

D. Sample Evidences of human rights
abuse allegations

1. Extra-judicial killings

DEATH - COVER PAGE FOR Wasato Kaipas

Client Serial Number	Client Name	Status	File in folder
165	Wasato Kaipas	Late Wasato Kaipas was shot to death in the open pit mine by the PJV Hired Police on the 14 th of July 2014.	<input checked="" type="checkbox"/> Brief Statement <input checked="" type="checkbox"/> Statement of Facts <input checked="" type="checkbox"/> Medical Report <input checked="" type="checkbox"/> Police Report <input checked="" type="checkbox"/> Statement of claim <input checked="" type="checkbox"/> Delegation of Authority <input checked="" type="checkbox"/> Other Claims

Name: Mr David Kaipas - Biological Brother

SIGN:  Finger Print

Recommended By:  Approved By PJV or Barrick Management _____



Brief Summary – Late Wasato Kaipas M/A

Late Wasato Kaipas a 26 years old male of Titip Village, Kandep Province was willfully shot at the open pit mine by the PJV Hired police on the 14th of April 2014.

Late Wasato Kaipas was accompanied by other alluvial miners in the pit to pan for the gold as usual when the incident occurred. The PJV Hired police force fully armed shot late Wasato Kaipas down cold blooded and later the body was taken to the hospital for post mortem.

Late Wasato Kaipas's body was taken to his home village in Titip Kandep for burial.

PORGERA HOSPITAL
P.O.BOX 484,
MT HAGEN, WHP.
PAPUA NEW GUINEA
E-mail: paiamhos@online.net.pg



TEL: (675) 5476004
(675) 5476611
FAX : (675) 5476003
B: Mobile: 76511200

Autopsy Report

Name: Wasato Kaipas
Age: 26 years old
Sex: Male
Address: Titip, Kandep

Identified by relatives:

Present at Autopsy:

Deceased relatives:

Iminj Kaipas – brother
Param Kaipas – brother
Amos Mathew – cousin
Win Niyata – cousin

Police Representative:

Chief Sgt
Pius Nukundi

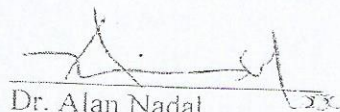
Hospital Representative:

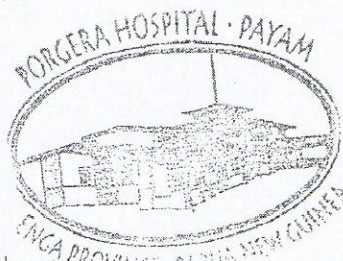
Dr. Alan Nadal
Philip Luke

Place of Autopsy: Porgera Hospital
Date of Autopsy: 15/07/14
Time of Autopsy: 11:30 AM

Post Mortem Summary Report:

The deceased died at PJV Barrick mine site of a gunshot wound to the head. The incident happened on the 14th of July 2014 at around 8:00 PM. The post mortem showed a gunshot wound entrance 1 cm in size at the right fronto – parietal area of the head just above the hair line. A gunshot wound exit was found at the right occipital area measuring 5 cm x 5 cm with open comminuted skull fracture. Brain tissue and blood was seen coming out of the wound. The cause of death is intracranial haemorrhage and massive brain tissue destruction secondary to gunshot wound to the head.


Dr. Alan Nadal
Physician – Surgeon
Acting CEO



Note: Not valid without hospital embossed seal.

ROYAL PAPUA NEW GUINEA CONSTABULARY
CRIME REPORT

CRN 349/14

Command HIGHLANDS RNEA (3) Province POVINCA (4) Station
 (1) Crime Report Number 49 / 14
 (2) Charge Book Number

INFORMATION GIVEN BY

Name INANT-KAIAS Time 3:30 PM Date 25, 07, 14
 Living at KANDOT, RNEA Phone number 7160752

FOR PHQ USE ONLY

CRN /

3				4			
5							
6							
7							
8							
9							
10							
11							

VICTIM OR COMPLAINANT'S DETAILS

Name LAKI WASATO-KAIAS
 Living at VIIA VILL, KANDOT, RNEA
 P.O. Box Phone number
 Male/Female M Age 26 YRS Occupation VILLAGER
 Business address
 P.O. Box Phone number

DETAILS OF OFFENCE

(5) Type of Offence MURDER
 (6) Committed at (location) MINK-SITE BARRICK PNG
 Between, Time Day Date / /
 and Time 8:05 PM Day MONDAY Date 14, 07, 14
 (7) Type of Premises (if applicable)
 (8) How entered/weapon used (as applicable)

STOLEN PROPERTY, if applicable

Full description of stolen property (brand, make, model and serial numbers)

PAPUA NEW GUINEA

CORONERS ACT.

Reg. Sec. 1(1)

Form 9

WARRANT TO BURY.

To all members of the Police Force and to all others whom it may concern.

WHEREAS I have this day taken a view of the body of:-

WASATO KAIPAS

(Name of deceased)

Who now lies dead in the Mount Hagen General Hospital and have proceeded on the matter according to law.

You may lawfully permit the body of:-

WASATO KAIPAS

(Name of deceased)

To be buried.

Given under my hand this 15th day of JULY 2014.

CORONER.

PAPUA NEW GUINEA

SECT. (16A)

DIRECTION TO A MEDICAL PRACTITIONER TO CARRY OUT A POST MORTEM EXAMINATION.

Whereas notice has been given to me, a Coroner for the said Papua New Guinea, that

WASATO KAI PAS of TITIP VILLAGE, KANDEP, ENGA
(full name) (Usual place of residence)

(male)(female)(child)(adult) aged 26 years, has died and the cause (his)(her) death is (unknown)(in doubt) and it seems advisable to have a Post Mortem Examination made of the body of the said WASATO KAI PAS

(Full name)

To assist me in determining whether or not an inquest ought to be held. Information in my possession suggests that the body of the deceased was found dead at:-

INSIDE MINE SITE (SP33) on the 14th day of JULY 2014
(where body located)

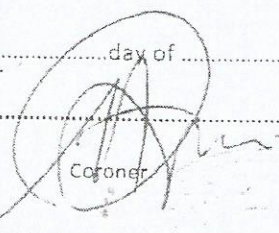
AND that the apparent cause of the death was: that is unknown
at this stage

These are therefore to request and direct you Doctor.....

PAYIM
A Medical Practitioner of the Mount Hagen General Hospital, to make a Post Mortem of the body of the said: WASATO KAI PAS
(Name of deceased)

And to report I writing to me, the undersigned.

Given under my hand at POGERA Mount Hagen this..... day of..... 2014


Coroner

Your report should include:

- 1 Your view as to the medical cause of the death and the agency responsible
- 2 Whether your own view in (1) above is consistent or not with the apparent cause of death as suggested by the information possession and set out above.

NOTICE TO CORONER OF A SUDDEN DEATH.

I PIUS NYIKUNDI of CFD Pagersa Police Sta

Hereby in the terms of section 9(1) (2) of the coroners Act.(Chapter 32) given notice of a sudden death and the following are the particulars of the deceased:-

Name of deceased: WASATO KAIPAS

Village:- TUTIA

Sub Province: KANDEP, ENGA

Sex:- MALE

Age:- 26 YRS

Date of Death\Fire:- 14/07/14

Time of death\Fire:- 8-00pm

Officer reporting incident:- CHIEF SGT. PIUS NYIKUNDI

Date of report:- 14/07/14

Death certificate to - (Be issued) (Not issued)

Post Mortem to - (Carried out) (Not carried out)

Deceased identified by:- PHILIP LUKE

Of:-

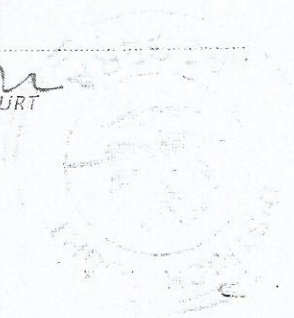
Relationship:- NEPHEW (Mother) (Father) (Sister) (Brother) (Uncle) (Aunty) (Cousin) (If other please state)

[Signature]

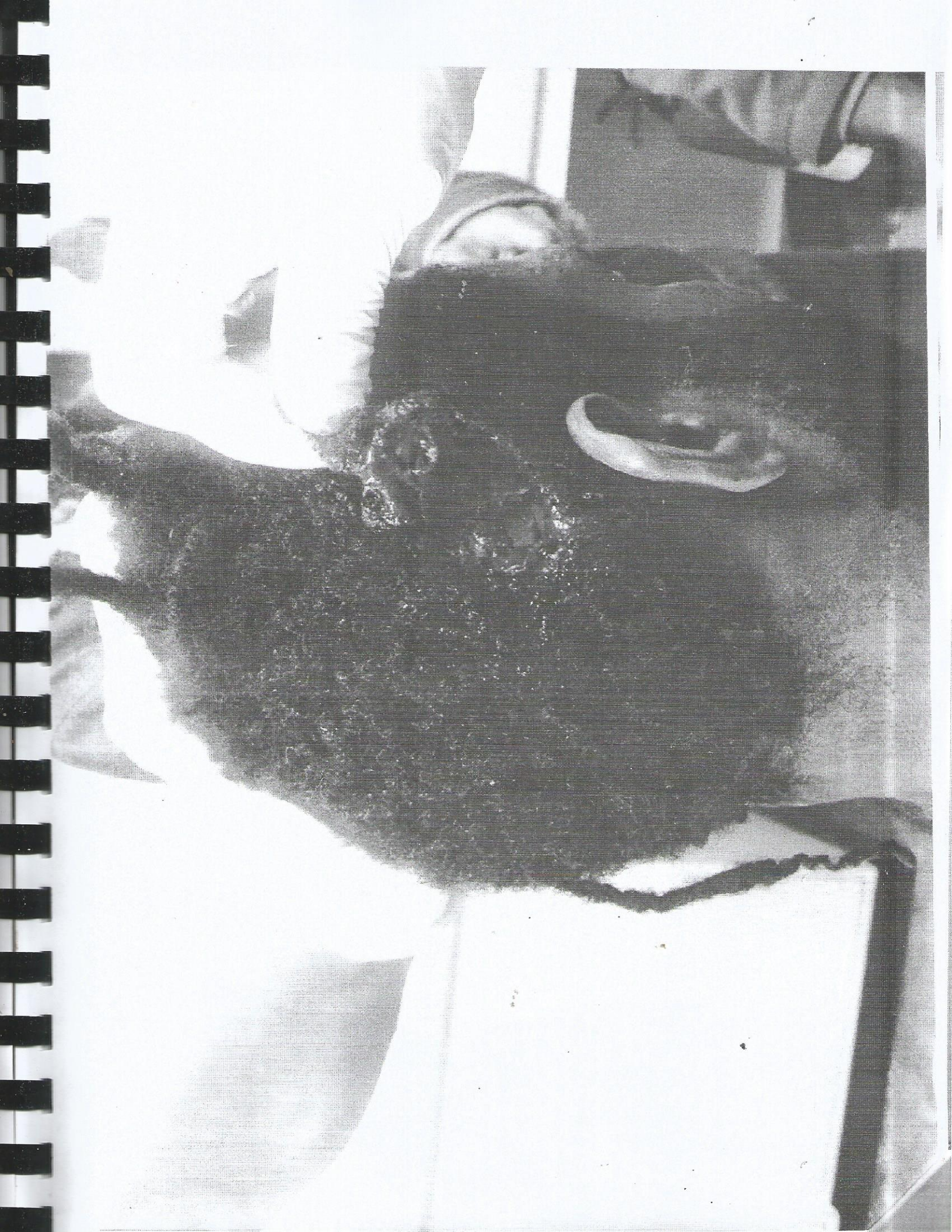
(Signature of person giving notice)

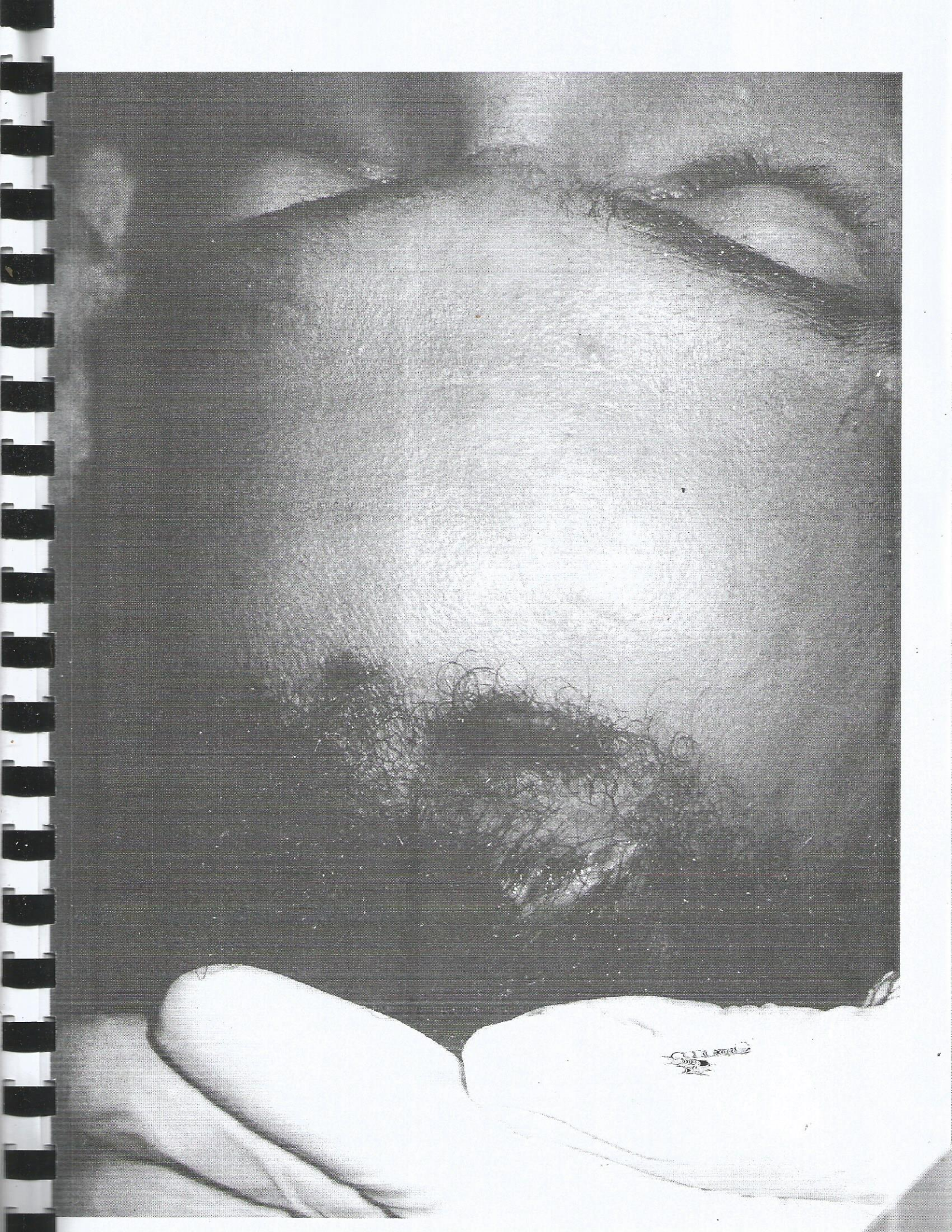
Other details: The deceased is believed to be an illegal miner and died inside the mine where his head was believed to be smashed on rocks.

