

# UNDERMINING RIGHTS

FORCED EVICTIONS AND POLICE BRUTALITY AROUND THE PORGERA GOLD MINE, PAPUA NEW GUINEA

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*Cover photo:* Resident of Wuangima with the charred remains of her house. © Amnesty International

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BEFORE



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AFTER



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## ***'I didn't steal gold and I didn't do anything wrong. Why are they burning my house?'***

Elderly man whose home in Wuangima was burned by police<sup>1</sup>

# INTRODUCTION

Between April and July 2009, police officers raided villages in the highlands of Papua New Guinea, forcibly evicting people from their homes, burning down houses and destroying their belongings, gardens and livestock. These incidents took place in the "special mining lease" (SML) area within which the Porgera Joint Venture (PJV) operates one of the largest mines in the country.

The area most affected by the police raids was Wuangima, which is situated next to the underground mining operations of the Porgera mine. Wuangima had long been occupied by families from three sub-clans – the Uape, Lakima and Wangalo sub-clans.<sup>2</sup> Adult residents had been born and raised in the area and had been raising their own families in houses in Wuangima at the time of the police raids. Those who lost their homes included families with young children, pregnant women, elderly people and employees of PJV. Other villages within the SML area also faced violence, including Kulapi and Mungalep.

On 11 May 2009, Amnesty International issued a public statement expressing concern for the human rights of those affected by the police activity. It called for

immediate action to stop the forced evictions, remedy the violations that had occurred and prevent further human rights abuses. Between 18 August 2009 and 2 October 2009, Amnesty International conducted further investigations into the human rights situation of those affected by the police brutality. Amnesty International visited Porgera, inspected the burned remains of houses and spoke to many of the people directly affected by the forced evictions, including villagers who had previously occupied the area. Amnesty International also interviewed police officials, other government officers, medical personnel, politicians, religious leaders, landowners, women leaders, and other community members. While in Porgera, Amnesty International requested an opportunity to interview PJV management and staff. However, PJV advised that it required more notice of a meeting and that all communications should be directed to the head office of Barrick Gold Corporation (Barrick) in Toronto, Canada. On 7 September 2009, Amnesty International wrote to Barrick and requested a meeting with PJV and Barrick at any time before 25 September 2009 while the delegation was in Papua New Guinea. At 5pm on 25 September (26 September in Papua New Guinea), Barrick wrote to Amnesty International, offering to meet in London or Toronto. As such, Amnesty International was unable to meet PJV in Papua New Guinea. Following a further exchange of written correspondence, representatives of Barrick

and PJV met Amnesty International in London on 3 December 2009.

Since 2006, the Porgera gold mine has been operated and 95 per cent owned by subsidiaries of the largest gold mining company in the world, Canadian-based Barrick Gold Corporation (Barrick), as part of the Porgera Joint Venture (PJV). The Enga provincial government owns 2.5 per cent of PJV and the remaining 2.5 per cent is owned by landowners from within the "special mining lease" area. Local community members, government officials, police and medical personnel commonly refer to the mine operator as "Barrick".

In 2008, the Porgera mine produced 627,000 ounces of gold, worth approximately US\$546 million (gold prices averaged US\$871 per ounce in 2008). The mine has disposed of waste material into surrounding rivers, a practice which led to Barrick being excluded from the investment portfolio of one of the largest pension funds in the world, the Norwegian Government Pension Fund.<sup>3</sup>

***Opposite page, above: The Wuangima area immediately before the police began burning houses during raids on 27 April 2009. The photograph shows at least 131 buildings (circled in red). The underground mining area of the Porgera mine is on the left of the photo. Below: View of the Wuangima area in August 2009, almost entirely empty of houses.***

## DESTRUCTION AND VIOLENCE BY POLICE

Between April and July 2009, police officers of the Mobile Squad burned down at least 130 buildings in Wuangima, with local community members reporting many more being destroyed.<sup>4</sup>

Local residents who witnessed the police action told Amnesty International that on 27 April the police entered Wuangima from several vantage points, effectively surrounding the houses. Many residents fled in fear for their lives when they saw the heavily armed Mobile Squad police setting fire to houses as they approached. Other residents were attending to their gardens or other duties away from their homes when the police raid began and were shocked to find their houses burned down when they returned.

Residents who remained in their houses at the beginning of the police raid reported that the police pointed their weapons directly at them and threatened to shoot them if they did not immediately leave. One woman, a PJV employee, said that a police

officer struck her on the shoulder with a rifle butt when she hesitated to leave her house, pointed the gun at her and threatened her; she was nursing her small child in her arms at the time. Another resident said that when he refused to leave, the police tried to lock him in his house and set fire to it while he was inside. According to his testimony and that of other former residents from Wuangima, he was able to escape only with the help of neighbours. Approximately 30 members of one sub-clan in Wuangima reported that police fired their weapons at or near them, and killed their animals, including valuable livestock such as pigs.

In three separate interviews with different community members, Amnesty International received reports that three women were raped by police officers during the forced evictions in Wuangima. Amnesty International was unable to corroborate these reports, but, given the gravity of the allegations, the consistency of community members' statements and a history of sexual violence by police in Papua New Guinea, Amnesty International believes that these reports require a thorough investigation by the Papua New Guinean authorities.<sup>5</sup>

On around 21 May 2009, police also destroyed several houses in Kulapi, a well-established village immediately next to the open pit on the opposite side to Wuangima.<sup>6</sup> Amnesty International visited the sites of five of seven houses that local community members said had been burned down by police.<sup>7</sup> Testimonies from those in Kulapi indicate that the Mobile Squad police had

entered fully armed and pointing their rifles directly at residents.

Consistent testimony from witnesses and former residents also indicates that on two further occasions, police again destroyed houses in Wuangima after villagers returned to the area to reconstruct their homes.<sup>8</sup>

Amnesty International also obtained evidence of police violence that occurred when the Mobile Squad carried out other duties within the SML area. At around 3am on 23 June 2009, police searched a house in the village of Mungalep and brutally beat the head of the house and his son in front of the rest of the family, including several young children (see case study, page 6).

When Amnesty International raised these issues with senior police personnel,<sup>9</sup> they stated that they had not received any complaints other than in the media regarding the activities of police in Porgera, and therefore would not investigate. However, there is no adequate system for making complaints against police in Porgera without appearing in person at the local police station. Many people within Porgera stated that they would be too frightened to make a complaint. In order to make a complaint without attending the local police station, people would have to travel several hours to the closest regional police office. PJV and senior police personnel told Amnesty International that members of the public can make a complaint by telephone. However, neither they nor police at the Porgera police station were able to provide





this telephone number. When questioned about how a person might make a complaint, officers at the Porgera police station had no available information. Even if community members did wish to make a complaint, members of the Mobile Squad do not wear identification. This makes it even more difficult for people to report unlawful behaviour by individual officers, encouraging a climate of impunity.

