

Correspondence between RAID and Barrick

February - March 2022

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14 February 2022

Mark Bristow
President and CEO
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Canada

Via Email

Dear Mr Bristow,

Re: North Mara Gold Mine

We are writing to you about further human rights concerns at the North Mara Gold Mine in Tanzania. We plan to publish a report shortly based on our new findings and seek Barrick's comment and response to a number of questions.

As you know, RAID has closely monitored the human rights situation in North Mara since 2014. We repeatedly raised concerns with Acacia Mining, its predecessor Africa Barrick Gold, and with Barrick Gold (as majority shareholder), regarding the excessive use of force by Tanzanian police employed by the Mine against local residents which was resulting in an alarming number of deaths and injuries. When you took over as the CEO at Barrick, we reached out to you to discuss our concerns in more detail, proposing a meeting with you and your team.

Following Barrick's acquisition of the remaining shares in Acacia Mining in September 2019, which brought the North Mara Mine back under Barrick's direct operational control, we have continued to monitor the human rights situation. Since September 2019, RAID has conducted six research missions to North Mara, and interviewed dozens of local residents, local authorities, human rights defenders, village leaders, former and current security personnel, including police, and former Mine staff, amongst others. I'm afraid we continue to receive credible and disturbing reports of human rights abuses by police employed at the Mine. These are set out below.

We plan to publish a report based on our findings and seek Barrick's response to a number of questions which you will find attached. In the interests of balanced and fair reporting, we strive to reflect all relevant information in our research and publications. In addition to information in response to the questions raised, we would be happy to receive any other information you believe might be relevant. We can assure you that Barrick's response will be taken into account in our forthcoming publication. In light of our publishing schedule, we would be grateful to receive your response by 23 February 2022.

Reports of human rights abuses

RAID received credible reports of local residents being killed and others suffering serious injuries by police employed by the Mine since September 2019. These reports described the incidents set

out below. Please note that all references to the police are references to police officers employed by the Mine.

- In or around December 2019, a young man was shot and killed by Mine police around the tailings area near Nyabirama pit while complying with directions by the police to leave the area.
- In or around December 2019, a teenager was chased by Mine police into a pond, which had not been blocked off, around the tailings area near Nyabirama pit, where he drowned.
- In or around April 2021, a young man was injured by Mine police while on a road that runs along the Mine wall through Nyabichune village. The injuries are understood to have caused his death. Local residents told RAID that assaults and arbitrary arrests by Mine police along this road are common. Many say they have no choice but to use this road given the lack of alternative routes.
- In or around June 2021, a young man and woman on a motorcycle were deliberately struck by a Mine vehicle driven by the Mine police, causing them severe injuries.
- In or around July 2021, a young man was shot and killed as he was fleeing the Mine police outside the Mine gate by Nyabichune village. As part of the same incident, another young man was arrested and beaten by the Mine police, who subsequently detained him in a Mine vehicle, where he was subjected to further assaults and denied access to medical treatment.
- In or around September 2021, a young man was shot and injured by Mine police stationed at a Mine road. The young man was riding a motorcycle in Nyabichune village at the time.
- In or around December 2021, a young man was killed near Gokona pit after being struck in the head by a projectile, believed to be a sound bomb fired by Mine police.
- In or around December 2021, Mine police broke into the home of a Kewanja village resident and beat him.
- In or around December 2021, a young man was shot and injured by Mine police outside the wall enclosing Gokona pit.
- In or around December 2021, a young man was shot and injured by Mine police while walking along a road by the Mine wall that runs by Nyabichune village.

RAID was informed that several people had communicated with the Mine regarding some of the incidents. None of those interviewed were aware of any action taken by the Mine to provide remedy for the harm caused, or aware of a grievance mechanism at the Mine. In interviews conducted by RAID, local leaders and others are saying they are increasingly fearful to speak out against the Mine, in part due to closer ties between Barrick and the Tanzanian state. This is a marked change from RAID's previous research in the area.

In addition to the incidents described above, RAID also received reports of police from the Mine entering nearby communities, including Nyabichune and Kewanja, and breaking into homes without a warrant, in what appear to be deliberate attempts to harass and/or intimidate residents. They also described the police as arbitrarily arresting and beating residents, as well as firing teargas and live ammunition indiscriminately, including around children. For example, local residents reported Mine police firing teargas near children in late January 2022 and in early

February 2022 in or around Nyabichune village. On a previous occasion in or around 2017, a one-year-old girl was reportedly badly affected by teargas fired by the Mine police. She continues to suffer from the after-effects.

Employment of Nguvu Moja

While some of the reports of abuses we received date from shortly after Barrick resumed control of the Mine in September 2019, many relate to the last 12 months, coinciding with Barrick's appointment of Nguvu Moja as its security provider. RAID was told that Nguvu Moja have a more limited role in the provision of security than previous security providers at the Mine. We would be grateful to know if this is correct and have added this question to those set out below. If this is the case, has it been accompanied by an increased role for the Mine police? The reports we have received indicate there may be an expanded role for the Mine police in the security and related operations at the Mine. Considering the longstanding human rights concerns over the conduct and impunity of the police employed by the Mine, we find this troubling.

Ongoing employment of police at the Mine

As these reports indicate, the police's ongoing employment at the Mine continues to be central to many of the human rights-related concerns raised by local residents and leaders. Amongst other things, it is widely perceived to align the police with the Mine at the expense of local communities. Particularly given that victims of assault are generally required in Tanzania to obtain PF3 forms from the police, which are difficult to obtain if the police have perpetrated the assaults, it can also impede access to medical treatment.

RAID has also received reports that police employed at the Mine have been engaging in unlawful activities that include dangerous and reckless driving and ongoing, large-scale theft from the Mine, as well as soliciting payments for access to the Mine and its gold-bearing material. The theft is said to include fuel, food and gold-bearing material, amongst other things.

