

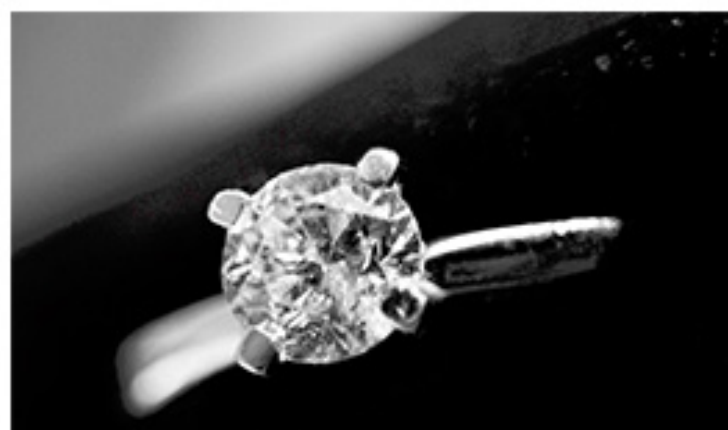
THE DEADLY COST OF 'ETHICAL' DIAMONDS

Human Rights Abuses at Petra Diamonds' Tanzanian Mine

12 November 2020

RAID

HOLDING BUSINESS
TO ACCOUNT
STANDING UP
FOR HUMAN RIGHTS



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EXECUTIVE SUMMARY

The Williamson Diamond Mine in northern Tanzania is owned by Petra Diamonds, a UK listed multinational company, which claims to produce 'ethical' diamonds. Yet the company's glowing marketing spin that "[n]ot only do we respect human rights, but we actively advance them" rings hollow for those who live in the shadow of the Williamson Mine.

For many local residents, it is killings and brutal assaults by security personnel which mark their experiences of the mine. The stories they tell are chilling: people shot with little or no warning, stabbed, detained, stripped, beaten, incarcerated for days in a filthy and cramped holding cell by the mine's entrance, deprived of food and medical treatment, and/or handcuffed to hospital beds at the mine's medical facility. "They cannot arrest you softly," one local community leader explained to RAID when interviewed about these experiences in November 2019. The mine's security guards when beating their victims say "you must feel it."

Local communities have long lived with the industrial mine's devastating impacts. Based on extensive field research RAID has found evidence indicating that since Petra Diamonds acquired the Williamson Mine in 2009, there have been at least seven killings and 41 assaults of local residents, many leading to life-changing injuries. In the words of one young woman whose husband was seriously injured at the mine in 2013, "[The mine] has caused sorrow to many people."

This report is based on research spanning over a year, including two field missions to the Shinyanga region of Tanzania and communities bordering the Williamson Mine. It is informed by 118 interviews with local residents, community leaders, former security personnel, local medical staff and Williamson Mine whistleblowers, as well as extensive analysis of local reporting, third party reports, and corporate materials published by Petra Diamonds and others. RAID's findings may understate the level of violence. RAID received additional credible reports of killings, assaults and sexual violence which it has yet to confirm. Further investigation is necessary to verify these reports.

Williamson Mine

The Williamson Mine is one of the world's longest continuous diamond mining operations, beginning in 1940 during the last decades of British colonial rule. It is known for its rare 'fancy' pink diamonds, of which the most famous is the '[Williamson Pink](#)', still considered amongst the finest of its kind ever discovered. It was given as a gift to Princess (now Queen) Elizabeth on her wedding to Prince Phillip by the mine's Canadian founder, John Williamson. The Queen still wears it.

Petra Diamonds is the latest in a line of foreign owners of the Williamson Mine. It owns the mine through its 75% stake in the local operating company, Williamson Diamonds Ltd (WDL); the Tanzanian government holds the remaining 25%. Over its 80-year lifespan, multinational companies and foreign investors have prospered at the expense of local communities, who have been treated as (potential) diamond thieves, exploited as a source of cheap labour, and repeatedly subjected to the excessive use of force. As this report shows, these communities have experienced, and continue to experience, considerable hardship, including serious human rights abuses, from the mine's presence. It is not clear what sustainable benefits they have received.

The livelihoods from small-scale farming and mining of communities surrounding the Williamson Mine are precarious. Like many living near industrial mines, some local residents seek to supplement their

limited incomes by searching for diamonds, including within the vast Williamson Mine concession. The mine's approach to this activity has been ruthless and militaristic. In its [Code of Ethical Conduct](#), Petra Diamonds says that its control of the diamonds is "non-negotiable and we will employ all necessary means – overt and covert – to protect our diamonds from theft or loss."

Findings of human rights abuses

The Williamson Mine employs a Tanzanian private security contractor, Zenith Security Services Ltd, to guard its site under the mine's own security staff, as well as local police stationed onsite. The security personnel, deployed with firearms, tear-gas, batons and other weapons, were found by RAID to have repeatedly used excessive force with impunity against artisanal miners and others. In almost none of the interviews, including with witnesses, were any of the victims described as having been armed with anything that could be considered a weapon or threatening or responding with the use of force at the time of injury or death. In none of the incidents did RAID find evidence that the force used against the local residents was proportionate or otherwise justified.

RAID found no evidence of adverse consequences imposed on security personnel for human rights abuses by Petra Diamonds, WDL or Zenith, and only two cases in which security guards were charged or convicted by authorities. One was sentenced to six months' conditional discharge, respectively, for shooting two local residents detained on the mine site, the other was reportedly sentenced to two years imprisonment for killing a local resident. After RAID notified Petra Diamonds of its findings in August 2020, the company said it was suspending the Mine Chief Security Officer and Support Services Manager pending further investigation.

"The aim is not to treat, but rather to torment, so that people will stop going to the mine."

Local activist, Shinyanga region, Tanzania

The treatment of those detained on or near the mine often appears designed to degrade and, in some cases, to amount to torture. RAID's research uncovered detention in inhumane conditions within an onsite detention facility and the denial or delay of necessary medical treatment of individuals held there. Detainees described beatings by Zenith guards at this facility, including of those who were injured, and being held there for as long as three days. One former Williamson Mine employee interviewed by RAID said that it was well known that those held in this facility were "lucky to come out of there still able to walk."

Assaults were also described as taking place at other facilities on the Williamson Mine. One young man, Paul (not his real name), described an assault in the mine's security office where under the direction of the Mine Chief Security Officer, David Ndoda, he and other detainees were forced to sit on the floor and stretch out their arms and legs before being beaten repeatedly "with batons until our joints were swollen." Ndoda watched and gave orders, Paul said, telling the guards to "beat these people so that they don't come back."

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Some detainees were taken to Williamson Diamonds Hospital, the mine-owned and operated medical facility on the concession. Hospital staff were described as ignoring and/or providing substandard care to artisanal miners and others brought in by security personnel. According to one local activist, “there is no care because when people are taken there, they are subjected to treatment that will warrant them to not go back. The aim is not to treat, but rather to torment, so that people will stop going to the mine.”

At the hospital, the injured – most of whom had been shot, stabbed and/or seriously beaten – described being handcuffed to beds or to each other, with armed guards often continuously present. They said that they could not have open communication with medical staff and in some cases did not provide informed consent to the medical treatment provided. RAID found little evidence that restraints placed on those undergoing medical care could be considered justified.

One artisanal miner, John (not his real name), who described being shot without warning on the mine sustaining injuries including on his leg and shoulder, was taken to Williamson Diamonds Hospital. John said that he was handcuffed to a hospital bed and given a tablet he believed was a painkiller, though he wasn't sure, as it provided no relief. “I was in so much pain. I asked the nurses numerous times for more pain medication but they didn't care and they laughed at me.” The next day, he said, Ndoda visited him in the hospital, intimidating him and shouting that his injuries were his own fault.

Human rights defenders, victims of the violence and community representatives who spoke out about the abuses have faced harassment and intimidation by local authorities and others. “If you go to a police officer to complain, they will say you are criminals, you should be prosecuted,” said one community activist, who explained that many of those injured on the mine are then prosecuted for trespassing and other offences, for which heavy fines and prison sentences are imposed, leaving victims fearful of raising concerns or to report the abuses. Reports of intimidation and harassment increased after RAID and British law firm Leigh Day, which is independent of RAID, began investigating human rights allegations at Williamson Mine, appearing to target those who met with RAID researchers and/or Leigh Day lawyers.

Leigh Day has [filed](#) a legal claim in UK courts on behalf of over 30 Tanzanian nationals against Petra Diamonds and WDL for alleged human rights abuses.



Williamson Diamonds Hospital, the mine-owned and operated hospital within Mwadui
(Source: Facebook, 14 October 2017)

Ethical Diamonds?

Listed on the London Stock Exchange, Petra Diamonds promotes itself as having “high ethical standards” and playing a “positive role” in the lives of local communities. Petra Diamonds is included under FTSE4Good, a global sustainable investment index series claiming to identify companies that demonstrate robust environmental, social and governance (ESG) practices. Its inclusion followed provision to Petra Diamonds of millions of dollars of support specifically designated for expansion of the Williamson Mine from the World Bank Group’s International Finance Corporation, which bases its investments on ESG-related assessments. The findings in this report raise important questions about the basis on which investors who (claim to) seek to back companies with strong ESG performance are making their decisions. This includes BlackRock, the world’s largest asset management firm, and a significant investor in Petra Diamonds.

Petra Diamonds promotes an ethical image to help sell its diamonds, but that image is contradicted by the experiences of local community members. The value of rough diamonds has long depended on marketing campaigns which stress that diamonds are rare, sustainable, and embody integrity and love. Petra Diamonds’ glowing marketing spin that it respects and “actively advance[s]” human rights is meaningless for communities near the Williamson Mine.

Petra Diamonds’ Response

On 29 August 2020, RAID wrote to Petra Diamonds about the human rights concerns it had documented at the Williamson Mine. On 9 September 2020, the company issued a [public statement](#) about the allegations of human rights abuses, detailing the legal case initiated by Leigh Day and the letter received from RAID. Petra Diamonds’ Chief Executive Officer, Richard Duffy, and other senior staff, met via videoconference with RAID on 18 September 2020 and subsequently responded to RAID’s letter on 13 October 2020, though it did not respond to most of the questions RAID had raised.

Petra Diamonds stated that it is taking the allegations “extremely seriously”. The company listed a set of interim measures taken pending the results of an independent investigation it initiated, to be overseen by a sub-committee of the Petra Diamonds Board. The interim measures included human rights-related “refresher training” for security personnel, provision for assistance with stakeholder engagement, and with the development of a grievance mechanism. The company also said that two Williamson Mine employees overseeing security were suspended, a tender process for a new contract for security upon expiry of the existing contract was being initiated, an onsite facility used for detention was being closed, and an “upgrading” of the onsite medical facility had been undertaken.

Petra Diamonds said that the Williamson Mine had a “zero tolerance policy” regarding harassment or intimidation of local residents and others. It added that pending its investigation “the veracity of the claims made is unknown”, but that it was “committed to addressing past and future verified claims of human rights violations and remedying any harm done”.

The lack of proper investigations, redress or accountability for the abuses documented in this report must be urgently addressed, as should the mine’s impact on local communities, which have continued to bear considerable hardship from the presence of the Williamson Mine while seeing few if any meaningful benefits. At the time of publication, many of the people interviewed for this report are in need of medical treatment that they cannot afford. How best to remedy some of the harms detailed pose complicated questions, and some, such as the loss of family members, can obviously never be fully remediated. Yet certain forms of remedy are clearly necessary and urgently so.

A GRIEVING FATHER'S SEARCH FOR JUSTICE

Shielded by trees from the afternoon sun and passersby, Thomas (not his real name) recalls the morning a little more than two years earlier when he learned that his 23 year-old son had been killed at the Williamson Diamond Mine.¹

Thomas was born in the northern Tanzanian diamond town of Mwadui, founded in the 1940s by a Canadian geologist, John Williamson, for himself and his workers. The British colonial government of what was then Tanganyika had awarded Dr Williamson the exclusive right to mine the world's largest known economic kimberlite.

After marrying, Thomas moved to one of the villages that surround the mine. Like many local residents, he and his wife were farmers. On their small farm of several acres, they cultivated cotton, corn and millet. The couple had five children. The food they grew and the cotton they sold were not always enough to support the family through difficult times. "During a great rainy season, we get enough food," Thomas said. But "sometimes we don't get much, especially if the rains are not plentiful."

Many of Thomas's neighbours supplement their limited incomes by searching for diamonds. The landscape, even backyards, are pockmarked by artisanal mines, many only hip-deep. The back-breaking work can bring some income, but too often yields few diamonds of any worth. So some local residents enter the area claimed by the Williamson Mine, where diamonds are more plentiful. The mine concession is vast, encompassing not just Mwadui and the main Nyerere Pit, but also a forest and large swathes of untended shrubbery, much of it demarcated only by intermittently placed rocks. Artisanal mining at the Williamson Mine has been widely practised for generations. "I think people do it so they can earn a living", Thomas said.



Artisanal diamond miners, Kishapu District, Tanzania. © 2020 RAID

Thomas said he never searched for diamonds at the Williamson Mine, but that he still felt its presence. Accounts of violence by its security personnel are well known. “We hear people get physically abused, bitten by vicious dogs or shot dead”, Thomas says. “So there are many things that make us uneasy about our kids around this area. Actually, had I been well off financially, I would have moved to a different region. I really don’t like what happens here.”

“We hear people get physically abused, bitten by vicious dogs or shot dead. So there are many things that make us uneasy about our kids around this area.”

Local resident, Kishapu District, Tanzania

Worried by the stories of violence, Thomas told his son, Julius (not his real name), not to go to the Williamson Mine. But Julius was susceptible to peer pressure, Thomas said, and some of his friends and acquaintances were eager to try to find diamonds to earn some money. Julius did not tell his father where he was going. Thomas only learned about his son’s activities when it was too late.

The first he heard that Julius had gone to the mine was when he was told his son had been killed. It is a day that Thomas has not forgotten. It began when Emmanuel (not his real name), a friend of Julius who had been with him the night of his death, arrived to give Thomas the news.

Emmanuel later told RAID what had happened:²

“We had a spade, sieving equipment and a hammer. We did not have anything else with us. We didn’t have any weapons. We went to Nyerere Pit... We were there for about 3 hours.

We saw the vehicle first. It was maybe 40 or 50 meters away from us. I could only see a driver and someone on the back with a light in his hand, shining it around.”

On seeing the vehicle, Julius, Emmanuel and their little group scrambled to hide in the nearby bushes. But to their surprise, they ran straight into a group of security guards and police who were hiding there, apparently waiting for them. “They were Zenith guards, I know because every day they come,” said Emmanuel. “They were on foot and approaching quietly. It was an ambush....It was hard to see, but there were maybe 15 in total. The guards and police emerged and started running after us. There was chaos.”

Emmanuel saw the guards cut Julius off from the rest of the group and force him to run back towards the mine pit. “They cornered Julius and that is when they shot him,” he said. Emmanuel remembers hearing two shots.

Emmanuel managed to escape. Three others were not so lucky and were detained by the guards. One of the detainees saw the guards throw the injured Julius into the pit. Then the guards instructed the detainees to collect Julius and carry him to the vehicle. He was seriously injured, but still alive. The guards drove to Mwadui hospital where, shortly after arriving, Julius died. “The explanation was that he died by falling into the pit,” Emmanuel said. “[But] my colleague said he saw that [Julius] had been shot in the neck.”

After learning of his son’s death, Thomas sought the help of village authorities. He wanted to find his son’s body. The village authorities told him to wait at a local police station, as Thomas was not permitted to go to the area of the incident. Eventually, the body was brought there in a police car, and then later to a local hospital. When finally allowed to see his son’s body, Thomas noticed holes on his neck. He was not given a report from the doctors, nor the police. He was only given a death certificate which said that his son had died of an “unnatural” cause.

In the weeks and months that followed, Thomas returned many times to the police station, determined to know if an investigation was being conducted into his son’s death. The response was always the same – the police investigation was not yet complete. As far as he knows, no one has been charged for his son’s death.

Despite the obstacles, Thomas says he will not give up. “I am trying hard to get justice for [my son],” he said. “Even though I’m still not yet successful.”

RAID'S FIELD MISSIONS AND SOURCES

This report is based on research conducted between September 2019 and November 2020. As part of our research, RAID conducted two detailed field missions to communities around the Williamson Mine in November 2019 and in August 2020. RAID also conducted extensive telephone interviews with victims, witnesses and other local people, partly necessitated by travel restrictions as a result of the Covid-19 pandemic.

This report is informed by 118 interviews with victims, their families and witnesses as well as interviews with local authorities, journalists, medical staff, religious leaders, civil society organisations, and security and other personnel who have been employed at the Williamson Mine. Nearly all of RAID's interviews were individual and most lasted one to three hours.

In addition to field missions and interviews, RAID also conducted extensive desk-based research including scrutinizing relevant materials published by Petra Diamonds and other companies and institutions within the diamond industry, third party reports by those such as the World Bank, materials from court proceedings, medical records, published firsthand accounts, academic studies and Tanzanian and international press coverage.