## THE EVICTIONS OF PEOPLE FROM THEIR HOMES IN WUANGIMA WERE ILLEGAL

The police carried out the evictions without prior and adequate notice, without consultation with the affected people, and without appropriate forms of legal or other protection. They were therefore forced evictions, which were undertaken in breach of international law.

The police and Barrick have publicly claimed that the buildings which had been burned down in Wuangima were temporary makeshift shacks,<sup>10</sup> which Barrick claimed were inhabited by “in-migrants from other

## BACKGROUND TO THE POLICE RAIDS

On 6 February 2009 Philip Kikala, the local Member of Parliament, and several Porgera leaders sent a letter to the Chairman of the National Parliamentary Committee on State of Emergency about law and order problems and calling for the government to declare a state of emergency in the area between Porgera and the neighbouring area of Lagaip; impose a ban on alcohol in the area; establish and finance 30 members of the Mobile Squad to be based at a site outside the SML area; and “Establish a core working committee comprising [among others] Barrick (PNG) Limited... to devise a strategy to completely eradicate illegal Mining activity”.

On 26 February 2009, the government approved the deployment of additional police to Porgera, and on 4 March, acting on the advice of the National Executive Council, the Governor-General ordered the deployment of the Defence Force to assist the police in Porgera.<sup>11</sup> Approximately 200 Mobile Squad personnel and several

Defence Force personnel were deployed to Porgera, initially for a term of three months.<sup>12</sup> The Mobile Squad is an elite section of the Papua New Guinea Constabulary that is deployed to situations of high conflict. Members of the Mobile Squad are heavily armed, usually with assault rifles. The police action was called “Operation Ipili” and, according to those involved in seeking the call-out, had a dual purpose: to address the deteriorating general law and order situation in the Porgera-Lagaip area, and to address increased illegal mining activity in the Porgera mine. In an agreement with the police, PJV provided support to the Mobile Squad in the form of food, accommodation and fuel.

Amnesty International’s investigations found that there is general community support, including by former residents of Wuangima and Kulapi, for an increased police presence in Porgera to address the law and order problems in the area. However, people object to police abuse and misconduct during Operation Ipili that has resulted in the violation of human rights.



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## VICTIM OF POLICE BRUTALITY



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John's injuries are documented and treated by medical personnel after he and his son were beaten by officers of the Mobile Squad in the village of Mungalep in the SML area on 23 June 2009.

John (not his real name), who works at the mine, was at home with his mother, his five children aged between three and 18 years, and a cousin aged 16, when some 20 armed police officers arrived at around 3am.

They interrogated him about the location of guns they believed to be on the premises. He told the police he had no weapons and no knowledge of any guns. The police insisted he was lying, verbally abused him, and took him to the rear of the house.

A policeman pointed his rifle at his head while another policeman beat him on his back, head, arms and legs. The police lit a broom and beat him on his back, burning him, and used pieces of firewood to beat him further while they interrogated him about the location of guns. John's mother and children were huddling together on the veranda, shocked and frightened, watching while the police beat him.

The police also interrogated and beat his 18-year-old son in front of him. John told Amnesty International, "When I saw the police drag my

son and beat him, I was wondering will I die before my son, or will he die before me? Who will look after my wife and children?"

He insisted to the police that he didn't have any guns, but the beatings continued. A police officer grabbed an axe and gestured as if to cut off John's leg at the knee. John exclaimed, "Like Jesus I have done nothing wrong and if you want to kill me you kill me. I am innocent." It appears that the police officer believed him, as he took the axe away. The police then left, seizing a number of personal items and money, much of which has never been returned. Neither John nor his son were charged with any offences.

Although John and his son sustained head and other injuries, the police provided no medical assistance.

John drove himself and his son into Porgera to seek medical treatment. Amnesty International obtained medical reports and statements from the attending physicians that corroborate the testimonies of the two men.





parts of Papua New Guinea... temporarily residing in these crude shelters adjacent to the mine so that they could partake in illegal mining and other illicit activities".<sup>13</sup> However, Amnesty International found that many of the houses were solidly constructed wooden structures used as permanent dwellings for families, with well-established gardens. Since Amnesty International detailed the results of its investigations to Barrick and PJV, the companies told Amnesty International that they undertook further enquiries and now accept that some of the buildings destroyed in Wuangima were established houses.<sup>14</sup>

Residents of Wuangima told Amnesty International that they had no prior warning that their homes would be demolished, and would have removed their belongings from their houses if they had known. Remnants of charred pots and other household items testify to their hurried departure from the houses. According to anonymous sources within the government, a request by the commander of the Mobile Squad for eviction notices was refused. The Chief of Police Operations and acting Deputy

Commissioner of Police told Amnesty International that police gave notice by word of mouth to move out from the area, but "that if they don't move, you just move them".<sup>15</sup> No resettlement plan was developed or communicated to the residents and they have not been provided with any alternative accommodation.

Senior police officials told Amnesty International that search warrants had been issued in April 2009 at the District Court at Porgera to support their activities in Wuangima – but these warrants only allow the police to search for and seize firearms, illegal mining equipment, gold, pornographic materials, beer and marijuana, and to make related arrests. They do not in any way authorize the police to destroy property. Further, the warrants stipulate that they "may not be executed in respect of any building or buildings in a village or any part of a village or village garden unless the co-operation has been sought of those persons who, by custom, are regarded as the leaders of the village". Amnesty International met leaders of two of the sub-clans in the Wuangima area, who confirmed that the

**Above: Solidly constructed traditional dwelling similar to many of those destroyed by police during the raids in April to July 2009. The police and Barrick had described the buildings as "temporary shacks". Inset and opposite page: Photographs of this type of house being burned by police in Wuangima on 27 April.**

police did not seek their co-operation in relocating people and that they were completely taken by surprise when the police entered the area and burned down people's homes. The police entry into Wuangima under the search warrants, therefore, appears to have been in contravention of the condition that the police seek the co-operation of customary village leaders.

Both the Police Commissioner and the acting Deputy Commissioner of Police tried to justify the evictions, claiming that as the company has a lease over the SML area there was no legal basis for people to live there.<sup>16</sup> SML area landowners dispute this and the assertion is also incorrect according



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**A man whose house was burned down during the raid in Kulapi in May 2009 demonstrates how police used their weapons to threaten him.**

to PJV. The company's General Manager Corporate and Legal explained to Amnesty International, in a meeting on 3 December 2009, that the SML provides PJV an exclusive right to mine, but not to occupy, and that to acquire and use land PJV must negotiate with the people living there. Furthermore, under international law, governments are required to ensure that all people, irrespective of their tenure status, possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.<sup>17</sup> All evictions must be carried out in a manner which complies with international standards and only after the necessary procedural safeguards (see box page 9) are in place in order not to contravene the prohibition against forced eviction.

