, without a change in ABG's dealings with the Tanzanian police there is little likelihood of the violence decreasing. Until ABG improves its relations with the North Mara community and puts in place a security strategy that is compliant with international human rights standards, violent incidents will inevitably occur.

There is an immediate opportunity for UK officials to raise these issues at the Annual Plenary Meeting of the Voluntary Principles on Security and Human Rights in Montreux on 26 and 27 March. Barrick is a member of the Voluntary Principles and ABG has declared its commitment to them. The situation at North Mara falls squarely within the type of case which the Voluntary Principles aim to address. Under the Voluntary Principles and international human rights law, force should only be used when strictly necessary and to the extent proportionate to the threat.

Compliance with the Voluntary Principles should not be treated as a check box exercise. Regardless of whether the company has policies in place, it is clear that police engaged to protect the mine are frequently using lethal force. We recommend that the UK government ask the following questions of Barrick and ABG:

- What steps are being taken to change the way security is managed at the North Mara mine, in particular to reduce reliance on the use of live ammunition and a police force that is widely recognised as being corrupt and brutal?
- Does ABG recognise that under the UN Basic Principles on Use of Force and Firearms (which are incorporated into the Voluntary Principles), lethal force must be used only to protect life (not rocks/property)? If so, is it to be believed that in every instance in which police have used live ammunition at the mine (over 14 listed in the briefing) they were doing so to protect life? This would indicate a fundamental problem with the way security is administered; are mine security or police remaining to defend property to the point where their lives are at risk?
- Does ABG accept that the pattern of deaths and injury at the mine raise human rights concerns? During a hearing before the High Court in December, Charles Gibson QC representing ABG and its subsidiary NMGML made submissions about the claims against the companies that *“the one thing that they are certainly not, my Lord, is claims for what are called human rights violations in the true sense.”*

In addition, the UK government could play a proactive role by working with the government of Tanzania to establish the desirability of an independent inquiry into the ongoing deaths and injuries at the hands of police at the mine. There is potential for the UK government to support such an inquiry by ensuring it is thorough and credible, and by providing appropriate international expertise.

Please contact us if you have any questions. We look forward to hearing from you and about the outcome of any discussions that the UK authorities have with Barrick, ABG and the Tanzanian government.

Yours sincerely,

Patricia Feeney

Executive Director, RAID (Rights and Accountability in Development)

tricia.feeney@raid-uk.org

Marilyn Croser

Coordinator, CORE (Corporate Responsibility Coalition)

coordinator@corporate-responsibility.org

cc: Stephen Lowe, Head, Business & Freedom of Expression Team, FCO

Ryder Thomas, Head, Business & Conflict Team, FCO