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Papua New Guinea Porgera update: Companies accept that police forced communities from their homes near Porgera mine

Following on-the-ground research by Amnesty International which found evidence of police violence and forced evictions of people living near the Porgera mine in Papua New Guinea, Barrick Gold Corporation (Barrick) has told Amnesty International that it now accepts that people were living in permanent houses near the Porgera mine and were affected by the police actions. The Canadian-based company's subsidiaries operate and own 95% of the mine through the Porgera Joint Venture (PJV).

Amnesty International's investigations indicate that at least 130 buildings, including well established solid houses, were destroyed by police in Wuangima and Kulapi villages between 27 April and July 2009. People who were living in houses that were destroyed were not given notice of the evictions, consulted prior to the police actions, or given assistance to ensure that their rights were respected and protected. As such, families were subjected to forced evictions in contravention of international human rights law. Photographs of the forced evictions in Wuangima show PJV personnel gathering at areas within the minesite from which they would be able to see the police as they entered villages and commenced burning down houses. Forced evictions are recognised as a gross violation of human rights. Consistent testimony and other credible evidence also show that police acted violently in carrying out their duties, including by brutally beating a man during a police raid on his house in the middle of the night.

Barrick and PJV have told Amnesty International that the companies have made enquiries about the police activity and are taking seriously Amnesty International's concerns. The companies stated that they would be willing to urge relevant Papua New Guinea authorities to undertake an impartial investigation.

As a state party to the International Covenant on Economic, Social and Cultural Right, the International Covenant on Civil and Political Rights and other international human rights treaties which prohibit forced eviction, Papua New Guinea has an obligation to stop, prohibit and prevent forced evictions including through protecting the population from forced evictions by third parties.

Amnesty International calls on:

- The Papua New Guinea government to immediately initiate a rigorous and impartial investigation into the forced evictions and police violence in Porgera, the prosecution of those responsible, and provision of remedies to those affected, including compensation and adequate alternative accommodation as required.
- Barrick and PJV to:
 - immediately report to the Papua New Guinea government authorities all information already recorded by PJV regarding the forced evictions and police violence in Porgera; and
 - immediately and transparently urge the Papua New Guinea authorities to initiate a rigorous and impartial investigation into the forced evictions and police violence in Porgera, the prosecution of those responsible, and the provision of remedies to those affected. Any meetings with the authorities

urging an investigation should involve members of the affected communities and outspoken critics of the police activity, such as executives of the Porgera Landowners Association.

Background

On 11 May 2009, Amnesty International issued a Public Statement regarding police activity that resulted in the forced evictions of people living in villages in Porgera. Initial reports indicated that police burned down 50 houses. A further 300 houses were also reported to have been burnt down as part of the police operations, leaving more than 1000 people homeless. The activities occurred within the Porgera special mining lease area.

On 16 June 2009, Barrick publicly condemned Amnesty International's public statement as "ill conceived and erroneous" and claimed that the buildings which had been burnt down were only temporary makeshift shacks and crude shelters inhabited by a transient population.

Between 18 August 2009 and 2 October 2009, Amnesty International conducted further investigations into the human rights of those affected by the forced evictions, including by undertaking a visual inspection of the burnt remains of houses and conducting 27 meetings involving over 180 people. Amnesty International's further enquiries confirmed that at least 130 buildings were destroyed, including solidly constructed permanent homes, however, it was not possible to determine exactly how many houses were destroyed and how many people were affected.

In early November 2009, Amnesty International communicated the initial findings of its research to the Papua New Guinea government and to the companies that operate and own the mine. At a meeting between Amnesty International, Barrick and PJV on 3 December 2009 and in correspondence on 7 December 2009, Barrick acknowledged that earlier public statements by the company that only temporary structures were burnt down were inaccurate. Barrick and PJV told Amnesty International that they now agree that further investigation is warranted.

Barrick and PJV state that they believe that enquiries are also needed into whether some local landowners consented to the police activity. Amnesty International notes that such consent would not prevent the evictions from being illegal forced evictions in violation of human rights. Under international law, an eviction should only occur as a last resort and once all other feasible alternatives to eviction have been explored. Evictions can only be carried out when appropriate procedural protections are in place, including an opportunity for genuine consultation with those affected; adequate and reasonable notice for affected persons prior to the eviction; information on the proposed evictions; and provision of legal remedies.

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For the previous statement on this issue, please see
<http://www.amnesty.org/en/library/info/ASA34/001/2009/en>