## THE EFFECTS OF THE FORCED EVICTIONS

The state of Papua New Guinea has provided no alternative accommodation, food or other assistance to those who were evicted from their homes in Wuangima. Many families from Wuangima now have to depend on their relatives for shelter, and are now living in cramped conditions with relatives within the SML area – some families accommodating 20 or more people in homes that previously housed 10. Women in particular reported significant hardship as a result of the police action as it is generally their responsibility to provide food for the family. One woman told Amnesty International, "I am a bit ashamed because my *wontoks* [relatives] have to provide for my family."

Several former residents of Wuangima say that due to their forced eviction, they can no longer rely on their gardens for food. People within the SML area depend heavily on subsistence gardening as a food source, supplemented by the purchase of additional food.<sup>18</sup> Studies undertaken since the

commencement of the Porgera mine, including one commissioned by PJV and conducted by URS, a consultancy firm, document the lack of available fertile soil for gardening within the SML area as a result of land use for mining and an increase in the SML area population.<sup>19</sup> Amnesty International observed first-hand the existence of extensive garden sites in Wuangima and the lack of available land near the village of Yarik, where many of those evicted from their homes are currently staying. Some women from Wuangima reported that they fear returning to the area and have no access to their gardens, and as such they must sell small items such as betel nuts, cigarettes, sweets and peanuts in an attempt to earn more money to buy food. Amnesty International spoke with parents who have withdrawn their children from school to work in order to help the family to buy food that previously they were able to grow in their traditional gardens.

Barrick and PJV claim that many of those affected by the forced evictions were from areas of Papua New Guinea some distance from Porgera and only temporarily residing





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The Wayapa family in Yarik, a village in the SML area. The head of the family, Kopi (*far left*), has six wives, 30 children and 35 grandchildren. As his children have grown up and married, they have moved to other areas within the SML area to build their own houses and raise their own families. Several of these children and their families, including his son (*far right*), who has a young family, were victims of the forced evictions in Wuangima. They have now returned to live with Kopi in Yarik. Each of Kopi Wayapa's two houses in Yarik is now home to over 20 people, whereas they were previously home to 10.

there. They dispute that anybody was made homeless or has suffered as a result of the forced evictions because people could either move in with family nearby or return to areas of Papua New Guinea from which they came. However, international law requires the government to protect all people from forced evictions. The government made no efforts to provide alternative housing for those evicted. The forced evictions were carried out without adequate notice and safeguards and therefore clearly violated international law.

## WHAT IS A FORCED EVICTION?

Forced evictions are a violation of human rights that governments are obliged to prohibit and prevent. Forced evictions have been recognized by the UN Commission on Human Rights as a gross violation of human rights, including the right to adequate housing. The UN Committee on Economic, Social and Cultural Rights defines forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”<sup>20</sup>

Under international human rights law, evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored and genuine consultation has taken place with communities. Evictions can only be carried out when appropriate procedural protections are in place. These include, among others, “a) an opportunity for genuine consultation with those affected; b) adequate and reasonable notice for affected persons

prior to the scheduled date of eviction; c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;... g) provision of legal remedies; and h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.”<sup>21</sup>

Governments are also under an obligation to ensure that no one is made homeless or vulnerable to the violation of other human rights as a consequence of eviction. Adequate alternative housing and compensation for all losses must be made available to those affected prior to eviction, regardless of whether they rent, own, occupy or lease the land or housing in question.<sup>22</sup>

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties which prohibit forced eviction, Papua New Guinea has an obligation to stop, prohibit and prevent forced evictions.





A PJV employee points out the area in Wuangima where he used to live with eight family members. He said that the police burned down their two houses. The first time the police came, he and his family only had time to leave with the clothes they had on. When he showed the police his ID to prove he worked at the mine, one of them reportedly put a gun to his head and threw his ID card on the fire. He and his family rebuilt a house with iron and canvas, and this too was burned down by the police. After a third burning, he and his family left Wuangima and found temporary shelter with friends in Yarik.

## BUSINESS AND HUMAN RIGHTS

As the Special Representative of the UN Secretary-General on business and human rights has noted, “The root cause of the business and human rights predicament today lies in the governance gaps created by globalization... How to narrow and ultimately bridge the gaps in relation to human rights is our fundamental challenge.”<sup>23</sup>

The Special Representative has espoused a framework for managing business and human rights challenges, which emphasizes the state duty to protect against human rights abuses by third parties, including business; the corporate responsibility to respect human rights; and greater access for victims to effective remedy.

States are the primary duty bearers under international law for ensuring the respect,

protection and promotion of human rights. Far too often, however, governments are unwilling or unable to discharge their legal obligation to protect against human rights abuses. Companies have also often failed to respect human rights because of deliberate action or inaction, failures of due diligence, or lack of understanding. The spread and severity of the human rights abuses reported in relation to mining, oil and gas (“extractive industries”) operations are disproportionately high compared to other industries. In a review of alleged corporate-related human rights abuses found in a sample of 320 cases posted on the Business and Human Rights Resource Centre website from February 2005 to December 2007, the largest single sector involved in corporate abuses was the extractive industries – 28 per cent of all cases.<sup>24</sup>

## PJV AND POLICE OPERATION IPIILI

Since the start of Operation Ipili, PJV has accommodated the increased police presence within the mine site and provided them with housing, food and fuel. In an exchange of letters between PJV and the police, PJV stated that its support to the police is conditional on compliance with “all applicable laws and regulations of Papua New Guinea and relevant international legal instruments regarding the use of force, including the Voluntary Principles on Security and Human Rights, the UN Code of Conduct for Law Enforcement Officials, and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”.<sup>25</sup>

Barrick, whose subsidiaries operate the Porgera mine as part of PJV, has strongly denied that police carried out any forced evictions or other human rights abuses as part of Operation Ipili. According to Barrick, PJV made inquiries with local police the day after police first evicted people from Wuangima, and met the Commissioner of Police in May and July 2009. PJV also contacted community leaders and local

health care providers. Barrick concluded that there was no evidence that the police had “used any force during this operation to remove unlawful structures”;<sup>26</sup> the buildings destroyed by police were not houses, but merely temporary huts; people were not living in these buildings, but using them as staging posts for illegal activity; and that there was no forced eviction. Barrick has taken exception to the use of the term “gross violation of human rights” by Amnesty International in condemning the forced evictions. Barrick has also maintained that PJV had no role in the request for the police call-out, and provided only passive support to the police operation in the form of accommodation and food. Barrick further maintains that PJV was not aware of the police actions in destroying buildings until the fires were already burning. Moreover, Barrick insists that “PJV did exactly what the Voluntary Principles [on Security and Human Rights] recommend”.<sup>27</sup>

Amnesty International outlined the findings of its further investigations to Barrick and PJV in a detailed letter dated 2 November 2009. At a meeting held on 3 December 2009 lasting more than nine hours, Amnesty International discussed with PJV and Barrick their concerns and views regarding Amnesty International’s findings. Barrick and PJV continue to assert much of the content of their previous statements. However, they informed Amnesty International that the companies now accept that some of the structures destroyed were

permanent homes that had existed for some time and that some people were “displaced”.

