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June 2, 2009

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  
Special Rapporteur on Torture and other Cruel,  
Inhuman or Degrading Treatment or Punishment  
c/o UHCHE-UNOG 1211  
Geneva 10  
Switzerland

Dear Mr. Anaya, Ms. Rolnik, Mr. Kaelin, Mr. Alston, Mr. Nowak:

**Re: Urgent Appeal of MiningWatch Canada relating to the Porgera Valley**

We are writing in respect of the May 3, 2009 letter that you have received from MiningWatch Canada ("MWC"). MWC's letter was characterized as an "**Urgent Appeal related to human rights abuses and potential loss of life as a result of extrajudicial, summary or arbitrary executions... in Porgera, Papua New Guinea.**" In a letter dated May 13 we informed you that Barrick would respond directly to the assertions in MWC's "Urgent Appeal" after completing a more fulsome assessment of MWC's allegations. We have conducted the necessary inquiries concerning the matters raised by MWC's letter and our response is set forth below:

The MWC letter "... urgently appealed for the intervention of your offices". It has been a month since MWC made its urgent appeal. It is quite clear to us that the intervention of your offices has not been required to "... avoid extrajudicial, summary or arbitrary executions." On the contrary, our inquiries reveal that the increased PNG police presence and enforcement of existing law in the Porgera Valley has had a dramatic *beneficial* impact on the lives of area residents. As described below we

understand that a substantial majority of community leaders support the continuation of the police action.

The MWC appeal to the U.N. is heavily footnoted.<sup>1</sup> It is signed by someone who holds themselves out as a “Ph.D” “Research Coordinator.” The letter was no doubt intended to give the impression of being carefully researched and scrupulously reported. It is neither. Rather, the MWC letter reflects more advocacy than accuracy. The MWC Urgent Appeal provides virtually no reliable information about what is happening on the ground in the vicinity of Porgera, and is comprised almost completely of hearsay and second-hand allegations.

In contrast, Barrick has conducted, directly or through the Porgera Joint Venture (“PJV”)<sup>2</sup>, extensive inquiries concerning the current state of affairs in the vicinity of the Porgera mine. The results of such inquiries are detailed below. They reveal that the actual circumstances on the ground in the vicinity of the Porgera mine bear virtually no relationship to those recited in the MWC “Urgent Appeal.” These inquiries further reveal that there is no emergency at Porgera relating to the threat of extrajudicial executions associated with the increased police presence during the past 45 days. They also reveal that MWC’s “housing emergency” relating to the events of April 27-28, 2009 has been wildly exaggerated and distorted beyond recognition.

Please allow me to summarize a few of the more salient facts associated with the recent increased police presence in the Porgera Valley, as Barrick understands them:

- February 2009 - The Member of Parliament for the Porgera / Lagaip electorate, the Hon. Philip Kikala, presents a petition to the Papua New Guinea National Executive Council calling on the Government to take action against an increase in violent crime and lawlessness in the Porgera and Lagaip Districts of Enga Province
- February 26, 2009 - The Government of Papua New Guinea (PNG) formally announces plans to deploy additional police to re-establish law and order in Enga province, including the Porgera region. The announcement of the call-out of additional police resources followed a special meeting of the National Executive Council held in Wabag, the capital of Enga Province, during which the Government discussed Mr Kikala’s petition.

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<sup>1</sup> It is worth noting that virtually all of the “facts” recited in the MWC “Urgent Appeal” to the U.N. are originally the product of MiningWatch Canada, and its two PNG-based correspondents, Mr. Tulin and Mr. Ekepa. Typically it is MWC quoting Mr. Tulin or Mr. Ekepa or their colleagues, or reporting the PNG press quoting Mr. Tulin or Mr. Ekepa, or simply citing earlier statements by MWC. Objective factual data to support these claims is conspicuous in its absence, whereas factual evidence does exist that contravenes the claims

<sup>2</sup> The PJV is a joint venture between the Enga Provincial Government, local Ipili landowners who own the land contained in the Mining Lease, and, recently, two subsidiaries of Barrick – Barrick (Goldfields and PNG Holdings) Limited and Barrick (Niugini) Limited.