[Signature]
CORONER DISTRICT COURT
LAQUINT KOKO











murder suspects caught

in the legs by the police high-patrol unit at Gerehu when trying to escape.

Central provincial police commander Liamo Asi said the arrested after two other suspects of same murder case were apprehended at the Roburuga market. Police apprehended these two

suspects at around 3pm last Thursday, who were both in possession of marijuana and live ammunition," Asi said.

"They were brought in for questioning in the night and this led to the information of the whereabouts of our prime suspect."

Asi said police acted quickly on

the information given and raided the place where the suspects were hiding but two others escaped.

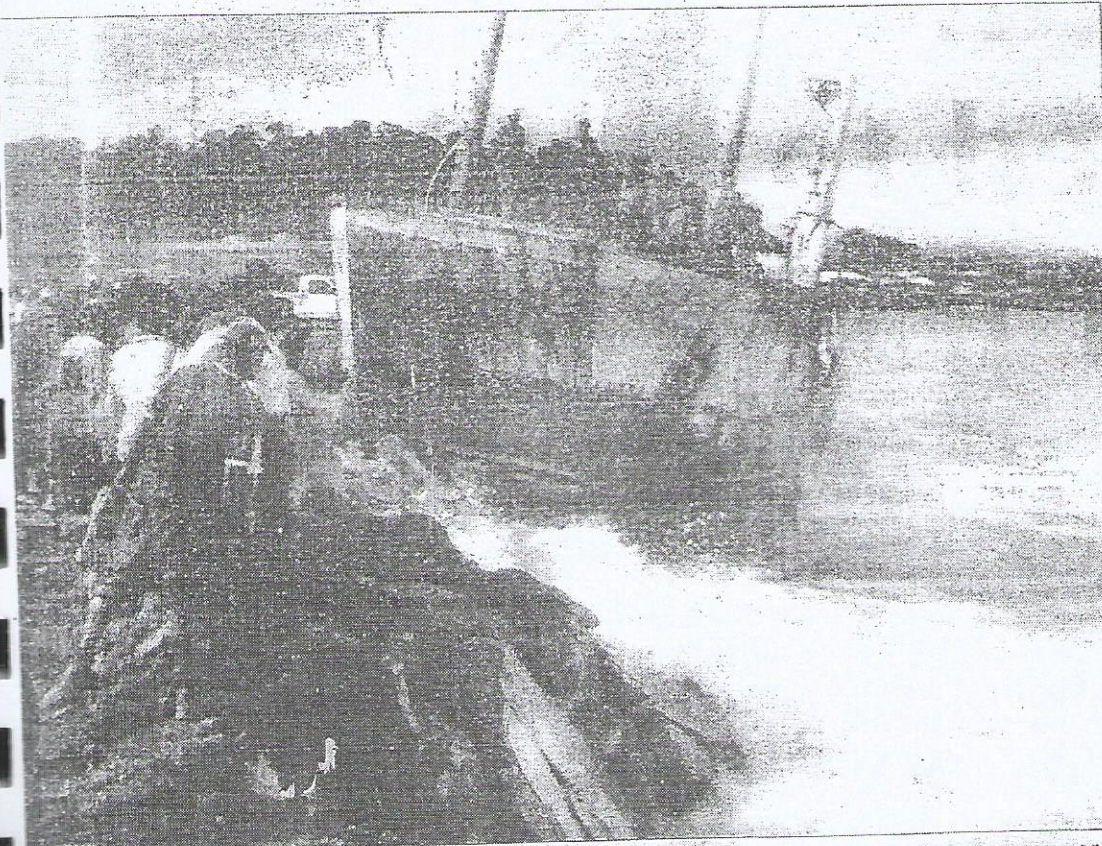
He added the five suspects were on the run for almost two months after the killing.

"I am appealing to the rest of the gang members to surrender because the people of Central will give in-

formation on your whereabouts," Asi said.

"You will not escape because you've murdered a servant of God; one way or another, the long arm of law will catch up with you."

Asi thanked people who gave information on the suspects and commended his officers for their efforts.



made Beach to help search for a Grade Eight student who was swept away by waves while out swimming with

after swimming trip with friends

omb the beach front.

The search started from Stew-Park with parents, police, provincial disaster officials and concerned public members to Esade and DCA, ending at the elle company wharf late Saturday evening.

The student is believed to be 12-years old and attended St. Mary's Primary School at Eriku, Lae.

According to two witnesses, the deceased and a friend were unfortunately swept out to open sea by currents while negotiating from

the wrecked *mv Kuanua*.

The friend swam ashore while another friend swam out to rescue the deceased but failed.

The boy's corpse was recovered around 7am yesterday and taken to the Angau Memorial Hospital morgue.

Illegal miner falls to his death

A MAN was found dead in a pit at the Porgera mine, in Enga, last Monday.

Police were informed of the incident by the Porgera Joint Venture's asset protection department after the body was removed to the mine medical centre that night.

The deceased was identified as Wasato Kaipas, 26, from Tipip village, in Kandep district, Enga.

It is alleged the deceased, an illegal miner, fell about 100 metres from a stock pile while trying to escape.

Police and PJV investigators visited the scene the next day and discovered bloodstains on rocks.

He sustained injuries to his head.

The body is now at the Paiam Hospital morgue awaiting a post-mortem examination to determine the cause of death.

Provincial police commander Chief Supt Norman Kambo is appealing to the relatives of the deceased to let police investigate circumstances surrounding his death.

He warned people who continued to enter the mine pit illegally that they would be arrested and charged.

faces K10.5m fraud charge against duo

the prosecution advised the they would not proceed with

charges. Natto and Heno were accused of misusing Infrastructure

dence did not show the dishonest intention of both accused to receive money and misappropriate the pro-

bank account since 2012, pending the court proceedings OS No. 647 of 2010.

ROYAL PAPUA NEW GUINEA CONSTABULARY

General Complaint Statement

Name: Iminj Kaipas
Village: Titip
S/Prov: Kandep
Provin: Enga

Date: 25/07/14
Age: 42 years

I Iminj Kaipas, elder brother of the deceased, Late Wasato Kaipas of Titip Village, Kandep District, Enga Province would like to bring the following complaint to the Porgera Collout Operations Command (Police and Defence), Porgera Police Personnel, Barrick's Security Police Personnel and Barrick Gold Cooperation's Management – Operator of the Porgera Gold Mine on the shooting to death of Wasato Kaipas.

Late Wasato Kaipas is originally from Kandep and migrated to Porgera and lived at Porgera for more than ten (10) years at Aumbi Village. He had no employment and had to be a illegal miner for survival.

I would like to lodge this complaints on the following grounds.

1. Late Wasato Kaipas, a illegal miner has died at the Porgera Mine Site on the 14th July, 2014 at around 8.00 pm from a single gunshot to his head. There were no other bruises to his body as proven by the autopsy report. Even photographs of the dead body proves this. Please find photographs and autopsy report attached.
2. There were threats being issued by the Police personnel to me from viewing deceased body and gave out warnings stating that any funerals being held around Porgera Valley will be dealt with and their homes torched.
3. I just took the body out from the hospital morgue on Wednesday (16th July) morning at 4.00am and took it to Kandep for burial. I buried him on Thursday, 17th July 2014. It costed me more than K10 000.00 to pay for his morgue fee, coffin box, autopsy report fee, vehicle hire and other funeral expenses
4. I was wondering how a deliberately shot person was just being buried without really proving the reason behind.
5. This deceased illegal miner was not armed what so ever but he was just shot at when he was trying to run away and he tragically lost his life with a bullet.
6. There was a media report on Monday, 21st July 2014, The National news paper reported on page 4 that "Illegal Miner falls to his Death" and identified to as Wasato Kaipas. It has reported that he has fallen a 100 meter high rock and died. As proven from the autopsy report and photographs of the deceased's body that he died from a single gunshot. He had no bruises to his body. He also had no broken bones. There are also no 100 meter rocks at the mine site. If a person falls 100 meters, then his bones and body should be smashed.
7. The Police have gone ahead to give falls reports on the media which is not true. A life was lost and the Police have felt as if it was an animal giving false information and covering it up.
8. Also the police had no proper incident report on the death even from the mine management.
9. Does the Mining Company, Barrick has proper Mining regulations on SML areas?
10. Does it have rights to shot human beings like animals.
11. There should be a proper report tabled so that all parties can understand and those responsible can be brought to justice

I Iminj Kaipas certify that this statement is true to the best foamy knowledge and belief. I make it knowing that if it is tendered in evidence, I will be liable to prosecutions if I have knowingly stated anything that is false and misleading in any particular.

Dipar

.....
Iminj Kaipas – Deceased Brother

Deponent

ROYAL PAPUA NEW GUINEA CONSTABULARY

Witness Statement

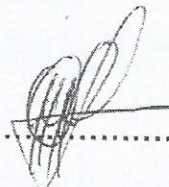
Name: Gedion Moses
Village: Titip
S/Prov: Kandep
Provin: Enga

Date: 25/07/14
Age: 23 years

Gedion Moses is a dumb (a person who is unable to speak). He is the eye witness whom he was together with Late Wasato Kaipas when he was shot at. He surrendered and the security personnel took him to their lockups and locked him near some security dogs and released him the next day realising him that he was dumb.

Through his actions, he actioned and proved that Late Wasato Kaipas was shot and he surrendered.

I Gedion Moses certify that this statement is true to the best foamy knowledge and belief. I make it knowing that if it is tendered in evidence, I will be liable to prosecutions if I have knowingly stated anything that is false and misleading in any particular.



Deponent

ROYAL PAPUA NEW GUINEA CONSTABULARY

Witness Statement

Name: Win Nyata
Village: Titip
S/Prov: Kandep
Provin: Enga

Date: 25/07/14
Age: 26 years

States that on a Monday the 14th of April, 2014 at 7:00pm, I was last person from the team of four to jump over the fence at Kulapi No. 4 Village. I saw from the powerful security lights that there were security vehicles parked near the sag mill and two security personnel were near the vehicles on the road. From the mill and administration side of the road, two guards were walking towards SP 33.

I hid behind the rocks near the creek and heard a gunshot near SP 33. Its about 150meters away from where I was hiding.

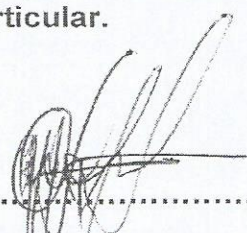
I ran back and watched from Kulapi No. 4 Village that a vehicle (white ten seater) left from SP 33. There were many security vehicles gathering giving emergency lights and driving towards the mill and Main Company Administration.

When I contacted on Late Wasato's mobile phone, a security was holding the phone and answered that he was shot dead and his body was taken to the hospital morgue.

When I came to check out at the hospital morgue at 1.00 am, the hospital guards confirmed that his body was there.

In the morning, I went to wash his body and dress him up, I proved that he had a gunshot on the head and had died from it.

I Win Nyata certify that this statement is true to the best foamy knowledge and belief. I make it knowing that if it is tendered in evidence, I will be liable to prosecutions if I have knowingly stated anything that is false and misleading in any particular.


.....
Deponent

ROYAL PAPUA NEW GUINEA CONSTABULARY

Witness Statement

Name: Amos Mathew
Village: Titip
S/Prov: Kandep
Provin: Enga

Date: 25/07/14
Age: 24 years

States that on a Monday the 14th of April, 2014 at 7:00pm Win Nyata, Gedion Moses, Late Wasato Kaipas and I planned to look for gold at the open pit mine in the night. I went in first jumping over the fence at Kulapi No.4 Village crossed SP 33 and waited on the other side of the road.

While waiting I saw five (5) security personnel walking on the road where I was hiding. I identified them as members of the Mine Security Police (Code Named Romeo 1). This was under the very powerful lights there and their identity was clear. Two of the security was located towards the open pit mine, one was located straight across the small bush near SP 33 and two were walking up on the road from the main mill road.

At the same time I saw Gideon Moses and Late Wasato Kaipas coming through the small pit grasses at the edge of SP33.

The two boys saw the security personnel and hid behind the small pit bushes.

The security personnel already saw them and the two that were walking from the main mill side already closed in.

Seeing this, Wasato Kaipas tried to run away towards the pile of crushed cement mix gravel on the other side of the road. One of the guards lifted his gun and shot him at point blank and Wasato Kaipas fell down around 8:00pm.

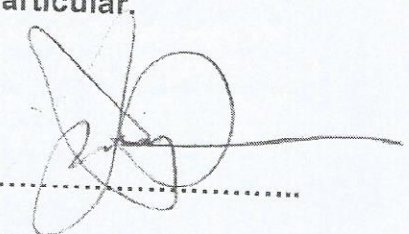
When Wasato Kaipas was shot, I saw Gideon Moses surrender. Just after a few moments, the Mine Security Police vehicles arrived (two blue and one white 10 seater troop carrier).

The white ten seater took Gideon away. Then three police ten seaters arrived (1 blue and two white) joined in. These three vehicles had police from the Porgera Callout Operations. There were five ten seaters in total and more security and police personnel so I lied down as not to be identified.