In a letter dated 7 December 2009, Barrick told Amnesty International that both Barrick and PJV “concur with AI [Amnesty International] that further investigation” into the police action in Wuangima would be “desirable”. In a subsequent telephone conversation with Barrick representatives, the company told Amnesty International that it would work with PJV and intended to promptly ask the authorities to investigate, that it preferred to do so in writing and that it would make the existence of such a letter public.<sup>28</sup> Barrick’s representatives also stated that they would update their website to correct earlier statements to reflect the fact that the companies now accept that people living in permanent housing in Wuangima had been evicted by police. In a letter dated 18 December 2009, Amnesty International asked Barrick and PJV whether the companies had reported to the relevant authorities the information available to them regarding the forced evictions (including information that led the companies to conclude that people were evicted from their homes by the police) and whether the companies had urged the authorities to launch an investigation.<sup>29</sup> As at 11 January 2010, Amnesty International had received no response from Barrick or PJV, and Barrick’s website had not been updated to reflect the change in the companies’ conclusions regarding the forced evictions.



When police approached his house in Wuangima, John Irapu went inside. The police ordered him to leave. He refused and responded, "I got my house here, my garden, my pig, my children are here, my wife is here. Why will I go out of my house? This is my homeland." The police told him that illegal miners were being allowed to stay in the area. He denied this and told the police he was not an illegal miner. He says that when he refused to leave his house, the police threatened him, tried to lock him in the house, then poured fuel on the house and set fire to it. He was able to escape only with the help of neighbours.

## INTERNATIONAL STANDARDS REGARDING THE USE OF FORCE AND FIREARMS

The UN Code of Conduct for Law Enforcement Officials states that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."<sup>30</sup> It also says that "The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender."<sup>31</sup>

According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms."<sup>32</sup>

"Law enforcement officials shall not use firearms against persons except in self-

defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives."<sup>33</sup> Governments and law enforcement agencies "shall establish effective reporting and review procedures" for all incidents involving the use of firearms by law enforcement officials.<sup>34</sup>

The Voluntary Principles on Security and Human Rights are voluntary standards developed by business, governments and NGOs (including Amnesty International) as a guide to companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms.

The Voluntary Principles state that:

- Companies should use their influence to promote with public security that force should be used only when strictly necessary and to an extent proportional to the threat.

- In cases where physical force is used by public security, such incidents should be reported to the appropriate authorities and to the company. Where force is used, medical aid should be provided to injured persons, including to offenders.
- Companies should record and report any credible allegations of human rights abuses by public security in their areas of operation to appropriate host government authorities. Where appropriate, companies should urge investigation and that action be taken to prevent any recurrence.
- Companies should actively monitor the status of investigations and press for their proper resolution.

Barrick and PJV claim to implement the Voluntary Principles, including at the Porgera mine.

Since March 2009, the Canadian government has committed to promoting implementation of the Voluntary Principles as part of the government's strategy for the Canadian extractive sector operating outside Canada.





## PJV INVOLVEMENT IN REQUESTING DEPLOYMENT OF AND PROVIDING ASSISTANCE TO POLICE

According to government officials, it was during meetings of the Porgera District Law and Order Committee that the decision was made to call for the government to respond to the law and order problems in the district, including illegal mining, and to petition Philip Kikala, the local Member of Parliament. PJV is a member of the Law and Order Committee.

In meetings of the Porgera District Law and Order Committee in late 2008, a law and order monitoring advisory committee was established. One of the members of this advisory committee was the PJV Community Affairs acting Manager. According to a letter dated 20 October 2008 from the Chairman of the District Law and Order Committee to PJV (among others), the advisory committee “requested and made arrangements... for the deployment of a 20 men mobile squad.” It was also noted that the advisory committee would assist the mobile squad in various designated areas for arrests and raids. This

committee, which included PJV, “emphasised strongly that all necessary information will come from the advisory committee alone.”<sup>35</sup> In minutes of a meeting on 24 October 2008, the “Illegal Mining Section” of the committee (which included a PJV representative) submitted “a long list of areas where the mobile squad operation would focus during the anticipated police operation”.

According to PJV, the advisory committee was tasked with assisting a Mobile Squad deployment to Porgera that occurred in January 2009, but not the deployment known as Operation Ipili, which began in April 2009. In separate interviews, a senior government official and another member of government who is a member of the Law and Order Committee, told Amnesty International that the Law and Order Committee discussions led to the decision to petition for the April 2009 deployment of police.

Amnesty International was not able to obtain a copy of the list submitted by the Illegal Mining Section referred to above. However, PJV told Amnesty International that it was possible that Wuangima and Kulapi may have been on the list. PJV

**PJV survey photograph of the Wuangima area, taken in June 2008, 10 months before the forced evictions in April 2009. More than 140 community buildings are identifiable in the photograph (circled in red). PJV had been in discussions with local landowners about the mine’s acquisition of land (outlined in black) where houses were burned down by police. PJV says it had no continuing interest in the area at the time of the forced evictions and Amnesty International found no evidence that PJV’s interest in the land prompted the police action.**



A former resident stands among the remains of her home in Wuangima after police forcibly evicted her.

and Barrick stated that they do not know whether the information contained in this list was passed to the commanders of Operation Ipili, nor whether PJV had the same type of involvement in assisting Operation Ipili as they had had with the January deployment.

Both the Chief of Police Operations and acting Deputy Commissioner of Police (who oversees all Mobile Squad operations), and the Deputy Director of Police Special Services (the Mobile Squad commander in Porgera from 16 July 2009) advised Amnesty International that deployment of the Mobile Squad to Porgera has occurred on several occasions at the request of PJV. Both stated that the April 2009 deployment occurred at the request of PJV and the national government. However, Barrick and PJV insisted to Amnesty International during a meeting on 3 December 2009 that PJV was only one of several entities that supported the April 2009 deployment of the police, and that this was part of supporting the community's desire to initiate the call-out.