RAID has also engaged with Petra Diamonds. On 29 August 2020, RAID wrote to Petra Diamonds, notifying the company of the main findings and seeking its response to a detailed list of questions. On 9 September, Petra Diamonds issued a public statement regarding allegations of human rights abuses identified in the letter and as part of a claim filed by the British law firm, Leigh Day, on behalf of over 30 Tanzanian nationals. Leigh Day is independent of RAID. In its statement, Petra Diamonds announced that investigations into the abuses had been initiated by both Petra Diamonds and by its subsidiary, Williamson Diamonds Ltd.³

On 18 September 2020, RAID had a detailed on-the-record meeting with Petra Diamonds' senior management, including its Chief Executive Officer, Richard Duffy. On 13 October 2020 Petra Diamonds responded in writing to RAID's 29 August letter. On 23 October 2020, RAID followed up with a further letter, but as of publication, RAID received no response to its letter. The responses that were received from Petra Diamonds have been integrated into this report. The complete correspondence is available on RAID's website.

RAID also wrote to Zenith Security, the mine-owned Williamson Diamonds Hospital within Mwadui,⁴ and the Government of Tanzania's Ministry of Minerals regarding our research findings and, in relation to the first two, asking for a response to a list of questions. None of them responded.⁵

Many of those interviewed by RAID wanted their information to be shared and their stories told, but feared reprisal. Some said they had been subject to threats, intimidation and harassment from local authorities for speaking out (see below). Reports of this conduct increased after RAID's initial visit in November 2019 and appeared to target those with whom RAID and/or lawyers from the British law firm Leigh Day had met. Some also considered their employment at risk should it be revealed that they had spoken with RAID.

Consequently, great care has been taken to maintain confidentiality where necessary. In many instances, we have withheld people's real names and specific dates of incidents or particular details regarding injuries that could be used to identify the individual. In some cases, it has required withholding precise locations of interviews. Such information is on file with RAID.

This report has benefitted greatly from reporting by Tanzanian and international journalists and civil society organisations, and courageous local activists and researchers, without whose help this report would not have been possible.

BACKGROUND TO PETRA DIAMONDS

Petra Diamonds Limited is a multinational diamond mining company listed on the London Stock Exchange since 2011. In 2019, the company provided 3% of global diamond supply by both value and volume⁶ and recorded US\$463.6 million in revenue.⁷ Registered in Bermuda but domiciled in the UK, Petra Diamonds first listed on London's Alternative Investment Market (AIM) in 1997.⁸ As of September 2020, its major shareholders included Standard Life Group, M&G Investment Management Ltd, and BlackRock.⁹ Its founder, Adonis Pouroulis, remained its chairman until this year, when he was succeeded by Peter Hill CBE.¹⁰ From 2005 until March 2019, its CEO was Johan Dippenaar, replaced in April 2019 by Richard Duffy.¹¹

Between 2007 and 2011, Petra Diamonds acquired a number of mines from De Beers, four of which now comprise its producing mines.¹² Three of these are located in South Africa, including the famous Cullinan Mine.¹³ The fourth is the Williamson Mine in Tanzania, acquired from De Beers in February 2009 for US\$10 million.¹⁴ Petra Diamonds owns the Williamson Mine through a 75% stake in Williamson Diamonds Ltd (WDL) via its Bermudan subsidiary Willcroft Company Ltd. The remaining 25% is held by the Government of Tanzania.¹⁵ In 2019, the Williamson Mine's production was the highest achieved in over 40 years and its revenue increased to US\$93 million from US\$68.5 million the previous year.¹⁶ Williamson's diamonds are sold in Antwerp, Belgium, through a competitive tender process, and in 2019 accounted for the second highest price per carat of all of Petra Diamonds' mines.¹⁷

In April 2020, Petra Diamonds placed the Williamson Mine on care and maintenance, citing the impact of Covid-19. It announced that it would look to resume operations when diamond prices made it operationally sustainable.¹⁸



At the main entrance of the Williamson Diamond Mine © 2020 RAID

For years, Petra Diamonds has carried a considerable debt burden. In June 2020, it announced that it was up for sale. It said it was seeking offers for the company, or its assets, in the course of “exploring all options available” regarding its \$650 million debt due for repayment on 1 May 2022.¹⁹

On 20 October 2020, Petra Diamonds announced that it had reached an agreement in principle with its debtholders that would include converting a portion of the debt into equity, providing the debtholders with 91% of the company’s enlarged share capital.²⁰ Major debtholders include Bank of America, Monarch Alternative Capital, Franklin Templeton, Pimco and Vontobel.²¹ In light of this agreement, Petra Diamonds announced it was no longer seeking buyers.

Petra Diamonds also faces other problems. In 2017 a diamond parcel of 71,654 carats, then valued at around US\$15 million, was seized by the Tanzanian government as part of a parliamentary investigation into alleged wrongdoing in the Tanzanian mining sector. The government claimed the diamonds had been undervalued, a claim Petra Diamonds denied.²² The issue remains unresolved.

WILLIAMSON MINE AND SURROUNDING COMMUNITIES

Just off a road connecting the major cities of Mwanza and Dar es Salaam, the Williamson Mine is located in a rural area of the Kishapu District of northern Tanzania’s Shinyanga Region. Tanzania’s dominant diamond producer for 80 years, it is an open pit operation, 95 metres at its deepest point.²³ Based on a 146 hectare kimberlite pipe from which the diamonds are sourced, still amongst the largest in the world, its current Special Mining Licence covers 30.6 km².²⁴ Within that area is Mwadui, which as of 2010 had an estimated population of 10,000.²⁵

Surrounding the concession are eleven neighbouring communities (Petra Diamonds has counted eight within its ‘zone of influence’²⁶) with a combined estimated population of a little over 30,000.²⁷ The largest of these, Maganzo, dates to the 1940s and has an estimated population of up to roughly 15,000. The others are Buganika, Buchambi, Songwa, Ikonongo, Wizunza, Luhumbo, Ngwangolo, Nyenze, Igumangobo, and Idukilo, which have populations estimated to range from roughly 360 to 5,500 residents.²⁸



CLOSE-UP OF MINE

Map is indicative

NEARBY COMMUNITIES

KEY

-  Security office
-  Main diamond plant
-  Detention facility
-  Mine hospital
-  Mwadui town



HUMAN RIGHTS ABUSES AT THE WILLIAMSON MINE

“We will employ all necessary means – overt and covert – to protect our diamonds.”

Petra Diamonds in its Code of Ethical Conduct | Revision 6 – October 2019

RAID’s research establishes widespread and serious human rights abuses by private security and other personnel at the Williamson Mine. Security is arranged through a combination of in-house and private security personnel, as well as state police (see below for further details). At least until around September 2020, it was overseen by the Williamson Mine’s Chief Security Officer, David Ndoda, who reported to the mine’s Support Services Manager, Riaan Slingerland.²⁹ The main private contractor is Zenith Security Services Ltd, a Tanzanian company.

In total, RAID’s research found evidence of seven killings and 41 assaults since Petra Diamonds acquired the Williamson Mine in 2009. Six of the killings and thirty-five of the assaults were described as occurring since 2015.

RAID found little evidence to indicate that the violence could be considered proportionate or otherwise justified. RAID asked Petra Diamonds and Zenith if they were aware of injuries to, or death of, security personnel caused by local residents at or around the mine.³⁰ Neither Petra Diamonds nor Zenith responded to RAID’s question. Artisanal miners reported taking sieves, shovels, pickaxes and other hammers to break rocks. Several interviewed said that some miners took pangas (large, broadly bladed knives typically used in agriculture) and slingshots for throwing rocks. Two former guards referred to injuries caused by artisanal miners on the mine site, in one case by a stone, in the other by a panga.³¹ RAID found no evidence that artisanal miners carried firearms. The items described as being carried by artisanal miners are not comparable to the weapons with which security personnel at the Williamson Mine are armed, which include firearms.

The assaults were described as occurring in circumstances in which those injured or killed were heavily outnumbered by security personnel, were fleeing, had surrendered, and/or were simply bystanders. Few recalled anything that could plausibly be considered as a warning prior to the use of force, other than on occasion hearing multiple shots prior to being hit. In almost none of the interviews, including of witnesses, were the victims described as armed with anything that could be considered a weapon or threatening or responding with the use of force at the time of injury or death. In none of the incidents did RAID find evidence that the force used against the local residents was proportionate or otherwise justified.

Further, nearly all of the assaults described were of a nature that could not be justified in any circumstances. They included stabbings and brutal beatings of injured individuals with clubs, rods, butts of guns and rocks, and treatment designed to degrade, such as being stripped, bent over and repeatedly beaten on the buttocks. Regular detention in inhuman conditions within a facility on the mine lease was documented, as was the denial or delay of necessary medical treatment. Treatment at Williamson Diamonds Hospital was generally provided in circumstances preventing informed consent or open communication with medical staff. Patients described being handcuffed to beds or to each other with armed guards present.

The abuses detailed in this report are likely only a fraction of the total. Many of those interviewed described seeing others beaten and/or detained at the hospital or detention facility, but did not know or recall their names or contact information. Petra Diamonds does not publicly report security-related injuries, deaths, or any other form of human rights abuse of community members, and did not respond to RAID's request for information on these issues.³² In addition, medical records, which often provide an indication of the scale of abuses, were very difficult to access. The majority of those who received medical treatment for injuries incurred at the mine said they were taken to Williamson Diamonds Hospital, a company medical facility where access to medical records is controlled. Fear of retribution has also prevented many of those harmed from speaking out and others from sharing relevant information (see below). For example, medical staff at another medical centre, where some of the injured were treated, requested RAID to keep their identity confidential and to refer only to injuries caused by less serious forms of violence.³³



Zenith security guards posing for photograph at Mwadui (Source: Facebook, 3 September 2019)

Killings

RAID's research findings indicate there were seven killings by security at the Williamson Mine since 2009, when Petra Diamonds took over the mine. Of these, six were due to gunshot wounds, the seventh to a beating. Two of those killed were 18 or under, according to their relatives.

The account of how Julius was killed (see above) was consistent with other descriptions of killings. In one, described as occurring within the last three years, a witness interviewed by RAID said that he was running from guards after teargas was fired and had nearly reached the mine's perimeter when he heard a shot from behind.³⁴ The witness recalled: "When we were running away, the guards started running after us, and then we heard a bang. We looked back and saw someone had fallen. Then, even the guards started going back. This was during the day."

By this time, he said, they had run "a pretty good distance, maybe even more than 600 metres and were

nearly at the [mine boundary]”. He said that the distance between the body and guards was about fifty to one hundred metres, and with the guards having backed off, described returning to the body. “It looked like the person was already dead...[he] was lying on his stomach and there was blood on that side of the shoulder. The bullet had gone through the body and come out through the front. The police from the mine came and collected the body and took it back in a police vehicle to the mine.... the next day the police brought the body to [the deceased’s village].”

The witness said that he heard only one gunshot and that there were no indications that the victim of the shooting had been carrying a weapon: “Close to the person’s body, there was a sieve,” he said, “but nothing else.”

International standards provide that use of force by security personnel is not to exceed what is strictly necessary and must be proportionate to the threat and legitimate objective to be achieved; that intentional lethal use of firearms is permissible only if strictly unavoidable to protect life; and that any use of firearms, if strictly necessary, should be preceded by clear warnings and time for the warnings to be observed unless doing so would create a risk of death or serious harm, or is clearly inappropriate or pointless.³⁵ In none of the killings documented in this report did RAID find evidence that the use of lethal force was justified.

Online Tanzanian sources, comprising national and local press publications and blogs, have identified a further six deaths since 2009 and provided the names of the victims. Of these, five were reported as being shot and one as being stabbed.³⁶ In one case, Zenith is referred to by name as being responsible. While these press reports require further verification, they provide an indication of additional killings not included in RAID’s numbers above.

A 2016 article published by Tanzanian press also refers to information from Shinyanga’s Regional Police Commander.³⁷ The Commander is reported as saying that the frequency of incidents at the Williamson Mine, which he described as “daily”, makes it hard to determine the precise numbers of deaths or injuries, but that according to his office, four people had been killed in the previous two years. As the victims were not identified, it is unclear to what extent, if at all, the four deaths overlap with those documented in this report.

Assaults

Of the 41 assaults documented, 17 involved shootings. In some cases, the wounds were inflicted by bullets; in others, by smaller pellets, described as being fired as a canister before exploding to cause multiple punctures. For some victims, the pellets are still embedded under their skin. Those interviewed who described being shot on the mine site said that they were either shot from close range after being detained or were shot while fleeing from security personnel. For example, the evidence of one of those interviewed, independently confirmed by a witness, was that he was shot from a distance of at least 40 metres while fleeing.³⁸

Online Tanzanian sources, comprising national and local press publications and blogs, have identified a further five who have suffered injuries at the Williamson Mine since 2009.³⁹ These accounts, which are in addition to those documented by RAID, require further verification.

Most of those interviewed by RAID who described being shot said that they were subsequently detained

by Zenith guards. One of those recounted his experience in the following terms:

"We had gone to the mine...to look for diamonds. On our way back, we encountered two vehicles. I could tell one was for the guards and the other one for police. I could tell the guards apart from the police from their black uniforms. The police were in regular police uniforms and had helmets.

...Immediately after spotting them, [we] started running....We were trying to get out of the mine area as soon as we could. Guards and police had seen us already....They got close, about 25 metres, then [the security personnel] fired shots.

I was hit on my left thigh as well as near my left shoulder. I tried to keep running but I couldn't. I had to sit on the ground. I used my torch to see where I got hit. Blood was coming out of my left thigh. It was a lot of blood coming out because there was blood coming out near my left shoulder too....

The guards lifted me up and put me in their vehicle. They carried me roughly and didn't care about my injuries. I was put in the back of the vehicle and then they stood on the sides. I could hear an argument amongst them. Some said the person who shot me didn't have to do it, but there were others who said what happened to me was a good thing. They suggested that I should be thrown into a muddy area to get rid of me. All this time I was aware of what was going on and they knew I could hear everything they were saying.

I was so terrified and felt very helpless. The whole time I just hoped they would take me to the hospital because I was in excruciating pain."⁴⁰

Eight of those who were shot described being beaten afterwards. In total, 29 of the 41 assaults documented included severe beatings by Zenith guards, many resulting in broken bones, lacerations, unconsciousness, enduring pain and life-changing injuries. In many instances, the beatings were described as continuing after being loaded into Zenith security guards' vehicles, which is consistent with evidence of a former Zenith guard, who said that guards "would beat people while they were inside the [Zenith] vehicle".⁴¹

One of those interviewed told RAID:

"I saw two vehicles with Zenith guards and a special unit of the police. Each had their own vehicle. There were about 20 guards and maybe almost the same number of police. We started running when we saw the vehicles, but little did we know that we were surrounded. We were running to get out of the vicinity. I was trying to run away, but I got caught. No one else got caught. The guards started beating me and one of them struck me in the mouth. Another guard wanted to stab me with a slasher [described as a brush-cutting tool that the guards adapted and sharpened], but a police officer stopped him and yelled for him not to kill me.

They took me to a vehicle. They told me to lie down in the vehicle and they began hitting me with stones. They had special stones for hitting which they kept in the vehicle. There were about six guards. I was being hit continuously on the legs as they drove me to Mwadui. I was also hit on my elbows and on my back.

I never made any threat to the guards. I never fought back at any point. I just tried to protect myself. It took about 30 minutes in the vehicle because the guards drove around to other places. Then they took me to the detention centre by the gate in Mwadui. The guards who were in the vehicle were cheering when they got to the centre because they had had enough time to beat me."⁴²

“The guards started beating me and one of them struck me in the mouth. Another guard wanted to stab me with a slasher, but a police officer stopped him and yelled for him not to kill me.”

Local resident, Kishapu District, Tanzania

In addition to infliction of pain, humiliation often appeared an objective of the security personnel. For example, a young man described what happened after being detained:

“The guards ordered me to lay down then they started beating me on my back, buttocks and on the legs as I was lying face down. There were three guards at first then more guards joined in. This time about six guards came and one of the guards hit me with a [piece of metal rod].

As I was being beaten, the guards were saying to me that we always cause trouble. The guards who joined in were encouraging other guards to strip me of my clothes. They stripped me by force until I had just my boxer shorts. After that they carried me to their vehicle. The beating lasted for about 30 minutes.

They never told me why I had to be beaten but they kept saying we are trouble makers. I felt bad and I was in so much pain.”⁴³

There was a common sequence for those who described being assaulted of being taken to mine facilities and then charged with offences, which was captured in the following interview:

“We were very far from the pit. We went to do some mining, but not in the pit, [rather] around where the tailings are. We stayed about one hour and 45 minutes. We had a spade and a sieve. We were the only people doing this kind of mining. The area is in the bush.

Two of us were up looking for guards and two were doing the digging. I was down doing the mining and then I heard the others yell and tell us we had to get out. I started running, but we were all caught.