Later when I looked hearing the movement of the vehicles, I saw all the vehicles conveying towards the Main Company Administration.

I came the next day to the hospital morgue and found his body with the gunshot on his head only. There were no other bruises to his body.

I Amos Mathew certify that this statement is true to the best foamy knowledge and belief. I make it knowing that if it is tendered in evidence, I will be liable to prosecutions if I have knowingly stated anything that is false and misleading in any particular.


.....
Deponent



PAPUA NEW GUINEA

STATUTORY DECLARATION

I, (a) Iminj Kaipas of Titip, Village Lower Wage, Kandep District, Enga Province

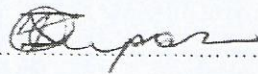
Do solemnly and sincerely declare that (b)

1. I am the biological brother of Late Wasato Kaipas.
2. Late Wasato Kaipas was wilfully shot dead by PJV Hired **“Call Out Operations”** (Soldiers and Mobile Police combined operations) and **PJV Security Guards** at **Porgera Mine Site Stock Pile 33**, Porgera Enga Province on the 24th July, 2014.
3. All Medical Report, coroner’s report, Police CID report and even false media reports, other statements and other supporting documents are filed with ATA.
4. I am a duly registered member of Akali Tange Association Inc.
5. **Akali Tange Association Inc (ATA)** is an Association duly incorporated under the Association Incorporations Acts of Papua New Guinea and having its registered office located at Lower Yanz Kona, Porgera District, Enga Province Papua New Guinea.
6. **I am desirous to delegate my Exclusive Authority** to Akali Tange Association Inc on pursuing the matter to seek monetary compensation from Barrick’s Porgera Joint Venture and others solely for the purpose of compensation of my biological brother Late Wasato Kaipas.
7. With due consideration of the amount of work, time and resources that will be committed to pursue the matter, seeking compensation and Justice, I, do **hereby forever completely Delegate Authority to Akali Tange Association Inc and its Special Compensation Working Committee to represent myself.**
8. I, do forever completely Authorize the **Special Compensation Working Committee of the Akali Tange Association Inc** to make claims and take action at a court of Law, and appear as principle witnesses and enter into negotiations all solely for the purpose to obtain equitable rates of compensation for unwarranted death.
9. In acknowledgement of clause 7 and 8 **Akali Tange Association Inc through the Special Compensation Working Committee** will act in accordance with exclusive authority delegated to further negotiate for and on my behalf of how much to be compensated by Barrick Niugini Limited as redress compensation and remedy payment.


10. I, do further acknowledge that this Statutory Declaration be pleaded as a bar to any acts, claims demands and whatsoever and howsoever brought by any other on my behalf and howsoever arising out of the fact surrounding the **DEATH OF LATE WASATO KAIPAS** whereas except only Akali Tange Association Inc is empowered with the exclusive Authority to do so.

And I make this solemn declaration by the virtue of the Oaths, Affirmations and Statutory Declarations Acts 1962 conscientiously believing the statements contained therein to be true in every particular.

Declared at **PORGERA**)
the 7TH day of)
DECEMBER 2015)

c) )
Name: Iminj Kaipas (Mr)
Claimant

d) sign before me


.....
Commissioner of Oaths



- a) Here insert name, address and occupation of person making declaration.
- b) Here insert the matter declared to, where the matter is long it should be set out in numbered paragraph
- c) Signature of person who is making the declaration.
- d) Signature of person whom the declaration is made.

Note: Any person who wilfully makes a false statement in a Statement of Claim is guilty of an indictable offence, and may be liable to penalties under the law, including imprisonment.

ATA CLIENT'S BIO-DATA

1. CLIENT'S PERSONAL DETAILS

Surname:	Kaipas	Given Name:	David
Sex:	MALE	Age:	42
Height:	168CM	Weight:	75 KG
Marital Status:	MARRIED	Place of Birth:	Tipit
No; OF DEPENDANTS	4	OCCUPATION:	SELF EMPLOYER
District:	Kandep	Province:	Enga
Nationality	PNG	Religion:	CATHOLIC



2. CONTACT DETAILS

Postal Address:

C/ AKALI TANGE ASSOCIATION INC
P.O. BOX 100,
PORGERA
ENGA PROVINCE

Phone No: 71886426

Email: Nil

3. SPECIFICATION OF THE CLIENT

<input checked="" type="checkbox"/> CUSTODIAN	<input type="checkbox"/> VICTIM <i>(Please refer to Client's Personal Details above.)</i>
3.1. VICTIM'S PARTICULARS	
NAME OF THE VICTIM: <u>Wasato Kaipas</u>	
DEATH / INJURY DATE: <u>14th July, 2014</u>	
SEX: <u>Male</u>	
AGE: <u>26</u>	
PLACE OF BIRTH: <u>Titip</u>	
TRIBE, CLAN & SUB-CLAN: <u>Pakait</u>	
DISTRICT & PROVINCE: <u>Kandep Enga Province</u>	

4. NATURE OF INCIDENT

4.1. CUSTODIAN OF A:		4.2. VICTIM:
<input checked="" type="checkbox"/> DECEASED - SHOT BY PJV'S SECURITY OFFICERS	<input type="checkbox"/>	INJURY SUSTAINED THRU UNLAWFUL SHOOTING
<input type="checkbox"/> DECEASED - FALLEN FROM PIT BENCHES @ PJV MINE SITE	<input type="checkbox"/>	INJURED SUSTAINED THRU CHEMICAL BURNS
<input type="checkbox"/> DECEASED - CHEMICAL BURNS	<input type="checkbox"/>	INJURY SUSTAINED THRU PHYSICALL ASSAULT
<input type="checkbox"/> DECEASED - DROWN THRU PJV'S TAILINGS	<input type="checkbox"/>	INJURY SUSTAINED THRU SECURITY CHASE

<input type="checkbox"/>	INJURY - SHOT BY PJV SECURITY OFFICERS	<input type="checkbox"/>	RAPE & SEXUAL ASSAULT - PREVIOUSLY COVERED UNDER PRFA
<input type="checkbox"/>	INJURY - FALLEN FROM P.I.T BENCHES @ PJV MINE SITE	<input type="checkbox"/>	RAPE & SEXUAL ASSAULT - MISSED OUTS
<input type="checkbox"/>	INJURY - CHEMICAL BURNS	<input type="checkbox"/>	INJURY SUSTAINED THRU DROWING (TAILINGS)
<input type="checkbox"/>	INJURY - PHYSICAL ASSAULT	<input type="checkbox"/>	KIDNAPPING & ILLEGAL DETENTIONS
<input type="checkbox"/>	FORCE EVICTIONS	<input type="checkbox"/>	OTHERS:
<input type="checkbox"/>	OTHERS:		

5. CLAIMANT/VICTIM'S DEPENDANTS DETAILS

Nos.	NAME	RELATIONSHIP	AGE	OCCUPATION	REMARKS
1	Norlin David	wife	adult	SELF EMPLOYED	
2	Felix David	SON	7	prep - elementary	
3	Mendo David	daughter	5	prep - elementary	
4	Kitti David	daughter	3	prep - elementary	
5					
6					
7					
8					
9					

6. ASSOCIATED SUFFERINGS & LOSSES

- 6.1. EDUCATION YES NO
- 6.2. HEALTH YES NO
- 6.3. FAMILY OBLIGATIONS YES NO
- 6.4. CLOTHINGS, FOOD & SHELTER YES NO
- 6.5. BUSINESS YES NO

I, MR David Kaipas
KNOWLEDGE & UNDERSTAND.

HEREBY STATE THAT THE SAID INFORMATION IS TRUE TO THE BEST OF MY

SIGNATURE

DATE

[Handwritten Signature]

15 / 09 / 15

OFFICE USE ONLY:

NAME OF REGISTRAR: McD Ryan YARRI

POSITION: EXECUTIVE OFFICER

SIGNATURE: *[Handwritten Signature]*

DATE: 15 / 09 / 15

AKALI ANGE ASSOCIATION INC.

(ANNEX ATTA-STAMP HERE)

COMMON SEAL



David Kaipas
c/Akali Tange Association
P.O Box 100
Porgera
Enga Province

18th August, 2018

TO WHOM IT MAY CONCERN

Dear Sir/Madam

Re: Cost Reimbursement Advice – Late Wasato Kaipas

In reference to above, Late Wasato Kaipas was shot to death in the open pit mine by the armed PJV hired police on the 14th of July 2014.

Late Wasato Kaipas was not armed; he was panning for gold in the open pit as usual to provide food for his family while being shot unlawfully.

Due to this unforeseen circumstance, his relatives have incurred sufficient losses, both cash and kind. Hence, should there be any possibilities of remedies being provided by the causer of his death, the costs incurred must be reimbursed before considering remedy.

Please find attached is the Cost Advise Sheet.

Forwarding for deliberations and actions.

Sincerely yours,



.....
Mr. David Kaipas
Custodian



PORGERA HOSPITAL

P.O. BOX 484, MOUNT HAGEN, W.H.P; Papua New Guinea

Office Phone: (675) 547 6611/(675) 547 6004

Home Phone: 675 547 6019; PJV Ext : 1021

Facsimile: (675) 547 6003; Mobile Ph # 73413759

E-Mail: mgranada@online.net.pg

08/04/13

MEDICAL REPORT

Dickson Aulo, a resident of Paiam Village Porgera District, Enga Province was brought to this hospital due to Open Fire from the **security Gun Men** and he was targeted but slidely mist and hit him on the head left side. The incident has happened at about 6pm on the 9th of March 2013 and was thrown to the side of road at Kulapi Gate. The patient was actively bleeding from the head wound and was recovered and stabilized by clinic staff.

Physical examination: Patient was drowsy and irritable. Was under the influence of the alcohol, very pale and slightly dehydrate though stable.

BP=110/70; PR=72/min; RR=24/min; Temperature=36.5 degree celsius.

Head= Deep wound to the left side of the head through the scalp from the left parietal to the temporal just anterior to the left ear measuring 18 cm with a skull fracture and extensive brain injury.

Skull x-ray showed a linear skull fracture with depression of the inner-table and embedded to the brain tissue. Patient was put on antibiotics and wound was cleans and dressed.

On the 13/03/013 craniotomy and extensive brain debridement was done. Patient was stable in the ward but episodes of obtunded sensorioum occur. Also patient is complaining of headache which was ON and OFF. Has no lost of neurologic function on the extremities.

Diagnosis: Gun shoot injury to the head left lateral involving the parietal and temporal just anterior to the left ear with scalp laceration and extensive skull fracture and brain injury

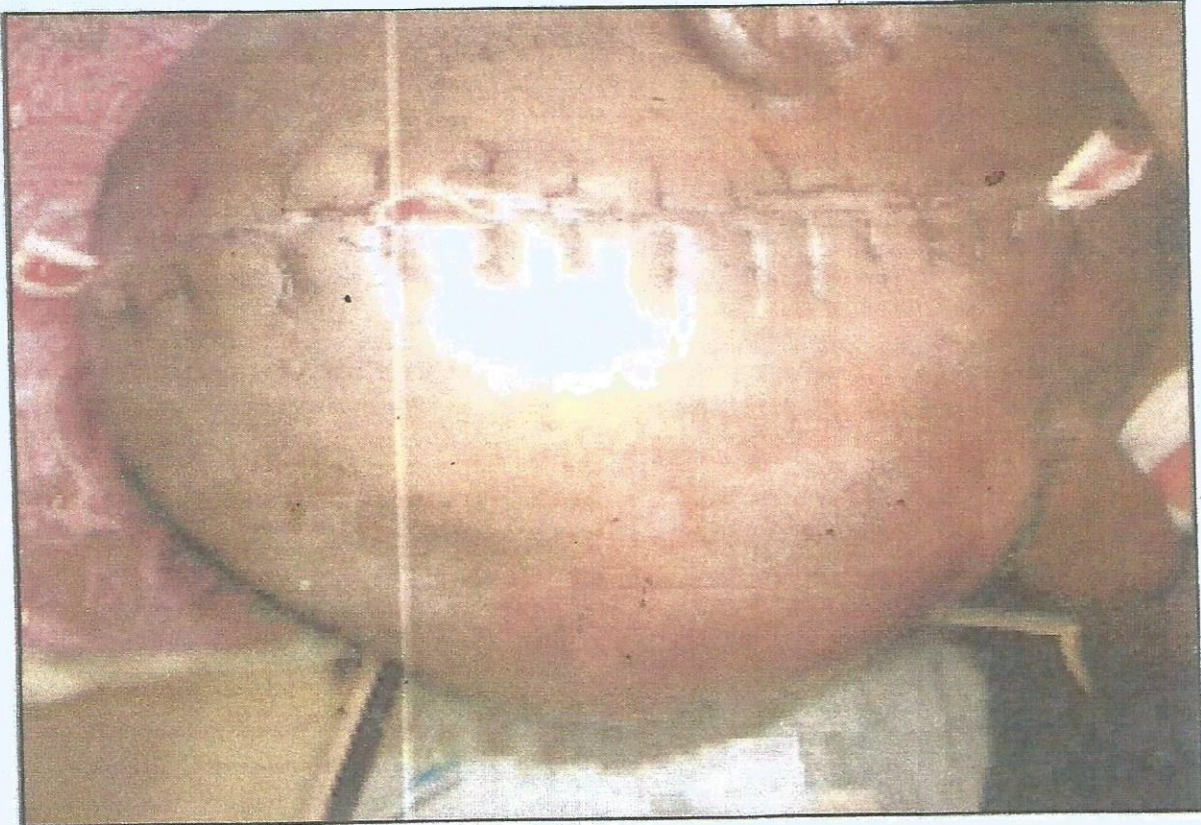
REMARK: Patient needs a frequent follow up and if possible for CT scanning at Pacific International hospital to determine the extent of brain damage.

Dr. Moises V. Granada, MD., FICS
Physician-Surgeon

①



②





ROYAL PAPUA NEW GUINEA CONSTABULARY

Telephone: (+675) 5476826
Fax: (+675) 5476826

CID Section
Police Station Porgera
PORGERA
Enga Province

28th October 2015

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

RE: REPORT ON GUN SHOT INJURY AT MINE SITE – VICTIM MR DICKSON AULO (M)

Refer to above reference.