- March-April 2009 – The Government and police engage in public awareness activities informing community members of the planned future deployment.
- April 6, 2009 – PNG newspapers report that the PNG Police security operation in the Porgera Valley is about to begin.
- April 9, 2009 – The PNG Commissioner of Police writes to PJV to inform it of the Government’s intention to increase the police presence in the Porgera Valley to address the deterioration of law and order as a result of tribal fighting and general lawlessness. The Commissioner of Police seeks PJV’s assistance to temporarily feed and lodge a portion of the additional police for the duration of the operation.
- ~April 17, 2009 - The Government both publishes and posts public notices regarding the impending planned increased police presence, ban on alcohol, and intention to enforce existing law regarding various illegal activities (e.g., illegal drugs, firearms, occupancy, mining, tribal fighting, etc.).
- April 18, 2009 - Additional police resources are deployed to the province to restore law and order. A liquor ban is also imposed in the Porgera region, as police commence enforcement of the existing law regarding illegal weapons and illegal mining.
- April 20, 2009 – PJV and the Royal Papua New Guinea Constabulary execute a letter agreement providing for “...limited passive [in kind] support” for a portion of the police deployed to the Enga Province, in the form of food, lodging and fuel. PJV’s support is expressly conditioned 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 U.N. Code of Conduct for Law Enforcement Official, and the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.”
- April 27, 2009 – Police identify a temporary encampment of crude shelters in the Wangima area near the Porgera mine that were reportedly used as a staging ground for illegal mining incursions and other illicit activities. Police remove approximately 35 temporary structures used for these purposes and burn the remnants. Any occupants temporarily residing in these crude structures – and many other individuals engaged in illicit activities in the vicinity of the Porgera mine – reportedly had already vacated the area, with many returning to their

homes, following advance police requests to vacate the encampment and cease illegal activities.<sup>3</sup>

- April 28, 2009 – Approximately 12 to 15 other temporary structures are burned or dismantled, reportedly by other individuals who were either landowners, or illegal miners who had elected to leave the area in view of the increased police presence in the area.<sup>4</sup>
- May 2, 2009 - A peace ceremony and gun hand-over heralds the end of the Tipinnini tribal fight, which has been waged between two rival clans for almost five years, with over 70 fatalities from the fighting.
- May 12, 2009 – Anga and Peni clans hold a peace ceremony and gun-handover and announce the end of the Anga tribal fight, which has resulted in numerous fatalities over the past two years.
- May 12, 2009 - Enga Governor publicly applauds the increased presence of PNG police, as well as their coordination with local law enforcement authorities, including the Porgera district administration and local governments.
- May 17/18, 2009 – Visit to area by New Zealand diplomats, who reported satisfaction with the manner in which the police deployment was being conducted.
- May 19, 2009 - Porgera Hospital reports significant reductions in the instances of hospitalization for trauma (accidents and injuries) during the increased police presence.
- May 29, 2009 - Lorte and Kuala clans conduct a firearms handover in Porgera, surrendering approximately 50 illegally owned weapons which had been used in long standing tribal fights in the Porgera Valley, and declaring an end to the fighting.
- May 1/30, 2009 – PNG media report widespread community support for extension of increased police presence in Porgera Valley.

The circumstances described above obviously do not reflect an “emergency” that requires the urgent intervention of the United Nations. Rather, they reflect a transparent, well-publicized decision by PNG police to enforce existing law in the

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<sup>3</sup> PJV and Barrick were not involved in nor did either request the destruction of these structures.

<sup>4</sup> PJV and Barrick became aware of these events only after-the-fact.



Porgera Valley aimed at addressing increasing levels of alcohol and drug abuse, violence, tribal conflict and other illicit activities. It is an operation which has been conducted entirely in the public eye over a period of several months – with extensive interaction between PNG police and local and provincial community leaders. To date it appears to us that the increased police presence has been a measured response to very challenging conditions in the Porgera Valley that have come to represent a substantial threat to the safety and security of area residents. We are aware of no injuries or deaths in the Porgera Valley associated with the increased police effort.

