



8 April 2022

Individualised letters were sent by RAID to the following investors

To: Capital Group, Fidelity Investments, Flossbach von Storch, PSP Investments, Van Eck Associates, Vanguard Group, CPP Investments (which manages the Canada Pension Plan) and British Columbia Investment Management Corporation

Dear Sir/Madame,

Re: Police Violence at Barrick's North Mara Gold Mine, Tanzania

We are writing to draw your attention to our report, [Police Violence at the North Mara Gold Mine](#), published on 14 March 2022. It details serious human rights abuses at this mine in Tanzania, which is owned and operated by Barrick Gold Corporation.

We understand that your organisation is a significant institutional investor in Barrick.

RAID is a UK based non-governmental organisation that exposes corporate human rights abuses, partnering with those harmed to hold companies to account. We believe the human rights abuses at North Mara mine will be of concern to any responsible investor. In addition, any failures by Barrick to report on and act over the abuse would raise related questions of governance, which we trust will also be of concern to you.

RAID understands that your organisation is committed to investing responsibly and to embedding ESG standards in your decision making.

Following publication of our briefing, it has been [reported](#) that one Danish pension fund has divested from Barrick and another is considering doing so, with controversies related to North Mara a factor in their decisions.

Institutional investors hold over 50% of issued and outstanding shares in Barrick and the approach taken by leading investors will send a strong signal to all others. We therefore urge you to use your leverage with Barrick to push for an end to the abuse and to provide redress for the harm caused. You will also be well placed to question Barrick's board and management over the company's ESG approach.

Summary of the report

RAID's report is based on research from September 2019 to March 2022. This includes six missions to the area and is informed by over 90 interviews with local residents, community leaders, local authorities, police officers, and former security personnel, amongst others. Our report links to [Barrick's response](#) to our findings.

During the course of this research, RAID documented reports of:

- Four local residents being killed and seven more being seriously injured by police assigned to the mine since September 2019.
- Police assigned to the mine regularly invading residential areas during mine-related operations, forcing entry into homes without a warrant, arbitrarily arresting and beating residents, and firing teargas and live ammunition indiscriminately, including around children.

In the short period of time since publication, we have received [new reports](#) of further assaults and killings, including as recently as March 2022, which we are in the process of verifying. These include a man chased, shot and killed by police assigned to the mine.

The police implicated in these abuses are engaged by the mine under a memorandum of understanding (MoU) between the mine and Tanzania Police Force. Pursuant to this MoU, 100 to 150 police officers are assigned to the mine, which pays, equips, accommodates and feeds them and integrates them within its security structure. Barrick has not published the MoU.

While Barrick has denied that it or the mine is responsible for the actions of the police, it has not denied that the killings and assaults have occurred, nor that they were perpetrated by police assigned to the mine. Barrick's assertion that the abuses all occurred outside the mine's perimeter is incorrect. Of the four killings, at least two occurred within areas of operation and a third on a "private road" by the mine wall. All the killings and assaults relate to security operations at the mine.

No 'turnaround' by Barrick at North Mara

Since bringing Acacia Mining plc back in house in September 2019, Barrick has sought to revive the fortunes of its Tanzanian operations, [describing](#) its Twiga joint venture with the government as a "triumph of partnership". Barrick's new CEO, Mr Mark Bristow, has emphasised Barrick's [ESG credentials](#) and has [cited Tanzania](#) as an example of how Barrick has not only delivered economically but has restored a "social licence to operate".

Presenting North Mara as a success story has masked the reality of what has been happening at the mine and in surrounding communities. As RAID's latest report shows, the killings and assaults over the last two years have all occurred **after** Barrick took operational control.

Beginning in mid-2019, when [media reports](#) highlighted the human rights abuses at North Mara mine, RAID had extensive exchanges with the London Bullion Market Association and its Good Delivery refiner, which refined the gold from North Mara. The refiner, MMTC-PAMP, undertook an assessment of the mine, [jointly coordinated](#) with Barrick. This included a site visit by its agent, Synergy Consulting, to look into the matter. Unfortunately, Synergy's site visit was brief and it did not meet with victims or Tanzanian civil society groups to gain a full picture of the situation. Synergy's full report about its findings was never published, but a [summary](#) accepted Barrick's assurances that measures to mitigate human rights impacts were being put in place. As a result, the refiner continued to trade with the mine. In the months that followed, we and other civil society groups wrote an [open letter](#) expressing strong concerns about the LBMA's due diligence process, which we said fell well short of its claims about responsible sourcing. We also note that Barrick's [2022 Information Circular](#) refers to the fact that its Independent Director, Mr Andrew Quinn is also a non-executive director of the LBMA.

A further site visit was undertaken by Synergy in February 2022. To date, its assessment has not been published.

RAID has submitted a new [complaint](#) to the LBMA, which has oversight of the London market on which \$245 billion of gold is [traded each week](#). Under the LBMA's [guidance](#), a refiner should stop

refining gold where it concludes there are “known instances” of serious human rights abuses and should suspend doing so where there is a “founded suspicion” of such abuses. We await the outcome of this complaint.