Politicians and senior police officials said that in carrying out the activity in Wuangima during Operation Ipili, the police acted on information from community members. The local Member of Parliament, Philip Kikala, told Amnesty International that he appointed 23 people from the broader Porgera area to assist the police during Operation Ipili. Many people with whom Amnesty International spoke believe that this group of 23 consisted of political opponents of the leaders of the Porgera Development Authority and the Porgera Landowners Association, both of whom are prominent SML area landowners. The Chairman of the Porgera Development Authority is a leader of the Wuape sub-clan, which occupied Wuangima. In August 2009, the Mobile Squad commander in Porgera, who was appointed after the evictions, told Amnesty International that political divisions within Porgera district may have contributed to the police action in Wuangima, and that "things may have been done without due consideration for what is correct and what is true information."<sup>36</sup> Barrick and PJV deny they had any prior knowledge of the

police actions in Wuangima and state they did not request the action.

## PJV KNEW WUANGIMA WAS INHABITED

Barrick has publicly insisted that the buildings that were destroyed were nothing more than shacks and temporary shelters. There is significant evidence to the contrary, including testimonies from residents and religious leaders, photographs of the area before and during the burning as well as physical evidence of the remains of houses with solid wooden frames and traditional woven walls. The presence of a church in Wuangima that was constructed in 2004 by local residents provides further evidence that the area was an established settlement. PJV must have been aware that there were houses in Wuangima as it had undertaken a survey of the area in 2008. At a meeting with Amnesty International on 3 December 2009, PJV told Amnesty International that there must have been some families in Wuangima, and Barrick and PJV





acknowledged that some houses in Wuangima had been occupied for quite some time.

During its investigations, Amnesty International learned that in 2007, PJV began discussions with landowners in Wuangima to try to acquire land to expand their underground mining operation. Acquisition of the land that was the subject of the survey would have required the relocation of families and payment of compensation. The police destroyed the houses of those living in this area during the raids in April to July 2009. While this seems to have led many people in the SML area with whom Amnesty International spoke to query whether PJV's interest in the land had prompted the police destruction of the houses in Wuangima, Amnesty International found no evidence to substantiate this. Barrick and PJV informed Amnesty International that while they had previously wanted to acquire some of the land in Wuangima, they ceased discussions with landowners in March 2009 and by the time of the police raids had no interest in acquiring the land. Barrick and PJV state

that they were not involved in any way in the police operation's decision to destroy the houses in Wuangima.

## KNOWLEDGE OF POLICE OPERATIONS

Although Barrick says that PJV has almost daily communications with police, and had a briefing on the morning of 27 April 2009, Barrick told Amnesty International that PJV did not know about the police action in Wuangima until PJV employees saw smoke emanating from the area.<sup>37</sup> In a letter dated 13 October 2009, Barrick told Amnesty International that PJV was not able to monitor or observe the police action at Wuangima in any detail while it was occurring.<sup>38</sup> However, photographs of the police raid taken by an SML area resident show that between 11.12am and 12.26pm, PJV personnel gathered within the underground mining area, within sight of Wuangima as police move into the Wuangima area before the burnings began, and continuing to gather as houses burned. Due to the proximity of the underground mining

**PJV personnel (in orange vests) gathering within the minesite as police enter Wuangima prior to burning down houses on 27 April 2009.**

area to Wuangima, PJV employees must have been immediately aware that people's houses in Wuangima were being burned.

The Voluntary Principles on Security and Human Rights stress that where physical force is used by public security, such incidents should be reported to the appropriate authorities and to the company, that companies should record and report any credible allegations of human rights abuses by public security, and companies should urge investigation and action to prevent any recurrence. Amnesty International asked Barrick and PJV whether PJV reported what personnel observed when police entered and burned down houses in Wuangima on 27 April 2009. PJV stated that their main contact point for police, PJV General Manager Corporate and Legal, received reports from the PJV Security Manager about the activity at about 2.30pm on 27 April, and that PJV attempted to





*Left: Margaret Kopi, who was born in Wuangima. She moved to Yarik, a village on the outskirts of the SML area after the police burned down her house. She used to feed her family with produce from the garden, which was damaged by police. She says that there is no garden for her in Yarik and she and her children now have to earn money for food by selling flour, betel nuts, peanuts, sweets and cigarettes in the market.*

*Opposite page: Many former residents of Wuangima are unable to grow their own food after the forced eviction from their homes and gardens. Some spend their days shelling peanuts that will be sold to earn money to buy food for the family.*

contact the Commander of the Mobile Squad the next day. One or two days later, the General Manager Corporate and Legal spoke with the Commander of the Mobile Squad and asked for an explanation of the activities. The Commander reportedly advised PJV that the activities were lawful. There was no attempt to contact any authority other than the Commander at that time.<sup>39</sup> On 3 December 2009, Barrick and PJV told Amnesty International that the companies had asked for evidence from the police to support assertions that what the police did was lawful, but have not received any evidence to date.

When Amnesty International asked whether Barrick or PJV had urged an investigation by the authorities into the police activities in Wuangima, the companies stated that PJV had asked for an explanation, but neither company had asked for an investigation. Since 14 August 2009, PJV has engaged a prominent Papua New Guinean to “monitor” the police deployment. Documents relating to the monitor’s initial enquiries indicate that there are numerous areas of concern, including police misconduct and the

burning down of houses in Wuangima, which the monitor intends to take up with the Commissioner of Police. Despite this, at the time of publication of this report, Barrick and PJV are yet to urge an investigation by the authorities.

## **PJV’S CONTINUED SUPPORT TO THE POLICE**

While PJV has a written agreement in which the company’s support to the police is conditional on compliance with national laws and international standards regarding the use of force, the company does not appear to have acted to enforce this condition. PJV’s support to the police has continued despite significant evidence that the police destruction of homes and forced evictions in Wuangima occurred in violation of search warrants and international human rights law prohibiting forced evictions. This occurred in circumstances where no effective and accessible police complaints process exists, contrary to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

In addition, the continued accommodation of the police within the PJV facility is contrary to the order of a Papua New Guinea court of law. The court order, dated 17 August 2009, was issued by the National Court of Justice, requiring the withdrawal of police from the SML area and from accommodation provided by PJV. A further court order on 14 September set the date of 5 October for the withdrawal. Amnesty International understands that these court orders are currently being contested by the state of Papua New Guinea.

## **HAS PJV ACTED CONSISTENTLY WITH THE VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS?**

PJV has attempted to implement aspects of the Voluntary Principles on Security and Human Rights. The Voluntary Principles state that companies should communicate their policies regarding ethical conduct and human rights to public security providers, and express their desire that security be provided in a manner consistent with those



policies by personnel with adequate and effective training. In a letter to the Police Commissioner dated 20 April 2009, PJV expressed its understanding that the police would comply with national laws and international standards regarding the use of force. The letter of agreement did not refer to broader issues of ethical conduct and respect for human rights. However, PJV and Barrick emphasized to Amnesty International that they discussed the Voluntary Principles in meetings with senior police officials. Further, since the involvement of Barrick in the Porgera mine, the companies have made significant contributions to training of police in respect of human rights.