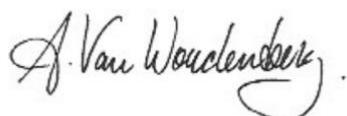
The theft of gold-bearing material is described as often involving collusion with Mine staff, financiers from outside the area, and frequently entails providing access for people from outside the Mine, including to underground and other high-value parts of the Mine. As you know, RAID has previously requested further information from Barrick regarding reports of one such incident, but understands that this practice is common.

Intention to publish a report

In light of our publishing schedule, we would be grateful to receive your response by 23 February 2022. Please send any information to RAID at avw@raid-uk.org and if you require any further clarifications or have questions, please do not hesitate to contact me.

Thank you for your attention to this matter.

Yours sincerely,



Anneke Van Woudenberg
Executive Director

Questions from RAID to Barrick Gold

To: Barrick Gold

From: RAID

Date: 14 February 2022

Subject: Human rights concerns at North Mara Gold Mine (the “Mine”), Tanzania

We would welcome responses to the following questions. Please note, references to Barrick should be read to include Twiga Minerals and North Mara Gold Mine Limited.

Reports of human rights abuses

1. What steps has Barrick taken to investigate the incidents described in our letter, what were its findings, and what remedy, if any, has been provided for any harm suffered?
2. Barrick’s 2021 Human Rights Report states that “There have been no new security-related incidents raised to group level in the two years since Barrick acquired the remaining minority interest in Acacia”. What reporting system does Barrick have in place to ensure that such incidents are raised to group level and how is it monitored and enforced?

The Mine’s relationship with the police

3. Barrick’s 2020 Sustainability Report states that actions since 2019 include “reviewing the relationship with the local police to establish clear boundaries”. What was included in the scope of the review, what issues were identified as requiring clear boundaries, and what measures did Barrick implement to establish them?
4. Barrick’s 2020 Sustainability Report states that “Police now only enter the mine site when requested by senior management to engage on criminal matters”. In what circumstances were police entering the mine site previously and how are they prevented from entering unless requested?
5. Barrick’s 2020 Sustainability Report states that “We also no longer keep ammunition stored on site”. Where is the ammunition now stored, what does it consist of, and how does Barrick ensure that it is used in a lawful manner?
6. Other than measures described in Barrick’s 2020 Sustainability Report, what changes has Barrick implemented in relation to the employment and operation of the police at the Mine?
7. How many discharges of live ammunition by the police have been recorded since Barrick assumed operational control?
8. What measures does Barrick have to ensure that those injured by police employed at the Mine receive prompt and appropriate medical treatment, and how are they monitored and enforced?
9. What measures does Barrick have to ensure that local residents can express themselves freely without facing reprisals should they be critical of the Mine or those in its employ?

Theft by the police

10. What steps has the Mine taken to prevent police soliciting payments for access to the Mine and/or police theft from the Mine, including in relation to gold-bearing material and colluding to bring people onto the Mine site?
11. Since Barrick resumed operational control of the Mine, what is the value of gold-bearing material and fuel it has lost due to police-related theft? And what was the value of gold-bearing material and fuel that was lost due to such theft during the period under Acacia Mining?

Accountability of the police

12. How many police officers have been removed from the Mine due to unlawful conduct since Barrick resumed control, and how many of those were for the use of excessive force?
13. Is Barrick aware of any police officers employed at the Mine being disciplined or prosecuted for unlawful conduct, including the use of excessive force? If so, please describe what the relevant unlawful conduct was and the nature of the discipline and outcome of the prosecution.

Provision of security by Nguvu Moja

14. Can you please describe the role of Nguvu Moja in provision of security at the Mine, and any differences from previous security providers?
15. Barrick's 2021 Human Rights Report states that "all weapons" were removed from "all sites in 2019". Does this mean that no Nguvu Moja or Mine staff are permitted to carry any weapons at or around the Mine?
16. If Barrick considers weapons unnecessary to secure the Mine, why does it continue to employ armed police?

Grievance mechanism

17. Barrick's 2021 Human Rights Report states that it has a grievance mechanism in place at the Mine, with grievances tracked on a monthly basis. Can you please provide a breakdown of the grievances received at the Mine since September 2019, including the number and nature of the grievance, how many resulted in remedy, and the remedy provided?
18. We would be grateful if Barrick could provide copies of the standard operating procedure and any other documents governing any grievance mechanism at the Mine.

Public disclosure

19. We would also be grateful if Barrick could provide the following materials, which we have been unable to find in your public facing materials:
 - a. Copies of the memoranda of understanding with the Tanzanian police that have been in place for the Mine since the version dated August 2014;
 - b. Copies of the human rights impact assessments conducted by Avanzar and of the full assessments conducted as part of the London Bullion Market Association

Responsible Sourcing Programme since November 2019, which are referenced in Barrick's 2020 Sustainability Report.

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22 February 2022.

Dear Ms. Van Woudenberg,

Thank you for your letter of February 14, 2022.

As stated in your letter, “in the interests of balanced and fair reporting, we strive to reflect all relevant information in our research and publications...can assure you that Barrick’s response will be taken into account in our forthcoming publication”, we are therefore writing to you on the basis RAID will want to publish a fair and balance report and as such we expect our response to be published in its entirety within RAID’s publication.

The Barrick Group’s Commitment to Human Rights

Respect for human rights is a foundational value at the Barrick Group of companies and a central part of our sustainability vision. We have zero tolerance for human rights violations wherever we operate. We seek to avoid causing or contributing to human rights violations and we actively facilitate access to remedy for credible allegations.

Our commitment to respect human rights is codified in the Barrick Group’s standalone Human Rights Policy which was released in January 2020 following the merger between Barrick Gold Corporation and Randgold Resources Limited. As you will see the policy is informed by the expectations of the UN Guiding Principles on Business and Human Rights (UNGPs), the Voluntary Principles on Security and Human Rights (VPs), and the OECD Guidelines for Multinational Enterprises.