We believe it is important to provide some context to MWC’s sensationalised letter. The United Nations should be aware that the MWC Urgent Alert is not a spontaneous response to the events of April 27, 2009. It is part of a ten-week long annual “road show” and campaign by anti-Barrick activists<sup>5</sup> to publicize Barrick’s shortcomings – be they real or imagined – and to raise money. It is an annual road show that includes pre-arranged stops in places such as Toronto, Kingston, Belleville, Ottawa, Montreal, Washington D.C. and, of course, at the recent U.N. meeting in New York. Barrick obviously recognizes that there are difficult social and cultural issues associated with the complex circumstances that exist in the Porgera Valley, including particularly with the enormous in-migration and increase in population in the area directly related to the Porgera mine.<sup>6</sup> However, these issues deserve sustained, thoughtful and constructive attention if they are to be resolved – not hysterical “emergencies” manufactured or embellished by MWC et al. for the purpose of calling attention to their annual anti-Barrick advocacy campaigns.

Catherine Coumans, Jethro Tulin, and Mark Ekepa are the individuals responsible for the PNG content of the 2009 protestbarrick/MWC campaign and road show. The “facts” presented by Ms Coumans and Mr. Tulin regarding Porgera to various audiences (such as the U.N.) as part of the road show are routinely embellished to suit the purposes of their campaign and related protestbarrick fundraising. At each stop on the road show the allegations against Barrick regarding Porgera become increasingly outlandish and untethered from reality.<sup>7</sup> We respect the right of these

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<sup>5</sup> Ms Coumans is a principal in protestbarrick.net, a worldwide networking organization that exists solely to vilify Barrick with unsubstantiated and unaccountable claims of illegal acts purportedly committed at the mines with which Barrick is associated.

<sup>6</sup> The population in the vicinity of the mine has increased from several thousand when the mine was initially constructed in 1990 to approximately 50,000 today, largely as a result of in-migration of individuals not native to the immediate area.

<sup>7</sup> For example, on March 4, 2009, Ms Coumans said the following regarding Porgera in a speech at a protestbarrick public event at the University of Toronto:

“Other really serious issues to do with the security guards. Um, the mine is heavily militarized and the security guards basically shoot to kill. And have been for years now. Um, and the way that they keep people out of the pit and out of the waste streams is by killing them, or by badly beating them up and in terms of women they’re raping them. And there’s mass rapes.

Question from Paul York to Coumans: You mentioned they’d killed - Barrick has killed about 60 people in the last few years right? You mentioned, you referred to that..

Coumans responds: It’s very hard, the numbers are clearly hard to pin down, ... but yeah, its in that ballpark.

individuals to advocate for their respective ends. However, it would be more helpful to everyone involved if they demonstrated some greater respect for the facts.

MWC's "Urgent Appeal" simply and conveniently excludes all the facts noted above that reflect the reality that the increased police presence in the Porgera Valley has made the area, and the communities that reside within it, far safer than before the operation was initiated. Operation Ipili is, in fact, as we understand it, a necessary, lawful and appropriate response by the PNG police to the deterioration of law and order, and the escalation of illegal activities and associated violent crime in the Porgera Valley and other parts of Enga Province.

In our earlier correspondence of May 13<sup>th</sup>, we encouraged UN representatives to conduct their own inquiries into the alleged "emergency" at Wangima. We hope that you were able to do so. We further understand that Barrick (Papua New Guinea) representatives met with UN representatives in PNG on Thursday May 14<sup>th</sup>, and have extended an open invitation for the UN to visit the area if that were thought necessary and appropriate.

We would encourage additional communication between our respective PNG offices regarding any of the issues raised in this letter. Barrick representatives are also available to address any questions regarding this matter that you may have, should you wish to communicate with us directly.

Yours very truly,



Patrick Garver  
Executive Vice President  
and General Counsel

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At a subsequent stop on the roadshow, Ms. Coumans' associate, Mr. York, further embellished the Porgera allegations, claiming "For example, at the Porgera Mine in Papua New Guinea... 60 people are *murdered every year.*" (University of Toronto, March 25<sup>th</sup>, 2009.)

To our knowledge neither Barrick nor PJV has murdered, killed or raped anyone in the three years that Barrick has been associated with the Porgera mine.