Alleged offence of grievous bodily harm was committed on 09th March, 2013 at about 6pm at the Mine Site Open Pit here at Porgera Golden valley in the Enga province.

It has been reported to police by relatives of victim on the 12th March, 2013. Suspects are the security guards with police mobile squads deployed to Porgera area to minimize law and order situation here at Porgera. Victim was among others doing alluvial mining within open pit when guards fired gun shot to dispatch them when landed on victim's left side head.

As a result victim sustained head injury and he was taken to the hospital here at Paiam. Police visited victim at Paiam hospital to establish evidences but he was unable to talk so police allow victim to complete his medication.

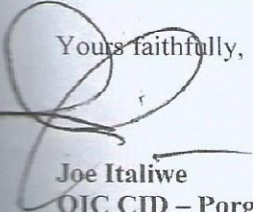
Victim reported to police after obtaining medical report from Paiam hospital. Police had done initial police basic paper work but cannot investigate matter deeply due to Company policy that does not allow local policemen detectives to enter no go zone so police advise victim proceed civilly by way of civil summons at the National Court.

Up till this year 2015 victim requested police report from CID, so police provide to him this report to confirm that he did sustain injuries to his head and victim's relatives did report this incident to police here at Porgera. Local police here at Porgera cannot conduct investigation because of company's policy not to allow any person to enter their no go zone.

If any doubt arises do not hesitate to contact me on phone 547 2686/71922803.

Submit to your office for your information only.

Yours faithfully,


Joe Italiwe
OIC CID – Porgera
Enga province.

2. Beatings/Injury

3. Rape



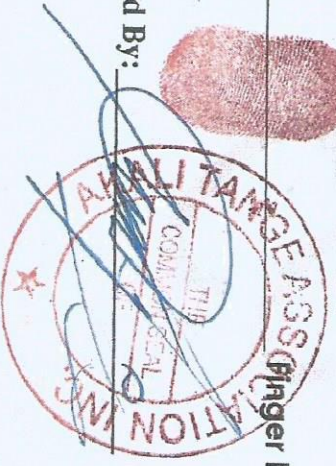
RAPE - COVER PAGE FOR Betty Las Kando

Client Serial Number	Client Name	Status	File in folder
024	Betty Las Kando	Assaulted and Gang Raped by PJV Security personals at Anawe Erodible Waste Dump.	<input checked="" type="checkbox"/> Brief Statement <input checked="" type="checkbox"/> Statement of Facts <input checked="" type="checkbox"/> Medical Report <input type="checkbox"/> Police Report <input checked="" type="checkbox"/> Statement of claim <input type="checkbox"/> Delegation of Authority <input type="checkbox"/> Other Claims

Name: Mrs Betty Las Kando

SIGN: _____ (Finger Print)

Recommended By: _____



Approved By PJV or Barrick Management _____

Statement of Facts

I, Betty Las Kandu, of Wambul Village, Tambul District, Western Highlands Province do solemnly and sincerely declare that:

- I am from Tambul, in Western Highlands Province but has lived in Porgera since 2004. I am betel nut seller at Porgera and used to live at Yanzkona, Porgera.
- It was on Saturday, of January 2006, Nancy David Ako, Cathy Mark and I went to Anawe Dump as I wanted to sell my betel nuts and smoke at the dump site.
- While at Anawe Dump Site at around 1: 00pm we heard a gunshot fired towards where we were heading. From there we changed our directions walked back to our home village. To our surprise we were surrounded by heavily armed security personnel and police personnel.
- They shouted at us and said, "rausim dress bilong ol na ass nating wokaubaut" meaning, "undress them and they go naked". All of a sudden a tall security officer pointed his high powered gun right at us that we trembled to the ground.
- While the tall security was pointing is gun at us, three security officers that were without guns but with huge big sticks started to hit me and my other colleagues. I was hit with a huge stick at my right leg and I felt down on the ground. While on the ground, I was booted with steel capped boots till I was unconscious.
- While I was laying unconsciously on the ground, one of the security personal grabbed me, broke my clothes, removed my under wears and raped me. I was also told to suck his penis which I did as I had no choice. The other two women were taken away and raped as well. After the rape, we went home pretending that nothing had happened.
- Next day in the morning, we went to our home district at Tambul, WHP and reported the matter to Tambul Police Station and later went to Tambul Health Center to get medical treatment and after thorough examinations we were later discharged with medical supplies.
- Latterly, my husband was told that I was raped by PJV Security Personals and he started to ignore me and left me with my five children. I am now feeling life very hard to support and sustain my children's lives as well as myself.
- Even to date, when people whisper amongst themselves, I used to feel uneasy as I used to think that they are talking at the back of me regarding this freak incident. Though, my

rape incident was some 10 years ago, I still being traumatized every seconds and minutes of my life.

- I am therefore demanding PJV to fully compensate me and provide me with proper trauma counselling.

I belief that the statement stated above are true to the best of my knowledge and understanding.



Betty Las Kandu
Victim



"Accountability for Quality Health Services"

OFFICE OF THE DIRECTOR PUBLIC HEALTH

Mobile: 675 70315194
Email: norman.vakore@whhs.gov.pg
Web: www.whhs.gov.pg

P. O. Box 36, Mt Hagen, 281
Western Highlands Province, PNG
Phone: 675 542 1166 / 2491/2496
Fax: 675 542 1445 / 542 2127

Police case
Paul Panowa
Tambul Rural Police station

Our Ref: ...37...../15
Medical report

Personnel Details

Name: BETY LAS	Sex Female	Age 35	Village WAMBUL	District Tambul. WHP
Report type Police Case	Our Ref 37/15	Report By John Nia		

Complaints.

The above patient was assaulted at Pogera Mine site and sustained injuries to her body with complaints of forced sexual penetration.

On arrival.

Patient was in generalized pain but stable.

Local examination

Face :Swollen, torn lips

- Fracture upper incisors (Rt&Lft)

(Lft) Ankle joint

- Laceration 10cm length

Spinal/Back

- Discoloration

Treatments

- Mouth: Advised saline mouth wash daily, amoxicillin 500mg 8/24, Paracetamol 1000mg 8/24, ttox 0.5ml stat, Crystapen 2cc stat.
- Left leg: Suture with silk under LA x 10 stiches

Forced Sexual Penetration.

Assessment of the patient was complicated since the patient had already changed her cloths, washed and the fact that she was married.



"Accountability for Quality Health Services"

OFFICE OF THE DIRECTOR PUBLIC HEALTH

Mobile: 675 70315194
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Web: www.whhs.gov.pg

P. O. Box 36, Mt Hagen, 281
Western Highlands Province, PNG
Phone: 675 542 1166 / 2491/2496
Fax: 675 542 1445 / 542 2127

- Eugynon 2 tabs stat
- Gon pack to both partners.

Final comments.

Police at Mt Hagen referred the patient back to Pogera or Tambul for medical report and OB entry. The patient was under enormous stress to get all the proper medical documents done properly and as such have incomplete laboratory report for the forced sexual penetration i.e. vaginal swab for semen analysis.

This report represent the events that transpired in January 2006.

Thank You

John Nia

Dip HEO, DCO MH UPNG, Dip IE Japan, Dip MTL Japan, Hon JATA Japan





ROYAL PAPUA NEW GUINEA CONSTABULARY

Telephone: 542 1222
Facsimile : 542 1451

Police Station
P O Box 346
MT. HAGEN
Western Highlands Province

15/7/15

To : Whom it May Concern

Subject: POLICE STATEMENT - 1 .MS CATHY MARK 15 YEARS 2. MS NANCY DAVID AKO –
FEMALE 36 YEARS 3.MS BETY LAS – FEMALE 35 YEARS .

This is to confirm that the above three female complainants, approached me in January 2006 on a Sunday as being assaulted, insulted, threatened and raped by some police personnel and security personnel at the Pogera mine site.

The three complainants were referred to Tambul Rural Hospital for medical check, treatment and care.

Thank You

Faithfully Yours

A handwritten signature in black ink, appearing to read 'Paul Panowa', written over a large, circular scribble.

Constable. Paul Panowa – Rank 01657
PSC – Tambul Nebilyer District



PAPUA NEW GUINEA

STATUTORY DECLARATION

I, (a) *Betty Las Kando*, of *Wambul Village, Tambul District, Western Highlands Province*

Do solemnly and sincerely declare that (b)

1. I was gang raped by Porgera Joint Venture security guards at Anawe Erodible Waste Dump site sometimes January 2006.
2. My Medical Reports and other supporting documents are filled with Akali Tange Association Inc.
3. I am a duly registered member of Akali Tange Association Inc.
4. **Akali Tange Association Inc. (ATA)** is an Association duly incorporated under the Association Incorporations Acts of Papua New Guinea and having its registered office located at Lower Yanz Kona, Porgera District, and Enga Province Papua New Guinea.
5. **I am desirous to delegate my Exclusive Authority** to Akali Tange Association Inc. on pursuing the matter to seek monetary compensation from Barrick's Porgera Joint Venture and others solely for the purpose of *compensation to my physical and psychological injuries/trauma and rape.*
6. With due consideration of the amount of work, time and resources that will be committed to pursue the matter, seeking compensation and Justice, I, do **hereby forever completely Delegate Authority to Akali Tange Association Inc. and its Special Compensation Working Committee to represent myself.**
7. I, do forever completely Authorize the **Special Compensation Working Committee of the Akali Tange Association Inc.** to make claims and take action at a court of Law, and appear as principle witnesses and enter into negotiations all solely for the purpose to obtain equitable rates of compensation for the unwarranted injuries whilst being *gang raped.*
8. In acknowledgement of clause 6, and 7, **Akali Tange Association Inc. through the Special Compensation Working Committee** will act in accordance with exclusive authority delegated to further negotiate for and on my behalf of how much to be compensated by Barrick Niugini Limited as compensation payment from the Porgera joint venture and others.
9. *I, do* further acknowledge that this Statutory Declaration be pleaded as a bar to any acts, claims demands and whatsoever and howsoever brought by any other on my behalf and howsoever arising out of the fact surrounding the **INJURY TO MYSELF**

whereas except only Akali Tange Association Inc. is empowered with the exclusive Authority to do so.

And I make this solemn declaration by the virtue of the Oaths, Affirmations and Statutory Declaration Acts 1962 conscientiously believing the statements contained therein to be true in every particular.

Declared at **PORGERA**)
the *03rd* day of)
December 2015)



c)
Name: *Betty Las Kando*
Claimant

d) sign before me

[Handwritten Signature]
.....
Commissioner of Oaths



- a) Here insert name, address and occupation of person making declaration.
- b) Here insert the matter declared to, where the matter is long it should be set out in numbered paragraph
- c) Signature of person who is making the declaration.
- d) Signature of person whom the declaration is made.

Note: Any person who wilfully makes a false statement in a Statement of Claim is guilty of an indictable offence, and may be liable to penalties under the law, including imprisonment.

Betty Las Kando
C/Akali Tange Association
P.O Box 100
Porgera,
Enga Province

18th August, 2018

TO WHOM IT MAY CONCERN

Dear Sir/Madam

Re: Cost Reimbursement Advice – Betty Las Kando

In reference to above, Betty Las Kando she was ganged raped by the PJV security officers at Anawe Erodible dump site sometimes on January 2006.

Medical reports were obtained from Western Highlands Provincial Health.

Due to this unforeseen circumstance, his relatives have incurred sufficient losses, both cash and kind. Hence, should there be any possibilities of remedies being provided by the causer of her rape, the costs incurred must be reimbursed before considering remedy.

Please find attached is the Cost Advise Sheet.

Forwarding for deliberations and actions.

Sincerely yours,


.....
Mrs. Betty Las Kando
Victim

Betty Las Kando's BIO-DATA



1. Betty Las Kando's PERSONAL DETAILS

Surname:	Las Kando	Given Name:	Betty
Sex:	Female	Age:	35
Height:	164cm	Weight:	72Kg
Marital Status:	Married	Place of Birth:	Wambul
No; OF DEPENDANTS	4	OCCUPATION:	Self-Employed
District:	Tambul	Province:	W.H.P
Nationality	PNG	Religion:	SDA

2. CONTACT DETAILS

Postal Address: c/Akali Tahge
P.O Box 100
Poregra, ENGA Province
PNG

Phone No: _____ Email: mill

3. SPECIFICATION OF THE CLIENT

<input type="checkbox"/> CUSTODIAN	<input type="checkbox"/> VICTIM
<p><i>(Please refer to Client's Personal Details above.)</i></p>	
<p>3.1. VICTIM'S PARTICULARS</p>	
<p>NAME OF THE VICTIM: <u>Betty Las Kando</u></p>	
<p>DEATH /INJURY DATE: <u>January, 2006</u></p>	
<p>SEX: <u>Female</u></p>	
<p>AGE: <u>35</u></p>	
<p>PLACE OF BIRTH: <u>Wambul</u></p>	
<p>TRIBE, CLAN & SUB-CLAN: <u>Kalge</u></p>	
<p>DISTRICT & PROVINCE: <u>Tambul, Western Highlands Province</u></p>	

4. NATURE OF INCIDENT

<p>4.1. CUSTODIAN OF A:</p>	<p>4.2. VICTIM:</p>
<input type="checkbox"/> DECEASED - SHOT BY PJV'S SECURITY OFFICERS	<input type="checkbox"/> INJURY SUSTAINED THRU UNLAWFUL SHOOTING
<input type="checkbox"/> DECEASED - FALLEN FROM PIT BENCHES @ PJV MINE SITE	<input type="checkbox"/> INJURED SUSTAINED THRU CHEMICAL BURNS
<input type="checkbox"/> DECEASED - CHEMICAL BURNS	<input type="checkbox"/> INJURY SUSTAINED THRU PHYSICAL ASSAULT
<input type="checkbox"/> DECEASED - DROWN THRU PJV'S TAILINGS	<input type="checkbox"/> INJURY SUSTAINED THRU SECURITY CHASE
<input type="checkbox"/> INJURY - SHOT BY PJV SECURITY OFFICERS	<input type="checkbox"/> RAPE & SEXUAL ASSAULT - PREVIOUSLY COVERED UNDER PRFA

<input type="checkbox"/>	INJURY - FALLEN FROM PIT BENCHES @ PJV MINE SITE	<input checked="" type="checkbox"/>	RAPE & SEXUAL ASSAULT - MISSED OUTS
<input type="checkbox"/>	INJURY - CHEMICAL BURNS	<input type="checkbox"/>	INJURY SUSTAINED THRU DROWING (TAILINGS)
<input type="checkbox"/>	INJURY - PHYSICAL ASSAULT	<input type="checkbox"/>	KIDNAPPING & ILLEGAL DETENTIONS
<input type="checkbox"/>	FORCE EVICTIONS	<input type="checkbox"/>	OTHERS:
<input type="checkbox"/>	OTHERS:		

5. VICTIM'S DEPENDANTS DETAILS

Nos.	NAME	RELATIONSHIP	AGE (YRS)	OCCUPATION	REMARKS
1	Las Kando	Husband	adult	Subsistence farmer	
2	Joycii Las Kando	daughter	26	Student	
3	Jonah Las Kando	Son	22	Student	
4	Lili Las Kano	daughter	14	Student	
5					
6					
7					
8					
9					
10					
11					

6. ASSOCIATED SUFFERINGS & LOSSES


- 6.1. EDUCATION
 YES NO
- 6.2. HEALTH
 YES NO
- 6.3. FAMILY OBLIGATIONS
 YES NO
- 6.4. CLOTHINGS, FOOD & SHELTER
 YES NO
- 6.5. BUSINESS
 YES NO

I, Mrs Betty Las Kando _____ HEREBY STATE THAT THE SAID INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE & UNDERSTAND.