The Barrick Group’s Approach at North Mara Gold Mine

Nguvu Moja Security Company

Upon assuming operation control at North Mara Gold Mine, Barrick replaced the international security firm that previously provided security at the mine, with Nguvu Moja Security Services, a 100% Tanzanian owned and managed security company. Nguvu Moja’s primary functions are to provide security at the main entrance gate at the North Mara Gold Mine, monitor CCTV cameras, undertake internal patrols within the mine perimeter, enforce compliance of the North Mara Gold Mine’s security policies and procedures, and be first responders to security incidents within the perimeter of the mine.

All Nguvu Moja personnel are unarmed and regularly receive formal training including human rights training together with the following:

- Basic legal principles regarding security and the legal framework in which Nguvu Moja operates at the North Mara Gold Mine;
- International Security and Human Rights Principles and the VPs; and
- Barrick's Human Rights Policy and Security Standards, including Barrick's Use of Force standard.

Stakeholder Engagement and Grievance Mechanism

With our approach to stakeholder engagement, Barrick has created relationships of trust and mutual understanding necessary for a successful long-lasting partnership throughout the various communities at North Mara. We have expanded the opportunities and forums to ensure regular stakeholder engagement, and access to lodge community grievances. The mine has also focused on recruiting locally wherever the necessary skill sets are available.

The engagement platforms to enhance transparency and communication between the mine and our host communities includes:

- Continuous engagement with the local community through the mine's Community Relations Office which is located outside of the mine within a neighboring village to ensure our community relations team is easily accessible for all, within the surrounding communities.
- Monthly meetings between the mine and the villages that provide personnel for the SunguSungu security program. This is an open forum where issues of common interest and concerns are addressed and the remedy for critical issues collectively reached.
- Community Development Committee (CDC) meetings, which are an instrument for sustainable community development. The CDC comprises of local and religious leaders, representatives from the local authority, and representatives for the youth, women, elders and people with disability. The CDC oversees all community development projects and provides an additional forum to deal with any community concerns.
- Joint initiatives between the mine and the host communities to discuss issues of interest and concern, and implement the necessary solutions, such as participatory water monitoring, organizing community tours of the mine, and bilateral meetings with Village Chairpersons and Village Executive Officers to discuss security matters among others.

Since assuming operational control at the North Mara Gold Mine, Barrick has worked to improve the community grievance mechanism to ensure it is accessible to all community members. We have also worked to resolve grievances in a timeous manner, and to resolve historic grievances. We track the number of community grievances lodged on a weekly, monthly and quarterly basis. This helps us to understand and address any community concerns and identify patterns which can then be addressed.

The grievance mechanism is accessible to all in the surrounding communities, and grievants are encouraged to express themselves freely without fear of reprisal. A third-party ethics hotline is also available and allows community members to anonymously report a concern via the phone or online; this is further described in detail in both our [Sustainability Report](#) and our [Human Rights Report](#). Each grievance is carefully managed so at any one time we are able to demonstrate where in the resolution process the grievance sits and the work done to resolve matters.

Barrick's commitment to resolve grievances is demonstrated as follows:

- When Barrick took over the operation of the North Mara Gold Mine in September 2019, there were 84 outstanding grievances, which included longstanding legacy grievances and appeals.
- At the end of 2021, North Mara Gold Mine Limited had resolved and closed 73 of the legacy grievances, demonstrating our commitment to building strong relationships with the communities and addressing any concerns.
- The number of grievances has steadily decreased since 2019, with 45 grievances lodged in 2020, and due to the continuous engagement with our communities by our sustainability teams, only 10 grievances were lodged by the community in 2021.
- We engage and work with Clan Elders to resolve grievances. The Clan Elders are trusted members from the community, and represent the interests of community members, especially the vulnerable groups.
- A grievance is only closed once the remedy is agreed by both the grievant and the mine.

Third-Party Human Rights Assessments

We have undertaken numerous third-party human rights assessments at North Mara Gold Mine since assuming operational control. RAID has previously publicly commented on those third-party human rights assessments and therefore Barrick would like to highlight the nature and content of the assessments that have occurred to avoid any misunderstanding RAID may have.

The independent auditors who have undertaken thorough investigations at the North Mara Gold Mine since November 2019, have publicly commented on the considerable improvement that has occurred with environmental and security matters at the mine since Barrick took over operational control.

In 2019 an external assessment was conducted by the independent assessment firm, Synergy Global Consulting (Synergy), who were appointed by the gold refinery MMTC-PAMP in conjunction with the London Bullion Market Association (LBMA) and their Responsible Sourcing Programme. Synergy's assessment included various interviews with North Mara Gold mine employees, community members, and with the RAID's London office.

In January and February 2022, Synergy conducted a follow up assessment at North Mara Gold Mine. This assessment included consultation with not only North Mara employees, but also community representatives, and other human rights and civil society organizations in the region and elsewhere in Tanzania. It should be noted that Synergy conducted external interviews independently, with no Barrick observers or translators involved.

In addition to Synergy's work, North Mara Gold Mine has invited local and national human rights and civil society organizations to undertake independent assessments at the Mine. International human rights experts, Avanzar LLC, completed a Human Rights Assessment and VPs training at North Mara Gold Mine over the course of 2020 and assisted in developing an Action Plan for continued Human Rights improvements at the mine.

RAID and Synergy

Following Synergy's 2019 independent site assessment, RAID issued a [public statement in July 2020](#) making allegations that the assessment lacked independence, a lack of meetings with civil society

organizations and substantiated evidence. This published analysis culminated in both [Synergy](#) and [MMTC PAMP](#) issuing statements of their own reaffirming Synergy's independence, and providing a detailed explanation of Synergy's work and the process undertaken.

