

## OVERVIEW OF CLAIMS AGAINST THE LONDON BULLION MARKET ASSOCIATION (“LBMA”)

Leigh Day acts for the families of two Tanzanian nationals who were killed by Tanzanian police officers and/or private security guards working at the North Mara Gold Mine (“**the Mine**”) in northern Tanzania. Their deaths are just two of the many deaths and/or grave human rights abuses alleged to have taken place in and around the Mine.<sup>1</sup>

Abuses are alleged to have been perpetrated by the Mine’s security forces, which includes private security and police officers allegedly working for and/or on behalf of the Mine at the material time, referred to by locals as ‘Mine Police’.<sup>2</sup>

Leigh Day’s clients and their allegations are as follows. Their names have been anonymised in order to protect their families.

- 1) ZZZ was 23, married, with three children. He was killed after he had entered the Mine to prospect for gold in July 2019. The Mine's security forces arrived to disperse the artisanal miners using tear gas and live ammunition. ZZZ initially escaped from the Mine before he was violently assaulted by Tanzanian police officers, suffering a gunshot wound which shattered his leg bone. He died from a loss of blood.
- 2) ZZY was killed in December 2019. He was also 23 and was married. On the morning of this death, ZZY was prospecting for gold at a tailings storage facility, where waste material is dumped. Police officers arrived and soon opened fire with live ammunition and tear gas. ZZY tried to run away, but he was shot in the back with aimed shot(s). He died from his injuries.

Gold mined from North Mara was (and is) refined by MMTC-PAMP India Pvt. Ltd (“**MMTC-PAMP**”). MMTC-PAMP was (and is) accredited by the LBMA as a “*Good Delivery*” refiner, which means that the LBMA purportedly verifies and certifies that gold refined by MMTC-PAMP is mined and refined in strict compliance with the LBMA’s “*Responsible Gold Guidance*”. As a result, LBMA-certified gold should not be associated with any serious human rights abuses or even the possibility that serious

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<sup>1</sup> Please see **Appendix B** for a chronology of alleged incidents at the Mine.

<sup>2</sup> Barrick Gold, the operator of the Mine, strongly denies that it instructs or directs or controls or influences the actions of the Tanzanian police and denies the existence of ‘Mine Police’: <https://www.barrick.com/English/operations/north-mara/raid-publication/default.aspx>. We understand that MMTC-PAMP and LBMA also deny the allegations made by the Claimants.

human rights abuses may be taking place.<sup>3</sup> Until very recently, the Chairman of MMTC-PAMP was also a member of LBMA's Board of Directors; and a director of Barrick Gold is a Non-Executive director of LBMA.

The claims against LBMA arise from the acts and/or omissions of the LBMA in its capacity as the accreditation body for gold. A video on LBMA's website explains that without membership of the LBMA, a refiner does not have a seat at the table of the global gold market.<sup>4</sup> LBMA certification of the **quality** and the **responsible origin** of physical gold bullion is the **foundation stone** for a functioning gold market and the many international contracts linked to, or derived from, the price of gold. The claims allege that the LBMA therefore:

- (i) Owed artisanal and/or small-scale miners at North Mara, including ZZZ and ZZY, a common law duty of care to take reasonable steps to ensure that they were not subjected to human rights abuses – in particular the wholly disproportionate use of force by security forces around the Mine.
- (ii) Breached this duty by (repeatedly) certifying MMTC-PAMP as a “Good Delivery” refiner, despite a systematic pattern of serious human rights abuses at North Mara spanning for many years.
- (iii) By its negligence, caused ZZZ and ZZY's deaths: had the LBMA performed its role properly, then the refiner and the Mine would have acted to put a stop to the systematic abuse of artisanal miners, due to the financial and reputational consequences to them of losing LBMA certification, which would deny them access to the biggest and oldest gold market in the world.<sup>5</sup>

## LEGAL PRINCIPLES

### Duty of care

Following the landmark Supreme Court judgments of Lungowe v Vedanta<sup>6</sup> and Okpabi v Royal Dutch Shell<sup>7</sup> it is established that parent companies can owe a duty of care to

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<sup>3</sup> Responsible Gold Guidance version 8 <https://cdn.lbma.org.uk/downloads/responsible-sourcing/RGGV820181211.pdf> at p14. This version of the RGG is now replaced with version 9, but version 8 was in force at the material time

<sup>4</sup> <https://www.lbma.org.uk/membership/about-membership>

<sup>5</sup> <https://www.lbma.org.uk/prices-and-data/precious-metal-prices#/>

<sup>6</sup> Lungowe v Vedanta [2019] UKSC 20

<sup>7</sup> Okpabi v Royal Dutch Shell [2021] UKSC 3

individuals who suffer harm as a result of the operations of their overseas subsidiaries and the scope of such liability is much broader than previously understood. This enables Claimants to sue UK-domiciled companies in the Courts of England and Wales for damage done abroad. The Supreme Court also confirmed that there is nothing special about the parent/subsidiary relationship. The common law includes well-established general principles which determine whether one party (A) is liable to another party (C) for harm committed by a third party (B).

The judgments in Vedanta and Okpabi identified four (non-exhaustive) “routes” under which a duty of care can arise between a company and an individual who suffers harm as a result of the acts/omissions of another company. Those “routes” are:

- (i) where company A takes over management of the relevant activity of company B;
- (ii) where company A promulgates deficient policies and guidelines which company B complies with;
- (iii) where company A enforces company B’s compliance with standards, policies and guidelines; and
- (iv) where company A holds itself out as supervising or controlling the relevant matters of company B (even if, in fact, it does not exercise that control).

The circumstances in which such a duty may arise include if someone has created or permitted a dangerous situation which someone else is exposed to. The creator of the dangerous situation can be liable for all reasonably foreseeable damage caused, even if the actual harm was inflicted by a third party.