Related governance matters

Barrick [states](#) that “[e]ffective governance is a foundation of our performance and success as a publicly traded gold mining company with sites around the world” and [assures](#) that it discloses timely, factual and accurate information to investors.

Barrick’s [Human Rights Policy](#), in which it commits to act in accordance with the UN Guiding Principles on Business and human Rights (UNGPs), states: “We do not tolerate violations of human rights committed by...any third parties acting on our behalf or related to any aspect of one of our operations.” Yet Barrick [says](#) that it has no responsibility for the killings and assaults by police (even though they are assigned to the mine), inferring these abuses are “day-to-day policing activities”, and has placed the onus upon civil society to raise the issue with the Tanzanian government (which RAID has done). To date, Barrick has neither demonstrated how it has used its leverage and influence with the authorities, in accordance with the UNGPs and the Voluntary Principles on Business and Human Rights, nor has it ended its relationship with the police.

RAID’s report also documents how the police have sought to enrich themselves by bringing local people onto the mine site, or allowing them to enter, in return for payments or a cut of any gold-bearing material found. According to former mine security personnel, this includes the police facilitating systematic access to the mine’s highly valuable, underground areas. Barrick [states](#) that, in trying to meet its anti-bribery commitments, it takes steps to establish protocols for conducting due diligence, implementing controls and monitoring the relevant activities of third parties. RAID asked Barrick what steps it had taken to address such bribery and collusion by police but received no response.

Barrick further states that it conducts periodic human rights audits and reviews and reports on its performance. At North Mara, Barrick has hired a consultancy, Avanzar, to do this work, but has not published the findings. There is no reference to the assaults and killings in either Barrick’s [Human Rights Report](#) or its [Annual Report](#), the latter published over a month after we notified Barrick of the reported abuses. Rather, in its latest “Sustainability Scorecard”, Barrick awards itself the top mark for “Independent human rights assessments with zero significant findings at high risk sites”.

According to its [Disclosure Policy](#), Barrick regards information as material if “there is a substantial likelihood that a reasonable investor would consider such information important in making an investment decision”. Barrick also refers to human rights and security, reputational damage, and litigation as risk factors in its annual reporting. While “pending litigation” is identified as potentially material, Barrick’s public reporting does not refer to [action in the UK High Court](#) brought by ten claimants for alleged assaults and killings by police at North Mara. As part of this litigation, in March 2022, a court order required the disclosure of documents held by Barrick subsidiaries concerning security arrangements and incidents at North Mara, potentially bringing 114,000 items within scope. Mr Bristow’s [comment](#) that “Lawyers wanted us to pay out and settle the matter”, indicates that Barrick rejected this advice in deciding to defend against the claim, leaving local Tanzanian residents the daunting task of pursuing their cases through the courts. Barrick’s defence team have estimated it will cost the company over £7 million to try the case, for claims valued at £1.5 million.

We draw your attention to these ESG-related matters in the context of Barrick’s [Shareholder Engagement Policy](#). According to its recent [information circulars](#), Barrick held both “governance-focused” and “sustainability-focused” meetings with institutional investors in 2020 and 2021.

Given the documented human rights abuses throughout this period, such engagement may further raise questions over what Barrick's most important institutional investors are told about how the company is addressing ESG concerns. The 2022 Information Circular further [sets out](#) how an element of named executive compensation is based upon both annual and long-term ESG performance.

Investor influence

Barrick's annual meeting is due to take place on 3 May 2022. In line with your policy of engagement with companies, and in keeping with the responsibility to use leverage to mitigate human rights abuse, raising the reported abuses at North Mara and related ESG concerns with Barrick ahead of this key event is an opportunity to bring about change.

We ask you to press Barrick to:

- Urgently consider ending the mine's relationship with the Tanzanian police.
- Establish, through its Board, a truly credible, transparent and independent investigation into the killings, assaults and other human rights abuses at the North Mara mine.
- Implement an appropriate grievance mechanism and take the steps necessary to ensure that remedy is available and meaningfully accessible to those who have been seriously harmed by its operations.
- Urgently address any related governance and accountability issues, including by disclosing to investors, local communities and other affected parties full information on its human rights record at North Mara and its relationship with the police.

We also ask you to carefully consider, in light of the documented abuses and any related governance concerns, your vote:

- On accepting or rejecting the approach to executive compensation at Barrick, given that this includes an ESG performance element. Whilst this vote is advisory, we also understand that Barrick's Board and the Compensation Committee will consider the result and shareholder engagement feedback in their ongoing review of compensation.
- On electing the Board of Directors, particularly where a nominee serves on the ESG & Nominating Committee.

In light of your company's commitments to responsible investing, we also encourage you to make a public statement regarding its investment in Barrick in light of the human rights concerns.

Please do not hesitate to contact us if you would like more details. We would be happy to discuss our findings and recommendations with you or your team. I can be contacted at avw@raid-uk.org.

If appropriate, we would also be grateful to be copied on your correspondence with Barrick to allow us to conduct ongoing monitoring of these very serious matters.

We look forward to hearing from you.

Yours sincerely,

Anneke Van Woudenberg

Executive Director