Considering therefore RAID's public statements of the unsatisfactory nature of Synergy and MMTC PAMP's site assessment in 2019 and the articles RAID subsequently published thereafter, it is unfortunate that RAID declined to participate after being invited to contribute to Synergy's February 2022 assessment.

Tanzania Police Force

RAID's letter makes many factually incorrect references to "*Mine Police*" and deliberately misleading references to "*Police employed by the Mine*". No police officers are (or have been) employed by North Mara Gold Mine Limited. The roles and duties of the Tanzania Police Force are prescribed by law, are under the authority of the State and, according to the relevant legislation, the Tanzania Police Force's role is to preserve law and order within the community.

Should RAID continue to make such inferences, it would demonstrate RAID's intention to issue a statement in full knowledge that it was deliberately misleading.

RAID's letter infers collusion and likely inappropriate behavior between the North Mara Gold Mine Limited and the Tanzania Police Force; this is denied to the fullest extent possible – such inferences may be considered defamatory by North Mara Gold Mine Limited.

North Mara Gold Mine Limited does not (nor would it be expected to) control an independent police force which is an institution of State created and governed by legislation and the Tanzania Constitution. North Mara Gold Mine Limited does not supervise, direct or control any mission, assignment or function of the Tanzania Police Force. The Tanzania Police Force operates under its own chain of command and makes its own decisions on strategy to deal with incidences as one would expect from a police force - for RAID to suggest otherwise is both inaccurate and simply not true.

Allegations Raised by RAID

RAID have highlighted in its letter incidences involving the local community and the Tanzania Police Force that occurred outside the perimeter of the North Mara Gold Mine.

Due to the ongoing litigation at the High Court of England and Wales concerning members of the local communities surrounding the North Mara Gold Mine who have made allegations against the Tanzania Police Force, it would not be appropriate to discuss any allegations raised by RAID outside of the English High Court proceedings. Accordingly, we do not intend to rectify here the many misleading statements and allegations in RAID's letter.

However, we would state that as with any other private company, North Mara Gold Mine Limited would not be expected to monitor or police the Tanzania Police Force when the Tanzania Police Force undertake their day-to-day policing activities outside of the perimeter of the Mine. Indeed, North Mara Gold Mine would not always be aware of what policing activities the Tanzania Police Force undertake in the local communities or elsewhere in region for that matter.

RAID makes mentions it holds evidence of alleged personal injuries involving the Tanzania Police Force yet has chosen to withhold and/or delay sharing that information with the appropriate prosecuting

authorities in Tanzania. It is our strong view that any corroborated evidence of wrongdoing by the Tanzania Police Force that RAID has access to, be passed to the Attorney General and the Director of Public Prosecutions of Tanzania as soon as possible.

RAIDs Intention to Publish

I trust the above information provides RAID with the appropriate corrections to RAID's misleading statements, and a deeper understanding of the Tanzania Police Force's roles and responsibilities. Barrick is not able to comment on matters that are currently before the High Court of England and Wales or in relation to the Tanzania Police Force's actions outside the North Mara Gold Mine's perimeter or elsewhere in Tanzania.

I have also outlined our approach and commitment to Human Rights, which is evidenced through the results of several independent human rights assessments undertaken since 2019, the most recent of which RAID declined to participate. The North Mara Gold Mine continues to work to improve relationships with our host communities through increased accessibility and engagement and work with our local partners to be responsible stewards.

Finally, RAID should forthwith pass any substantiated evidence of personal injuries caused by the Tanzania Police Force in the local communities surrounding the North Mara Gold Mine to the proper public investigative and prosecution agencies in Tanzania so that these may be dealt with properly in the appropriate manner.

Yours Sincerely,



Mark Bristow

President and Chief Executive officer
for and on behalf of
BARRICK GOLD CORPORATION



25 February 2022

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Via Email

Dear Mr Bristow,

Re: North Mara Gold Mine

Thank you for your 22 February 2022 reply to our letter, although we regret that you have not answered many of our questions or provided the materials we requested. Nevertheless, your response raises several additional questions that we hope you will be a position to answer. We would also like to address a number of misunderstandings set out in your letter.

For ease of reference, we have replicated the headings from your letter and set out the questions in **bold**.

Nguvu Moja Security Company

Thank you for confirming that Nguvu Moja are unarmed. As we wrote in our previous letter, considering that the police are more heavily armed than the Mine's private security contractor, and appear to operate with impunity, we hope you will agree that such an arrangement should not result in an expanded role for the police assigned to the Mine.

In this regard, Barrick's [statement](#) that the police "only enter the mine site when requested by senior management" seems particularly relevant (similar provision was made under previous versions of the Mine's Memorandum of Understanding with the police).

As part of our research, RAID has been informed by former Mine security personnel and police that, while this provision was in effect under the Mine's MoU, police have regularly operated on the Mine site, including for periods as part of joint patrols with Mine internal security.

Question:

- 1. How is the provision that police do not enter the mine site unless requested by senior management monitored and enforced? How often have the police entered the mine site since Barrick resumed operational control?**

Stakeholder Engagement and Grievance Mechanism

Your letter states that Barrick has worked “to ensure that [the community grievance mechanism] is accessible to all community members”, and Barrick has [committed](#) “to act in accordance with the UN Guiding Principles on Business and Human Rights”, which [provides](#) that grievance mechanisms should be, amongst other things, accessible, predictable and transparent.

As we wrote to you, those we interviewed in the communities around the Mine told us they were not aware of a grievance mechanism, let alone how to access it or how it operates. We would therefore like to stress the importance of publishing and pro-actively communicating the standard operating procedure and any other materials relevant to the operation of a grievance mechanism at the Mine, so that those who seek to use any grievance mechanism can do so in the knowledge of its operation. Without doing so, it is difficult to see how a grievance mechanism could meet Barrick’s human rights commitments (including effectiveness criteria under the UNGPs), or how Barrick’s record of registered and resolved grievances was achieved.

