



## RAID Response to Barrick Statements Concerning New Legal Proceedings

On 23 November 2022, 21 Tanzanian nationals [commenced](#) a legal action in Canada against Barrick Gold, alleging that the Canadian mining company is liable for killings, torture and other assaults by “mine police” engaged to guard Barrick’s North Mara mine. On 13 December 2022, British law firm Leigh Day [announced](#) that it had commenced an action in the UK against the London Bullion Market Association (LBMA) on behalf of families of two Tanzanian nationals killed at the North Mara mine, alleging that the LBMA had wrongly certified that gold from the mine was free from serious human rights abuses. These actions follow ongoing [legal action](#) in the UK by 14 Tanzanian nationals alleging that Barrick subsidiaries are liable for killings and assaults at the mine during the period of 2014 to 2019.

On 25 November and 13 December 2022, Barrick issued statements responding to the two new legal actions (see [here](#) and [here](#)), the latter entitled “Barrick Refutes North Mara Human Rights Allegations”. In these statements, Barrick and its CEO, Mark Bristow, make a series of accusations against RAID. We provided an initial [response](#) to the first statement on Twitter, and take the opportunity to provide a fuller response to both statements here.

### ***Barrick’s allegations against RAID***

In its statements, Barrick makes wide-ranging allegations against RAID. It states that it was “troubled” by RAID’s “involvement” (or “apparent involvement”) in the respective actions; that RAID has “a long history of making unfounded allegations about purported human rights abuses at North Mara”; that RAID had been “rebuked” by community leaders for making “unfounded” or “baseless” allegations, and that in a recent meeting those leaders “had no knowledge of RAID” or its work; and that RAID “has no inclination to visit the mine” despite Barrick’s invitations. While it is important for us to respond to these accusations, as we do below, they are an unfortunate distraction from the very serious harms suffered by the claimants in these actions, and their decision to pursue justice through the courts.

It is unclear what Barrick’s basis is for focusing on RAID in responding to these legal actions, and what the company means by RAID’s “involvement” in them. RAID is not a party, nor is it representing any parties, in either legal proceeding. The actions have been commenced by members of North Mara’s Indigenous Kurya community, who are the claimants. They are represented by the law firms *Camp Fiorante Matthews & Moger* and *Waddell Phillips* in the Canadian action, and *Leigh Day* in the UK action (*Hugh James* represents the claimants in the earlier UK action). RAID supports the claimants in deciding to commence legal actions in pursuit of justice and remedy. Barrick cannot, by leveling accusations against RAID, sidestep the fact that dozens of community members are alleging in court proceedings that they or their family members were killed, tortured, and/or shot by police engaged to guard the mine.

The claimants’ allegations chime with RAID’s research, which has found an alarming number of deaths and assaults at the North Mara mine. Barrick’s claim that RAID has a history of *unfounded* allegations is incorrect, as RAID’s [reporting](#) is based on detailed research in North Mara, beginning in 2014. Our research

includes nearly 200 interviews in the last three years alone, most with members and leaders of local communities, [including leaders](#) who Barrick suggests had no knowledge of RAID and our work. RAID is not alone in reporting on human rights violations at the North Mara mine. Other international and Tanzanian [human rights organisations](#), [investigative journalists](#) and a Tanzanian [government inquiry](#) have also reported on such violations at the mine.

If there are specific allegations made by RAID that Barrick considers “unfounded”, it should identify them and substantiate its claim that they are without foundation. Although RAID has [repeatedly sought](#) Barrick’s response to the allegations, it has not done so.

Barrick’s reference to a “rebuke” presumably relates to what Barrick [calls](#) a “confirmation statement” that was signed by 22 local leaders and attached to a Barrick letter to RAID. RAID has addressed this statement at length in correspondence with Barrick (see [here](#)), including why the circumstances of its preparation are cause for concern. Insofar as the “confirmation statement” denies the existence of human rights violations, as RAID has pointed out to Barrick, local leaders have repeatedly raised concerns regarding such violations, including killings, [publicly](#), in correspondence with the mine, and with RAID during interviews. The fact that some of the local leadership has denied such violations in a “confirmation statement” prompted by, and provided to, Barrick, which also “rebukes” the organisation reporting on them, reinforces rather than refutes concerns regarding the mine and oppressive environment for local residents.