SIGNATURE _____

10 / 09 / 20 08
 DATE

OFFICE USE ONLY:	
NAME OF REGISTRAR:	<u>Jack To PA</u>
POSITION:	<u>ATA ADMIN OFFICER</u>
SIGNATURE:	
DATE:	<u>10 / 09 / 20 08</u>



4. Force Eviction

MERIAM MANGAPE'S STATEMENT OF CLAIMS – WINGIMA FORCE EVICTION 2009

I Mrs. Meriam Mangape, a female aged 35 of Wingima Village, Porgera Enga Province do hereby state the following:

1. I'm married to Mr. Nixon Koeke Mangape, former MP of Lagaip Porgera, Chairman of the PDA and the Chief Paramount Landowner of the Porgera Gold Mine and have six kids.
2. Since after our marriage in 1997, I have lived at Wingima Village.
3. I have built myself two Semi-Permanent Residential Houses with assistance from my husband.
4. It was sometimes in a morning of 2009, I woke up from my house when PJV hired PNG Police Mobil Squads have burnt down my house.
5. The burning down of my permanent residential building was during the first incident as there were other string of force evictions took place within the said village sometimes later too.
6. During the burning down of my dwelling houses, all our properties including my kids and other family members' were all burnt down.
7. After the incident, we took photos and have lodged our complains with the Porgera Landowner's Association (PLOA) and even went to the PJV's Community Affairs Department protesting but to no avail.
8. It was a nightmare and disaster to me and my family.
9. All my claims and valuation of the properties are attached below as Annexure.
10. I want the Company PJV to settle my claims which I'm lodging via ATA.
11. I now hereby delegate my Power of Attorney to ATA to pursue my claims on my behalf.

I hereby state that the above statements are true to the best of my knowledge and understandings.



.....
Mrs. Meriam Mangape
Claimant/Custodian

Annexure A

Mrs. Meriam Mangape's List of Properties Lost During Wingima Force Eviction in 2009

No	Particulars	No of Items	Cost/Items	Total Cost Lost
1	Semi-Permanent House	2	PGK 20,000.00	PGK 40,000.00
2	Beddings - Matteredess	12	PGK 200.00	PGK 2,400.00
3	Blankets	12	PGK 150.00	PGK 1,800.00
4	Bed Sheets	24	PGK 50.00	PGK 1,200.00
5	Pillow	24	PGK 20.00	PGK 480.00
6	Clothings - Myself			PGK -
7	Meri Blouse	20	PGK 50.00	PGK 1,000.00
8	Coats/Jumper	10	PGK 50.00	PGK 500.00
9	Skirts	20	PGK 40.00	PGK 800.00
10	Trousers (both Short/Long)	15	PGK 70.00	PGK 1,050.00
11	Other Clothes - bata & under wears	20	PGK 10.00	PGK 200.00
12	Shoe	10	PGK 100.00	PGK 1,000.00
13	Slippers/Sandals	15	PGK 50.00	PGK 750.00
14	Kids Clothes			PGK -
15	Trousers (both Short/Long)	20	PGK 50.00	PGK 1,000.00
16	Shirts	30	PGK 50.00	PGK 1,500.00
17	Coats/Jumper	15	PGK 50.00	PGK 750.00
18	Shoe	20	PGK 200.00	PGK 4,000.00
19	Under wears & Others	20	PGK 10.00	PGK 200.00
20	Hardwares/White Goods			PGK -
21	Table	4	PGK 500.00	PGK 2,000.00
22	Chairs	16	PGK 70.00	PGK 1,120.00
23	TV Screen	2	PGK 1,000.00	PGK 2,000.00
24	Genset	1	PGK 5,000.00	PGK 5,000.00
25	Decks	2	PGK 500.00	PGK 1,000.00
26	CDs	50	PGK 25.00	PGK 1,250.00
27	Eating Utensils			PGK -
28	Cooking Dish	8	PGK 40.00	PGK 320.00
29	Tea Pots	2	PGK 50.00	PGK 100.00
30	Cooking Pots	8	PGK 80.00	PGK 640.00
31	Plates	50	PGK 10.00	PGK 500.00
32	Spoons & Forks	75	PGK 5.00	PGK 375.00
33	Knives	6	PGK 20.00	PGK 120.00
34	Garden Tools			
35	Spade	4	PGK 50.00	PGK 200.00
36	Bush Knives	4	PGK 50.00	PGK 200.00
37	Crew Bars	2	PGK 40.00	PGK 80.00
38	Axe	2	PGK 350.00	PGK 700.00
39	Tuffa Water Tank	2	PGK 2,500.00	PGK 5,000.00
	TOTAL			PGK 79,235.00

5. Chemical Burns

Statement of Facts – Tony Lembo

I Tony Lembo of Paiam Village, Porgera Enga Province do sincerely and solemnly state that:

- I am the biological father of Late Clayton Tony. Late Clayton's mother Melin Tony used to live at Yairik Village. She used to pan for gold dust at Yarik Dumpsite even before and after she conceived Clayton.
- She gave birth to Clayton and we noted that the baby had bilateral cleft lip and palate thus we took him to Paiam Hospital.
- The Doctors asked if her mother does pan for gold as the cause of such disease was caused as a result of direct contacts chemicals. His mother replied and said that she has been heavily involved in alluvial mining for her entire life at Yarik and the doctors at the hospital confirmed that the infant's disease is directly related to chemical pollutions.
- The infant died after being admitted in the hospital for 6 months.

I believe that the statement stated above are true to the best of my knowledge and understanding.



Tony Lembo

Claimant

STORI BILONG LATE BABY CLINTON TONNY

Mi na man bilong me, mitupela save wasim gold long Yarik dump. Mi gat belt aim mitupela continue long wasim gold yet.

Mi givim birth long dispela baby na mi lukim olsem baby ya nogat upper lips so mipela kisim baby go long Paiam hospital. Doctor askim me na man bilong mi na tok, yutupela save wasim gold or nogat? Mitupela bekim doctor na tokim em olsem mitupela save wasim gold long wara long Yarik. Na doctor tokim mitupela olsem chemical ibin bagarapim pikinini baby blong yutupela ya.

Doctor checkim baby ya na tok em kisim bagarap lo food pipe bilong em so doctor tok na yupela had long susuim baby na tokim mipela long stap long hospital.

Doctor tok ol nonap long stretim baby ya hariap so doctor tokim mitupela long wait wanpela yia na stap long haus sick. Nurse susuim baby long nose na mi lukautim baby ya stap olsem 6pela mun na baby ya die long year 2012.

STORI BILONG LATE BABY CLINTON TONNY

Mi na man bilong me, mitupela save wasim gold long Yarik dump. Mi gat belt aim mitupela continue long wasim gold yet.

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2

Tonny Lembo
C/Paiam Village
Porgera
Enga Province

28th August, 2018

TO WHOM IT MAY CONCERN

Dear Sir/Madam

Re: Cost Reimbursement Advice – Late Clayton Tony


In reference to above, Late Clayton Tony an infant died after being admitted to Porgera hospital – Paiam. Her cause of death is by the unlawful discharging of chemicals directly into the river system at Yarik dumpsite on 13th August 2012.

Due to this unforeseen circumstance, his relatives have incurred sufficient losses, both cash and kind. Hence, should there be any possibilities of remedies being provided by the causer of his death, the costs incurred must be reimbursed before considering remedy.

Please find attached is the Cost Advise Sheet.

Forwarding for deliberations and actions.

Sincerely yours,


.....
Mr. Tonny Lembo
Custodian



P O R G E R A H O S P I T A L
P.O. Box 484, MOUNT HAGEN, W.H.P., Papua New Guinea

Office Phone: (675) 547 6611/ (675) 547 6004
Home Phone: 675 547 6019; PJV Ext.: 1021, 1011
Facsimile: (675) 547 6003
E-Mail: palamhosp.yahoo.com

November 20, 2015

Medical Clinical Summary Report

TOMMY

Clayton Raben, 6 months old male, from Paiela, was admitted on August 13, 2012 due to severe dehydration from persistent diarrhoea, poor intake and cough.

Past Medical History:

Patient was born at home in the village in Paiela, and was brought in to the hospital after delivery due to noted bilateral cleft lip and palate. Baby was admitted to the nursery for tube feeding.

- April 17, 2012 – repair of cleft lip and nose
advise to repair cleft palate when baby is 10 months old
to come back anytime if not feeding well and having diarrhoea
- May 2012 - reviewed by the doctor. Wound was dry.
baby was bottle fed with good intake
- June 2012- seen at the out patient for strong cough, fever, and diarrhoea
received treatment for diarrhoea and upper respiratory tract infection
- July 2012 still with episodes of diarrhoea and chronic cough
received treatment at the out patient department
- August 13, 2012 – admitted for oral thrush, severe dehydration and pneumonia

Laboratory Test:

HIV – negative	Wbc= 6,800	Eos = 0%
Blood Type = O “+”	Neutro = 74%	Baso = 0%
Hemoglobin = 8.8 gm/dl	Lympho = 26%	

Course in the Ward:

Patient was admitted from August 13, 2012, with persistent diarrhoea. In spite of IVF hydration, IV medication, and blood transfusion no improvement noted on the child. While admitted mother brought the baby out twice, signing risk form. On September 14, 2012 condition of the baby was explained to the mother that there is poor prognosis. Patient eventually died on September 15, 2012 but no record in the chart stating that baby died within the hospital premises.

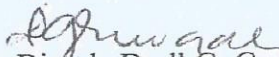
Diagnosis:

Chronic Diarrhoea with severe dehydration

Oral thrush

Respiratory Tract Infection

Bilateral cleft lip and palate



Dr. Dimple Darll G. Gerogalin

Physician

OB-GYN

Not Valid Without Embossed Seal



PAPUA NEW GUINEA
STATUTORY DECLARATION ON

I, (a) *Tony Lembo of Paiam Village, Porgera District, Enga province*

Do solemnly and sincerely declare that (b)


1. I am the biological father of late Clayton Tonny.
2. Late Clayton Tonny was affected due to unlawful discharging of chemicals directly into the river system which caused the death of Clayton Tonny on 13th of August 2012.
3. I am duly registered member of the **Akali Tange Association Inc.**
4. **Akali Tange Association Inc. (ATA)** is an Association duly incorporated under the Association Incorporations Acts of Papua New Guinea and having its registered office located at Lower Yanz Kona, Porgera District, Enga Province Papua New Guinea.
5. I am desirous to delegate my **Exclusive Authority** to Akali Tange Association Inc. on pursuing the matter to seek monetary compensation from Barrick's Porgera Joint Venture and others solely for the purpose of compensation of my late son Clayton Tony.
6. With due consideration of the amount of work, time and resources that will be committed to pursue the matter, seeking compensation and Justice, I, do hereby forever completely **Delegate Authority to Akali Tange Association Inc. and its Special Compensation Working Committee to represent myself.**
7. I, do forever completely Authorize the **Special Compensation Working Committee of the Akali Tange Association Inc.** to make claims and take action at a court of Law, and appear as principle witnesses and enter into negotiations all solely for the purpose to obtain equitable rates of compensation for unwarranted injuries/death.
8. In acknowledgement of clause 6 and 7, **Akali Tange Association Inc. through the Special Compensation Working Committee** will act in accordance with exclusive authority delegated to further negotiate for and on my behalf of how much to be compensated by Barrick Niugini Limited as compensation payment from the Porgera Joint Venture and others.
9. I, do further acknowledge that this Statutory Declaration be pleaded as a bar to any acts, claims demands and whatsoever and howsoever brought by any other on my behalf and howsoever arising out of the fact surrounding the **INJURY TO MYSELF**




1. whereas except only Akali Tange Association Inc. is empowered with the exclusive Authority to do so.

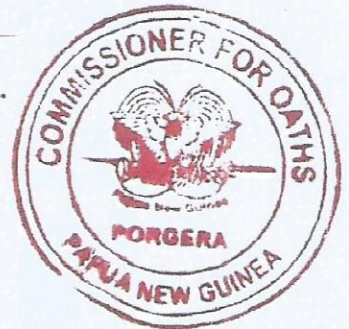
And I make this solemn declaration by the virtue of the Oaths, Affirmations and Statutory Declarations Acts 1962 conscientiously believing the statements contained therein to be true in every particular.

Declared at **PORGERA**)
the 08th day of)
December 2015)

c) )
Name: **Tony Lembo**
Claimant

d) sign before me


.....
Commissioner of Oaths



- a) Here insert name, address and occupation of person making declaration.
- b) Here insert the matter declared to, where the matter is long it should be set out in numbered paragraph
- c) Signature of person who is making the declaration.
- d) Signature of person whom the declaration is made.