Third-Party Human Rights Assessments

Your letter states that “[t]he independent auditors who have undertaken thorough investigations at the North Mara Gold Mine since November 2019, have publicly commented on the considerable improvement that has occurred with...security matters at the mine since Barrick took over”.

The only public comments by an auditor or assessor that we are aware of relating to such investigations were made by Synergy following its November 2019 site visit ([here](#) and [here](#)). However, those comments are made by an appointee of the Mine’s refiner; did not refer to “considerable improvement” regarding security matters, but rather to findings made during the assessment that security forces at the Mine represented a “high priority” risk; and concluded that “risk management” required improvement, necessitating ongoing monitoring.

To our knowledge, Synergy has made no other public comments regarding the Mine. To date the full Synergy report has not been published, though we urge you to put this into the public domain. The Mine’s refiner MMTC-PAMP has [referred](#) to a December 2020 review by Synergy, but Synergy representatives advised RAID that this review was not based on an assessment conducted by Synergy, but involved comments to MMTC-PAMP on materials provided by Barrick. This desk-based review was also not published.

Your letter also refers to “local and national human rights and civil society organizations” that were invited “to undertake independent assessments at the Mine”. We are aware that the Mine invited a number of Tanzanian and international civil society organisations (though not RAID, despite our request to attend) to visit the Mine in January of this year. However, we understand that the invitation was for the purpose of engagement and did not involve any form of assessment by those organisations.

Questions:

- 2. Could you please identify where we may find the public comments by auditors referenced in your letter?**
- 3. Could you please provide further details regarding the human rights and civil society organisations referenced in your letter as being invited to undertake assessments, and where we may find information about these assessments?**

RAID and Synergy

We feel that it is also important to correct the record on Synergy's most recent assessment. RAID did not, as your letter states, "decline...to participate after being invited to contribute" to Synergy's February 2022 assessment. On the contrary, on 25 January 2022, RAID met via videoconference with two members of the Synergy team prior to their site visit to North Mara and briefed them at length on the findings of RAID's research and concerns regarding the human rights situation at the Mine. The contact with Synergy was initiated by RAID.

As you will recall, in your letter to us of 30 July 2021 declining our proposal of a meeting until the UK High Court proceedings and LBMA's investigation had "run their course", you informed us that Barrick had "suggested a further independent site review take place" under the LBMA's auspices. We responded, seeking further details about the review, including when it would occur, emphasising the importance that civil society and those harmed by the operations at North Mara be given the opportunity to participate. You responded that it "would be inappropriate" for Barrick to comment on it at that time.

Thus, on 17 December 2021, having reached out to the LBMA directly and been advised to contact Synergy, RAID emailed the latter to propose a meeting.

Having sought information from Barrick, the LBMA and Synergy, RAID only learned on 20 January 2022 that Synergy was planning a site visit of several days beginning 31 January. On 28 January, Synergy informed RAID that it had confirmed it would have its own vehicle and translator. The Synergy team asked if there was anyone RAID would like to arrange for them to meet.

As explained fully to Synergy in correspondence, RAID asked Synergy for its Terms of Reference prior to us making any such arrangements, which it regrettably did not provide. We did suggest a wide range of representative people and civil society organisations for Synergy to interview. RAID also connected Synergy with the legal representative of the claimants in the current High Court action so that arrangements could be made for Synergy to meet individuals who had representation.

We also note that the published analysis regarding Synergy's November 2019 assessment did not, as your letter states, culminate with statements issued by Synergy and PAMP. RAID [responded](#) to those statements and has yet to receive a response from either Synergy or MMTC-PAMP. Moreover, in March 2021, five civil society organisations, including Global Witness and RAID, wrote an [open letter](#) to the LBMA expressing serious concerns about the functioning of its Responsible Sourcing Programme.

Tanzania Police Force

Your letter states that "North Mara Gold Mine Limited does not supervise, direct or control any mission, assignment or function of the Tanzanian Police Force. The Tanzanian Police Force operates under its own chain of command and makes its own decisions on strategy".

Yet Barrick's [2020 Annual Report to the Voluntary Principles on Security and Human Rights](#) states that the Mine has an MoU with the Tanzanian Police Force under which police officers are "assigned to the site" and receive "support". It further states that the MoU "requires" the assigned officers to comply with particular standards and stipulates the terms on which they may receive support.

UN experts have [raised](#) concerns about the nexus between extractive companies and state security forces, finding that "the close association between State security forces and extractive companies raises questions about whose interest the public forces are defending." In making that

finding, the experts relied on evidence submitted concerning the relationship between the North Mara Mine and Tanzanian police.

In the course of our research, RAID has been informed by personnel who were employed at the Mine, police officers, and local leaders, that police assigned to the Mine site: (i) include members of the Field Force Unit; (ii) are regularly rotated, generally at least every three months; (iii) receive at least 50,000 Tanzanian shillings per day paid for by the Mine in addition to their regular governmental salary (more if they are senior officers); (iv) are accommodated in barracks provided by the Mine (with at least one more senior officer accommodated within the Mine site); (v) are provided meals by the Mine or a Mine sub-contractor; (vi) use Mine vehicles; and (vii) are provided with fuel and maintenance for Mine vehicles, for other Tanzanian police vehicles used by police assigned to the Mine, and those used by one, or more, other senior police officers in the region.

Those interviewed by RAID also described various ways in which police officers assigned to the Mine site are integrated within the Mine's security operations, for instance: (viii) by sharing radio frequencies; (ix) via the regular presence of a police officer in the Mine's control room; (x) through designation of locations of deployment; and (xi) by applying agreed practice regarding individuals arrested during Mine security operations (for example, police taking those arrested to security personnel at the Mine to note their personal details and take their photos).