*“What happens when Police violate human rights? Law enforcer becomes law breaker. Human dignity is transgressed.”*

*“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence.”*

Excerpts from PJV human rights training materials<sup>40</sup>

Upon observing the activities of police in Wuangima and in responding to public complaints by landowners and NGOs, the response of PJV and Barrick, in Amnesty International’s view, has fallen far short of the conduct expected of companies that do not tolerate human rights violations and which are committed to implementing the Voluntary Principles.<sup>41</sup> It is apparent that PJV was or ought to have been aware that the Wuangima area had long been occupied, and that on 27 April 2009, PJV staff observed the police entering Wuangima and burning down houses.

Between May and December 2009, Barrick’s response to the concerns expressed by Amnesty International about the police activity was to repeatedly and publicly defend the police action on the basis of the company’s “extensive” investigation, which included PJV making enquiries with the police.<sup>42</sup> Barrick claimed that the police actions were not evictions, were not illegal, were conducted with notice and without the use of force, and resulted only in the destruction of crude shelters that were temporarily occupied by migrants engaged

in illegal activity. However, in a meeting with Amnesty International on 3 December 2009, PJV clarified that its “enquiries” with police involved asking them to reassure the company that the actions were legal, and that the company obtained no evidence to substantiate this. It was only after Amnesty International shared the findings of its investigations with Barrick and PJV that the companies conducted further enquiries that led them to accept that the police had evicted people from well-established homes in the Wuangima area. In a telephone conversation on 10 December and in writing on 18 December 2009, Amnesty International asked Barrick whether it or PJV had reported to the relevant authorities the information available to them regarding the forced evictions, including the information that led the companies to conclude that people were evicted from their homes by the police. To the best of our knowledge, neither company has done so. Barrick made it clear that as at 10 December 2009, neither company had urged an investigation by the Papua New Guinean authorities despite both companies accepting that an independent investigation was warranted.

## RIGHT TO REMEDY

The right to a remedy exists in human rights law to ensure that when violations occur, victims have access to justice and substantive redress. Redress should include putting a stop to the violations, restoring the rights of victims, repairing the harm they experienced and ensuring that effective measures are taken to prevent the violations being repeated.

When Amnesty International questioned residents who had been affected by the forced evictions as to what remedy they would want to receive, many people referred to the need for immediate assistance in the form of food and shelter, compensation, and an explanation from the authorities as to why the police destroyed their homes. Two women whose homes were destroyed told Amnesty International that they had asked for food, such as bags of rice, from PJV, but were refused. In a meeting with Amnesty International on 3 December 2009, PJV denied that anyone requested food or other assistance from them and stated that if they were approached they would provide assistance. In a letter dated 14 December 2009,

Barrick stated that PJV made further inquiries which confirmed that a group of people had approached a PJV community relations officer requesting building materials and food, but the PJV employee told the community members to go to the police.

In discussing remedies for their human rights violations, people unanimously requested relocation to areas outside the SML area. For those who suffered forced evictions by police between April and July 2009, the associated insecurity highlights their need to be relocated. Many were angry that they had been accused by police of being illegal squatters or wrongly assumed to be illegal miners when they consider the SML area their customary land. Residents emphasized that their relocation to areas outside the SML area would provide them greater security, while also facilitating the police and PJV's efforts to determine whether people were illegally present within the SML area. PJV and Barrick deny that there is a need for relocation of all SML area residents and that they undertake relocations on the basis of whether the mine requires the use of land upon which people are living.

While relocations are a complex and difficult process, Amnesty International believes that protection of the human rights of those living within the SML area and improvement of their quality of life would be advanced by the government of Papua New Guinea and PJV agreeing to reassess the issue of relocation of all SML area residents.

As a party to the ICESCR and ICCPR, the state of Papua New Guinea has a duty under international human rights law to provide immediate assistance to those affected by the forced evictions, including by the provision of shelter and food, as well as to ensure the realization of the right to an effective remedy for those whose rights were violated by the police.





## RELOCATION OF SML AREA RESIDENTS

Even before the forced evictions that occurred between April and July 2009, the issue of relocation has been a significant concern for those living within the SML area. Independent studies have been conducted into the relocation of people who presently live within the SML area and have concluded that relocation would be in the best interests of the communities.<sup>43</sup> One of these studies was an extensive review commissioned by PJV and undertaken by the consultancy firm URS in 2006 and 2007. URS concluded that relocation was in the interests of local communities, as the lives of those living in the SML area had changed significantly for the worse since the Porgera mine opened, and that:

*“Resettlement would have a generally positive impact by removing SML communities from existing difficult and potentially dangerous living conditions; by improving their quality of life; [and] providing access to essential services and opportunities to develop sustainable livelihoods in resettlement areas.”<sup>44</sup>*

Barrick’s Corporate Social Responsibility Charter emphasizes the need to work with local communities to improve their quality of life. Despite this and the conclusion by URS that relocation would contribute to an improved quality of life for SML area residents, PJV has not acted on the recommendations.

Barrick and PJV state that the URS study was conducted in response to a planned expansion of the mine, which has since been abandoned. As such, the companies contend that relocation of all SML area residents is not required.

On 25 August 2009, a petition was presented to the acting Prime Minister of Papua New Guinea by representatives of all the sub-clans within the SML area, presidents and members of local government councils, the Chairman and several board members of the Porgera Development Authority, the Chairman and several members of the SML Youth Association, and the Acting Administrator of the Porgera District Administration. As its primary objective, the petition sought the relocation of SML residents outside the SML area.

**Sisters Let and Pep Dita, point out their traditional gardens in Wuangima, which they say were damaged by police during the forced evictions.**

# RECOMMENDATIONS

## AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO:

### THE GOVERNMENT OF PAPUA NEW GUINEA

- Carry out a full investigation into the forced evictions and police violence in the SML area, prosecute those responsible, and provide remedies to those affected, including adequate alternative accommodation and compensation for victims of the forced evictions.
- Ensure that the prohibition on forced evictions under international law and the human rights consequences of forced evictions are part of comprehensive human rights training for police, and ensure the participation of senior members of the police force in all such training.
- In conjunction with PJV and the SML area communities, immediately initiate an investigation into whether all SML area residents require relocation, and that if so, ensure such relocation occurs promptly in a manner that is fair and effective and fully respects their human rights.
- Ensure that Mobile Squad police in Porgera are accommodated and fed by the state in areas outside the PJV mine.
- Establish an effective complaints mechanism in Porgera regarding police activities that would enable members of the public to make complaints without fear of repercussions, and conduct awareness campaigns to increase public understanding of procedures for reporting complaints.
- Ensure that police officers wear identification when carrying out police duties.