Note: Any person who wilfully makes a false statement in a Statement of Claim is guilty of an indictable offence, and may be liable to penalties under the law, including imprisonment.

6. Drownings in Discharged Tailings

7. Business and Social Responsibilities' Reports

8. ATA's Cost Incurred.

8. ATA's Cost Incurred.

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^{lxix} MiningWatch Canada (2017): Anger Boils Over at North Mara Mine – Barrick/Acacia Leave Human Rights Abuses Unaddressed Field Assessment Brief. <https://miningwatch.ca> (Accessed 18.08.2018)

^{lxx} Acacia Mining (2016), p.58: Annual Report 2016. In 2016 the North Mara mine processed 117 human rights complaints and rejected 109. www.acciamining.com

^{lxxi} Yeomans, J (2017): Acacia Mining faces more legal claims over mine site deaths. 23 Jul. The Telegraph. www.telegraph.co.uk (Accessed 18.08.2018)

^{lxxii} See: <https://business.financialpost.com/commodities/mining/update-1-barrick-to-give-tanzania-mines-stake-300-mln-to-end-dispute>

lxviii MiningWatch Canada (2017): Anger Boils Over at North Mara Mine – Barrick/Acacia Leave Human Rights Abuses Unaddressed Field Assessment Brief. <https://miningwatch.ca> (Accessed 18.08.2018)

lxix MiningWatch Canada (2017): Anger Boils Over at North Mara Mine – Barrick/Acacia Leave Human Rights Abuses Unaddressed Field Assessment Brief. <https://miningwatch.ca> (Accessed 18.08.2018)

lxx In 2006, Barrick acquired Placer Dome, and its 95% share of PJV, which is held through its local subsidiary Barrick (Niugini) Ltd. In 2015 Barrick sold 50% of its ownership of Barrick (Niugini) Ltd. to the Chinese company Zijin Mining Group. Barrick Gold Corp., Barrick (2006): Barrick Completes Acquisition of Placer Dome. www.barrick.com (Accessed 18.08.2018) and Barrick (2015): Barrick Announces Strategic Partnership with Zijin Mining Group. www.barrick.com (Accessed 18.08.2018)

lxxii See also: MiningWatch Canada, Earth Rights International, University of Toronto (2017): Report to the U.N. Committee on the Elimination of Racial Discrimination. <https://miningwatch.ca> (Accessed 18.08.2018)

lxxiii See also: Porgera Landowners Association, Akali Tange Association, MiningWatch (2011): The Operations of Barrick Gold Corp. at the Porgera Joint Venture Mine on the Land of the Indigenous Ipili of Porgera, Enga Province, Papua New Guinea. 1 March. <http://miningwatch.ca>

lxxiv Council on Ethics (2008): Recommendation of 14 August 2008 to the Ministry of Finance. www.regjeringen.no (Accessed 18.08.2018)

lxxv The Author's (M'Diyan Yapari's) email to CEPA dated 16th July, 2017. Email copy on hand.

lxxvi Barrick Niugini Limited (2017): Hazardous Waste Incident – Porgera Mine - Public Statement. 15 Jul. <http://barrick.q4cdn.com> (Accessed 18.08.2018)

lxxvii Letter to Barrick from MiningWatch Canada. August 17, 2017. Response from Barrick Gold Corp. August 2017. Available on request.

lxxviii International Human Rights Clinic, Harvard Law School and Center for Human Rights and Global Justice, New York University School of Law (2009), pp.11-16: Legal Brief before the Standing Committee on the Foreign Affairs and International Development House of Commons Regarding Bill C-300. www.raid-uk.org (Accessed 18.08.2018)

lxxix The company's website: <http://www.zjky.cn/english/tabid/1012/Default.aspx>

lxxx Hydrometallurgy: Metal extraction by leaching of ore with chemicals dissolved in water, followed by precipitation, by means, for example, of electrolysis in an aqueous solution.

lxxxi The cyanide is added as sodium cyanide (NaCN) or potassium cyanide (KCN) dissolved in water.

lxxxii International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide In the Production of Gold, <http://www.cyanidecode.org/>

lxxxiii United States Environmental Protection Agency: *Profile of the Nonferrous Metals Industry* (2005), see <http://www.epa.gov/compliance/resources/publications/assistance/sectors/notebooks/nfmetltn.pdf>.

lxxxiv Spitz, Trudinger: 'Mining and the Environment', CRC Press, 2009, chapter 18, *Tailings Disposal* and M. Rico et al: 'Reported tailings dam failures – A review of European incidents in the worldwide context', *Journal of Hazardous Materials*, 152 (2008), p. 846-852.

lxxxv Val de Stava, Italy, 1985: The tailings dams for waste from mining operations from a fluoride mine collapsed and resulted in a tidal wave where about 200,000 cubic metres of water and mud flooded villages so that 268 persons were killed, <http://www.stava1985.it/>.

^{lxxxvi} Baia Mare, Romania, 2000: After a tailings dam failed at a gold mine about 100,000 cubic metres of waste water containing cyanide flowed into the Some River. In addition to cyanide the discharge contained a number of heavy metals and resulted in severe contamination of several rivers and extensive fish death in rivers in Romania and Hungary. See 'Report of the International Task Force for Assessing the Baia Mare Accident': http://viso.jrc.ec.europa.eu/pecominex_ext/docs/bmtf_report.pdf.

^{lxxxvii} Kolontar, Hungary, 2010: About 700,000 cubic metres of red mud from alumina production flooded several villages as a result of a dam failure in a disposal dam. Ten persons were killed when eight square kilometres were flooded in mud. MAL's website: http://english.mal.hu/engine.aspx?page=showcontent&content=Vorosiszap_HIR_EN.

^{lxxxviii} Harrimann, Tennessee, USA, 2008: A disposal dam for ash waste from a coal-fired power station collapsed so that 4,000,000 cubic metres of ash waste and water covered an area of 1.6 square kilometres up to two metres thick. Significant damage to buildings and infrastructure, but no personal injuries, http://www.tva.gov/emergency/pdf/ash_release.pdf.

^{lxxxix} Xianfen, Shanxi, China, 2008: An illegally constructed disposal dam at a steel works collapsed and 265 persons were killed as a result when the tidal wave flooded a village. 'The unlicensed iron ore dregs retaining pond in Xiangfen City burst on Sept. 8, discharging a huge torrent of tailings, mud and rock that devastated a downstream village, an office building and a busy outdoor market. The death toll from the accident has risen to 265 with several still listed as missing by 5 p.m. on Sunday. An initial investigation found the collapse was due to negligence. The tailings dumping pond was built in violation of regulations and had few safety inspections.', People's Daily Online, 22. Sept. 2008., <http://english.people.com.cn/90001/90776/90882/6503998.html>

^{xc} In July 2011, the official Chinese website China.org.cn stated that the drinking water supply for 200,000 people had been contaminated as a result of a dam break at a magnesium plant in Mianyang in Sichuan province. In this connection it is also stated that there are over 12,000 disposal dams in China, of which 17% are in poor or dangerous condition. 'The drinking water crisis in Mianyang, in Southwest China's Sichuan province, caused by the pollution of the Fujiang River by a manganese plant, should be seen as a warning about the lax management of more than 10,000 toxic mine tailings in the country, environmentalists said.[...] On Thursday, a week after the river was contaminated by manganese ore residue flooding into it, the south-western city was still struggling to provide bottled water to more than 200,000 people who rely on the Fujiang River for their drinking water. [...] The 50-meter tailings dam, a wall built to hold the ore residue, was partly destroyed by a mudslide after heavy rain on July 21, said Liu Minggang, deputy head of Songpan County. [...] Statistics from the Ministry of Environmental Protection show that toxic mining residue now poses increasing threats to the environment and public health.[...] Since 2006, the Ministry has handled 43 emergency pollution cases caused by mine tailings, 10 of which disrupted supplies of drinking water. There are 12,523 mine tailings in the country, of which 17 per cent are in poor or dangerous condition, according to the environmental watchdog. "About 95 per cent of them are small, with limited capacity to deal with emergencies," said a report published on the ministry's website.', see http://m.china.org.cn/2011-07/29/content_23099817.htm.

^{xci} People's Daily Online: <http://www.people.com.cn/h/2011/07/12/c25408-3201948045.html>.

^{xcii} See http://www.china.org.cn/wap/2011-08/06/content_23155322.htm.

^{xciii} 'Embattled Chinese gold miner Zijin ignored orders to repair a breach in a tailings reservoir last year, according to a stock exchange filing on a toxic wastewater discharge that polluted a river earlier in July,' see Reuters, 17 July 2010: <http://www.reuters.com/article/2010/07/17/china-pollution-zijin-idUSTOE66G00I20100717>.

^{xciv} 'An illegal man-made pipe connected the no. 6 leakage observation well and the flood discharge channel, as a result of which waste water directly entered the Ting River. The investigation discovered that the no. 6 leakage observation well and the flood discharge channel had been connected in an illegal way, the volume of leaked solution exceeded the amount re-pumped and the excess leaked solution entered the Ting River directly through the flood discharge channel. The investigation carried out by the relevant environmental protection department in Fujian in September 2009 discovered that the volume of waste water entering the Ting River through the flood discharge channel was too high and the plant was required to carry out remedial measures immediately. However, up to the time of the incident, the plant had not carried out remedial measures to a satisfactory level.' The company's press release of 16 July 2010:

^{xcv} 'The bribery accusation against Zijin Mining Group, China's largest gold mining group, stemming from its attempts to cover up a sewage spill was approved by the central government recently. In early July 2010, a leak in the sewage tank in the Purple Mountain Copper Mine, which is owned by the Zijin Mining Group, led to 9,100 cubic meters of sewage being spilled into the Ting River and resulted in the death of 3.78 million kilograms of fish in the river, causing serious environmental pollution in neighbouring regions. But the Zijin Mining Group attempted to hide this severe incident at first. Investigations from the GAPP showed that after the pollution incident was exposed, the Zijin Mining Group indeed tried to

give envelopes with money to reporters and journalists to keep them quiet, but those reporters who were involved all rejected the bribes immediately, refunded the money or turned it over to their head offices for evidence.’
<http://english.peopledaily.com.cn/90001/90776/90882/7120410.html>.

xcvi See report on <http://www.gzgov.gov.cn/gzgov/216457559920345088/20061228/217958.html>.

xcvii Reported on the website of the pollution control authority of Jinan:
<http://www.jnepb.gov.cn/moudle/mainsubend.aspx?id=DD63330F893528B9>.

xcviii The company’s announcement on the accident: ‘In the afternoon of 27 December 2006, an accident occurred at Guizhou Shuiyindong Gold Mine, which is owned by Guizhou Zijin Mining Co., Ltd. (“Guizhou Zijin”), a subsidiary of Zijin Mining Group Co., Ltd. (the “Company”). A section of the dam in the tailings storage slid during the period for maintenance. As a result, about 200,000 cubic metres of tailings with waste water flowed out mainly into deserted Xiaochang reservoir and a small part of it flowed out into Baifen reservoir which is used for irrigation only. A mild injury has been reported. After the accident, Guizhou Zijin started the emergency plan and reported it to the local authorities. All local authorities were actively involved in the remedial actions of the accident. Mr. Zou Laichong, a director of the Company visited the scene immediately. With the assistance and co-operation of other parties, the source of pollution is under control and its impact is limited to 2.5 km from the tailings storage. It has not caused serious casualty and affected the living of the people in the area.’ available on <http://www.infomine.com/index/pr/Pa459554.PDF>.

xcix <http://www.hydroinfo.gov.cn/gb/szyzlnb/2006/6.htm> (in Chinese).

^c See <http://www.cf1234567.com/20100803/311431978.html> (in Chinese).

ci General Office of the State Environmental Protection Administration:
http://www.mep.gov.cn/info/gw/huanban/200708/t20070816_107999.htm (in Chinese).

cii Letter from Zijin to the Institute of Public and Environmental Affairs, dated 28 May 2010: The letter closes as follows: ‘Our company would like to offer our sincere apologies for the failure to thoroughly complete all the improvement works, as was required by the EPB. Our company will: work towards increasing our knowledge of environmental protection work, establish a responsible attitude towards people and society, treat this environmental protection supervision order as an opportunity and carry out a total inspection of all internal environmental protection work in the company, improve the procedures for construction of all the company’s environmental protection facilities, continue to strengthen investment in environmental protection, persist with the environmental protection projects and for the main projects carry them out in line with the “three simultaneous” procedures, maintain the environmental protection facilities and equipment so they are in a good condition, improve operational effectiveness and take advantage of internal recycling so as to discharge within the authorised standards. Our company promises to continue to strengthen and improve internal management and monitoring systems, ensure environmental protection investment, seek practical results and honour our commitment that we made when we floated on the stock market. At the same time we welcome the supervision by people from all parts of society.’
<http://www.ipe.org.cn/Upload/file/Notices/Feedback/007-Feedback-Zijin-Mining-Group-Co-Ltd-EN.pdf>

ciii Green Law China is a project in China that is run by the American organisation The Natural Resources Defence Council (NRDC), in which the aim is to promote the implementation of environmental legislation in China,
<http://www.greenlawchina.org/about/>.

civ Open letter dated 24 July 2010 from Green Law China to the Hong Kong and Shanghai Stock Exchange, where the company is listed: ‘Since 2005 this enterprise has broken different environmental rules and regulations in Hebei, Xinjiang, and Guizhou, resulting in both accidents and violations. These incidents led to a number of toxic and hazardous substances being discharged into local water bodies. After an investigation, we found no evidence to suggest that the company has made any public disclosure of this information. In 2007 to 2008, the Environmental Protection Department instituted inspections of listed companies and pledged to rectify and reform environmental issues that surfaced from these inspections. On May 14, 2010 the Environmental Protection Department publicly announced and circulated a notice of criticism against this company in particular and its untimely response to environmental issues. Apart from Zijin Mining, there were also several sub-subsidiary companies that were subject to the Environmental Protection Department’s criticism. Responding to the Environmental Protection Department’s criticisms, Zijin Mining merely gave a brief reply concerning Zijinshan copper mine’s rectification and reform developments, stating that “rectification has already been completed.”’
<http://www.greenlawchina.org/2010/07/zijin-mining-groups-inadequate-disclosure-of-china-acid-spill-whatneeds-to-be-done-2/>.