Questions:

- 4. Does Barrick consider any of the information listed in points (i) through (xi) above to be inaccurate? If so, please could you identify the specific information considered inaccurate and provide the information that Barrick considers accurate.**
- 5. Could you please clarify what type of "support" police officers receive under the MoU and how it is provided?**

Once again, we would like to take this opportunity to strongly urge you to publish the MoU with the police. UN experts have [emphasised](#) the importance of extractive companies publishing memoranda of understanding with state security forces, stressing that keeping such arrangements confidential "prevents public scrutiny and accountability for the contents, implementation and overall conduct of security providers in the extractive industry".

Allegations Raised by RAID

Your letter states that "it would not be appropriate to discuss any allegations raised by RAID outside of the English High Court proceedings". RAID, of course, is not a party to the proceedings. While we understand a reluctance to comment in relation to the cases currently before the court, the allegations set out in our recent letter concern new incidents that are not subject to these proceedings. As such, there should be no legal impediment preventing Barrick from commenting on the allegations of extremely serious human rights abuses that we have raised, or sharing information that would enable accountability and remedy. Our experience with other companies is that their involvement in court proceedings has not prevented them from engaging with RAID or commenting on matters that are not subject to legal proceedings.

Your letter further states that "North Mara Gold Mine Limited would not be expected to monitor or police the Tanzania Police Force when the Tanzania Police Force undertake their day-to-day policing activities outside of the perimeter of the Mine", nor would it "always be aware of what policing activities the Tanzania Police Force undertake in the local communities".

As you will have noted from our letter, some of the new human rights incidents reported to us occurred within the Mine perimeter (even if narrowly defined by the wall). Others occurred just

outside the Mine walls and were described as incidents which were part of Mine security operations, including on a so-called Mine-owned road that runs alongside the Mine wall. Barrick's Report to the VPs states that "[p]olice conduct is monitored through CCTV cameras whenever police come on site" and former Mine personnel, interviewed by RAID, said that CCTV cameras also cover areas near to, but outside, the Mine's perimeter, including some nearby villages.

In fact, a letter to RAID from Acacia Mining of 7 March 2016 states that the Mine "continually monitor[s] the security situation in *and around* the Mine", including through "appropriate security infrastructure (such as cameras and CCTV)", and that "any allegation of human rights involving Tanzanian police deployed on *or around* NMGM" is followed up on by the Mine (emphases added). Acacia described such monitoring as "consistent with our commitment to the Voluntary Principles on Security and Human Rights".

We further note that Barrick's Report to the VPs states: "Both sites [North Mara and Bulyanhulu] have signed a memorandum of understanding (MoU) with the Tanzanian Police Force to maintain law and order *in relation to the areas around the mine sites.*" (Emphasis added)

Based on this information, it appears that Barrick clearly recognises that agreed policing extends outside the Mine's perimeter, however that is defined.

Questions:

6. **Could Barrick provide comment on the human rights concerns we have raised that occurred after September 2019, and are therefore outside the scope of the current UK legal proceedings?**
7. **Does Barrick consider the information as to the scope of CCTV coverage and oversight of police assigned to the Mine to be inaccurate?**
8. **If the Mine no longer monitors the police assigned to the Mine site when they operate in "areas around" the site under the MoU, how does the Mine assure compliance with the standards that its MoU requires of the police?**

Reporting Abuses to Tanzanian authorities

Finally, you have encouraged RAID to share the evidence of "personal injuries" involving the police with the appropriate prosecuting authorities. With other civil society organisations, RAID [wrote](#) to the previous President of Tanzania urging a judicial investigation into the unlawful use of force by Tanzanian police at the Mine, and met with Tanzanian authorities regarding police conduct at the Mine, including in 2018 with the Minister of Constitutional and Legal Affairs. Tanzanian civil society groups with whom RAID partners have continued that engagement. We can assure you that we will continue to raise our concerns about human rights abuses at the Mine with Tanzanian authorities.

However, the efforts by civil society groups, including RAID, to raise human rights concerns regarding Tanzanian police assigned to the Mine do not absolve Barrick of its own responsibility. Barrick's own policies recognise its responsibilities. For example, Barrick's [Human Rights Policy](#) states that "[w]e do not tolerate violations of human rights committed by our employees, affiliates, or *any third parties acting on our behalf or related to any aspect of one of our operations*" (emphasis added). It further states, "[i]n our relationships with host governments...*we do our utmost to avoid being complicit in adverse human rights impacts*" (emphasis added). The human rights incidents set out in our recent letter fall squarely within the scope of Barrick's human rights commitments.

Problematic behaviour by the Tanzanian police have also been reported by others. For example, the US State Department, in its latest [Country Report on Human Rights Practices: Tanzania](#), states: “Members of domestic security forces committed numerous abuses....In some cases the government took steps to investigate and prosecute officials who committed human rights abuses, but impunity in police and other security forces and civilian branches of government was widespread.”

In light of the serious human rights abuses we, and others, have documented over many years, we urge you to initiate with the Tanzanian government (which is now a partner with Barrick in Twiga Minerals), a thorough, independent, transparent and credible investigation into the reports of human rights abuses at the North Mara Gold Mine, calling on involvement from international human rights experts, such as the UN Working Group on Business and Human Rights, UN and/or African special rapporteurs, and/or other African Union special mechanisms. The findings of such an investigation should be published in full.

We also again urge you, as we [did](#) to Acacia Mining and Barrick in June 2019, to urgently reconsider the security relationship between the Mine and the Tanzanian police in light of the reports of the police’s continued involvement in serious human rights violations with impunity.

Intention to publish a report

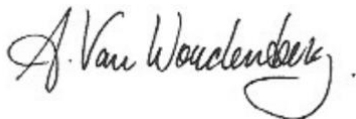
In light of our publishing schedule, we would be grateful to receive your response by 2 March 2022.

Let me once again assure you that Barrick’s response will be taken into account in our forthcoming publication and your response will be published in its entirety. Likewise, we trust our reporting about the human rights situation at the North Mara mine will similarly be reflected in Barrick’s publications regarding human rights and sustainability.