We were caught by the guards. There were more than 20. There were no police. When they caught us, they beat me very badly... They told me I gave them a lot of trouble because I didn't stop running. They beat me with clubs. There were about seven guards, it was an attack. I didn't have any weapons. No one in my group had any weapons. The guards did not give me any warning before attacking me. The guards struck me first. I didn't fight back, no guards were injured.

They broke my [bone]. They beat me on the head and shoulders. I didn't faint but I lost all my strength. After beating me, they took me to the police station in Mwadui. My colleagues were locked up at the mine detention centre. The police said I had to go to the hospital because I was badly injured. I was taken to Mwadui Hospital. They stitched me and gave me [a cast]... Then I was brought to the court by the police and Zenith security on [date omitted] for entering the mine without authorisation. They read the charges and then I was taken to prison. There was no bail. I stayed for two weeks and then they brought me back to the court.”⁴⁴

He said that on that occasion he was granted bail but had to return to court again two weeks later, when he was informed that proceedings were postponed. He said that he had not returned to a hospital, and that the injury continued to cause him pain.

Torture, inhuman and degrading treatment, including at a detention facility

Some of the assaults as documented appear to constitute torture and/or inhuman and degrading treatment. In certain cases, the treatment was described as occurring after being taken to facilities on the mine. One individual, Paul (not his real name), described the assault and pain being intentionally inflicted by Zenith guards at the direction of David Ndoda, the mine's Chief Security Officer. Paul said that having been found digging on the mine site, he was taken with others to a security office, where:

"We were told to sit on the floor and stretch our arms out. That is when the beating started... with batons until our joints were swollen. It probably lasted about half an hour. The beating was random across different joints.... Each guard had a person to beat. Ndoda was the one giving orders and was there the whole time. He was saying – you have to beat these people so that they don't come back again. We were supposed to stay silent, or Ndoda would say that they would have to start the beating all over again.... The beating stopped when the head of the police showed up and ordered it to cease".⁴⁵

Paul's account is consistent with evidence from a former Zenith guard employed at the Williamson Mine within the last three years, who stated that "guards would often beat people on their knees and elbows".⁴⁶

"You have to beat these people so that they don't come back again."

Chief Security Officer, Williamson Diamond Mine

Paul continued:

"After the beating, we were taken to the detention centre. We spent the night there without food. The next day we were taken to Shinyanga police station, where we spent another night without food. It was only the day after that that we were given food. That day,

we were also taken to court. There were no hearings, we were just sentenced. Ndoda was there, though he didn't say anything. We found him already in the courtroom, which made me think that maybe he had spoken to the judge before to put things in place already. There was a... judge who told us we invaded the mine and so we were being sentenced for one year without a fine."

Paul said that he did not receive medical treatment for his injuries.

Inhuman and degrading treatment was also documented at a detention facility located just inside the access gate to Mwadui. With a single, small detention cell, it was described as dark, cramped, filthy, with a slop bucket filled with urine that overflowed, little or no food, and detainees subject to the whims of guards who would beat them. A former Williamson Mine employee told RAID that it was said that those held there were "lucky to come out of there still able to walk."⁴⁷

International standards provide that private security personnel are only to guard or transport detainees if specifically contracted to do so by a state and they are trained in the applicable national and international

HUMAN RIGHTS ABUSES AT THE WILLIAMSON MINE

law.⁴⁸ They further provide that detained persons must be treated humanely and consistent with protections under human rights law, including prohibitions on cruel, inhuman or degrading treatment.

In its 29 August letter, RAID informed Petra Diamonds of reports of abuses at an onsite detention facility operated by Zenith.⁴⁹ RAID requested responses to questions regarding the legal basis for such a facility, copies of policies for detaining individuals and details about its operation. Petra Diamonds did not respond to these questions. In its reply, Petra Diamonds referred to the closure of an “on-site facility” that “had been used by the Tanzanian Police as a temporary police post where trespassers on the mine would be detained by the police before their transfer”.⁵⁰ It was not made clear whether this “post” is supposed to be the same facility identified in RAID’s letter and described in this section, and RAID’s request to Petra Diamonds that it clarify whether the facility was the same received no response.⁵¹ Those interviewed by RAID who described being detained on the mine site consistently told RAID that it was Zenith guards who took them to and operated the facility, including determining when, if at all, they were permitted to eat, drink or leave.



The Williamson Mine (Hansueli Krapf/Wikimedia Commons)

The accounts of three individuals, who said that they had been detained in the cell at different times within the last three years detail the conditions.⁵² The accounts were consistent in describing severe beatings by Zenith guards when they were caught on the mine site before being taken to the facility. One, who said that at one point there were ten others with him in the cell, told RAID:

“I was at the detention centre for three days. It was run by Zenith.... We were given one meal a day.... The first day I got three scoops of food. It was a battle, you got what you could get. My relatives tried to bring me food but they were denied. They weren’t allowed to see me either.

They don’t distribute water to [the detainees]. The cell had a small window and we would put our mouths near to it and the guard would pour the water in. If we saw a guard, we would ask for water. It would depend on who was on duty if we got water or not.

The cell was maybe six steps by seven steps. We would lie down by having our heads at different directions and legs interlocked. Once you lie down, the guards don’t allow you to sit up. Usually, we were supposed to lie down the whole day unless a guard was lenient. There were no blankets or pillows, none of that stuff, only the floor. The floor was cement.... There was a bucket in the room for short calls.

“The cell had a small window and we would put our mouths near to it and the guard would pour the water in. If we saw a guard, we would ask for water. It would depend on who was on duty if we got water or not.”

Local resident, Kishapu District, Tanzania

For long calls you had to ask the guards to take you out to a toilet and then you could take the bucket out. There was no bathing or shower, nothing to make me clean.”

The second person described his experience when held at the cell overnight:

“... I had [broken bones] before they put me there. I didn’t receive medical treatment ... although while I was being booked one guard who was taking our statements asked whether I needed medical attention. I said yes ... because of the beating, but I was hit by another guard who told me to say that I wasn’t injured and I hurt myself while running. I did not say anything and stayed quiet.

The following day, a different guard asked me if I needed medical treatment. I refused to comply because I was angry about what happened to me when I said I needed medical attention the first time they asked. I thought they would hit me again if I agreed to get medical treatment....

We were guarded by Zenith guards. About six of them.... I personally was in so much pain the whole time. My [injury] was killing me and my whole body was aching from the beating I got before I arrived there. I was swollen pretty much everywhere. I could not sleep because of how my body ached. I had to sit the whole time. There was no food or anything to drink. We were never given anything.... The inside [of the facility] was very dirty and it smelled. There was a bucket full of urine which started overflowing.”

The third described similar conditions, as well as being beaten while in the cell:

“We stayed at the cell for two days. Our names were recorded on the first day. The guards signed a book then left. We were not given food and [were left alone] on that evening. We found three people there already, so there were six in total....

The following day during the shift change, some guards beat us. They didn’t say anything about why they were doing that. They told us to bend over while holding our ears then beat each one of us three times on the buttocks.... I personally had serious injuries on my leg which were swollen and I could barely walk.

On the second day we were given food, but only in the evening. My family came to visit but they were told they could not see me.... The conditions in the cell were really poor. The area was very dirty and had a bad odour that made breathing difficult.”

These accounts are consistent with the information of a former Zenith guard, who confirmed to RAID that those caught on the mine may be held at the detention facility for up to three days.⁵³ He also

remembered one day when two people were taken to the detention facility, which he said he was guarding at the time. "One of them was injured. One of his legs looked like it was dangling off."

Abuses at Williamson Diamonds Hospital

Nearly every sustainability report published by Petra Diamonds since it acquired the Williamson Mine in 2009 refers to Williamson Diamonds Hospital.⁵⁴ Described as "fully equipped for small to medium surgical procedures", it includes a pharmacy, reproductive health facility, outpatient and X-ray departments, laboratory, and mortuary, and has had health pilot programmes with the Tanzanian government and NGOs.⁵⁵ Petra Diamonds repeatedly highlights the benefits to local communities provided by the hospital, but those interviewed for this report detailed a disturbing role played by the hospital in relation to victims of security-related abuse.

Relatives of individuals killed said that the bodies of their loved ones were taken to Williamson Diamonds Hospital. RAID found that at least twenty-three of those injured were taken there. The problem with this practice was explained to RAID by a community leader: "If you are injured, they take you to the mine hospital in Mwadui. This is not good, because they are the one who arrested you and beat you, they will not give you good treatment."⁵⁶ A local activist further explained, "there is no care because when people are taken there, they are subjected to treatment that will warrant them to not go back. The aim is not to treat, but rather to torment so that people will stop going to the mine".⁵⁷

In important respects, these views were borne out by the evidence of those interviewed who had been taken to the hospital by security personnel for treatment. Some described not being provided with urgently needed medical treatment. Many also said that they were not provided with medical records, even after requesting them; that medical records were confiscated by Zenith guards; that medical staff refused to record what had happened to them; and/or that they were threatened with harm by medical staff to teach patients a lesson. Several said that they were visited by Williamson's Chief Security Officer, David Ndoda, who intimidated and on occasion yelled at them. Nine of those who said that they had been taken to the hospital further described being handcuffed to the bed or other detainees, and they and others said that Zenith guards were often present.

International standards limit the circumstances in which restraints may be placed on patients during medical treatment, including because they may constitute a violation of patients' human rights.⁵⁸ A World Health Organization publication on treatment of prisoners, for example, provides that restraint should never be used as a form of punishment and is to be applied for the shortest time possible if justified to prevent patients harming themselves or others.⁵⁹ International guidelines further direct that patients be given appropriate information as to the need for restraints during care.⁶⁰

In the cases documented, it is not clear that patients could be considered lawfully detained; the restraints appear to have been applied as a matter of course rather than based on individual assessments, often to seriously injured individuals; and none of those interviewed said that the reasons for restraint had been explained. The ongoing presence of security personnel is particularly concerning given their association with the injuries. It is difficult to see how communication with medical staff could be open or consent genuine or informed in such circumstances.

One former patient shot on the mine explained to RAID, "I did not feel well cared for at all or safe while there. I also felt like a prisoner the whole time when guards were there."⁶¹ Another young man who had

been beaten told RAID that he “did not understand at all” the treatment he was given and that “They didn’t ask, they just did it.” He described his experience as follows:

“We got there with blood on our bodies and we had to be taken to the bathroom for cleaning up. After that we were given an injection and some medicine. I don’t know what kind of medication but I remember there were two packets.... Then we were told to rest. There was a doctor attending us, but I do not know his name.

At the hospital we were always handcuffed in pairs at the wrists and guarded by Zenith guards [who] told us they had been asked by the guards who caught us to come guard us.... They had weapons, guns, and were there the whole time at the hospital. We stayed there for about 5 hours....

I was chained with a guy I did not know and the whole time there we were told to sit on the floor. It was very difficult, especially for me, because [I was] in a lot of pain from the beating. I had to lay on the floor most of the time. The handcuff was on my left hand against another guy’s hand.... We were all cuffed against each other and in pairs....

When we were allowed to leave the hospital, I was not told anything nor given any documents.”⁶²

Another young man, shot by pellets in various parts of his body, told RAID:

“When I got to the hospital, I was received by two nurses who took me straight to the ward. They registered my name then two guards handcuffed me to the bed. All this time I was in so much pain. A nurse gave me one tablet for reducing pain. She specifically said she was giving me that to reduce the pain, but it did not help even one bit.

Later that night, a doctor ... came to see how I was doing. He was called by the nurses who took me in. The doctor did not do anything at all, but just said he would find me in the morning. I was in so much pain. I asked the nurses numerous times for more pain medication but they didn’t care and they laughed at me. The pain was just too much. I couldn’t sleep and stayed up till morning.

Ndoda [Williamson Mine’s Chief Security Officer] came that night too. The moment he saw me, he started yelling at me saying that I was in that condition because of going to the mine. He went on telling me that the mine is not my father’s, and I am the one who was losing, referring to the fact that I was injured. He then left after saying all that. I felt like I was in jail and not in the hospital. I felt tortured, and never cared for....

There were other patients too in the ward. There was a guy who had been captured by guards the previous night. I saw guards bringing him in. I asked him what happened as he was passing by. He replied he got caught at the mine.... The guy seemed to have been hit on the head because there was blood. He was also handcuffed to his bed. The guards who were there had weapons all the time....

My family had already been told by then about what happened to me. They came to see me but were not allowed to enter the hospital.”⁶³

The young man said that he was ultimately referred to another hospital due to the severity of his injuries, after which he was charged by the mine with trespassing. He said that at the hearing, “the judge decided not to sentence me because I was having a hard time walking due to the injuries. Therefore, the judge ordered me to go home, without facing any further charges.”

In its 29 August letter, RAID sought Petra Diamonds' response to a number of questions arising from the treatment local residents' described receiving at Williamson Diamonds Hospital, including the regular use of restraints and armed guards, provision of medical treatment without informed consent, threats by medical and mine staff, and confiscation and denial of medical records. Petra Diamonds did not respond to any of these questions, but stated in its reply that "upgrading... the Mwadui medical facility is underway to ensure that it continues to provide appropriate facilities, not least to those detained by the Tanzanian Police".⁶⁴ Petra Diamonds provided no further details on what such "upgrades" involved or how they would relate to patients detained by private security personnel, despite being requested to do so by RAID.⁶⁵

Credible reports of further human rights abuse

In addition to the human rights abuses documented above, RAID received credible reports of other serious abuses perpetrated by security at the Williamson Mine, including sexual violence. RAID is conducting further research to verify if these reports are true.

Security arrangements

For many years, local residents have engaged in artisanal mining and other activities within Williamson Mine's concession. According to Petra Diamonds, there are "challenges in securing" such a large perimeter as their mining licence covers.⁶⁶ As RAID witnessed, the boundaries of much of its area are identifiable only by intermittently placed and easily missed rocks. A community leader explained to RAID, "The lines [demarcating] the mining concession are not clear because they removed the fence. Many people go onto the mining area looking for pasture, fire wood and sometimes to access the good roads that the mine uses."⁶⁷

A Mwadui resident also noted to RAID that the lack of fencing causes local residents to enter the Williamson Mine concession without realising that they had done so. He said, "I think it is unfair to those people because they don't know the boundaries. There are routes that vehicles use and even cattle but if a human being uses it, they get attacked by guards. It's not like the area is forbidden. It's just open."⁶⁸

Petra Diamonds has stated that security is a "high priority".⁶⁹ Its Code of Ethical Conduct indicates that protection of corporate property is paramount:

"We believe in the right of ownership and will ensure the security of our property by employing appropriate systems and procedures in order to ensure the availability thereof for achieving our objectives.

Our product is diamonds, which are valuable and easily hidden, and the loss of which could lead to non-profitability of our operations and loss of employment by our employees and industry partners. Security of our product is therefore non-negotiable and we will employ all necessary means – overt and covert – to protect our diamonds from theft or loss."⁷⁰

In its 29 August letter, RAID requested further details about how security arrangements are organised at the Williamson Mine. RAID asked to receive the Williamson Mine's Security and Human Rights Policy (which Petra Diamonds refers to in its sustainability reports⁷¹) and a description of how Petra Diamonds/

WDL ensures compliance with this policy. RAID also asked for information about the security providers the company uses, including which security companies it contracted with and how they were armed. Petra Diamonds did not respond to any of these requests. Some very basic information was provided to RAID in an on-the-record meeting between RAID and senior management of Petra Diamonds in September 2020.



Security offices at the Williamson Diamond Mine, Mwadui © 2020 RAID

RAID gathered considerable information about the security arrangements at the Williamson Mine from interviews with local residents, community leaders, former security guards and Williamson Mine employees, as well as publicly sourced documents. The information in this report is based on these sources.

Security at the Williamson Mine is arranged through a combination of in-house, private and public security personnel. As it pertains to local residents and small-scale miners, security at the Williamson Mine is directly overseen by Williamson Mine's Chief Security Officer, who at least until mid-2020 was David Ndoda.⁷² RAID understands from interviews that Ndoda has been employed at the Williamson Mine at least since Petra Diamonds acquired it in 2009.⁷³ Ndoda oversaw the security team at the Williamson Mine.⁷⁴

At least two private security contractors are employed at the Williamson Mine. According to interviews with former guards and Williamson Mine employees, personnel of both contractors are subject to Ndoda's oversight and direction.⁷⁵ The main one is Zenith Security Services Ltd, a Tanzanian company. In September 2020, Zenith is reported as stating that it had been employed at the Williamson Mine for approximately a decade.⁷⁶

Those interviewed said that at the Williamson Mine, Zenith guards operate patrols in groups of around ten (though may be fewer during day patrols) on foot and in vehicles.⁷⁷ A former guard explained that some are also assigned to particular areas.⁷⁸ Zenith guards were also described as being responsible for guarding the onsite detention facility.⁷⁹

Zenith guards were regularly described as being armed with weapons that include shotguns, batons or clubs, and in some cases sharpened metal rods. At least for a time, they also used guard dogs.⁸⁰ According to one former guard, each guard has a different responsibility, for example one would have a gun, a second a notebook to record incidents, and so on.⁸¹ He also told RAID that Zenith guards were trained at Mwadui. Former guards also stated that they are connected to Ndoda, the mine's Chief Security Officer, and other security personnel by radio.⁸²

ZENITH SECURITY SERVICES LIMITED

According to its website, Zenith commenced operations in 2011, when it began with 28 guards.⁸³ Headquartered in Shinyanga, it now employs over 500 people.