^{cv} ‘Zijin Mining publicly criticised by the Ministry of National Environmental Protection for failing to rectify problems—including information disclosure – following pollution involving Zijin Copper wet plants’, <http://eelib.zslib.com.cn/showArticle.asp?ID=11619&ArticlePage=6>.

^{cvi} The letter of 4 August 2009 from NBIM on behalf of the Council on Ethics with questions on the company’s activities in Myanmar. The letter of 21 November 2011 from the Council on Ethics to the company with questions on what measures the company has implemented in order to prevent any future dam breaks at its facilities. Follow-up letter of 22 December 2011 with a request for a reply to the letter dated 21 November 2011. The letter from the Council on Ethics to the company 25 April 2012 with a draft of this recommendation and invitation to submit any comments or remarks. The Council has not received a reply to any of these letters.

^{cvi} Zijin Mining Group Company Ltd: Annual Report 2010: ‘Business Strategies: (i) To comprehensively enhance the precautionary standard and the management standard in the environmental protection and safety system, to re-build Zijin’s brand name in environmental safety, thoroughly implement the concept of scientific development, adhere to the philosophy of “putting safety first, prioritize environmental protection, seriously learnt the lessons from the “7.3” Incident and the “9.21” Incident, and properly manage the relationship among speed, efficiency and law-abiding and disciplined operation.[...]’, <http://www.zjky.cn/Portals/1/Annual2010%20Summary%20Review.pdf>.

^{cvi} Zijin Mining Group Company Ltd, website *Sustainability – Safe operation*: ‘During its production and construction, Zijin Mining Group seriously implements laws and regulations, such as Safe Production Law, Environmental Protection Law, Two Decisions, etc., as well as the important instructions of central government leaders on safe production, environmental protection and social security. It adheres to the guideline of “prevention & safety first”, implements the principle of “He who is in charge is responsible”, improves its administration strengthens its management, puts into effect the responsibility system level by level, checks and rectifies against hidden perils promptly, builds a sound interior precaution mechanism, makes efforts to carry out infrastructure construction, and guarantee key & critical positions. In this way, the whole company has maintained a favourable situation of “basically stable security, comparatively safe production, sound environmental protection measures and sustainable growth of economy’, <http://www.zjky.cn/english/tabid/956/Default.aspx>.

^{cix} See, <http://www.councilonethic.org/Reports>

^{cx} Guidelines for the observation and exclusion of companies from the Government Pension Fund – Global’s investment universe, section 2 (4), see http://www.regjeringen.no/en/sub/styrrer-rad-utvalg/ethics_council/ethicalguidelines.html?id=425277.

^{cx} The English translation of the White Paper provided in this document is unofficial.

^{cx} The Human Rights Watch’s Report, “*Gold Costly Dividend*” See: <http://www/hrw.org>.

^{cx} The Human Rights Watch’s Report, “*Gold Costly Dividend*” See: <http://www/hrw.org>.

^{cx} The Human Rights Watch’s Report, “*Gold Costly Dividend*” See <http://www/hrw.org>.

^{cx} Interview Notes 10.

^{cx} See, e.g., Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Arts. I(2)(c), II(3)(b), IX(15), G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (March 21, 2006).

^{cx} *Id.* Art. IX(22)-(23).

^{cx} UN Office of the High Comm’r for Human Rights, Guiding Principles on Business and Human Rights, ¶ 15(b), U.N. Doc. HR/PUB/11/04 (2011) [hereinafter UN Guiding Principles]. See also Organization for Economic Co-operation and Development, OECD Guidelines for Multinational Enterprises, ¶¶ II (A)(10), IV(5) (2011), <http://www.oecd.org/daf/inv/mne/48004323.pdf>

^{cx} UN Office of the High Comm’r for Human Rights, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* 23, U.N. Doc. HR/PUB/12/02 (2012), http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf [hereinafter *Corporate Responsibility to Respect Human Rights*].

- ^{cxxi} Voluntary Principles on Security and Human Rights, http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf. Barrick has joined these principles. See Barrick Gold Corp., Human Rights Policy (Oct. 30, 2015), <http://www.barrick.com/files/governance/Barrick-Human-Rights-policy.pdf>. See also International Council on Mining & Metals, 10 Principles ¶ 4 (May 2003), <https://www.icmm.com/our-work/sustainable-development-framework/10-principles>
- ^{cxxii} Bob Burton, *RIGHTS: Canadian Firm Admits to Killings at PNG Gold Mine*, Inter Press Serv, Nov. 17, 2005, <http://www.ipsnews.net/2005/11/rights-canadian-firm-admits-to-killings-at-png-gold-mine/> (A spokesperson for Placer Dome, the majority owner of the mine at the time, was reported as stating that the killings “were all in self-defence against armed villagers.”).
- ^{cxxiii} See, e.g., *Porgera Mine Deaths Prompt Call for Independent Probe*, PNG Post-Courier, May 12, 2005, <http://pidp.eastwestcenter.org/pireport/2005/May/05-12-05.htm>; Bob Burton, *Canadian Firm Admits to Killings at PNG Gold Mine*, Inter Press Serv., Nov. 17, 2005, <http://www.ipsnews.net/2005/11/rights-canadian-firm-admits-to-killings-at-png-gold-mine/>; *Call for Probe of PNG’s Porgera Mine Deaths*, Radio New Zealand International, <http://www.radionz.co.nz/international/pacificnews/155004/call-for-probe-of-png-s-porgera-mine-deaths>; *A deadly clash of cultures*, The Ottawa Citizen, June 5, 2006, <http://www.canada.com/ottawacitizen/news/story.html?id=26baccdd-fa28-4f96-b067-a436b6a6d881>.
- ^{cxxiv} Akali Tange Association, *The Shooting Fields of Porgera Joint Venture* (2005), http://www.miningwatch.ca/sites/www.miningwatch.ca/files/ATA_Case_Documentation.pdf; or <http://www.akalitange.org/Reports/pdf>. Press Release, MiningWatch Canada, *Papua New Guinea Conducts Flawed Investigations of Killings at Barrick Mine* (July 10, 2006), <http://www.miningwatch.ca/papuanew-guinea-conducts-flawed-investigation-killings-barrick-mine> (quoting the then Executive Officer Jethro Tulin of the Akali Tange Association).
- ^{cxxvi} Letter from Jethro C. Tulin, the then Chief Executive Officer, Akali Tange Association to Greg Wilkins, Chief Executive Officer, Barrick Gold Corp. (Nov. 4, 2005),
- ^{cxxvii} See: <http://www.miningwatch.ca/sites/www.miningwatch.ca/files/barrick.wilkins.pdf>.
- ^{cxxviii} See, e.g., Porgera Landowners Association, Akali Tange Association, MiningWatch Canada, *The Operations of Barrick Gold Corp. at the Porgera Joint Venture Mine on the Land of the Indigenous Ipili of Porgera, Enga Province, Papua New Guinea, Request for Review Submitted to the Canadian National Contact Point Pursuant to the OECD Guidelines for Multinational Enterprises 9* (Mar. 1, 2011), http://www.miningwatch.ca/sites/www.miningwatch.ca/files/oecd_request_for_review_on_barrick_in_porgera.pdf [hereinafter 2011 Request for Review of Barrick Operations at Porgera]; Human Rights Watch, *Gold’s Costly Dividend: Human Rights Impacts of Papua New Guinea’s Porgera Gold Mine 45* (Feb. 1, 2011) [hereinafter *Gold’s Costly Dividend*].
- ^{cxxix} See, e.g., David Martinez, Corp Watch, *Barrick’s Dirty Secret: Mining in Papua New Guinea* (2006) (containing an interview with Jeffrey Simpson, ATA representative, in which he refers to rapes at the mine site); Mark Ekepa, *Letter to Barrick Management on Behalf of Porgera Landowners Association* (Mar. 8, 2008), <http://www.porgeraalliance.net/2008/03/letter-to-barrick-management-on-behalf-of-porgera-landowners-association/> (referring to various allegations, including “raping, even gang-raping” by mine security guards); Mark Ekepa, *Statement of Mark Ekepa, Chairman of the Porgera Landowners Association at Barrick’s Annual General Meeting* (Apr. 28, 2010), <http://www.porgeraalliance.net/2010/04/statement-of-markekepa-chairman-of-the-porgera-landowners-association-at-barrick%E2%80%99s-annual-general-meeting> (referring to allegations of “gross violations of human rights”); 2011 Request for Review of Barrick Operations at Porgera, *supra* note 10; Jethro Tulin, Akali Tange Association, *Statement at United Nations Permanent Forum on Indigenous Issues, Seventh Session* (Apr. 23, 2008), <http://www.porgeraalliance.net/statements/unpfii/7th-session-statement-at-united-nations-permanentforum-on-indigenous-issues/>; Jethro Tulin, Akali Tange Association, *Statement at the UN Permanent Forum on Indigenous Issues, Eighth Session* (May 20, 2009), <http://www.porgeraalliance.net/statements/unpfii/8th-session/>. See Jethro Tulin, *Jethro Tulin’s testimony read to Barrick shareholders at their 2009 Annual General Meeting* (Apr. 29, 2009), <http://www.porgeraalliance.net/2009/04/jethro-tulins-testimony-read-to-barrick-shareholders-at-their-2009-annual-general-meeting/> (referring to “grave human rights” conditions and killings and rapes by guards, and

referring to his testimony from the previous year). *See also* Mark Ekepa, *Statement of Mark Ekepa, Chairman of the Porgera Landowners Association at Barrick's Annual General Meeting* (April 28, 2010), <http://protestbarrick.net/article.php?id=593>.

Jethro Tulin, Akali Tange Association, *Statement at the UN Permanent Forum on Indigenous Issues, Eighth Session* (May 20, 2009), <http://www.porgeraalliance.net/statements/unpfii/8th-session/>.

^{cxxx} Letter from Mark Fisher, General Manager, Porgera Joint Venture to Mark Ekepa, Chairman of the Porgera Landowners Association (July 23, 2008) (on file with author).

^{cxxxi} *See, e.g.,* The World Today, *PNG, Australian governments respond to abuse claims*, Australian Broadcasting Corp., June 11, 2009, transcript available at <http://www.abc.net.au/worldtoday/content/2008/s2595441.htm>; Nick O'Malley, *A Walk Through the Valley of Death*, Sydney Morning Herald, June 9, 2009, <http://www.smh.com.au/news/world/a-walkthrough-the-valley-of-death/2009/06/09/1244313137827.html?page=fullpage#contentSwap2> [hereinafter O'Malley, *A Walk through the Valley of Death*]; Nick O'Malley, *Guards Accused of Assaulting Workers*, Sydney Morning Herald, June 10, 2009, <http://www.smh.com.au/news/world/guards-accused-of-assaulting-workers/2009/06/09/1244313137821.html> ("Villagers are keeping a list of the dozens of people they say have been killed or assaulted by police and security forces guarding a goldmine in Papua New Guinea run by the multinational, Australian-based Canadian mining company, Barrick Gold.").

^{cxxxii} O'Malley, *A Walk through the Valley of Death*, *supra* note 15.

^{cxxxiii} MiningWatch Canada has been involved in monitoring environmental and other social impacts of the mine. *See, e.g.,* Catherine Coumans, *Placer Dome Case Study: Porgera Joint Venture* (Apr. 2002), http://www.miningwatch.ca/sites/www.miningwatch.ca/files/PD_Case_Study_Porgera_0.pdf; Press Release, MiningWatch Canada, *Placer Dome Admits to Killings at Porgera Mine in Papua New Guinea* (Apr. 8, 2006), <http://www.miningwatch.ca/placer-domeadmits-killings-porgera-mine-papua-new-guinea> [hereinafter MWC Press Release, Apr.8,2006] (discussing the violence at the mine from 2006).

^{cxxxiv} The complaint to the Special Rapporteur set out a range of allegations of extrajudicial killings by private security and PNG police. *See* Letter from Catherine Coumans, Research Coordinator, Mining Watch Canada, to Philip Alston, Special Rapporteur on extrajudicial, summary, or arbitrary executions (Dec. 2, 2007), <http://www.protestbarrick.net/article.php?id=394>. More generally, *see* MiningWatch Canada, *Grievance Mechanisms*, <http://www.miningwatch.ca/categories/company-country-issue/issue/corporate-social-responsibility/grievancemechanisms> (last visited Nov. 14, 2015) (setting out a history of MiningWatch Canada's involvement in the issue). *See also* MWC Press Release, Apr. 8, 2006, *supra* note 17; Press Release, MiningWatch Canada, *Papua New Guinea Conducts Flawed Investigations of Killings at Barrick Mine* (July 10, 2006), <http://www.miningwatch.ca/papua-new-guineaconducts-flawed-investigation-killings-barrick-mine> (documenting reports of killings, rapes and injuries). MiningWatch Canada also testified about alleged extrajudicial killings before the Canadian House of Commons' Standing Committee on the Foreign Affairs and International Development. *See* Catherine Coumans, *Statement of Catherine Coumans Before the Canadian House of Commons' Standing Comm. on Foreign Affairs & Int'l Dev., Hearing on Bill C-300, An Act Respecting Corporate Accountability* (Oct. 8, 2009), <http://business-humanrights.org/en/documents/testimony-before-canadian-parliament-rebarrick-porgera-jv-papua-new-guinea>.

^{cxxxv} International Human Rights Clinic, Harvard Law School and Center for Human Rights and Global Justice, New York University School of Law, *Legal Brief before the Standing Committee on the Foreign Affairs and International Development, House of Commons, Regarding Bill C-300* (Nov 16, 2009), <http://www.miningwatch.ca/sites/www.miningwatch.ca/files/harvardtestimony-re-porgera.pdf> [hereinafter *Legal Brief Regarding Bill C-300*]. This supplemented testimony provided to the Committee by Tyler Giannini and Sarah Knuckey on October 20, 2009 regarding Bill C-300. *See id.* at 1. *Supplementary testimony was also provided on June 3, 2010. See Sarah Knuckey & Tyler Giannini, Statements of Sarah Knuckey and Tyler Giannini Before the Canadian House of Commons' Standing Comm. On Foreign Affairs & Int'l Dev., Meeting on Bill C-300, An Act Respecting Corporate Accountability* (June 3, 2010), <https://openparliament.ca/committees/foreign-affairs/40-3/21/the-chair-4/>.

