



23 March 2022

Ruth Crowell
Chief Executive
London Bullion Market Association
7th Floor
62 Threadneedle Street
London EC2R 8HP

Via Email

Dear Ms Crowell,

Re: Complaint concerning further serious human rights abuse at Barrick's North Mara Gold Mine

We are writing to submit a further complaint under the LBMA's Incident Review process concerning new serious human rights abuses at Barrick Gold Corporation's North Mara Gold Mine in Tanzania. The Good Delivery List (GDL) refiner, MMTC-PAMP India Pvt Ltd, continues to refine gold from this Tanzanian mine.

The LBMA's latest [Responsible Gold Guidance](#) sets out that an Incident Review is launched when the LBMA becomes aware of potential serious breaches of the Guidance and that the refiner's GDL certificate is only granted once all LBMA reviews and related queries have been resolved. RAID believes it is vital that the LBMA exercises full oversight in relation to the continued sourcing of gold from the North Mara mine, including taking action when its standards are not met.

As you are aware, we have previously raised concerns with the LBMA about the extremely troubling human rights record at the North Mara mine. We have continued to follow the situation closely. Over the past 28 months, a RAID team has conducted six research missions to North Mara during which we have documented the following:

- At least four local residents killed and seven more 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.

Further details of these abuses are set out in the attached report [Police Violence at the North Mara Gold Mine](#), which RAID published on 14 March 2022.

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

In June 2019, reports of human rights abuse at Acacia Mining plc's North Mara Gold Mine first identified MMTC-PAMP as the relevant refiner. As you will recall, such reports prompted both an Incident Review and enhanced due diligence under the LBMA's Responsible Gold Guidance.

In September 2019, Barrick concluded its purchase of minority shareholdings in Acacia Mining, bringing it entirely in-house and all Tanzanian operations under its operational control (notwithstanding that Barrick always had a majority holding in Acacia). Hence the November 2019 site visit and assessment, carried out by the refiner's agent (Synergy Global Consulting), considered "the potential of the new Barrick management...to be able to demonstrate its ability to remedy and improve the historical management of the various issues at NMGM [North Mara Gold Mine]."

On Synergy's recommendation, the refiner continued trading with and refining gold from the North Mara mine while "engaging with Barrick on the mitigation of the identified risks" (2020 Compliance Report). It said there were "significant improvements" in risk management at the mine (2021 Compliance Report).

RAID understands that the 2021 decision to continue trading was based upon a desk review by Synergy of a human rights assessment by a private consulting company, Avanzar, which had been hired by Barrick. No site visit was conducted by the refiner or Synergy as its agent. MMTC-PAMP also states in its 2021 Compliance Report that the MKS PAMP Group undertook quarterly monitoring of the North Mara Gold Mine's implementation of the recommendations issued by Synergy. Further, according to MMTC-PAMP: "The LBMA confirmed that appropriate measures had been put in place to **prevent and mitigate** potential and **actual adverse impacts**." [*Emphasis added*]

Unfortunately, RAID has found no evidence to date that serious human rights abuses at North Mara have been prevented or mitigated, or that the situation has been improved by the measures put in place by Barrick. On the contrary, the human rights abuses we have documented have all occurred in the period after Barrick took full operational control of the North Mara Gold Mine, and all but one occurred within the last 12 months.

In December 2021, we took the initiative to reach out to Synergy, inviting the assessment team to meet with us prior to its planned 2022 site visit to the North Mara mine. In January 2022, we briefed Synergy on the human rights situation in communities surrounding the mine and urged them to investigate reports of killings and injuries inflicted by the police assigned to the mine. Barrick's public [statement](#) that RAID "declined to participate after being invited to contribute to Synergy's February 2022 assessment" is thus wholly incorrect.

Synergy conducted its follow-up site visit to North Mara from 31 January to 4 February 2022. Shortly thereafter, Barrick [reported](#) the visit had "revealed significant improvements", but, to our knowledge, no report has been published to back up such claims. Synergy informed us that it was the refiner's decision whether to report publicly on this assessment or not. As we have stated in the past, we believe it is vital that these assessment reports are made public, not least because local communities have a right to know how third-parties assess the human rights and security situation.

We understand that an Incident Review triggered by our complaint will consider implementation of the LBMA's Responsible Gold Guidance, which, *inter alia*, sets out (under RGG 9) that:

- Enhanced due diligence should include “Understanding the nature of public or private security services provided at the mine sites” and “Determination of the risk of any serious human rights abuses committed by any party at mine sites”.
- The on-site visit should “Consult relevant internal and external stakeholders (for example, local or central authorities, upstream companies, international or civil society organisations, or affected third parties), where applicable”.
- Zero-tolerance issues include when mined gold is supplied by a counterparty which has been implicit in serious human rights abuses.
- “Where known risks or founded suspicion of upstream suppliers sourcing from or linked to any party committing zero-tolerance or high-risk abuses are identified, the Refiner must immediately cease or suspend engagement with the counterparty.” [Note: RGG8 refers to the “possibility” of such abuses or “if the possibility of the same is deemed too high” as the grounds for suspension or immediately stopping refining].
- When trading continues on the basis of an improvement plan, the refiner should consider after six months “Suspending the relationship where limited or no measurable improvement can be demonstrated” or “Terminating the relationship after failed attempts at risk mitigation and performance improvement”.

Under the Incident Review process, we understand that our complaint will first be reviewed by the Responsible Sourcing Manager before escalation to the senior LBMA leadership and the Compliance Panel.

We note that the LBMA publicly notifies the market via its website about an issue identified under an Incident Review. We further note that, once an outcome has been agreed, the LBMA will “mirror its earlier communications strategy” to ensure all relevant parties are informed of the decision made. This, we assume, includes notifying RAID as a complainant, as well as the market. In respect of notification, press releases concerning Perth Mint and Kyrgyzaltyn JSC were published announcing the commencement of an Incident Review and the outcome, a process that presumably will be followed in respect of the current complaint. We would be grateful if you could confirm that our understanding is correct.

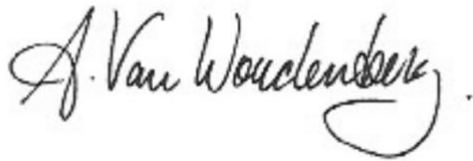
In our view, the reported human rights abuses are of the utmost concern. This is a mine which has already undergone an Incident Review and enhanced due diligence, including ongoing quarterly monitoring. It is, therefore, difficult to understand how serious human rights violations have either not come to light or, in the alternative, have not been publicly disclosed under the refiner's compliance reporting.

Furthermore, on the basis of such due diligence and reporting, gold from the North Mara mine, refined by MMTC-PAMP, has been deemed as being “responsibly sourced”. In turn, this has resulted in the LBMA issuing the refiner with repeated Responsible Gold Certificates.

We would welcome the opportunity to brief you further on our research findings at your earliest convenience. In the interim, we would be grateful if you would acknowledge receipt of RAID's complaint and keep us informed of any developments.

Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in black ink that reads "A. Van Woudenberg". The signature is written in a cursive style with a large, looping initial 'A' and a decorative flourish at the end.

Anneke Van Woudenberg
Executive Director

Cc: Sakhila Mirza, Executive Board Director & General Counsel, LBMA
Alan Martin, Head of Responsible Sourcing, LBMA