Please send any information to RAID at avw@raid-uk.org, and if you require any further clarifications or have questions, please do not hesitate to contact me.

Once again, thank you for your attention to this matter.

Yours sincerely,



Anneke Van Woudenberg
Executive Director



Our Reference: WBK/6197431/2022
Direct Line: +255 76 898 8642
Email Address: wilbert.kapinga@bowmanslaw.co.tz

Your Reference: RAID
Date: 7 March, 2022

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By Email

Dear Ms. Van Woudenberg,

We act for Barrick Gold Corporation. Considering the ongoing court proceedings at the High Court of England and Wales which we understand RAID is involved with against our client and due to the legalistic and accusatory nature of RAID's most recent correspondence, our client has asked that we respond to your letter dated 25 February 2022.

As RAID is aware, our client has worked tirelessly to mainstream human rights across its operations, and its human rights policy is rolled out across its sites, including at the North Mara Gold Mine.

It was mentioned to RAID previously that all of Barrick's sites, including at the North Mara Gold Mine, have an effective grievance mechanism in place to address community grievances, and every effort is being made to promote and encourage the ongoing use of the grievance procedure within the local community.

Our client has sought on several occasions to engage with RAID to "correct the record". As stated in its letter of 22 February 2022, our client has described its commitment to human rights, the approach to security at the North Mara Gold Mine, stakeholder engagement and the grievance mechanism, third party human rights assessments, and the role of the Tanzanian Police Force. Notwithstanding this and earlier correspondence, RAID continually makes serious and factually incorrect allegations concerning our client's commitment to redressing human rights violations. As to this:

1. RAID's starting point appears to be that as a matter of law and fact Barrick and/or North Mara Gold Mine Limited is responsible for the alleged conduct of the Tanzania Police Force. That is inaccurate.
2. The Tanzania Police Force is a state body with its own duties under Tanzanian law towards members of the public. Our client (as with any other private entity) is not responsible for the



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conduct of the Tanzania Police Force. To the contrary, the Tanzania Police Force operates solely under its own chain of command in accordance with its own regulations.

3. Neither our client or North Mara Gold Mine Limited employs or has employed the Tanzania Police Force. There is no such thing as "mine police" as you suggest. The fact that there is a Memorandum of Understanding between North Mara Gold Mine Limited and the Tanzania Police Force, does not change this.
4. Consistent with the Voluntary Principles for Security and Human Rights, (i) companies operating abroad are not liable for the acts of the police forces of the host countries in which they are operating; and (ii) governments have the primary role of maintaining law and order. Further, our client has always complied with the Voluntary Principles for Security and Human Rights to reduce the risk of abuses by the Tanzania Police Force and promote respect for human rights generally.

Further to the above, we nor our client intend to engage in any further correspondence as it is clear RAID is unwilling to accept our client's position despite the reassurances our client has provided. However, we would ask, as before, that to the extent that RAID holds evidence evidence of wrongdoing by the Tanzania Police Force, including of any alleged personal injuries involving the Tanzania Police Force, RAID, as a matter of priority, shares that information with the appropriate prosecuting authorities in Tanzania. Our client will cooperate fully with any complaint to the Tanzania Police Force or any other appropriate prosecuting authority.

Finally, we would ask that the contents of this letter and our clients' letter of 22 February 2022 are published in full in any forthcoming report by RAID.

Yours Sincerely,



Wilbert B. Kapinga
MANAGING PARTNER

cc: Martin Welsh
General Counsel, Africa and Middle East
Email: Martin.Welsh@barrick.com



10 March 2022

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Tanzania

Via Email

Dear Mr Kapinga,

Re: North Mara Gold Mine

Thank you for your letter. We regret that Barrick has not responded to most of our questions relating to recent human rights incidents at the North Mara mine. Although we understand that Barrick does not intend to correspond further, we believe it is important to address several misrepresentations of RAID's position and partial interpretations of the human rights framework upon which your client relies.

Ongoing court proceedings

Your letter states that it is your understanding that RAID is "involved with" court proceedings in the High Court of England and Wales against Barrick's subsidiaries. To clarify, RAID is an independent, non-governmental organisation. It is not a party, nor a legal representative of any parties, to the proceedings underway against Barrick subsidiaries in the High Court.

The human rights incidents we raised with Barrick in correspondence on 14 February and 25 February 2022, on which we sought Barrick's response, are not subject to the legal proceedings. These incidents of killings and assaults occurred [after](#) those at issue in the proceedings. We remain of the view that there is nothing about the current proceedings that should prevent Barrick from addressing such incidents, which are of a very serious nature.

RAID's recent correspondence

Your letter states that our most recent correspondence is "legalistic and accusatory". We do not agree with that characterisation. We have sought to engage constructively with Barrick since it assumed operational control of the North Mara mine in an effort to improve the deeply troubling human rights situation, including proposing on multiple occasions a meeting with Mr. Bristow or his team where these issues could be further discussed. As we noted in our last letter, Barrick refused RAID's proposal.

Our most recent research has found continuing reports of serious human rights abuses. We sought Barrick's response to these reports, as we do for all companies where we find such reports credible. Barrick did not respond to most of our questions. Your client raised other issues. We addressed these, corrected a number of inaccuracies and gave Barrick a further opportunity to clarify any information it considered inaccurate.

Correcting the record

Your letter states that Barrick has sought to "engage with RAID to 'correct the record'" and that RAID "continually makes serious and factually incorrect allegations concerning our client's commitment to redressing human rights violations".

We do not believe that this is an accurate description of what has occurred. RAID requested Barrick's response to credible reports that it had received concerning serious human rights abuses by police assigned to the North Mara mine, including killings, assaults and dangerous conduct during mine security operations that placed children and other local residents in harm's way. RAID informed Barrick that those interviewed were unaware of any grievance mechanism at the mine and that local leaders and residents increasingly expressed fear of speaking out.