^{cxxxvi} Press Release, Barrick Gold Sets out Position on Bill C-300 and Provides Facts (Nov. 26, 2009), <http://www.barrick.com/investors/news/news-details/2009/BarrickGoldSetsOutPositiononBillC-300andProvidesFacts1121285/default.aspx>.

^{cxxxvii} Barrick stated: Letter from Barrick Gold Corp. to The Business and Human Rights Resource Centre (Feb. 2010), <http://www.reportsand-materials.org/sites/default/files/reports-and-materials/Barrick-Gold-response-re-Porgera-mine-Feb-2010.pdf>

^{cxxxviii} Les Wittington, *MPs Told of Gang Rapes at Mine*, Toronto Star, Nov. 24, 2009, http://www.thestar.com/news/investigations/2009/11/24/mps_told_of_gang_rapes_at_mine.html.

^{cxxxix} Barrick Gold Corp., *Submission to the Standing Committee on Foreign Affairs and International Development, Canadian Parliament* (Nov. 26, 2009), available at <http://myspj.com/barrick-strikes-back/> (last visited Nov. 14, 2015). This quote is referred to and excerpted in: Letter from Harvard Human Rights Program to Katrina White, Regional General Counsel and Company Secretary, Barrick (Australia) (Feb. 16, 2011) (on file with author).

^{cxl} Gold's Costly Dividend, *supra* note 10, at 66-67.

^{cxli} Barrick Gold Corp, Statement by Barrick Gold Corporation in Response to Human Rights Watch Report 10 (Feb. 1, 2011), <http://s1.q4cdn.com/808035602/files/porgera/Response-to-Human-Rights-Watch-Report.pdf> [hereinafter Barrick Statement, Feb. 1, 2011].

^{cxlii} Barrick Gold Corp., The Porgera Joint Venture Remedy Framework 15 (Dec. 1, 2014), <http://www.barrick.com/files/porgera/Porgera-Joint-Venture-Remedy-Framework-Dec1-2014.pdf> [hereinafter Barrick remedy Framework Summary].

^{cxliii} Barrick Statement, Feb. 1, 2011, *supra* note 26.

^{cxliv} See UN Guiding Principles, *supra* note 3, ¶ 29 (commentary) (noting that effective grievance mechanisms can help prevent “harms from compounding and grievances from escalating”).

^{cxlv} See Burton, *supra* note 6. See also Gold's Costly Dividend, *supra* note 10, at 46 (“Barrick should have been well aware of the serious potential for violent abuses to occur”); Amnesty International, *Undermining Rights: Forced Evictions and Police Brutality Around the Porgera Gold Mine, Papua New Guinea* (February 2, 2010), <http://www.amnestyusa.org/research/reports/undermining-rights-forced-evictions-and-police-brutality-around-the-porgera-gold-mine-papua-new-guin>; Press Release, UN Office of the High Comm’r for Human Rights, UN Special Rapporteur on Torture presents preliminary findings on his mission to Papua New Guinea (May 25, 2010), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10058&LangID=E/Findings>. See also Comm. on the Elimination of Discrimination Against Women, *Concluding Observations of the Committee on the Elimination of All Forms of Discrimination Against Women: Papua New Guinea*, ¶ 29, 46th Sess., July 12-30, U.N. Doc. CEDAW/C/PNG/CO/3 (July 30, 2010): [T]he Committee expresses its deep concern about reports of sexual abuse of women upon arrest and in police custody, perpetrated by both police officers and male detainees, and at times in the form of collective rape, and that such abuses are rarely documented and investigated and perpetrators not prosecuted and punished.

^{cxlvi} See Rachel Jewkes et al., *Prevalence of and factors associated with non-partner rape perpetration: findings from the UN Multicountry Cross-sectional Study on Men and Violence in Asia and the Pacific*, 1 *The Lancet Global Health* 169, 208-18 (Oct. 2013), <http://www.sciencedirect.com/science/article/pii/S2214109X13700743>. A UN Special Rapporteur report noted that in one study, up to 60 percent of men interviewed indicated that they had participated in gang rape. See UN Special Rapporteur on Violence Against Women, its Causes and Consequences, *Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to Papua New Guinea*, ¶ 27, Human Rights Council, U.N. Doc. A/HRC/23/49/ Add.2 (March 18, 2013) (by Rashida Manjoo). A 2010 research project based on a validated World Health Organization (WHO) research instrument on domestic violence found that nearly two-thirds of participants were survivors of domestic violence. See Margit Ganster-Breidler, *Gender-Based Violence and the Impact on Women's Health and Well-Being in Papua New Guinea*, *Contemporary PNG Studies: DWU Research Journal* 17, 24 (Nov. 13, 2010) http://www.dwu.ac.pg/en/images/Research_Journal/2010_Vol_13/2_Ganster-Breidler_Gender_based_violence_in_PNG_17-30.pdf.

cxlviii See *Corporate Responsibility to Respect Human Rights*, *supra* note 4, at 65: A grievance mechanism is not just an internal administrative procedure for handling impact or grievances. Whereas an internal procedure is typically passive, i.e., waiting for problems to arise and then responding, a grievance mechanism is active: it aims to facilitate the identification of grievances and address them as early as possible. It does so by ensuring it is known to, and trusted by, those stakeholders for whom it is intended.

cxlix *Legal Brief Regarding Bill C-300*, *supra* note 20.

cl See, e.g., *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Arts. I(2)(c), II(3)(b), IX(15), G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (March 21, 2006).

cli *Id.* Art. IX(22)-(23).

clii UN Office of the High Comm'r for Human Rights, *Guiding Principles on Business and Human Rights*, ¶ 15(b), U.N. Doc. HR/PUB/11/04 (2011) [hereinafter *UN Guiding Principles*]. See also Organization for Economic Co-operation and Development, *OECD Guidelines for Multinational Enterprises*, ¶¶ II(A)(10), IV(5) (2011), <http://www.oecd.org/daf/inv/mne/48004323.pdf>.

cliii UN Office of the High Comm'r for Human Rights, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* 23, U.N. Doc. HR/PUB/12/02 (2012), http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf [hereinafter *Corporate Responsibility to Respect Human Rights*].

cliv Voluntary Principles on Security and Human Rights, http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf. Barrick has joined these principles. See Barrick Gold Corp., *Human Rights Policy* (Oct. 30, 2015), <http://www.barrick.com/files/governance/Barrick-Human-Rights-olicy.pdf>. See also International Council on Mining & Metals, *10 Principles* ¶ 4 (May 2003), <https://www.icmm.com/our-work/sustainable-development-framework/10-principles>.

clv See UN Guiding Principles *supra* note 3, ¶ 29 (commentary) (noting that effective grievance mechanisms can help prevent “harms from compounding and grievances from escalating”).

clvi See Burton, *supra* note 6. See also Gold’s Costly Dividend, *supra* note 10, at 46 (“Barrick should have been well aware of the serious potential for violent abuses to occur”); Amnesty International, *Undermining Rights: Forced Evictions and Police Brutality Around the Porgera Gold Mine, Papua New Guinea* (February 2, 2010), <http://www.amnestyusa.org/research/reports/undermining-rights-forced-evictions-and-police-brutality-around-the-porgera-gold-mine-papua-new-guin>; Press Release, UN Office of the High Comm'r for Human Rights, UN Special Rapporteur on Torture presents preliminary findings on his mission to Papua New Guinea (May 25, 2010), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10058&LangID=E/Findings>. See also Comm. on the Elimination of Discrimination Against Women, *Concluding Observations of the Committee on the Elimination of All Forms of Discrimination Against Women: Papua New Guinea*, ¶ 29, 46th Sess., July 12-30, U.N. Doc. CEDAW/C/PNG/CO/3 (July 30, 2010): [T]he Committee expresses its deep concern about reports of sexual abuse of women upon arrest and in police custody, perpetrated by both police officers and male detainees, and at times in the form of collective rape, and that such abuses are rarely documented and investigated and perpetrators not prosecuted and punished.

clvii See Rachel Jewkes et al., *Prevalence of and factors associated with non-partner rape perpetration: findings from the UN Multicountry Cross-sectional Study on Men and Violence in Asia and the Pacific*, 1 *The Lancet Global Health* 169, 208-18 (Oct. 2013), <http://www.sciencedirect.com/science/article/pii/S2214109X13700743>. A UN Special Rapporteur report noted that in one study, up to 60 percent of men interviewed indicated that they had participated in gang rape. See UN Special Rapporteur on Violence Against Women, *its Causes and Consequences, Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to Papua New Guinea*, ¶ 27, Human Rights Council, U.N. Doc. A/HRC/23/49/ Add.2 (March 18, 2013) (by Rashida anjoo). A 2010 research project based on a validated World Health Organization (WHO) research instrument on domestic violence found that nearly two-thirds of participants were survivors of domestic

violence. See Margit Ganster-Breidler, *Gender-Based Violence and the Impact on Women's Health and Well-Being in Papua New Guinea*, Contemporary PNG Studies: DWU Research Journal 17, 24 (Nov. 13, 2010) http://www.dwu.ac.pg/en/images/Research_Journal/2010_Vol_13/2_Ganster-Breidler_Gender_based_violence_in_PNG_17-30.pdf.

clviii See *Corporate Responsibility to Respect Human Rights*, *supra* note 4, at 65: A grievance mechanism is not just an internal administrative procedure for handling impact or grievances. Whereas an internal procedure is typically passive, i.e., waiting for problems to arise and then responding, a grievance mechanism is active: it aims to facilitate the identification of grievances and address them as early as possible. It does so by ensuring it is known to, and trusted by, those stakeholders for whom it is intended.

clix *Legal Brief Regarding Bill C-300*, *supra* note 20.

clx Barrick Remedy Framework Summary, *supra* note 28, at 15.

clxi However, there are some allegations that some violence is ongoing. See, e.g., Interview 1-2015 (January 2, 2015) (“Now it’s better, but some of them they are still doing it. That is why I moved.”). See Part III, Chapter 5: Reparations.

clxii Righting + Wrongs, Accessibility and Security Summary Note. Pg 59

clxiii UN Office of the High Comm’r for Human Rights, Guiding Principles on Business and Human Rights, ¶ 31(b), U.N.Doc. HR/PUB/11/04 (2011) [hereinafter UN Guiding Principles].

clxiv See, e.g., Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, ¶ 24, G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (Mar. 21, 2006) (there should be means of informing victims of all “rights and remedies addressed by these Basic Principles and Guidelines and of all . . . other services to which victims may have a right of access”); *id.* ¶¶ 12(a), 12(c) (states should “[d]isseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law” and “[p]rovide proper assistance to victims seeking access to justice”).

clxv UN Guiding Principles, *supra* note 1, ¶ 29 (commentary).

clxvi UN Office of the High Comm’r for Human Rights, *Manual on Human Rights Monitoring*, at ch. 2, p. 4, U.N. Doc.

HR/P/PT/7/Rev.1 (2011), <http://www.ohchr.org/Documents/Publications/Chapter02-MHRM.pdf>

clxvii See Special Representative of the Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises, *Statement by Prof. John Ruggie during 63rd Session of the General Assembly* (Oct. 27, 2008) (by John Ruggie).

clxviii Interview by the Clinics on 21-2014 (Mar. 21, 2014); Barrick Gold Corp., *A Framework of Remediation Initiatives in Response to Violence Against Women in the Porgera Valley* 28-29 (2013), <http://www.barrick.com/files/porgera/Frameworkof-remediation-initiatives.pdf>

clxix Interview 21-2014 (Mar. 21, 2014); see also Email from Simon Jimenez, Director, Corporate Social Responsibility, Barrick Gold Corp., to Sarah Knuckey (Sept. 29, 2015) (on file with author) (“[Experts in gender based violence]” recommended a localised approach, rather than a broad media campaign, to protect confidentiality and avoid revictimization”); see also Letter from Dame Carol Anne Kidu to Dr. Navanethem Pillay, UN High Commissioner for Human Rights (Mar. 24, 2013), <http://s1.q4cdn.com/808035602/files/porgera/Letter-from-Dame-Carol-Kidu-to-UNHigh-Commissioner-for-Human-Rights.pdf> (“It was in fact the group of internal expert advisers at program design stage and the Claims Assessment Team (mature, highly experienced Papua New Guinean women) who insisted on confidentiality and opposed any media/public announcements at the commencement of the program by Barrick. This decision was

made in consultation with women on the ground in Porgera.”). *See also* Letter from Patrick Bindon, Manager, Corporate Affairs, Australia–Pacific, Barrick Gold Corp. to Sarah Knuckey and Tyler Giannini 3 (Mar. 26, 2013) (on file with the author) (“[O]utreach and publicity on the program was overseen exclusively by Cardno and based on the advice of local and national experts on violence against women”).

^{clxxx} *Id.*; Interview 21-2018.

^{clxxxi} During visits to Porgera, the clinics and the ATA sought to locate individual women who had previously been interviewed about their alleged assaults. When these women were found, they were informed about the existence of the mechanism and provided information about how to access it. The clinics offered direct assistance in accessing the mechanism to women where necessary. In addition, during visits to villages, the clinics informed women about the mechanism. Through the duration of the mechanism, members of the ATA and PLOA also spent considerable time locating and assisting individual women in accessing the mechanism.

^{clxxxii} Interview 21-2018 (“[I]f we announced it publicly, women would be scared to come . . . men would watch to see if women went there.”). Early on, there was a plan to receive complaints at the local hospital, however this was never implemented. *Id.*

^{clxxxiii} Claims Process Procedures Manual 1 (undated), <http://www.barrick.com/files/porgera/Claims-Process-Procedures-Manual.pdf> [hereinafter Claims Manual].

^{clxxxiv} Email from Peter Sinclair, Senior Vice President, Corp. Affairs, Barrick Gold Corp. to Sarah Knuckey 2 (June 24, 2015) (on file with author) [hereinafter Email from Barrick (June 24, 2015)].

^{clxxxv} *Id.*