### BARRICK AND PJV

- Withdraw accommodation and other support by PJV to the Mobile Squad in light of evidence of human rights abuses by police and the existence of court orders requiring the police to be housed outside the Porgera mine site.
- Ensure that the prohibition on forced evictions under international law and the human rights consequences of forced evictions are part of human rights training for PJV and Barrick personnel.
- Implement the Voluntary Principles on Security and Human Rights by:
  - recording all information already gathered by PJV and Barrick relating to the forced evictions and any other use of force by the police, and immediately reporting it to the state authorities;
  - calling for a full investigation into the forced evictions and police violence in the SML, the prosecution of those responsible, and the provision of remedies to those affected;
  - actively monitoring the status of an investigation and pressing for its proper resolution.
- Ensure that in future, where company personnel observe police activities that appear to violate human rights, these are promptly recorded and reported to the state authorities, and where appropriate an investigation urged.
- Encourage and co-operate with an investigation into whether all SML area residents require relocation, and that if so, ensure such relocation occurs promptly in a manner that is fair and effective and fully respects human rights.

### THE GOVERNMENT OF CANADA

- Strongly urge that Barrick and its subsidiaries implement all aspects of the Voluntary Principles on Security and Human Rights and assist the company to do so.
- Ensure that any branch of the Canadian government that provides financial or other forms of support to Barrick now or in the future makes that support contingent on the company respecting all human rights across its global operations.

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Series of photographs showing the burning of houses in Wangima by police on 27 April 2009. The Pongera mine underground operations are visible in the bottom left of the photographs.



## ENDNOTES

1 In the course of interviewing victims of human rights violations, Amnesty International became aware that some of the people interviewed felt that they would be at risk of further violations if it was known that they spoke to Amnesty International. In these cases, we have chosen not to include their names, identifying information or publish their photos. Other people we spoke to wanted Amnesty International to describe their situation and use their names and publish their photographs. Amnesty International will continue to monitor the situation in Porgera to help protect the human rights of those identifiable in this report.

2 According to PJV, the population has increased significantly, particularly in the last few years: Meeting with representatives of Amnesty International, Barrick and PJV, London, 3 December 2009. A small number of houses are visible in a photograph taken in 1992 shown to Amnesty International by PJV.

3 Norwegian Ministry of Finance Press Release No 13/2009, *Mining Company Excluded from the Government Pension Fund – Global Due to Contribution to Serious Environmental Damage*, 30/01/2009; *Council on Ethics for the Government Pension Fund – Global, Recommendation on the Exclusion of Barrick Gold Corporation*, available at <http://www.regjeringen.no>

4 Senior police officers and Barrick claim that between 35 and 50 structures were burned down by police in Wuangima. Initial reports from local community-based organizations and media suggested that as many as 300 structures were burned. Amnesty International's researchers were able to see and count 92 burned sites in Wuangima. However, the researchers were not able to access or view all of the mountainside area, where the local community reported that further burned-out structures were visible. Photographs showing buildings in Wuangima immediately before the destruction depict 131 buildings. At the time of Amnesty International's investigation, only a church remained, while a few structures had been rebuilt from burned materials. Amnesty International also visited the village of Kulapi and inspected the sites of a further five of seven houses burned down by police. Two of the houses had been rebuilt by the time of Amnesty International's investigation.

5 Human rights advocates, including Amnesty International, have documented the involvement of police officers in sexual violence

in Papua New Guinea:

<http://www.amnesty.org/en/library/info/ASA34/002/2006>,

<http://www.hrw.org/en/node/11626/section/1>,  
<http://www.hrw.org/en/node/11137/section/1>.

An Amnesty International delegation carrying out research in Papua New Guinea in mid-2009 was told by a police officer working in a sexual offences squad that there is a continuing problem with police officers perpetrating sexual violence against women.

6 PJV and Barrick provided to Amnesty International a statement provided by a village elder of one area of Kulapi who is a former PJV employee. The statement was made to PJV staff on 7 November 2009 and says that on 15 May 2009, the elder requested the police to remove a couple of makeshift huts in Kulapi and the police later pulled down and burned the structures. It must be noted, however, that consent by a landowner to destruction of houses on his land is not sufficient to discharge the procedural safeguards and notice requirements required under international law to protect the right to adequate housing. In the absence of those requirements and safeguards, the activity is a forced eviction.

7 Due to heavy rain, Amnesty International researchers could not reach all of the sites.

8 PJV and Barrick told Amnesty International that they had no information regarding police activity in Wuangima on second and third occasions and that they believed that people other than the police removed some of the structures on 28 April 2009. The Chief of Police Operations and acting Deputy Commissioner of Police told Amnesty International that all structures were removed by police: Interview with Chief of Police Operations and acting Deputy Commissioner of Police, Port Moresby, 30 September 2009.

9 Interview with Deputy Director of Police Special Services (as at 26 August 2009 current Mobile Squad commander in Porgera), Porgera, 26 August 2009; interview with Chief of Police Operations and acting Deputy Commissioner of Police, Port Moresby, 30 September 2009.

10 "PNG Denies Paper Report About Porgera Fires", Radio New Zealand, 30 April 2009; letter dated 22 May 2009 from Barrick to Amnesty International, available at [www.business-humanrights.org](http://www.business-humanrights.org); letter dated 2 June 2009 from Barrick to the Special

Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Special Rapporteur on adequate housing, Representative of the Secretary-General on the human rights of internally displaced persons, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, available at [www.business-humanrights.org](http://www.business-humanrights.org).

11 Governor-General Paulias Matane, "Call-out of the Defence Force to Assist Civilian Authorities in Lagaip-Porgera Electorate", *National Gazette*, 4 March 2009.

12 Interview with Member of Parliament Philip Kikala, Port Moresby, 30 August 2009; "PNG Police Deployed to Troubled Porgera Valley", Radio Australia News, 20 April 2009. Since the start of Operation Ipili, the deployment of Mobile Squad police has been extended but with fewer personnel. Two Mobile Squad units now remain, amounting to about 60 officers.

13 Letter dated 22 May 2009 from Barrick to Amnesty International. Barrick and PJV told Amnesty International that people had also moved to the area to try to profit from any compensation that would be payable if the mine expanded its operations. Meeting with representatives of Amnesty International, Barrick and PJV, London, 3 December 2009.

14 Meeting with representatives of Amnesty International, Barrick and PJV, London, 3 December 2009; letter dated 7 December 2009 from Barrick to Amnesty International.

15 Interview with Chief of Police Operations and acting Deputy Commissioner of Police, Port Moresby, 30 September 2009. When Amnesty International brought to Barrick's attention the lack of any notice of evictions, Barrick referred to general notices and information in the media about the increased police presence in Porgera as well as 24-hour verbal notice by the police of their intention to search the area. However, such information does not constitute notice of an eviction.