Zenith was founded by three individuals, who remain its directors: Elisha Ndulu, Tungu Mathias and Hillal Soud, a businessman.⁸⁴ Prior to founding Zenith, Ndulu was a security guard at the Williamson Mine, including as Area Manager for G4S, the mine's previous security contractor, from 2009-2010.⁸⁵ Zenith's General Manager, responsible for "all daily company operations", is listed as a former member of the Tanzanian military, Colonel Jackson Mbwile.⁸⁶

According to Zenith, its services are provided in accordance with terms agreed with its clients. Specifically, it states that it has "defined operations procedures and laid down site instructions which are derived from mutual agreement and undersigned by both Zenith security services and clients that enable Zenith to work in a well organized and coordinated way in each site".⁸⁷ It also states that Zenith "has invested heavily on the discipline of our security guards...who adhere to" the procedures of Zenith and its clients.



Zenith security guards posing for photograph at Mwadui
(Source: Facebook, 3 September 2019)

The second known security company employed at the Williamson Mine is AA Gimbi.⁸⁸ RAID was told that its owners reside in Mwadui and that it provides guards stationed at specific areas on the site, primarily where mine equipment and other corporate property are located.⁸⁹ These guards said that they did not receive training, but were given clubs and a whistle from the AA Gimbi office and directed to watch and report if security concerns arise. They were told not to intervene directly, but to wait for Zenith guards.

Unlike Zenith guards, which RAID was told are generally recruited from outside the local area, many of the former AA Gimbi guards interviewed were from local communities.⁹⁰

Several of those interviewed told RAID that security personnel at the Williamson Mine often entered into

arrangements with small-scale miners. A community leader told RAID that “sometimes people bribe security to allow them” to mine.⁹¹ A local resident described an arrangement whereby proceeds from any discoveries would be shared with a guard,⁹² and another explained that such arrangements were common.⁹³ A former Zenith guard said that he was aware of similar arrangements with the mine’s Chief Security Officer, Ndoda.⁹⁴ RAID asked both Petra Diamonds and Zenith if they were aware of such arrangements but neither provided a response.⁹⁵

Tanzanian state police, which includes a specialised field force unit, also have a permanent presence in Mwadui, which houses a police station, and were described as on some occasions operating in joint patrols with Zenith guards. These forces are described as being armed with automatic firearms and teargas. RAID requested information from Petra Diamonds about any benefits the company provides to the Tanzanian police for their services, and whether there was a memorandum of understanding in place, but Petra Diamonds did not respond to the request.⁹⁶ Its public-facing materials merely refer to “technical assistance”,⁹⁷ but according to a community leader, police have been provided with food, vehicles, accommodation and allowances by the Williamson Mine, which was supported by information from other interviews.⁹⁸

According to the International Finance Corporation, which examined the security arrangements at the Williamson Mine in 2010, armed security personnel are assisted by an “extremely effective local intelligence network”.⁹⁹ RAID was told in interviews that they are also aided by a significant number of security cameras, particularly around areas deemed high value.¹⁰⁰ It is not known to RAID who monitors these cameras, though a former Williamson Mine employee said that at least some are monitored onsite.¹⁰¹

Involvement of security personnel in abuses

Zenith guards were directly implicated in nearly all of the killings and abuses documented. Local residents explained that they can distinguish Zenith guards from other personnel by their uniforms, described as black or dark brown/blue, as opposed to police officers’ khaki uniforms and the green uniforms with red berets of field force units. They also stated that Zenith guards were identifiable by their weapons, including the use of shotguns rather than the automatic firearms carried by police, vehicles and other equipment. Zenith was described by a community leader as “much worse” than previous security contractors.¹⁰² Several AA Gimbi guards described seeing Zenith guards beating local residents, with one describing it as “normal practice”.¹⁰³ A former Zenith guard explained to RAID that Zenith guards “are aggressive because they might lose their job if something happens.”¹⁰⁴

The police were described as being present during some of the incidents, though there is little evidence that they have sought to ensure accountability for abuses. With two exceptions, however, the police were not identified as having perpetrated abuses directly and often were said to have intervened to prevent further harm to local residents. A former Zenith guard explained that the “police are more relaxed”, as “if something happens in their area on the mine, [Zenith guards] will be blamed”.¹⁰⁵ Some police staff were reported as being associated with intimidation of those injured, their families and local human rights defenders (see below).

Williamson Mine’s Chief Security Officer, David Ndoda, was directly implicated in many of the abuses and his name was widely known to local community members interviewed. A community leader said, “Ndoda has all the power. He instructs the private security company about what to do”,¹⁰⁶ and an employee at the Williamson Mine told RAID that Ndoda “absolutely works on fear”.¹⁰⁷ That view was shared by former

Zenith guards, who described Ndoda as directing guards during patrols.¹⁰⁸ One of them recalled being told by Ndoda when sent after people within the lease, “if you don’t catch them you will suffer”, and said that he and other Zenith guards had been fired by Ndoda for failing to prevent people from entering the concession.¹⁰⁹ He also said, “Everyone who worked there knew he was the chief of everything...If they take him away, people will celebrate because he did bad things to the people.”

Company oversight of security

Security at the Williamson Mine is organised on a hierarchical basis, providing for oversight by company management. RAID was told that Ndoda is overseen by the Mine Support Services Manager in charge of all security, who from 2014 until 2020 was a South African employee, Riaan Slingerland, who in turn reports to the mine’s General Manager.¹¹⁰ From 2009 until 2013, the General Manager was a South African employee, Charl Barnard, who was also appointed Petra Diamonds’ Health, Safety, Environment and Quality Manager¹¹¹ and is now General Manager of Petra Diamonds’ Koffiefontein mine.¹¹² Barnard was succeeded by another South African employee, Arlen Loehmer, though RAID was told by multiple people who had worked for Loehmer at the Williamson Mine that Barnard remained involved, including through frequent visits to the mine.¹¹³ At the end of 2019, Loehmer was replaced by a Tanzanian employee, Ayoub Mwenda, formerly the Williamson Mine’s production manager.¹¹⁴ Loehmer now holds the position of ‘Business Improvement Manager’ at the Williamson Mine.¹¹⁵

Those who have been employed at the Williamson Mine told RAID that Slingerland and Ndoda were based in a mine office building designated for security and safety issues, and that they held regular meetings with the mine’s general manager during which security incidents were reported.¹¹⁶ Those interviewed by RAID who had worked at the Williamson Mine under Loehmer and Slingerland described them as exercising extensive control over personnel. They were said to “use fear tactics, they would tell people that [they would] be fired” if they did not do as they were told, giving little choice to employees and contractors “working for peanuts [with] plenty in line waiting” to take their job.¹¹⁷

Slingerland and Loehmer were also described as exercising control over Williamson Diamonds Hospital and medical staff who worked there.¹¹⁸

According to Petra Diamonds’ own documents, it exercises supervision over security at the Williamson Mine. As noted, Petra Diamonds’ reports state that security is a “high priority” and that the company “places a high premium on maintaining and continuing to develop an effective and appropriate security”.¹¹⁹ Similarly, as quoted at more length above, Petra Diamonds’ Code of Ethical Conduct provides for securing corporate property “by employing appropriate systems and procedures” and using “all necessary means – overt and covert – to protect our diamonds from theft or loss.”¹²⁰ To this end, Petra Diamonds has put in place a range of security-related measures that provide for oversight at its operations, including the Williamson Mine.

According to senior management, Petra Diamonds has a corporate group security team, responsible for policies, procedures and audits at its mines, and a security reporting system for the reporting of incidents.¹²¹ More details of Petra Diamonds’ supervision of security at the Williamson Mine may be found in its public-facing materials. They state that Petra Diamonds has “robust internal systems” to manage human rights issues, which it recognises include security.¹²² In its latest human rights policy statement, Petra Diamonds confirmed that understanding, pledging to “ensure respect for human rights in deployment of security forces”.¹²³

“[We use] all necessary means – overt and covert – to protect our diamonds from theft or loss.”

Petra Diamonds’ Code of Ethical Conduct

The Board also exercises oversight of “any major or significant incident” through a “governance structure and procedures [that] ensure that there is a clear line of communication whereby the matter is reported timeously to the highest governance body (i.e. ultimately, the Board)”.¹²⁴ Petra Diamonds’ Board has created committees designated to monitor and oversee such reports and more generally responsible for managing risks relating to “social” and ethics, and for compliance and risk management within the corporate group’s operations.¹²⁵ Committee terms of reference specify that “Ultimate responsibility for health, safety [and] social ... matters will remain with the Board”.¹²⁶



The Williamson Mine (Hansueli Krapf/Wikimedia Commons)

Barriers to justice and fear of reprisals

Those interviewed described the enduring effects of the injuries and losses suffered. They include ongoing pain, disability, psychological trauma, the emotional impact of losing children and other loved ones or seeing their lives transformed by injuries, and the practical consequences of such harms. Some of these were captured by a young woman whose husband was injured by security forces at the Williamson mine:

“Life has been very difficult since [my husband’s] injury. This has taken a huge toll on me emotionally. My husband is not the same physically. There are so

many things he used to do that he cannot do now. He has to use crutches to walk, [and] can’t do physical jobs that he used to do before.

This has made our financial situation get worse day after day. [My husband] used to be a really hard worker for our family. He was the sole bread winner. I am a stay-at-home mother of five children. The children need me at home.... Our life was not the best but we had something. Back then he used to buy our kids school items and other regular needs. We don’t have that now. His injury has really changed our lives in a bad way.”¹²⁷

None of those interviewed expressed having received any form of justice. Several obstacles were identified. Many said that they were made aware of the adverse consequences they could suffer if they pursued their cases. A community leader told RAID, “Most people who are injured by the mine do not report it because they could get arrested for trespassing. Many people have been arrested and convicted for that.”¹²⁸ Indeed, many of those interviewed said that they were transferred to police custody and charged with trespass-related offences for which they faced heavy fines and imprisonment. As noted,

one told RAID that Ndoda was in the courtroom when he was sentenced without a hearing.¹²⁹ Another described being taken to the court by Zenith guards for his charges to be read before being taken to prison.¹³⁰ Such experiences present a significant obstacle to pursuing justice and remedy for harm caused.

Another person told RAID that a police official had told him “it was not a good idea to go after the mine and I could never defeat them. So I was told to drop the case or I could lose my life if I continued.”¹³¹ Others interviewed referred to similar threats.

In different ways, many individuals stood their ground in the face of such threats. A father whose son was shot at the Williamson Mine told RAID:

“I went to the police station in Mwadui.... They asked me why I was there. I told them my son had been shot and I was here to seek information. They started intimidating me, saying ‘so you are the one harbouring the intruders.’... They told me I should be locked up so I could help with the investigation. I said yes, you can lock me up. He was my son and my son [was injured] and you don’t want me to follow it up.”¹³²

Yet he also expressed consciousness of the limits imposed. After his son was transferred out of Williamson Diamonds Hospital, he said, “I haven’t followed up with the police because if I did, my son might be prosecuted and in that case he would not be treated well.”

“Most people who are injured by the mine do not report it because they could get arrested for trespassing. Many people have been arrested and convicted for that.”

Local community leader, Shinyanga Town, Tanzania

Others have taken on the cause of those injured or who lost family members. One such person explained to RAID, “Being a local kid, I grew up hearing stuff about the Williamson Mine so I had to give a voice to what was going on there after realising that there was too much oppression. I felt like I had a calling to fight for those who couldn’t fight for themselves”.¹³³

Efforts have also been made to organise. These included the formation of a group of people injured at the mine, which RAID was told comprised nearly two dozen people at one point, because “people in the group were trying to pursue justice separately but nothing was being done.”¹³⁴ Yet its leader, George Joseph Bwisige, explained that the group’s aim of “economic empowerment of victims” had been hindered because “many people were reluctant to join...there is a lot of intimidation. If you go to the police officer to complain, they will say you are criminals, you should be prosecuted.”¹³⁵

Financial imbalances further impede justice. “People need money to open a case if they want compensation and they don’t have it. And people... are afraid because individuals cannot compete with companies” a local leader explained to RAID. “You cannot fight the company, it has so much money.”¹³⁶

After its first research mission to the area in November 2019, RAID learned of harassment and intimidation by local authorities targeting human rights defenders, victims and other community representatives. It appeared designed to identify and intimidate those with whom RAID and lawyers from the British law firm, Leigh Day, had met and followed the filing by Leigh Day of a claim in the British High Court on behalf of over 30 Tanzanian nationals for human rights abuses at the Williamson Mine.¹³⁷ The intimidation reported to RAID included arrests, confiscation of personal effects and threats of prosecution.

In communications with RAID, Petra Diamonds stated that WDL had “made clear that it has a zero tolerance policy in relation to threats, harassment and/or intimidation of human rights defenders, local journalists, and other local residents”, and had raised the matter with authorities following RAID’s 29 August letter.¹³⁸

Lack of accountability

Few of those interviewed were aware of local authorities acting against security personnel at the Williamson Mine for using excessive force. There was one exception. It concerned a widely reported incident in the Tanzanian press involving two individuals, Luhende Elias and Daudi Edward, aged 19 and 24, detained at the Williamson Mine by Zenith guards in 2016.¹³⁹ RAID obtained a copy of local court proceedings and the testimony before court of Mr Elias reads in part as follows:

*“...at around 15:00 hours came the security guard who run after us, I and fellow were caught and they started beating us and they put us on their vehicle and the accused who was holding his gun and we lied on top of other accused and suddenly the accused shot at my buttock which led the rubber bullets to pass through my stomach and appear in front of my upper part of my penis the bullet also hit my fellow known as DAUDI s/o EDWARD, then the accused started to hit us on our head with stick in order to stop crying...”*¹⁴⁰

All three received sentences of six months’ conditional discharge: Mr Elias and Mr Edward received six months for trespassing on the Williamson mine; the guard received six months for each of the two counts of shooting.¹⁴¹

The only other report found by RAID of security personnel being subject to consequences for excessive use of force was from a local blog, which referred to a security guard pleading guilty and sentenced to two years for killing an artisanal miner on the Williamson Mine in 2014.¹⁴²

In response to RAID’s 29 August letter, Petra Diamonds said it had suspended the Mine Chief Security Officer and Support Services Manager at the Williamson Mine pending further investigations.¹⁴³ Otherwise, RAID is unaware of any consequences for security personnel employed at the Williamson Mine imposed by Petra Diamonds, WDL or Zenith for the use of excessive force or other human rights abuses. RAID requested information on these issues from Petra Diamonds and Zenith, but received no response.¹⁴⁴

Previous reporting of human rights abuses

In an on-the-record meeting with RAID, Petra Diamonds’ senior management said that it was shocked by RAID’s allegations of serious human rights abuses at the Williamson Mine.

There has been consistent local and international reporting of the abuses at the mine. In 2011, concerns about human rights abuses at and around the Williamson Mine concession were raised in the Tanzanian Parliament by two opposition parliamentarians, who referred to killings, assaults, torture and unlawful detention, and requested action by government ministers.¹⁴⁵

In the period between 2012 and 2017, RAID identified thirteen articles from Tanzanian sources, all publicly available online, reporting serious human rights abuses by security personnel at the Williamson Mine.¹⁴⁶ Of these, five were published in the national press, one was published by the Tanzanian Media Foundation, and another in a Shinyanga publication. The others were on blogs.

After 2017, RAID was unable to identify reports in local Tanzanian press. RAID interviewed local journalists, who explained that reporting on the Williamson Mine could bring threats and intimidation. One of the journalists interviewed by RAID stated that he was aware that there “is violence at the Williamson mine”, but explained, “It is very difficult to publish things about Williamson. The stories depend which side you are on. You always must be on the side of the mine. We don’t have any reporters around the mine. Everyone is fearful if I write about this, because you will be grabbed”.¹⁴⁷

Local circumstances have necessitated greater reliance on international coverage. Such coverage has been provided at least since 2013. That year, the international organisation Facing Finance published a report funded by the European Union which found that many local artisanal miners “have been attacked and injured by [Williamson] mine’s security” and that “the community believes that the mine is aware of the violence inflicted on them, and keeps them in their dire financial situation”.¹⁴⁸ The report received coverage in 2014 by South Africa’s News24.¹⁴⁹ In August 2019, the Belgium-based International Peace Information Service (IPIS) published a report detailing allegations of serious human rights violations, including beatings and killings, at the Williamson Mine identified during a survey of local communities. It also highlighted the role of criminal prosecution in preventing those harmed from speaking out.¹⁵⁰ And in September 2019, a report by the Kimberley Process Civil Society Coalition (KPCSC) dedicated a section to these same issues.¹⁵¹

“You always must be on the side of the mine. We don’t have any reporters around the mine. Everyone is fearful if I write about this, because you will be grabbed”.