Barrick did not engage to "correct the record" on any of these issues. It declined to address the allegations concerning the reports of recent human rights violations. It stated that it had a grievance mechanism, but provided no information about how that mechanism functions or how it can be accessed so that those harmed may be informed of its availability (which, *prima facie*, raises concern about it meeting effectiveness criteria under the UN Guiding Principles on Business and Human Rights (UNGPs) endorsed by Barrick). It stated that the mine does not employ, "supervise, direct or control" the police, which "operates under its own chain of command".

In our follow-up response, we sought to clarify our understanding of the relationship between the mine and the police based on interviews with the police, mine security personnel, local leaders and local residents, as well as our understanding of the mine's Memorandum of Understanding with the police. We set out 11 points detailing the support the mine provides to the police and the integration of the police within the mine's security structure. We requested that, if Barrick considered any of this information to be inaccurate, it identify that information and provide what it considers to be the correct information.

Your letter does not respond to this request, but instead simply asserts that Barrick is not liable or responsible for actions by the police.

Notwithstanding your client's decision to disengage with us on these matters, we would press upon Barrick the need to be transparent and accountable. Barrick should publish, at a minimum, the mine's Memorandum of Understanding with the police, all third party human rights assessments in full, and full procedures for its grievance mechanism. Local Tanzanian communities, who are directly impacted by the mine's operations, have a right to such information.

Barrick's liability for acts of the Tanzania police

Your letter states that "[c]onsistent with the Voluntary Principles for Security and Human Rights...companies operating abroad are not liable for the acts of the police forces of the host countries in which they are operating".

That is not RAID's understanding of the Voluntary Principles or the law. The Voluntary Principles are a non-binding, multi-stakeholder initiative that do not address, let alone determine, questions of liability. Furthermore, we [understand](#) that the question of Barrick subsidiaries' liability for the

acts of the police assigned to the North Mara mine is, in fact, an issue to be decided in the current UK court proceedings.

Barrick's responsibility for the conduct of the Tanzania police

Your letter states that "RAID's starting point appears to be that as a matter of law and fact Barrick and/or North Mara Gold Mine Limited is responsible for the alleged conduct of the Tanzania Police Force" and that this starting point is inaccurate. We find Barrick's response on this matter perplexing, as it appears inconsistent with its own public assurances and with those underlying human rights standards it says it follows.

As we noted, Barrick has [expressly](#) committed not to tolerate human rights violations committed by, amongst others, "third parties...related to any aspect of our operations". Even if, as Barrick says, the mine does not employ, control, supervise or direct the police, Barrick thus accepts that it has a responsibility for violations involving the police that are "related to" its operations. Barrick's own [reporting](#) also accepts that human rights impacts by the Tanzanian Police Force operating under its MoU with the mine "relate to" the company's operations.

Further, as we also noted, Barrick's [Human Rights Policy](#) states, "We are committed to and always strive to act in accordance with the UN Guiding Principles on Business and Human Rights [UNGPs], the OECD Guidelines for Multinational Enterprises, and the Voluntary Principles on Security and Human Rights". Your letter confirms that North Mara Gold Mine Limited has a memorandum of understanding with the Tanzania Police Force. Where a company has a "business relationship" with another entity, including state security forces, these instruments provide that it will have a responsibility regarding human rights violations by that entity.

For instance, the UNGP's provide that a company's responsibility to respect human rights "requires" that they avoid causing or contributing to adverse human rights impacts, and remedy those it does cause or contribute to. They further provide that this responsibility requires companies to seek to prevent and mitigate impacts that are "directly linked to" their operations by their business relationships. Preventing and mitigating impacts includes using "leverage", which exists where a company has "the ability to effect change in the wrongful practices" of another entity. According to Barrick's [own reporting](#), its memorandum of understanding with the police allows it to "require" particular standards of conduct by the police.

Your client places an emphasis upon RAID raising incidents of wrongdoing by the Tanzanian police force with the authorities. We have always pressed, and will continue to press, the Tanzanian authorities about human rights violations by police. Barrick describes its Twiga joint venture with the Tanzanian government (of which North Mara mine is a key asset) as a "triumph of partnership". Barrick therefore ought to be well placed to exert the maximum leverage on its partner over police conduct and impunity. The UNGP's state: "for as long as the abuse continues and the enterprise remains in the relationship, it should be able to demonstrate its own ongoing efforts to mitigate the impact and be prepared to accept any consequences – reputational, financial or legal – of the continuing connection."

The [OECD Guidelines](#) largely replicate the UNGP provisions in the relevant respects, and the Voluntary Principles expressly [recognise](#) that a company's "responsibility" to respect human rights extends specifically to their relationship to state security forces. That responsibility, moreover, includes taking "appropriate measures" to ensure that those "credibly implicated in human rights abuses" do not provide security services.

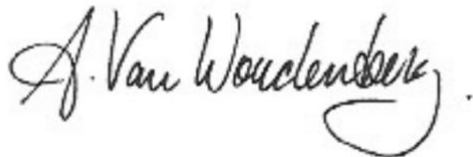
In our view, therefore, Barrick has itself already recognised, and has committed to live up to, a responsibility for actions by security forces (such as the Tanzanian police) with which it has a relationship, at least where those actions may have human rights impacts. The position that

Barrick has a responsibility for the actions of the Tanzanian police assigned to the mine who it pays, feeds, accommodates, and equips, and who are integrated into the mine's security structure, appears wholly consistent with Barrick's own public commitments.

Further correspondence

We regret that Barrick has decided not to engage further with RAID. However, should Barrick change its mind, we remain committed to engage to try to improve the human rights situation at the North Mara mine. As we said in our letter of 25 February, we will publish Barrick's response in full.

Yours sincerely,

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

Anneke Van Woudenberg
Executive Director

Cc: Mark Bristow, President and CEO Barrick
Martin Welsh, General Counsel, Africa and Middle East