16 Interview with Chief of Police Operations and acting Deputy Commissioner of Police, Port Moresby, 30 September 2009; "PNG Police Chief Says Sometimes Force the Only Way to Bring Positive Change", Radio New Zealand, 14 August 2009.

- 17** Committee on Economic, Social and Cultural Rights, General Comment 4, The right to adequate housing (Sixth session, 1991), UN Doc. E/1992/23, annex III at 114 (1991), para 8 (a).
- 18** Prior to the commencement of mining in Porgera, a socio-economic impact study observed that improvements in subsistence farming techniques were increasing productivity for people within the area now covered by the mine's SML; however, people often made up for deficits in food production through purchase of additional food: Pacific Agribusiness, *Social and Economic Impact Study* (1987) as referred to in Office of Environment and Conservation, *Findings and Recommendations of the Porgera SML Issues from the Porgera Sub-Social Monitoring Committee* (6-9 June 2000).
- 19** Office of Environment and Conservation, *Findings and Recommendations of the Porgera SML Issues from the Porgera Sub-Social Monitoring Committee* (6-9 June 2000) (OEC Report); URS, Report: *Porgera Joint Venture Special Mining Lease Landowner Resettlement: Social Impact Assessment*, 14 June 2007 (URS Report).
- 20** Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), UN Doc. E/1998/22, annex IV at 113 (1997) (CESCR General Comment 7), para 3.
- 21** CESCR General Comment 7, para 15.
- 22** CESCR General Comment 7, para 16.
- 23** Report to the UN Human Rights Council of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development – Protect, Respect and Remedy: a Framework for Business and Human Rights, A/HRC/8/5, 7 April 2008, para 3.
- 24** Report to the UN Human Rights Council of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Addendum: Corporations and human rights: a survey of the scope and patterns of alleged corporate-related human rights abuse, A/HRC/8/5/Add.2, 23 May 2008.
- 25** Excerpt of a letter from PJV to the Office of the Commissioner of Police dated 20 April 2009, available at <http://www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJV/PoliceDeployment/default.aspx>
- 26** Barrick Gold Corporation, *Police Deployment, Enga Province, Papua New Guinea (PNG)*, <http://www.barrick.com>.
- 27** Letter dated 22 May 2009 from Barrick Gold Corporation to Amnesty International. In a meeting with Amnesty International on 3 December 2009, PJV and Barrick said their inquiries were continuing.
- 28** Telephone call on 10 December 2009 between Amnesty International and Barrick.
- 29** Letter dated 18 December 2009 from Amnesty International to Barrick, copied to PJV.
- 30** Code of Conduct for Law Enforcement Officials, Adopted by General Assembly resolution 34/169 of 17 December 1979 (Code of Conduct for Law Enforcement Officials), Art 3.
- 31** Code of Conduct for Law Enforcement Officials, commentary on Art 3(c).
- 32** Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 (Basic Principles on the Use of Force), Principle 4.
- 33** Basic Principles on the Use of Force, Principle 9.
- 34** Basic Principles on the Use of Force, Principle 22.
- 35** Letter dated 20 October 2008 from the Chairman of the District Law and Order Committee to the Provincial Administrator, Porgera Development Authority Chairman, PJV Barrick, and IPI Chairman.
- 36** Interview with Deputy Director of Police Special Services, Porgera, 26 August 2009.
- 37** Barrick and PJV told Amnesty International that the briefings with police did not relate to the operational activities of the police: Meeting with representatives of Amnesty International, Barrick and PJV, London, 3 December 2009.
- 38** Letter dated 13 October 2009 from Barrick to Amnesty International.
- 39** Barrick told Amnesty International that the PJV Country Security Manager met the Police Commissioner later in May 2009 and again in July 2009: letter dated 14 December 2009 from Barrick to Amnesty International. PJV's General Manager Corporate and Legal told Amnesty International that during these meetings, PJV asked for an explanation of the police action but did not request any investigation into the activities: meeting between Barrick, PJV and Amnesty International, 3 December 2009.
- 40** PJV, Human Rights and Law Enforcement (undated).
- 41** Barrick's website states that "Barrick does not tolerate human rights violations": [www.barrick.com](http://www.barrick.com). Barrick's Corporate Responsibility Report 2009 outlines the company's commitment to human rights and to the Voluntary Principles on Security and Human Rights: Barrick, *Responsibility Report (2009)* available at [www.barrick.com](http://www.barrick.com). Barrick is a member of the Global Compact, a principle of which is that "Businesses should support and respect the protection of internationally proclaimed human rights". According to Barrick's website, PJV's "security policy... is aligned with the Voluntary Principles on Security and Human Rights", and "PJV strictly adheres to PNG law and is committed to upholding the Voluntary Principles on Security and Human Rights": <http://www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJV/PoliceDeployment/default.aspx>; letter from Barrick to Amnesty International, dated 22 May 2009.
- 42** Information on Barrick website at <http://www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJV/PoliceDeployment/default.aspx>, last accessed 12 January 2009; letter dated 2 June 2009 from Barrick to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and others; letter dated 16 June 2009 from Barrick to the Business and Human Rights Resource Centre available at [www.business-humanrights.org](http://www.business-humanrights.org); letters and faxes dated 22 May, 1 September, 25 September, and 13 October 2009 from Barrick to Amnesty International.
- 43** URS Report, ES-2; OEC Report; Porgera Social Monitoring Program: Annual Report 1996, as referred to in the OEC Report.
- 44** URS Report, ES-2.



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## **UNDERMINING RIGHTS**

### **FORCED EVICTIONS AND POLICE BRUTALITY AROUND THE PORGERA GOLD MINE, PAPUA NEW GUINEA**

On 27 April 2009, police forcibly evicted villagers living alongside the Porgera gold mine in Papua New Guinea. Families were forced to flee from their homes as police burned down their houses. In many cases residents had no opportunity to take their belongings before their houses were burned. The government of Papua New Guinea provided no alternative housing to those affected and many of the families from the area now depend on their relatives and friends for shelter and food.

The mine is 95 per cent owned and operated by subsidiaries of the largest gold mining company in the world, Canadian-based Barrick Gold Corporation (Barrick), as part of the Porgera Joint Venture (PJV). Since April 2009, PJV has supplied accommodation, food and fuel to a police operation deployed to Porgera to deal with a worsening law and order situation.

The companies initially claimed that no forced evictions had taken place. Some seven months later, and only after significant follow-up by Amnesty International, Barrick and PJV privately acknowledged that they believed the police did evict people from their homes in Porgera and that further investigation was warranted.

This report urges the government of Papua New Guinea to carry out a full investigation into the forced evictions and police violence, prosecute those responsible, and provide remedies to those affected. It calls on Barrick and PJV to provide information regarding the police conduct to the Papua New Guinean authorities and to urge them to investigate.

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