Local journalist, Shinyanga Region, Tanzania

Petra Diamonds and Williamson Mine response to previous reports of abuses

To the extent that Petra Diamonds or representatives of the Williamson Mine have publicly responded to these prior reports, they have stated that the use of force was justified on grounds that security personnel had been attacked or simply that the allegations were unsubstantiated.¹⁵² Most recently, in a 2019 letter to the KPCSC regarding its reporting of allegations of human rights abuses at the Williamson Mine, Petra Diamonds stated that a Parliamentary inquiry team investigated similar allegations and that “to

date no allegations have been substantiated”.¹⁵³ On multiple occasions, RAID requested that Petra Diamonds identify which Parliamentary inquiry it was referring to and provide a copy to RAID.¹⁵⁴ Petra Diamonds did not respond to these requests. RAID also asked whether Petra Diamonds had undertaken its own investigation of the allegations at the time.¹⁵⁵ Petra Diamonds did not respond to this query either.¹⁵⁶

Petra Diamonds further stated to the KPCSC that it had “a full-time liaison community liaison officer that is in continuous liaison with the community” and a “grievance, enquiry and complaint mechanism”.¹⁵⁷ Similar assurances regarding both extensive community engagement and the availability of a grievance mechanism are found in Petra Diamonds’ sustainability and annual reports.¹⁵⁸ RAID requested Petra Diamonds to provide copies of the documents concerning its grievance mechanism and community engagement at the Williamson Mine, some of which Petra Diamonds has stated are publicly disclosed but which RAID has been unable to locate.¹⁵⁹

Petra Diamonds did not respond to these requests. In its on-the-record meeting with RAID, Petra Diamonds’ CEO Richard Duffy said that while he did not have enough information to answer whether a grievance mechanism was in place at the Williamson Mine at that time, whatever was in place was “not effective”.¹⁶⁰

In its research, RAID found little evidence that any meaningful community engagement was undertaken by the Williamson Mine and none of changes to its security practices in relation to the concerns raised by KPCSC and IPIS. Accounts by community leaders bore this out. For example, a community leader told RAID that he had raised security personnel’s violent conduct against local residents’ meetings with representatives of the Williamson Mine, including within the last three years.¹⁶¹ He said that he was told “to tell your people to stop coming” to company land and that “community intruders are very rude” and thus had to be arrested forcefully.

The community leader told RAID that these meetings did not result in noticeably changed practices by security personnel. George Joseph Bwisige, the leader of the group seeking economic empowerment for victims, also told RAID that having met with people from the mine, they heard nothing back.¹⁶²



Artisanal miners searching for diamonds, Kishapu District, Tanzania. © 2020 RAID

“I do not know of a process or person you can take a complaint to. There is no such thing.”

Local community leader, Shinyanga Town, Tanzania

Similarly, RAID could find no evidence of a complaint or grievance mechanism at the Williamson Mine. A local community leader specifically asked about this by RAID responded, “I know that there is a relationship office, but it is to meet village leadership to discuss development issues. I don’t know if there is a place I can take complaints to and have them decided.”¹⁶³ Another such leader told RAID, “I do

not know of a process or person you can take a complaint to. There is no such thing.”¹⁶⁴

Representative responses from those who had been injured or had a family member killed included:

“I have not tried to communicate with anyone, I don’t know anyone I could contact at the mine.”¹⁶⁵

“I haven’t spoken to anyone at the mine about my injuries. There isn’t anyone I know of I could talk to at the mine.”¹⁶⁸

“I have not had any communication with the mine. There is no one at the mine I can take the complaint to.”¹⁶⁷

As these were statements of individuals who had been held in the onsite detention facility and/or taken to Williamson Diamonds Hospital, company personnel would have had the opportunity to inform them of a grievance process if available.

No one interviewed said that they had received compensation or other remedies from the Williamson Mine or Petra Diamonds. RAID sought information from Petra Diamonds as to any remedies provided to local community members, but Petra Diamonds did not respond to the request.¹⁶⁸



George Joseph Bwisige, leader of a group seeking empowerment for victims of human rights abuses at the Williamson Diamond Mine, Kishapu District, Tanzania. © 2020 RAID

WILLIAMSON MINE PROVOKES INEQUALITY AND DIVISION

“People go into the mine because life is very hard in the villages”

Local community leader, RAID interview

The Williamson Mine is surrounded by Tanzanian communities whose livelihoods from small-scale farming and artisanal mining are precarious. Some local residents seek to supplement their limited incomes by searching for diamonds in the diamond-rich Williamson Mine concession. Many, though importantly not all, of the human rights harms documented in this report were suffered by those participating in such activity. Petra Diamonds characterises these individuals as engaging in “trespassing and illegal mining”¹⁶⁹, but the matter is considerably more complicated.

Small-scale diamond mining in the Shinyanga region of Tanzania, where the Williamson Mine is based, has been practised since at least the early twentieth century.¹⁷⁰ This artisanal mining activity has continued in the face of legal proscription, the punitive system of colonial rule, eviction efforts, and decades of brutal security-related violence.¹⁷¹ Efforts to portray or explain its persistence as a failure to respect law and order are neither plausible nor helpful to addressing the root causes.

The latest in a line of foreign owners of the Williamson Mine, Petra Diamonds may be relatively new to the scene, but its local communities are not. The relationship between the mine and local residents was set on its course during the colonial period, with ramifications continuing today. Since the establishment of the mine in the 1940s, local residents have been exploited as a source of cheap labour, treated as criminals and diamond thieves, and subjected to violence from security personnel. The findings in this report demonstrate how little has changed in these respects. As described below, it is not clear what sustainable benefits local communities have received from decades of large-scale diamond mining. What is clear is that they have endured considerable costs.

THE COLONIAL PERIOD AND DR WILLIAMSON

The Williamson Mine dates to 1940, when Canadian geologist John Williamson, alerted to findings of stones by people from the area, is credited with discovering the Mwadui kimberlite pipe.¹⁷² At the time, all mineral rights were vested in the colonial governor.¹⁷³ Dr Williamson was granted an Exclusive Prospective Licence,¹⁷⁴ and in 1942 he formed Williamson Diamonds Ltd to exploit what proved to be the world’s largest known economic kimberlite.¹⁷⁵ By 1946, roughly 6,000 workers with their families were living in Mwadui, and the next year the mine became internationally celebrated for producing the “Williamson Pink” (see below).¹⁷⁶

The mine made Dr Williamson famous as one of the world’s richest men.¹⁷⁷ Its diamonds

were a major source of revenue and foreign exchange for the colonial government.¹⁷⁸ These benefits were reaped on the basis of racial and other divisions, with the colonial rulers, white owner and employees enjoying the vast majority of the gains.¹⁷⁹ Insight into how those divisions functioned at the mine was provided by a white Canadian businessman, who visited Mwadui at Dr Williamson's invitation in 1951:

"There were white-washed mud huts with thatched roofs for three thousand Africans, modern houses with servants' quarters for a few hundred Europeans and Asiatics...an Asiatic clubhouse and a European clubhouse with billiard room, bar, guest rooms and ice-cream parlour....

*A kitchen boy cooked my meals, a table boy waited on me, a bus boy cleaned up, and the rest of the time my houseboy, Mohamed, took over. Mohamed, a strapping Wasukuma tribesman...brought tea at six a.m. and four p.m., made my bed in the morning and turned it down at night, and laundered my clothes spotlessly every day."*¹⁸⁰



In a book on his experience as the Williamson Mine's Chief Security Officer from 1951 to 1953, Percy Burgess, formerly of Scotland Yard, noted the vast disparities in the treatment of black workers and residents.¹⁸¹ He expressed unabashedly racist views towards them, but confining himself strictly "to the security side of the problem", he recalled urging Dr Williamson to improve the conditions in which the mine kept them.¹⁸² Their socio-economic circumstances were such that, he said, they were effectively "encouraged" to take the diamonds,¹⁸³ despite the "paltry" amounts for which they could sell them.¹⁸⁴

Dr Williamson, Burgess wrote, did not take up his suggestion. Dr Williamson did, however, oversee the heavy securitisation of the Williamson Mine, installing fencing, gun fortifications and hundreds of guards¹⁸⁵ to keep local

workers and residents from "stealing" diamonds.¹⁸⁶ According to Burgess, security was provided through a combination of auxiliary police and private security, aided by a network of informers.¹⁸⁷ Suspects were taken to the hospital, where they would be X-rayed for concealed diamonds.¹⁸⁸ According to the same Canadian businessman, black workers were treated as would-be thieves (while white workers were not

searched¹⁸⁹):

“Everywhere, I saw Williamson’s askaris, big tough native policemen.... In the sorting room askaris stood behind the natives who tediously sorted and sifted rough diamonds, inside wire-cage cubicles. Each picker had one arm sewn up in a sleeve of his white smock, leaving him less chance to pilfer. After work they were stripped, hosed down and their mouths searched for diamonds.”¹⁹⁰

The mine pursued charges against those caught with unauthorised possession of diamonds. They faced “heavy fines and imprisonment for unauthorized entry into the mining area”, and worse for illegal possession.¹⁹¹ The charges were meant to be a deterrent, but according to Burgess, circumstances being as they were, the mine always had a “full day’s work” for the Resident Magistrate, who held court weekly in Mwadui’s “African compound”.¹⁹²



Young men working with one sleeve sewn up for security at the Williamson Mine’s sorting office (1948)

© George Rodger/Magnum Photos

THE HISTORY OF THE WILLIAMSON DIAMOND MINE

1940

Dr John Williamson opens mine with approval of colonial government of Tanganyika. He becomes famous as one of world's richest people.

1947

The 'Williamson Pink' is discovered and gifted to Princess Elizabeth II on her wedding.

c.1993

As part of privatisation initiative under World Bank auspices, De Beers receives control and 75% stake.

c.1971

After independence, Government of Tanzania assumes control of mine, with De Beers maintaining its half stake.

1958

Dr Williamson dies. Mine is sold to an equal partnership between De Beers and Tanganyikan government.

1997

Petra Diamonds is admitted to trading on London's Alternative Investment Market.

2009

Petra Diamonds acquires De Beers' 75% interest in the mine, with remaining 25% still held by Tanzanian government.

2011

Zenith Security launches, then begins services at Williamson Mine. Petra Diamonds lists on the London Stock Exchange.

2016
-
2020

Petra Diamonds is named a constituent of the FTSE4Good Index.

2017

Tanzanian government seizes 71,654 carat diamond parcel for export on grounds it had been undervalued.

Lack of sustainable benefits

Shinyanga consistently ranks as one of the poorest regions in Tanzania.¹⁹³ Local residents experience high levels of food insecurity, hunger and malnutrition.¹⁹⁴ The climate in this semi-arid region is prone to drought and residents must frequently deal with acute pressure for both land and water.¹⁹⁵ For those living in the rural areas around the Williamson Mine, subsistence agriculture and artisanal mining are their main sources of income.¹⁹⁶

Studies of the impact of the Williamson Mine on local communities identify some benefits that the mine has brought. For example, sub-contracting opportunities, intermittent “corporate social responsibility” projects such as the donation of school desks, and upgrading or maintenance of roads used by the Williamson Mine and local residents have been cited.¹⁹⁷ Petra Diamonds’ public-facing materials advertise these benefits. For example, in 2018 the company highlighted the mine’s donation of 68 bee hives to nearby villages as evidence of its commitment to “work responsibly”.¹⁹⁸ Such benefits, however, appear to have been limited and isolated.

RAID found little evidence that Williamson Mine’s presence had materially improved circumstances for local communities. Rather, local residents and community representatives interviewed by RAID detailed ways in which the mine’s presence had caused and/or exacerbated problems and entrenched inequalities.

According to one community leader:

“Local people are not allowed to enter Mwadui to buy or sell anything without authorisation. They think if you are going onto the concession, you are an illegal miner. There are people in Mwadui who have a lot of money, so there is economic opportunities. If you come from outside the company, you must pay fees for your children to go to the school...Every village has a primary school but the quality is very poor. Only wealthy people are able to pay the school fees in Mwadui.

Employment is another issue. The mine does employ people in the area for subcontracting, but the problem is under the contract you can be shut out at any time. The mine employs a few local people, but mostly they come from outside. A few are technicians, others are drivers. The feeling is that the mine should employ more people from the local communities. The communities are living a poor life. They are facing a lot of problems, like drinking water, no medicines in the dispensaries....

The mine has taken so much of the land that there is not much left for your livestock. And they cannot get access to the people who have money because they are not allowed to buy or sell in Mwadui.... The land is not enough for the local communities to engage in their economic activities.”¹⁹⁹

This account is consistent with views expressed to RAID by other community members. One stated, “People in the community have a negative view about the Williamson Mine. This is because they do not benefit from the presence of the mine.... The mine has in fact caused more damage than good”.²⁰⁰ Another said, “My feelings about the mine are just negative. It has caused a lot of damage to me and to the communities that surround the mine”.²⁰¹ A young woman told RAID that she and others in her community “hate the mine” for the suffering it has brought.²⁰² And another local community leader told RAID:

“My view on the mine is that the mine did not focus on providing employment to the local community. They focused on people from outside the region.... There’s a bad relationship between the mine and the

community because the community is at a disadvantage. People who own livestock cannot graze anywhere near the mine because it is prohibited. There is also no electricity in [a local village] although it is very close to the mine."²⁰³

A local activist also emphasised the absence of benefits from resources in their area:

*"Kishapu is very poor. There isn't even a higher learning institution like a college or something that citizens would be proud of due to the existence of diamonds in their area".*²⁰⁴

These concerns are backed up by studies. A 2006 diagnostic study commissioned as part of the Mwadui Community Diamond Partnership (see below) found that local communities around the Williamson Mine lacked "access to land, access to fair markets and prices, technology, knowledge regarding the diamond business, health, safety and environmental management, and related issues".²⁰⁵ A 2011 study commissioned by Tanzania's Ministry of Energy and Minerals found that the vast majority (86%) of employment opportunities for Tanzanians at the Williamson Mine did not go to local people, and those that did tended to be for casual, short-term and/or unskilled labour.²⁰⁶ Tanzanian press reported the Williamson Mine community liaison officer as explaining that the mine could not provide employment to local youths for fear of facilitating a network of diamond thieves.²⁰⁷

Employment opportunities were in any event relatively few. Petra Diamonds' annual reports show that there were roughly 580 Williamson Mine employees prior to its takeover in 2009,²⁰⁸ by 2019, there were 560 permanent and part-time employees (including non-Tanzanians).²⁰⁹

The same 2011 study also highlighted contributions to inequality. The mine-funded primary school, with its higher teacher-student ratio and better facilities, was seen as too expensive for local residents not employed by the mine.²¹⁰ To the extent that there was increased local economic activity as a result of the mine's presence, it caused higher prices for basic commodities that negatively impacted the majority of local residents.²¹¹ The study also found a correlation between benefits from the mine and social discord: the greater the benefits, the greater the discord, suggesting that the benefits were experienced selectively and not by communities as a whole.²¹² In a more recent study of local community perceptions published in 2019 by IPIS, similar issues were identified, as well as growing concerns about unequal access to water.²¹³

Long tradition of small-scale mining

The origins of small-scale mining at the Williamson Mine have been traced to its early workers, many of whom subsequently settled in the area.²¹⁴ It became widespread during the 1970s, when control of the mine was assumed by Tanzania's State Mining Corporation (STAMICO) following independence.²¹⁵ By the mid-2000s, an estimated 20,000 people in the immediate vicinity of the Williamson Mine depended directly on artisanal diamond mining for their livelihoods.²¹⁶ While much of this mining occurred on local plots, a 2006 survey indicated that 30% of respondents, most of whom were local residents, had also mined on the Williamson Mine concession.²¹⁷

The artisanal diamond mining is primarily practised by men, although women and children participate as well.²¹⁸ Some work on their own, others are sponsored by local bosses who provide financial and other support generally in return for a cut of any diamonds found.²¹⁹

According to those interviewed by RAID, artisanal mining remains a practice driven largely by the absence of feasible alternatives. As one local leader explained, “People go into the mine because life is very hard in the villages and there is the idea that if you go onto the mine and find a very small diamond, it can change your life.”²²⁰ A young man whose family had lived in the area for generations and who described being shot at the mine recently told RAID, “I knew there were risks going there, but I had no choice because I had to take care of my family.”²²¹

A 2009 World Bank report came to a similar conclusion. It found that for the “vast majority” of local residents engaged in artisanal mining in and around the Williamson Mine, it is “a poverty-driven coping mechanism undertaken due to the lack of viable alternative livelihood options”.²²²

Artisanal mining has been practiced for generations. Maganzo, the largest local town near the mine, began as a camp during the colonial era, functioning as a labour market for Dr Williamson’s mine and a service centre for its African employees.²²³ For the first two decades, the camp’s residents were obliged to move their settlement around the mine’s perimeter due to suspicions that their proximity facilitated diamond smuggling.²²⁴ Only in the late 1950s were they permitted to settle permanently. Their numbers grew as workers from the mine settled there, their experience facilitating early efforts to mine within the concession.²²⁵



Artisanal miners digging for diamonds, Kishapu District, Tanzania. © 2020 RAID

Maganzo, with its roughly 15,000 residents today, has a high continuity of population. A 2017 study found that nearly all respondents identified Maganzo as home and 42% were born there.²²⁶ A Maganzo resident explained to RAID that for many, going to the Williamson Mine was to follow in the footsteps of the older generations: “I would go to the mine because in general this is the job that even our parents did. It is something we have been doing and are still doing.”²²⁷ Another referred to going to the mine to search for diamonds as “a long tradition”.²²⁸

Joseph (not his real name), a local resident born during the early years of the mine in a nearby village where he said his family had lived for generations, offered insight into that tradition.²²⁹ According to Joseph, during those early years local people, unaware of their worth, “would find diamonds and simply give them to Williamson.” It was “when people started understanding the value of diamonds,” Joseph said, that Dr Williamson erected fencing to keep them out.

