



August 8, 2015

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**Re: Human rights concerns regarding assessment of the Porgera remedy mechanism for sexual assault**

Dear Mr. Peter Sinclair,

Thank you for your letter dated June 16, 2015 in response to our concerns about the Barrick-created assessment of the Barrick remedy mechanism. We also received a reply from Enodo Rights dated June 16, 2015. We have been traveling over the past six weeks, including to Papua New Guinea (PNG), which delayed our ability to respond.

Unfortunately, we continue to have fundamental concerns about Barrick's "independent" assessment, as described in our earlier, detailed letter. The responses from Barrick and Enodo to our letter did not adequately address our concerns. Indeed, the recent visit to PNG, which revealed high levels of dissatisfaction with the remedy mechanism and distrust in the company, only reinforced our view of the need for a fully independent assessment of the remedy mechanism. As a result, we will be unable to participate in the assessment at this time.

As a preliminary matter, we do not consider an assessment team funded and appointed by Barrick alone to be sufficiently "independent," or to satisfy the quite clear 2013 Opinion of the UN Office of the High Commissioner for Human Rights (OHCHR). We were disappointed to read in the responses to our letter

that Barrick would not take responsibility for ensuring real independence by, as per the OHCHR Opinion, facilitating an independent assessment by an individual or group considered credible not only by Barrick *but also by claimants and other stakeholders*. In our prior letter, we raised concerns about whether the assessment should continue in its current form, given that it is not adequately independent. Barrick's and Enodo's responses indicate that Barrick, instead of considering itself whether the review should continue, decided that the very assessment team it is paying to carry out the study is one of the appropriate actors to decide whether the process should proceed. We consider the failure to coordinate with other actors to set up a more independent assessment a fundamental flaw with the planned assessment.

We were also disappointed in the responses from Enodo as to our questions about their intended investigation methodologies for carrying out this difficult study. The response displays either a lack of a detailed existing methodology, or a lack of transparency about or unwillingness to share the methodology until after the completion of the study. In the letter from Enodo Rights, the response indicated that a detailed research methodology will only be provided at the end of the assessment in the final report. The unwillingness to share details about the methodology means that the concerns expressed in our prior letter about experience, expertise, and approach have not been allayed. For example, Enodo's June 16 letter, sent almost two months after we were initially contacted by Enodo, promises us confidentiality. While this is welcomed (and is a matter of basic, standard practice), we were not initially given any information about confidentiality, and our initial communications with Enodo, an "independent" reviewer, were shared with Barrick without consent. Enodo's assertion of its good practice of handling confidentiality upfront is not consistent with our experience to date, and undermines our confidence in how it will be dealt with in the future, particularly given that Enodo refuses to share additional methodological details.

Sharing methods and answering questions about them helps individuals and communities make an informed choice regarding participation in the assessment. There is a particular need in this case to be open about methodology given the history of poor relations between the company and other actors and the distrust numerous local and international actors have about issues surrounding the Porgera mine. As methodology is so linked to properly informed consent and the perceived legitimacy of the assessment, the lack of transparency in this regard raises fundamental concerns about the assessment.

Given our concerns, we have decided that we cannot participate in the assessment or encourage others to do so, at least as the assessment is currently structured. We do not take this decision lightly, as our aim generally is to engage seriously with all relevant actors. However, in this case, we do not have sufficient confidence in the independence of the assessment and its methodologies.

While we will not be participating in the assessment, we believe security for all those involved is of paramount importance and are willing to speak with Enodo to discuss security issues in and around Porgera. Sarah Knuckey has just returned from Porgera, and will share up to date security advice at Enodo's request.

We remain available to assist in any efforts to move forward a legitimate and credible assessment.

Regards,



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