Barrick’s claims regarding RAID’s visit to the mine are misleading (RAID assumes that by “visit the mine”, Barrick means meet with Barrick at the mine, as RAID has already made numerous visits to the area around the mine site. RAID has repeatedly sought to meet with Barrick. RAID initially proposed a meeting with Barrick in June 2019 (previously RAID had engaged mainly with Barrick’s subsidiary Acacia Mining) to address human rights issues at North Mara, which Barrick declined. RAID again proposed a meeting in July 2021, which Barrick also declined (see correspondence [here](#)). Since then, RAID consistently repeated to Barrick that we would welcome the opportunity to meet (again, see [here](#)). It was not until July 2022 that Barrick agreed to RAID’s proposal for a meeting. Since then, RAID has been engaging with Barrick to arrange the meeting, which hopefully will occur early in the New Year, once mutually workable dates have been confirmed.

### ***Barrick’s allegations against local community members***

Barrick states that it is “concerned” that community members, who are represented by multiple experienced law firms in the UK and Canada, “could be persuaded to make legally meritless claims”. Barrick offers no evidence to substantiate this allegation. This statement does a disservice to those who have chosen to seek vindication of their rights through legal action, despite considerable obstacles and risk. Barrick also states that the mine lives with a “constant threat” of “invasion”, referencing a recent incident when it says “North Mara was attacked by an armed force of almost 100 men”. It says that during this incident, “one of the invaders suffered fatal injuries” and two policemen were injured, though the nature and cause of the injuries are unspecified.

Independent reports gathered to date by RAID indicate that the fatal injuries were suffered by a young man who had gone to a waste rock area and was shot with live ammunition by police guarding the mine. As RAID has [reported](#), many residents of local Kurya villages go to waste rock areas at the mine in search of gold-bearing material. They say that it is necessary as the mine’s arrival and expansion has deprived

them of their traditional means of livelihood, such as farming and artisanal mining, and that some carry pangas (machete-like agricultural tools) for clearing undergrowth or protection. It is [widely known](#) that many are permitted to enter inside the mine walls by police engaged by the mine, who solicit payments for access.

When RAID [interviewed](#) a senior police commissioner in May 2022 concerning security issues at the mine, he said that some of those who enter the mine throw rocks, but had never heard of them bringing firearms (by contrast, the "mine police" are armed with rifles and submachine guns). He did not refer to "armed forces", or any other form of militaristic organisation, from local communities threatening the mine.

Barrick's reference to "armed forces" only appeared in a public statement after the most recent legal claims were filed. Previously, Barrick's [reporting](#) on managing security and human rights related risks at the mine makes no mention of "armed forces" or similar. Likewise, it listed "illegal trespassers and artisanal miners" in its human rights [reporting](#) on safety risks, but not "armed forces". Barrick's allegation that the deceased who was fatally injured at the mine was part of an "armed force" that was "attacking" the mine, and not someone who was with other community members to search amongst material the mine considered waste, requires substantiation.

#### ***Barrick's denials of other allegations in the claims***

The rest of Barrick's statements largely consist of denials of allegations made in the claims in the legal actions, in particular regarding its relationship with the police assigned to the mine. Barrick has not provided evidence to support those denials.,

If Barrick wishes to be transparent about its relationship with the police, a starting point would be publishing the written agreement between the mine and police. According to the [Voluntary Principles on Security and Human Rights](#), to which Barrick [says](#) it is committed, and [UN experts](#), arrangements between extractive companies and state security forces should be accessible to the public. In May 2022, a senior Tanzanian police commissioner confirmed to RAID that the agreement should be publicly available. Despite RAID's [request](#), however, Barrick has not published the agreement.

If respect for human rights is indeed a "foundational value at Barrick", as it says, Barrick should act to stop the violations and remedy those that have occurred.