Joseph said that for a time, he used to go to the mine roughly five times a week, usually through arrangements with guards with whom he would share any discoveries. Joseph said that that had not prevented him from being severely beaten there by security personnel, but that he had little choice: “I knew there are risks in going there but I needed to get something to feed my family,” he said.

THE 'WILLIAMSON PINK'

In 1947 Dr Williamson gifted an exceptionally rare and large 'bubble gum' pink diamond from his mine to Princess (now Queen) Elizabeth as a wedding present.²³⁰ It created a furore and was said to be "the finest pink diamond ever found." 54.5 carats in the rough, it dropped to 23.6 carats after it was cut by London diamond cutters Briefel and Lemer of London and then set into a jonquil flower brooch design by Cartier's in 1953.²³¹ The brooch became known as the 'Williamson Pink'. Three years later, in 1956, Princess Margaret, the Queen's sister, visited the Williamson Mine, burnishing it with the glow of royalty.²³²

Petra Diamonds taps into the heritage of the Williamson Pink and the rarity of pink diamonds.²³³ The exceptional pinks from Williamson contribute significantly to the

mine's revenue. In December 2015, a 23.16 carat pink diamond from the Williamson Mine sold via an intermediary²³⁴ for US\$10 million and in March 2016 a 32.33 carat diamond sold for \$15 million.²³⁵ When the stones were cut and polished, Petra gained further income. In the case of the two diamonds the uplift was 10% and 20% respectively.²³⁶ Together these two diamonds contributed towards a third of the Williamson Mine's \$78.9 million revenue for financial year 2016.²³⁷



Yet the most famous diamond from the Williamson Mine gifted to the Queen did not actually come from Dr Williamson's mechanised open pit mine, but was found by chance in the dust at the base of a Baobab tree by boys from Mwadui town.²³⁸ Unaware of the wealth that they had in their hands, the boys gave the diamond to Dr Williamson. It helped make him, and the Williamson Mine, famous.

Queen Elizabeth II wears the Williamson Pink diamond brooch gifted to her by Dr Williamson on her wedding (Anwar Hussein/WireImage)

Use of force over access to resources

In the post-colonial era, force continued to be used at the Williamson Mine. When De Beers took control of the mine in the early 1990s, it began to rely on private security firms to limit local residents' mining activities within the concession.²³⁹ RAID was told that De Beers hired a South African security company, Gray Security. It was later acquired by Securicor and in 2004 became G4S.²⁴⁰ The earliest incident of violence by security personnel at the Williamson Mine documented by RAID dates to this period. Local residents told RAID that violence against artisanal miners during Gray/G4S's tenure was a regular occurrence. This was confirmed by a former employee of Gray Security who had been stationed at the Williamson Mine. He told RAID, "We came across many intruders.... I saw many beatings. Sometimes we were directed to beat the people by the senior officer at Gray. And we were told to shoot people who resisted."²⁴¹

RAID's research found evidence of four serious human rights abuses linked to security operating at the Williamson Mine between 1998 and 2008. They included the killing of a local resident grazing livestock on the mine; two shootings of young men, one in a local village, that caused each of them to lose sight in one eye; and an attack by guard dogs on an eight year-old boy after he was detained by security personnel.²⁴²

In 2006, there was an attempt to reset the relationship between the mine and local communities. Following pressure by the Tanzanian government for large-scale mining companies to assist artisanal miners by releasing some of their land to artisanal mining, De Beers committed US\$2 million to the Mwadui Community Diamond Partnership (MCDP).²⁴³ The partnership permitted access to allocated blocks inside the Williamson Mine concession, offered artisanal miners training and facilitated access to fair markets and prices.²⁴⁴ It initially included De Beers, WDL, the Tanzanian government and local villages, and later added international partners. The Williamson Mine's security functions were also integrated into the MCDP project team and planning process.²⁴⁵ A United Nations Special Rapporteur who visited the Williamson Mine shortly after the MCDP's launch reported having been "impressed by the engagement of the mine with the local communities".²⁴⁶

When Petra Diamonds acquired the Williamson Mine from De Beers in 2009, it dropped the MCDP.²⁴⁷ Instead, it announced it would implement "security improvements" which management expected would "achieve substantially higher values".²⁴⁸ The prospect of access for artisanal mining to parts of the concession and fair markets and prices under the MCDP was ended.

For local communities, these developments further entrenched the perception of the Williamson Mine as a source of harm.²⁴⁹

In early 2020, on the direction of the Tanzanian government, the Williamson Mine began to deposit waste rock outside the mine, but there is no suggestion that this is occurring through a partnership with local communities as under the MCDP and little indication that it is meeting the needs of artisanal miners.²⁵⁰

PRIORITISING OWNERS AND INVESTORS OVER LOCAL COMMUNITIES

While Tanzanian residents living near to the Williamson Mine have been left with minimal if any support, it is a very different story for the investors and owners. Since the 1940s they have enjoyed the support of powerful actors within the international economic system. Often, that support has been to the detriment of local communities.

After granting Dr Williamson an exclusive prospecting licence for the Williamson Mine concession, the British colonial government worked with Dr Williamson to implement an extensive security operation to ensure control over the diamonds. That security was largely directed at the mine's African employees and local residents.²⁵¹

After Dr Williamson's death in 1958, and as Tanganyika moved towards independence, the Colonial Office sought to secure its interests. It arranged to divide ownership of the Williamson Mine between the Government of Tanganyika and De Beers, a South African mining company with close connections to Britain that initially purchased all of the equity, with De Beers controlling the mine.²⁵² Although the Tanzanian government took over running the mine in the early 1970s, De Beers maintained its 50% stake in the Williamson Mine for the next two decades.

In the 1980s, as Tanzania's economy deteriorated, the International Monetary Fund (IMF) and World Bank stepped in, requiring a structural adjustment programme in exchange for financial assistance.²⁵³ Designed to create an "enabling environment" for foreign capital and extractive companies,²⁵⁴ the programme included privatisation of the mining sector.²⁵⁵ As part of that privatisation, control over the Williamson Mine was returned to De Beers, along with an increased stake that provided it with majority ownership.²⁵⁶ Since then, the World Bank's private sector arm, the International Finance Corporation (IFC), has invested millions of dollars to support extractive companies operating in Tanzania.²⁵⁷ One of the major beneficiaries was Petra Diamonds.²⁵⁸

According to De Beers, the Williamson Mine was "deemed marginal or loss making" prior to its sale to Petra Diamonds. In 2010, the IFC provided financing to Petra Diamonds, including through a US\$40 million loan earmarked for a Williamson Mine expansion programme, to "help return the mine to profitability".²⁵⁹ Before providing support, the IFC conducted a due diligence assessment which noted that security operations at the mine involved "several tiers" of personnel and an "extremely effective local intelligence network".²⁶⁰ Despite the extensive reporting in the Tanzanian Parliament and local and international press of allegations of serious human rights abuses at the Williamson Mine, the IFC continued to extend financial support to Petra Diamonds to at least to 2017.²⁶¹ In doing so, it provided the company with what the IFC called its "stamp of approval", in order "help to enhance Petra's image and credibility in international financial markets".²⁶²

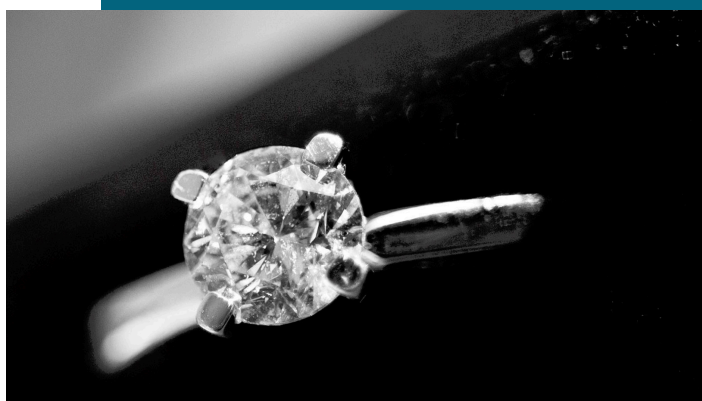
Petra Diamonds capitalised on this stamp of approval. It advertised the IFC's support as an "important and independent validation"²⁶³ and reflecting "the important socio-economic benefits Petra can bring to the Mwadui area".²⁶⁴

ETHICAL DIAMONDS?

“Every purchase of a natural diamond supports an industry that values responsible and transparent business practices”

The Natural Diamond Council, of which Petra Diamonds is a member

The global consumer market for diamond jewellery hit US\$85.9 billion in 2018.²⁶⁵ Image lies at the heart of the diamond industry’s success,²⁶⁶ which is reflected in Petra Diamonds’ own statements. The company says that continued acceptance of the diamonds it mines “is reliant on the assurance that they are sourced by ethical means”.²⁶⁷



“DIAMONDS ARE FOREVER” VERSUS “CONFLICT DIAMONDS”

Formalised in the early twentieth century through the London-based Central Selling Organisation (CSO), the De Beers cartel generated an “illusion of scarcity” that made it amongst the most successful ever.²⁶⁸ It was complemented by the A Diamond is Forever marketing campaign, which cultivated a sentimental and

lasting image amongst consumers.²⁶⁹ Coined in 1947 by an advertising agency retained by De Beers to help with “propaganda” to improve American sales, it was named in 2000 by Advertising Age the best slogan of the twentieth century.²⁷⁰

In the late 1990s, diamonds became associated with fuelling armed conflicts in Africa.²⁷¹ Shortly thereafter, pressure from EU and US competition authorities and other factors caused De Beers to abandon the CSO.²⁷² These developments cast into doubt diamonds’ association with scarcity, sentimentality and sustainability. In response, companies like De Beers and the World Diamond Council, a newly formed industry association, backed a multi-stakeholder initiative known as the Kimberley Process Certification Scheme (KPCS).²⁷³ Established in 2003, the KPCS, involving governments, NGOs and the diamond industry, provides for a scheme certifying that diamonds are not ‘conflict’ diamonds.

The KPCS helped turn a threat to big diamond mining companies “into a substantial windfall” by reinforcing their dominant market position and promoting their image as responsible and ethical actors.²⁷⁴ As it defines ‘conflict diamonds’ as “rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments”, those companies can advertise diamonds as “conflict free”

provided they do not fall within that narrow category.²⁷⁵ As Petra Diamonds acknowledged in its 2018 rights prospectus, efforts to widen the definition to include human rights abuses beyond the scheme's narrow scope "could affect consumer demand for polished diamonds, decrease demand for rough diamonds in the future and result in additional regulatory requirements on the Company."²⁷⁶

Instead, diamond mining companies have promoted self-regulation, as with the World Diamond Council's System of Warranties Guidelines, which ostensibly commits adherents to respect human rights, but is intended "to strengthen confidence in diamonds".²⁷⁷ And they have poured millions of dollars into crafting a perception that their diamonds are ethically sourced,²⁷⁸ including through the Natural Diamond Council, an organisation formed by Petra Diamonds and the other six major rough diamond producers with the mission to "inspire, educate and protect the consumer".²⁷⁹

Petra Diamonds' ethical assurances

Petra Diamonds actively promotes its ethical practices. The company provides assurances that, "Maintaining supportive relationships and playing a positive role in our local communities are vital to the sustainable success of our operations"²⁸⁰ and that, "High ethical standards are integral to our business".²⁸¹ Its values are said to include, "Let's do no harm".²⁸²

Petra Diamonds has published a Code of Ethical Conduct and Human Rights Policy. Principle 4 of the Code says, "Not only do we respect human rights, but we actively advance them".²⁸³ The Human Rights Policy (replaced in September 2020) elaborates on these assurances, stating that the corporate group conducts its "business in a manner that respects the rights and dignity of all people".²⁸⁴ More specifically, it states that Petra Diamonds "respect[s] the rights of people in communities impacted upon by our activities. We will seek to engage with people in such communities to identify potential adverse human rights impacts and take appropriate steps to avoid, minimise and/or mitigate them."²⁸⁵

Petra Diamonds further assures that security at its operations is compliant with human rights. Its sustainability reports state that, "Our security systems...play an indispensable role in upholding and protecting human rights at Petra" and that, "Williamson has developed a Security and Human Rights Policy in line with the Voluntary Principles on Security and Human Rights" (VPSHR), which is a multi-stakeholder initiative that sets human rights-related standards for the conduct of companies' security operations.²⁸⁶

Every year since 2014, Petra Diamonds has publicly concluded that, with its policies and "robust internal systems" to manage human rights issues in place, human rights are not considered to be a "material risk" to Petra Diamond's business.²⁸⁷ Set against the reported record of killings and assaults at the Williamson Mine and the onus upon Petra Diamonds to notify the market of the allegations of human rights abuse, such claims appear clearly false.

While local residents may not have benefited from the ethical and other sustainability assurances in Petra Diamonds' corporate materials, Petra Diamonds has. Not only has the company identified such assurances as contributing to consumers' acceptance of its diamonds,²⁸⁸ they have formed an important means by which it has pursued financing, and not just from the IFC (see above).

The rise of ESG investing

ESG assets were estimated to total over US\$30 trillion in 2018, with ESG funds receiving a net inflow of US\$21 billion in the first half of 2020 alone.²⁸⁹ According to the CEO of BlackRock, the world's largest asset manager and one of Petra Diamonds' investors, ESG investing is going to "transform all investment".²⁹⁰ In actuality, while its growth is attributable to a range of factors, for the financial industry ESG-related issues mainly represent a "material impact on investment value".²⁹¹ This, at least, was how it was framed in a 2004 report produced as part of a joint initiative by the financial industry, IFC and United Nations Global Compact credited with popularising the term 'ESG'.²⁹² Performing well by ESG metrics, which has a "strong impact on reputation and brands", thus indicates value.²⁹³

The result has been the development of "a complex ecosystem of ESG metrics, sources of data, and ratings",²⁹⁴ with studies counting "about 500 ESG rankings, 170 ESG indices, 100+ ESG awards, and 120 voluntary ESG standards".²⁹⁵ That there appears to be a "low convergence" amongst many such ratings, implying that "all or almost all of the ratings have low validity", has not prevented their extensive use.²⁹⁶ In fact, as the findings of this report suggest, their function may lie more in promoting, and helping capture the value derived from, the perception that businesses operate ethically, rather than actually encouraging them to do so. And when that perception is cast into doubt, the "independent assessment" of ESG raters and their proponents may be held against the word of those communities and victims who have been directly affected. These contradictions may ultimately expose the inadequacy of such ESG assessments to offer meaningful assurance to those genuinely seeking ethical investments.

Listing on FTSE4Good

In 2015, The Guardian noted that Petra Diamonds had "lost its sparkle" after reporting falling prices and discussions with its bankers about debt covenants.²⁹⁷ That same year, Petra Diamonds observed that "ESG performance is becoming an ever increasing area of focus amongst institutional investors", and stated that its Board was overseeing disclosure to "independent sustainability bodies", including FTSE4Good, which operates a prominent ESG-related index.²⁹⁸

In 2016, the Tanzanian press reported allegations that twelve youths had been killed at the Williamson Mine within the previous four years, and that "other unidentified bodies have been thrown in the pits by guards to hide evidence"; and the Los Angeles Review of Books published an article based on interviews with local residents that concluded that the Williamson Mine's "development program seems to be little more than a form of PR".²⁹⁹ Yet in that same year, Petra Diamonds announced its inclusion in the FTSE4Good Index for the first time.³⁰⁰ In the two years that followed FTSE4Good's stamp of approval, Petra Diamonds raised US\$650 million through a notes issuance and US\$178 million through a rights issuance.³⁰¹

FTSE4Good is advertised as a "market-leading tool for investors seeking to invest in companies that demonstrate good sustainability practices".³⁰² Its indices, run under the London Stock Exchange (LSE) Group's FTSE Russell brand, are marketed as being based on environmental, social and governance criteria. Prominent investment managers, including Legal & General and Royal London offer funds that track the FTSE4Good UK index.³⁰³ The Church of England is an example of a high-profile institution that offers a pension option that tracks the FTSE4Good UK Equity Index.³⁰⁴ According to FTSE Russell, its selection criteria for FTSE4Good "are designed to reflect strong ESG risk management practices" (see below).³⁰⁵ Petra Diamonds' addition occurred just two years after FTSE Russell implemented a new ESG model with "more challenging index inclusion requirements".³⁰⁶

FTSE4Good was one of six rating institutions whose ratings a 2016 academic study found reason to believe had low validity.³⁰⁷ According to The Guardian in 2019, the LSE had “refused to remove [from FTSE4Good indices] big polluting companies or the security company G4S despite allegations of systematic labour abuses across the world”.³⁰⁸ Also in 2019, FTSE4Good added as a constituent Lundin Petroleum, whose CEO and chairman were facing, and have continued to face, prosecution in Sweden for aiding and abetting war crimes.³⁰⁹

Petra Diamonds called its inclusion a “testament to the great emphasis we place on continual improvement of our ESG management and performance, as well as our commitment to transparency”.³¹⁰ It has continued to advertise its inclusion every year since.³¹¹

PETRA DIAMONDS’ INCLUSION ON FTSE4GOOD

In Petra Diamonds’ news release acknowledging allegations of serious human rights abuse, the accompanying notes direct attention to the company’s standing as a constituent of the FTSE4Good Index.

FTSE4Good assesses a company’s performance across fourteen key themes – including human rights – to support investors to “align their portfolios with their values”.³¹² Consideration is given not only to how a company scores against these themes, but also the degree to which it is exposed to the underlying risk. Further eligibility criteria beyond a company’s ESG rating also apply.³¹³ Producers of certain products, such as tobacco or firearms, are automatically excluded.³¹⁴ Companies are also monitored and assessed for being implicated in ESG “controversies”.³¹⁵

Constituents are reviewed on a semi-annual basis against the eligibility criteria.³¹⁶ Normally, a constituent with a low score and at risk of deletion is given twelve months to improve.³¹⁷ An Advisory Committee of investment professionals provides advice and recommendations on the content, management and methodology of the FTSE4Good, but FTSE Russell remains in charge of the Index.³¹⁸

Petra Diamonds was included under FTSE4Good for the first time in January 2016, with a score of 3.2 out of 5 (when the threshold for inclusion was 3.2), increasing to 3.5 at the mid-year review.³¹⁹ It has not disclosed its score since. Currently, a company in a developed market like the UK must score an ESG Rating of 3.3 or above to be added to the FTSE4Good Index Series, while companies on the index with a score of 2.9, or one or more ESG themes assessed as high exposure with a corresponding score of 0, are deemed to be at risk of deletion.³²⁰ Although available to subscribers, Petra Diamonds’ human rights theme score or the extent to which it was deemed to have a high material exposure to human rights risks are not published (see Annex for further information).

PETRA DIAMONDS' RESPONSE TO RAID'S FINDINGS

On 9 September 2020, Petra Diamonds issued a public statement about the allegations of human rights abuses at the Williamson Mine. The company announced that it was taking RAID's allegations and those set out in the Leigh Day claims "extremely seriously", and that both Petra Diamonds and its subsidiary, WDL, were initiating investigations.³²¹

On 18 September 2020, RAID met with members of Petra Diamonds' senior management via video conferencing. During the meeting, Petra Diamonds' CEO, Richard Duffy, stated that he and his team were taking the human rights issues very seriously, and were committed to conducting an independent investigation and to remedying any harm done.³²² During the meeting, Petra Diamonds informed RAID that it had taken steps that it further detailed in a subsequent letter on 13 October.³²³ These included the establishment of a Board sub-committee to oversee "an independent investigation" into the allegations, which it considered to be covered by legal privilege. The letter also detailed interim measures by WDL, including:

- Voluntary Principles on Security and Human Rights (VPSHR) "refresher training" for security at the Williamson Mine and a "VPSHR awareness campaign" that also included Petra Diamonds and WDL executives;
- provision for assistance with stakeholder engagement and development of a grievance mechanism;
- suspension of the Mine Chief Security Officer [David Ndoda] and Support Services Manager [Riaan Slingerland] pending investigation;
- a tender process for a new contract for a security company once the existing contract expires;
- closure of "the on-site facility that had been used by the Tanzanian Police" where "trespassers...would be detained by the police"; and
- "Upgrading of the Mwadui medical facility".

Petra Diamonds' full response and correspondence with RAID can be found on RAID's website.

During the on-the-record meeting and in subsequent communication, Petra Diamonds did not provide answers to most of the detailed questions RAID had put to the company, including whether Petra Diamonds/WDL had conducted investigations into security-related allegations of human rights abuses at the Williamson Mine; whether Petra Diamonds/WDL was aware of injuries or deaths of security personnel caused by local residents; what Petra Diamonds/WDL considered to be the legal basis for the detention facility; and whether Petra Diamonds/WDL had policies regarding medical treatment of local residents injured at the mine. Petra Diamonds also did not provide any of the documents requested by RAID, including ones that are referenced in its public reports but could not be found, such as those pertaining to its grievance mechanism, social impact assessments, and the Williamson Mine Security and Human Rights Policy. Nor did it respond to RAID's follow-up letter, which amongst other things sought clarification on a number of points in Petra Diamonds' 13 October letter.³²⁴

Petra Diamonds stated that, pending investigation, "the veracity of the claims is unknown".

CONCLUSION

The lack of proper investigations, redress or accountability for the abuses detailed in this report must be urgently addressed. As should the impact on local communities, which have continued to bear considerable hardship from the presence of the Williamson Mine, while seeing few if any meaningful benefits.

At the time of publication, many of the people interviewed for this report are in need of medical treatment that they cannot afford. The injuries and deaths documented have also meant that individuals and families face even more precarious economic circumstances than they would otherwise. How best to remedy some of the harms detailed pose complicated questions, and some, such as the loss of family members, can obviously never be fully remediated. But certain forms of remedy are clearly necessary and urgently so. Providing for healthcare and ensuring economic security are evidently essential first steps in any meaningful remedial process. Full and effective remedies should follow as swiftly as possible.



Main street in Maganzo town, Kishapu District, Tanzania. © 2020 RAID

RECOMMENDATIONS TO PETRA DIAMONDS

The recommendations set out below reflect the information and perspectives shared by local residents with RAID during its interviews.

Provide remedy: those harmed by security and other personnel at the Williamson Mine are entitled to an effective remedy. Delays in providing such remedy, including by obliging those whose rights have been abused to endure a lengthy court process, only exacerbate the harms, particularly in circumstances of economic insecurity. Petra Diamonds should ensure that effective remedy is provided as promptly as possible to all those harmed by its operations irrespective of any potentially applicable statute of limitations. Doing the right thing should be paramount.

Ensure accountability and justice: a fair and independent process should be put in place to investigate and determine responsibility for harms caused by security and other personnel at the Williamson Mine. Measures should be implemented to ensure that those responsible are held to account and further harms are prevented. Where such accountability is properly a matter for public law enforcement authorities, Petra Diamonds should ensure that all reasonable and appropriate support for the relevant processes is provided to such authorities.

Urgently reform security: Petra should immediately review its security arrangements at the Williamson Mine and ensure that it is fully compliant with human rights law and standards, and is in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Permanently close the detention facility: there can be no need for a special facility to hold anyone detained on the mine site. It should be immediately shut.

Ensure international standards at Williamson Diamonds Hospital: patients should be able to communicate openly with medical staff and provide informed consent to treatment. They should be subject to restraints only where justified, and they are entitled to their medical information. Provision should be made to ensure those who were not provided with their medical reports receive them when requested and are not withheld going forward. Doctors should be permitted to make and implement independent medical judgments free from corporate interference.

Exercise influence to prevent intimidation or harassment: local residents should not face reprisal for raising concerns regarding the Williamson Mine. Petra Diamonds will have influence with local and national authorities and should use it to advocate against such reprisals on an ongoing basis. It should also immediately implement measures to ensure that the Williamson Mine, its employees or contractors do not engage in or contribute to intimidation or other reprisals going forward.

Provide trusted and responsive lines of communication: local community members consistently expressed that they did not feel that they could safely report injuries or other harms associated with the mine. Petra Diamonds should provide lines of communication that communities trust, and take steps to prevent (threats of) retribution through protecting information and exercising influence.

Extend humanitarian assistance: as there is no functioning grievance process that could be adapted to meet immediate needs pending provision of full remedy, humanitarian assistance in the form of medical treatment and/or financial aid should be provided to those who need such assistance while awaiting remedy.

Ensure sustainable benefits to local communities: local residents should benefit from the resources in their area and have agency in determining how to do so. Petra Diamonds should conduct an independent assessment to set out a detailed programme for how it will ensure sustainable benefits that genuinely reflects communities' views, interests and needs. Petra Diamonds should publicly set out how it will monitor impact alongside representatives chosen by local communities.

Ensure transparency: if the human rights and other concerns identified in this report are to be addressed, transparency will be essential so that those most affected can make informed decisions and have trust in the process. This includes transparency in relation to the company's investigation(s) announced in light of RAID's findings and the Leigh Day claims, and the outcomes of those investigations. With due safeguards, investigation reports about human rights abuses at the mine should be made public and available to local communities.

Publicly report on human rights abuses: Petra Diamonds should publicly and comprehensively report on all deaths (including killings), sexual violence, injuries (including assaults), detentions, and any other human rights abuses at the Williamson Mine. Information should be sufficient to provide for adequate and independent monitoring and oversight. In light of the seriousness of the abuses documented in this report, Petra Diamonds should report this information quarterly alongside their financial results and in its annual reports.

Provide for independent oversight: Petra Diamonds should establish independent oversight of the steps and actions it is taking to address the human rights issues raised in this and other reports, and publicly report on progress.

Review its ethical claims: Petra Diamonds should not claim its gems are ethical unless this can be independently verified.

ANNEX

Given the extremely serious nature of the human rights concerns at Petra Diamonds' Williamson Mine, important questions arise regarding the credibility of FTSE4Good.

To what extent did the ESG scoring system uncover and highlight the company's human rights record and poor community relations at Williamson Mine?

The human rights component of the Index was revised in 2019 and new indicators, such as human rights training and commitments to engage with rights holders and provide remedy, were added.³²⁵ However, it remains the case that assessment will be little more than a tick-box exercise – for example, gaining points for simply having a human rights policy – unless actual implementation is scrutinised to assess whether commitments and policies on paper are implemented in practice. The disclosure of human rights violations is one indicator under the human rights theme, but FTSE4Good's verification of Petra Diamonds' record over recent years has not been publicly reported to date.

How effective is FTSE4Good at taking action when credible allegations of human rights abuse concerning a constituent are made?

There is no obvious mechanism through which ESG violations can be raised by third parties. Instead, a reliance is placed upon "controversy monitoring" and the consideration of "special situations".

As noted, continued eligibility requires a company to avoid "significant controversies".³²⁶ Where a company "breaches a threshold level that equates to the most extreme ESG controversies" it is suspended from the index for two years, after which re-admission depends upon the action it has taken to rectify adverse effects and prevent reoccurrence.³²⁷ Recent minutes of the Advisory Committee detail how companies figuring in the top 5% of global controversies, based mainly on risk consultancy data, are ineligible for the Index while on this "watch list".³²⁸

However, for companies already included under a FTSE4Good Index, it is not readily apparent what constitutes such a controversy threshold or how the assessment is conducted. When it comes to existing constituents, the minutes refer only to "the small number of companies with only the most significant controversies" which are analysed using "the full Controversy Monitor framework... to determine the scale of the controversy and the company's response to it".³²⁹ Even though this process is opaque, it is apparent that it is FTSE Russell as the owner of the Index who decides upon suspension, presenting this outcome to the Advisory Committee for comment. The Advisory Committee has questioned whether the Controversy Monitor "accurately captures the seriousness of such controversies" and has commented privately on enhancing the methodology.³³⁰

Few details are provided on suspension decisions and the company concerned is anonymised. The most recent minutes of the Advisory Committee concerning "Company A" indicate that the threshold for suspension is likely to be high, requiring in this

instance regulatory or government intervention to reach the necessary 'Crisis' Exposure Level.³³¹ As this level was not reached, FTSE Russell took no action against the company concerned.

Under a final, overarching provision, an individual company can be deemed ineligible for the FTSE4Good Index as the result of a "special situation" (not further defined).³³² Such a power is used "on extremely rare occasions" and is exercised by FTSE Russell as the owner of the Index. Again, no further details of what constitutes a special situation and how the removal process works are published. In its promotional material for the Index, it is implied that deletion of current constituents "in the most extreme cases" is linked to their exposure to controversy.³³³

RECOMMENDATIONS ADDRESSED TO FTSE4GOOD

Under FTSE4Good, there appears to be a preoccupation with the attention that an ESG breach attracts rather than the seriousness of any underlying violations per se. RAID calls upon FTSE Russell:

- To provide its eligibility assessments for Petra Diamonds from the date of the company's inclusion under the Index, providing full details of its score and exposure under the human rights and community theme;
- To explain what action (if any) it intends to take in respect of Petra Diamonds;
- To provide further details of how it applies its Controversy Monitor methodology;

To explain how it identifies whether a special situation exists and how it then determines whether to delete a constituent company from the Index.

ENDNOTES

¹ RAID interview, local resident, Kishapu District, Tanzania (11 November 2019), date of incident withheld, on file with RAID. This interview was supplemented by a telephone interview with the local resident on 20 August 2020.

² RAID interview, local resident, Kishapu District, Tanzania (12 November 2019).

³ Petra Diamonds, 'Statement regarding allegations of human rights abuses at the Williamson Mine in Tanzania' (9 September 2020) <https://files.q4europe.com/news-pdf/265216/PetraDiamonds_14805281.pdf> accessed 10 November 2020 (Petra Diamonds Statement regarding Allegations).

⁴ Petra Diamonds: Sustainability: Health & Safety: Community Health Issues, <www.petradiamonds.com/sustainability/health-and-safety/> accessed 10 November 2020.

⁵ RAID wrote to Zenith Security on 25 September 2020, detailing its main findings and seeking Zenith's response. Having received no reply, RAID followed up on 6 and 19 October, but received response. Also on 25 September, RAID contacted Williamson Diamonds Hospital, but received no response. On 22 October 2020, RAID wrote to the Minister and Deputy Minister of the Government of Tanzania's Ministry of Minerals, as well as its Permanent Secretary, but received no response.

⁶ Petra Diamonds, 'Annual Report and Accounts 2019' (2019) 18 <<https://www.petradiamonds.com/wp-content/uploads/Petra-Diamonds-Limited-Annual-Report-and-Accounts-2019-FINAL-NOV.-2019.pdf>> accessed 10 November 2020 (Petra Diamonds 2019 Annual Report).

⁷ *ibid* 22.

⁸ *ibid* 109. See also: <<https://www.petradiamonds.com/about-us/our-heritage/our-history/>> accessed 10 November 2020.

⁹ See: <<https://www.fidelity.co.uk/factsheet-data/factsheet/BMG702781094-petra-diamonds/profile>> accessed 25 September 2020 (some of the top shareholders in Petra Diamonds have changed since September 2020); 'Markets Data, Equities: Petra Diamonds Ltd', *Financial Times*, Data from 30 June 2020 – 5 November 2020 <<https://markets.ft.com/data/equities/tearsheet/profile?s=PDL:LSE>> accessed 11 November 2020.

¹⁰ Petra Diamonds, 'Interim results for the six months to 31 December 2019' (17 February 2020) 16 <<https://www.petradiamonds.com/wp-content/uploads/20-02-17-Interim-Results-FINAL.pdf>> accessed 10 November 2020.

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- ¹⁵ Petra Diamonds 2019 Annual Report (n 6) 139 and 160.
- ¹⁶ Petra Diamonds, 'Annual Report and Accounts 2018' (2018) 3 <<https://www.petradiamonds.com/wp-content/uploads/Petra-Diamonds-Limited-Annual-Report-and-Accounts-2018-Web.pdf>> accessed 10 November 2020; Petra Diamonds 2019 Annual Report (n 6) 3 and 34-35 (Petra Diamonds 2018 Annual Report).
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- ¹⁹ Petra Diamonds, 'Strategic Review – Formal sale process' (26 June 2020) <<https://ir.q4europe.com/solutions/petradiamonds/3144/newsArticle.aspx?storyid=14738264>> 10 November 2020 (Petra Diamonds Formal Sale Process).
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²⁸ *ibid.*

²⁹ RAID on-the-record meeting with members of Petra Diamonds' senior management, via videoconference (18 September 2020) (RAID-Petra Diamonds Meeting); RAID telephone interview, former employee of the Williamson Mine (7 October 2020); RAID telephone interview, employee of the Williamson Mine (9 October 2020); see also: <<https://za.linkedin.com/in/riaan-slingerland-7a701913a>> accessed 14 October 2020.

³⁰ RAID letter to Petra Diamonds, dated 29 August 2020 (RAID's First Letter to Petra Diamonds); RAID letter to Zenith Security, dated 25 September 2020 (RAID Letter to Zenith).

³¹ RAID interview, former AA Gimbi guard, Kishapu District, Tanzania (17 November 2019); interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019);.

³² RAID's First Letter to Petra Diamonds (n 30). In its Human Rights Policy Statement, dated September 2020, Petra Diamonds states that it will report on violations of human rights in its Annual and/or Sustainability Report (see: <<https://www.petradiamonds.com/wp-content/uploads/Human-Rights-Policy-September-2020-Signed.pdf>> accessed 10 November 2020). The commitment is prospective, and it is not clear who will determine whether such rights have been violated or on what basis.

³³ RAID interview, medical officer, Shinyanga Region, Tanzania (14 November 2019).

³⁴ RAID interview, local resident, Kishapu District, Tanzania (17 November 2019), date of incident withheld, on file with RAID.

³⁵ International Code of Conduct Association, *International Code of Conduct for Private Security Service Providers* (9 November 2010) ss 30-32 <<https://icoca.ch/the-code/>> accessed 8 November 2020 (ICOCA Code); *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) ss 4-5 and 9-10 <<https://www.ohchr.org/Documents/ProfessionalInterest/firearms.pdf>> accessed 8 November 2020 (UN Basic Principles); Commonwealth Human Rights Initiative and African Policing Civilian Oversight Forum, *Common Standards for Policing in East Africa* (2010) 61 <https://www.humanrightsinitiative.org/publications/police/common_standards_for_policing_in_east_africa.pdf> accessed 8 November 2020 (Common Standards); *The Voluntary Principles on Security and Human Rights*, <<http://www.voluntaryprinciples.org/wp-content/uploads/2019/12/TheVoluntaryPrinciples.pdf>> accessed 8 November 2020 (VPSHR).

³⁶ A full list of these sources is provided at n 146, below.

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³⁸ RAID interview, local resident, Kishapu District, Tanzania (11 November 2019); RAID interview, local resident, Kishapu District, Tanzania (12 November 2019). Date of incident withheld, on file with RAID.

³⁹ A full list of these sources is provided at n 146, below.

⁴⁰ RAID telephone interview, local resident, Kishapu District, Tanzania (September 2020), date of incident withheld, on file with RAID.

⁴¹ Interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019).

⁴² RAID interview, local resident, Kishapu District, Tanzania (13 November 2019) date of incident withheld, on file with RAID.

⁴³ RAID telephone interview, local resident, Kishapu District, Tanzania (19 August 2020), date of incident withheld, on file with RAID.

⁴⁴ RAID interview, local resident, Kishapu District, Tanzania (11 November 2019), date of incident withheld, on file with RAID.

⁴⁵ RAID interview, local resident, Kishapu District, Tanzania (17 November 2019), date of incident withheld, on file with RAID.

⁴⁶ Interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019).

⁴⁷ RAID telephone interview, former employee of the Williamson Mine (7 October 2020).

⁴⁸ ICOCA Code (n 35) s 33; UN Basic Principles (n 35) s 15 (see also reference in s 17); Common Standards (n 35) 21; and VPSHR (n 35).

⁴⁹ RAID's First Letter to Petra Diamonds (n 30).

⁵⁰ Petra Diamonds letter to RAID, dated 13 October 2020 (Petra Diamonds' Letter to RAID).

⁵¹ RAID letter to Petra Diamonds, dated 23 October 2020 (RAID's Second Letter to Petra Diamonds).

⁵² These accounts are from the following: RAID interview, local resident, Kishapu District, Tanzania (21 August 2020), date of incident withheld, on file with RAID; RAID interview, local resident, Kishapu District, Tanzania (13 November 2019), date of incident withheld, on file with RAID; RAID telephone interview, local resident, Kishapu District, Tanzania (20 August 2020), date of incident withheld, on file with RAID.

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⁵⁴ These reports are available at <<https://www.petradiamonds.com/investors/results-reports/>> accessed 10 November 2020. The exception is the 2016 report, which referred to medical benefits but not the hospital specifically (see page 55).

⁵⁵ Petra Diamonds, 'Sustainability Report 2019' (2019) 28 <<https://www.petradiamonds.com/>>

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[wp-content/uploads/Petra-Diamonds-Limited-Sustainability-Report-2019-FINAL.pdf](#)> accessed 10 November 2020 (Petra Diamonds 2019 Sustainability Report).

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⁵⁷ RAID telephone interview, local activist, Shinyanga Region, Tanzania (13 September 2020).

⁵⁸ Sebastiana Z Kalula and Sabela G Petros, 'Use of Physical restraint in hospital patients: A descriptive study in a tertiary hospital in South Africa' (2016) 39(1) *Curationis* 1605.

⁵⁹ Stefan Enggist et al (eds), *Prisons and Health*, World Health Organization Regional Office for Europe (2014) 13 <https://www.euro.who.int/_data/assets/pdf_file/0005/249188/Prisons-and-Health.pdf> accessed 10 November 2020.

⁶⁰ Kalula and Petros (n 58); Irish Nurses Organisation, *Guidelines on the Use of Restraint in the Care of the Older Person* (May 2003) <<https://www.inmo.ie/tempDocs/guidelines%20on%20restraint%202003.pdf>> accessed 10 November 2020.

⁶¹ RAID interview, local resident, Kishapu District, Tanzania (23 August 2020), date of incident withheld, on file with RAID.

⁶² RAID telephone interview, local resident, Kishapu District, Tanzania (20 August 2020) date of incident withheld, on file with RAID.

⁶³ RAID telephone interview, local resident, Kishapu District, Tanzania (10 September 2020), date of incident withheld, on file with RAID.

⁶⁴ Petra Diamonds' Letter to RAID (n 50).

⁶⁵ RAID's Second Letter to Petra Diamonds (n 51).

⁶⁶ Petra Diamonds Statement regarding Allegations (n 3).

⁶⁷ RAID interview, local community leader, Kishapu District, Tanzania (10 November 2019).

⁶⁸ RAID telephone interview, resident of Mwadui, Kishapu District, Tanzania (2 November 2020).

⁶⁹ Petra Diamonds 2019 Sustainability Report (n 55) 16.

⁷⁰ Petra Diamonds, 'Code of Ethical Conduct' (Revision 6 – October 2019) 14 <<https://www.petradiamonds.com/wp-content/uploads/Code-of-Ethics-FINAL-Oct-2019.pdf>> accessed 10 November 2020 (Petra Diamonds Code of Ethical Conduct).

⁷¹ See, e.g., Petra Diamonds 2019 Sustainability Report (n 55) 16.

⁷² RAID-Petra Diamonds Meeting (n 29).

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⁷⁴ RAID interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019); RAID interview, local activist, Kishapu District, Tanzania (17 November 2019); RAID telephone interview, former employee of the Williamson Mine (7 October 2020).

⁷⁵ RAID interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019); RAID interviews, former AA Gimbi guards, Kishapu District, Tanzania (17 November 2019); RAID telephone interview, former employee of the Williamson Mine (7 October 2020).

⁷⁶ 'Petra Diamonds Equity Slides 16% After Tanzanian Security Firm Accused of Human Rights Abuses at Williamson Mine; Security Company Still on Petra Payroll', Reorg Research, 11 September 2020.

⁷⁷ Interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019).

⁷⁸ RAID interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019).

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⁸⁷ See: <<http://zenithsecurity.co.tz/index.php/why-choose-us/>>, accessed 15 September 2020.

⁸⁸ RAID was unable to find a website for AA Gimbi, but did find a record of a company A.A. Gimbi registered as a building contractor with a P.O. box in Mwadui. See <<http://doczz.net/doc/3002552/building-contractors-2016>> accessed 15 September 2020.

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⁹⁰ RAID interviews, former AA Gimbi guards, Kishapu District, Tanzania (17 November 2019).

⁹¹ RAID interview, local community leader, Shinyanga town, Shinyanga Region, Tanzania (11 November 2019).

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- ⁹⁴ Interview, former Zenith guard, Kishapu District, Tanzania (14 November 2019).
- ⁹⁵ RAID's First Letter to Petra Diamonds (n 30); RAID Letter to Zenith (n 30).
- ⁹⁶ RAID's First Letter to Petra Diamonds (n 30).
- ⁹⁷ Petra Diamonds 2019 Sustainability Report 16 (n 55).
- ⁹⁸ RAID interview, local community leader, Shinyanga town, Shinyanga Region, Tanzania (10 November 2019); RAID interview, local activist, Shinyanga Region, Tanzania (13 September 2020).
- ⁹⁹ IFC ESRS (n 25).
- ¹⁰⁰ RAID interview, former employee of the Williamson Mine (7 October 2020).
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- ¹⁰² RAID interview, local community leader, Shinyanga town, Shinyanga Region (9 November 2019).
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- ¹⁰⁴ RAID interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019).
- ¹⁰⁵ RAID interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019).
- ¹⁰⁶ Interview, local community leader, Shinyanga town, Shinyanga Region (14 November 2019).
- ¹⁰⁷ RAID telephone interview, employee of the Williamson Mine (9 October 2020).
- ¹⁰⁸ RAID interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019); interview, former Zenith guard, Kishapu District, Tanzania (17 November 2019).
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- ¹¹⁰ RAID-Petra Diamonds Meeting (n 29); RAID telephone interview, former employee of the Williamson Mine (7 October 2020); RAID telephone interview, employee of the Williamson Mine (9 October 2020); see also: <<https://za.linkedin.com/in/riaan-slingerland-7a701913a>> accessed 14 October 2020.
- ¹¹¹ Petra Diamonds, 'Sustainability Report 2014' (2014) 21 <<https://www.petradiamonds.com/wp-content/uploads/Petra-Diamonds-Limited-Sustainability-Report-2014.pdf>> accessed 10 November 2020 (Petra Diamonds 2014 Sustainability Report).
- ¹¹² See: <<https://es-la.facebook.com/PetraDiamonds/photos/charl-barnard-koffiefontein-diamond-mine-general-manager-welcomes-bernie-pryor-a/1154123228099986/>> accessed 10 November 2020.
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- ¹¹⁴ Petra Diamonds 2014 Sustainability Report (n 111) 34 and 'Sustainability Report 2015' (2015) 10 <<https://www.petradiamonds.com/wp-content/uploads/Petra-Diamonds-Limited-Sustainability-Report-2015.pdf>> accessed 10 November 2020 (Petra Diamonds 2015 Sustainability Report); see also: <<https://tz.linkedin.com/in/arlen-loehmer-b8754b1b>> accessed 10 October 2020.
- ¹¹⁵ See: <<https://tz.linkedin.com/in/arlen-loehmer-b8754b1b>> accessed 10 October 2020; RAID telephone interview, former employee of the Williamson Mine (13 October 2020).
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- ¹¹⁷ RAID telephone interview, employee of the Williamson Mine (9 October 2020); RAID telephone interview, resident of Mwadui, Tanzania (2 November 2020).
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- ¹²⁰ Petra Diamonds Code of Ethical Conduct (n 70) 14.
- ¹²¹ RAID-Petra Diamonds Meeting (n 29).
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- ¹²³ Petra Diamonds, 'Human Rights Policy Statement' (September 2020) <<https://www.petradiamonds.com/wp-content/uploads/Human-Rights-Policy-September-2020-Signed.pdf>> accessed 10 November 2020 (Petra Diamonds Human Rights Policy Statement).
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- ¹²⁵ These include the Health, Safety, Social & Environmental Committee, "responsible for the health, safety, social and environmental policy and compliance with the Group", the Audit Committee, "responsible for overseeing the Group's...internal control and risk management systems, and compliance, whistleblowing and fraud policies" (Petra Diamonds 2015 Annual Report (n 12) 55), and more recently, the Social, Ethics & Diversity Committee, which "Provides assurance to the Board that appropriate systems are in place to identify and manage risks relating to social, ethics and diversity" (Petra Diamonds 2019 Annual Report (n 6) 36).
- ¹²⁶ Petra Diamonds, 'Health, Safety, Social and Environment Committee: Terms of Reference' (28 May 2013) 6.3 <<https://www.petradiamonds.com/wp-content/uploads/HSSE-Terms-of-Reference-May-2013.pdf>> accessed 10 November 2020.

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- ¹²⁹ RAID interview, local resident, Kishapu District, Tanzania (17 November 2019).
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- ¹³⁷ See: <<https://www.leighday.co.uk/News/Press-releases-2020/September-2020/Claim-is-filed-over-alleged-human-rights-abuses-at>> accessed 10 November 2020.
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- ¹³⁹ 'Ripoti Maalumu: Siri vijana kuvamia mgodi wa almasi hii', IPPMedia (24 October 2016) <<https://www.ippmedia.com/sw/habari/ripoti-maalumu-siri-vijana-kuvamia-mgodi-wa-almasi-hii>> accessed 8 November 2020; <<https://www.ippmedia.com/sw/makala/makala-maalumu-mgodi-mwadi-unavyoweza-kuinua-vijana-kiuchumi>> 'Have shootings come to an end for "job seekers" at Mwaui gold mine?' IPPMedia (13 January 2017) <<https://www.ippmedia.com/en/features/have-shootings-come-end-%E2%80%98job-seekers%E2%80%99-mwadi-gold-mine>>, accessed 11 September 2020; 'How Diamond Barons Use Youths to Steal Sand Containing the gemstones in Kishapu District – Shinyanga Region', Tanzania Media Foundation Newsletter (2017) Issue 1 <<https://www.tmf.or.tz/tmf-resources/tmf-success-stories.html>> accessed 11 September 2020.
- ¹⁴⁰ The United Republic of Tanzania in the District Court of Kishapu at Kishapu, Criminal Case No. 138/2016.
- ¹⁴¹ The United Republic of Tanzania in the District Court of Kishapu at Kishapu, Criminal Cases No. 135/2016 and 138/2016. The Court also ordered the Zenith guard to pay TSH1,500,000 (roughly US\$650) to the victims, but RAID was told that this was never paid (RAID interview, local community leader, Shinyanga town, Shinyanga Region, Tanzania (November 2019)).
- ¹⁴² 'Mlinzi Ahukumiwa Jela Miaka Miwili Kwa Kuua Mchimbaji Mgodi Wa Mwaui', Malunde (7 February 2017) <<https://www.malunde.com/2017/02/mlinzi-ahukumiwa-jela-miaka-miwili-kwa.html>>, accessed

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¹⁴³ Petra Diamonds Letter to RAID (n 50).

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¹⁴⁵ Tanzanian Parliamentary Debate: *Bunge La Tanzania Majadiliano ya Bunge Mkutano wa nne Kikao cha ishirini na sita* (15 July 2011) 93-96 and 112-115 <<https://www.parliament.go.tz/polis/uploads/documents/1458801159-HS-4-26-2011.pdf>> accessed 4 November 2020.

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¹⁵¹ Kimberley Process Civil Society Coalition, *Real Care is Rare: An on-the-ground perspective on blood diamonds and the fifth 'C'* (September 2019) 22 <<https://www.kimberleyprocess.com/fr/system/files/documents/report-real-care-is-rare-final-web.pdf>> accessed 10 November 2020 (KPCSC Report).

¹⁵² News24 Article (n 149).

¹⁵³ KPCSC Report (n 151) 22.

¹⁵⁴ RAID-Petra Diamonds Meeting (n 29); RAID's First Letter to Petra Diamonds (n 30); RAID's Second Letter to Petra Diamonds (n 51).

¹⁵⁵ RAID's First Letter to Petra Diamonds (n 30).

¹⁵⁶ Since RAID's letter to Petra Diamonds of 29 August 2020, Petra Diamonds has announced investigations by WDL and Petra (see, Petra Diamonds Statement regarding Allegations (n 3)).

¹⁵⁷ KPCSC (n 151) 22.

¹⁵⁸ See, e.g., Petra Diamonds 2019 Sustainability Report 2019 (n 55) 15, and 2018 Annual Report (n 16) 15.

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- ²¹¹ ibid 68.
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- ²³⁸ Treble (n 230).
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³²⁴ RAID Second Letter to Petra Diamonds (n 51).

ENDNOTES

³²⁵ FTSE Russell, 'ESG Ratings: Methodology Enhancements 2019-2020 Research Cycle' (June 2019) <https://qsd.ftserussell.com/Docs/ESG/FTSE%20Russell%20ESG%20Ratings_Methodology%20changes%20summary%202019-2020.pdf> accessed 10 November 2020.

³²⁶ FTSE Russell Index Overview (n 302).

³²⁷ Ground Rules (n 313) 6.3.2.

³²⁸ FTSE Russell ESG Advisory Committee, Public Minutes (2 December 2019) para 3.0 <https://research.ftserussell.com/products/downloads/Public_Minutes_FTSE_Russell_ESG_Advisory_Committee.pdf> accessed 7 November 2020.

³²⁹ *ibid* para 3.1.

³³⁰ *ibid* 3.1.1.1.

³³¹ *ibid* 3.1.1.

³³² Ground Rules (n 313) 9.5.1.

³³³ FTSE Russell Index Overview (n 302).