The Court of Appeal in Begum v Maran<sup>8</sup> confirmed that the “creation of danger principle” is one of the “most fast-developing areas of the law of negligence at present” (see [61]). The Court of Appeal accepted that, where a broker decided that a ship was to be sent to a location where it would be broken up in notoriously unsafe conditions, the broker could be liable for a consequent death at that location. Where there is danger that is created by “or inherent in” (see [65]) a party’s decisions, a duty of care can exist at common law.

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<sup>8</sup> Begum v Maran [2021] EWCA Civ 326

Applying the general principles to the facts of the present case, the Claimants contend that the LBMA's role in verifying and certifying that gold has been refined in accordance with its own strict guidance (including the Responsible Sourcing programme)<sup>9</sup> falls within well-established common law principles concerning the circumstances in which a company may owe a duty of care to individuals who are harmed by the acts/omissions of a third party. Therefore the LBMA owed artisanal and small-scale miners at the Mine, including ZZZ and ZZY, a common law duty of care to take reasonable steps to ensure that they were not subjected to human rights abuses at the Mine. Specifically, the Claimants allege in their claim that LBMA owed them a duty of care because:

- i) **First**, the LBMA has promulgated extensive mandatory rules and policies concerning the minimum human rights standards in gold supply chains, such as gold sourced from North Mara. The LBMA has established and oversees systems and processes (including removal from the Good Delivery List in cases where their rules and policies are not adhered to) whose purpose is to ensure the enforcement and implementation of the "Good Delivery" rules.
- ii) **Second**, the LBMA has published numerous unambiguous statements in which it has held itself out as exercising close supervision and control over due diligence in the areas of health, safety, and human rights standards for the sourcing of gold. These have been widely relied on (and were intended by the LBMA to be widely relied upon) by direct and indirect purchasers of gold as an accurate reflection of the LBMA's involvement in, and responsibility for, ensuring such minimum standards.
- iii) **Third**, by continuing to certify MMTC-PAMP as a "Good Delivery" refiner notwithstanding the apparent systematic human rights abuses at the Mine, and by failing to take reasonable steps to respond to those allegations and/or prevent the continuation of those systematic abuses, the LBMA effectively created a source of increasing danger to artisanal miners, perhaps most notably the frequent (and wholly unnecessary) use of live ammunition at the Mine. By certifying and recertifying the refiner notwithstanding the known systematic human rights abuses at North Mara, the LBMA created the conditions which would (and which the LBMA must have known would) enable further serious human rights abuses to occur there.

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<sup>9</sup> <https://www.lbma.org.uk/responsible-sourcing>

- iv) **Fourth**, in all the circumstances of the case the LBMA would be deemed to have assumed responsibility to ZZZ and ZZY (and other artisanal miners at North Mara) to protect them from the foreseeable risk of serious personal injury which existed, and which would continue to exist for as long as MMTC-PAMP remained a certified LBMA “Good Delivery” refiner.

### **Breach of duty and causation**

The Claimants allege in their claim that by failing to take proper steps to respond to allegations of systemic abuses and/or prevent the occurrence of future serious human rights abuses at a mine from which LBMA-accredited gold was sourced, and by continuing to certify MMTC-PAMP, the LBMA breached the duty of care it owed to ZZZ and ZZY. By continuing to certify the gold as “good delivery” the LBMA was representing to global markets, consumers, investors, governments and trade bodies that no human rights abuses were associated with gold from the Mine. The Claimants allege that such a certification cloaked or masked serious human rights abuses and effectively allowed them to continue unabated. The Claimants allege that LBMA knew (or should have known) that this was happening, but nevertheless continued to re-certify MMTC-PAMP as a “Good Delivery” refiner.

Without LBMA approval, refiners cannot legitimately access the London bullion market where approximately \$300 billion of gold is traded each week.<sup>10</sup> The Claimants contend that if the LBMA had acted reasonably, the Mine and/or refiner would have had no choice but to put a stop to the pattern of alleged human rights abuses at North Mara (not least the use of live ammunition); and ZZZ and ZZY would still be alive today.

The Claimants claim that as a result of the LBMA’s breach of duty, no such steps were taken at the Mine, resulting in the deaths of our clients’ relatives. The deaths of ZZZ and ZZY were thus entirely foreseeable direct consequences of the LBMA’s breach of its duty of care.

### **BROADER IMPLICATIONS OF THIS CASE**

There is a longstanding concern that certification or auditing schemes are used to “greenwash” human rights abuses in contentious supply chains.<sup>11</sup> The role of the

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<sup>10</sup> <https://www.lbma.org.uk/prices-and-data/lbma-trade-data>

<sup>11</sup> See by way of example: Human Rights Watch, “Obsessed with audit tools missing the goal” <https://www.hrw.org/report/2022/11/15/obsessed-audit-tools-missing-goal/why-social-audits-cant-fix->

LBMA is a paradigm example where such concerns merit scrutiny by the courts. Where human rights abuses do occur following a 'clean' audit, there often exists an accountability gap, as the victim may reside in a country which lacks accessible legal structures that enable them to enforce their rights.

If the Court agrees with the Claimants that the LBMA owes a duty of care to victims of human rights abuses at the Mine following a negligent certification process, this will go some way to closing this accountability gap. This will confirm that well-established legal principles exist to ensure that gatekeepers and enablers are at risk of legal liability if they negligently certify a product or service as being free from human rights and environmental abuses, in particular where certification obviously exposes third parties to a series risk of harm.

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[labor-rights-abuses#9274](#) or Business & Human Rights Centre, "*Social Audit liability, hard law strategies to redress weak social assurances*" <https://www.business-humanrights.org/en/from-us/briefings/social-audit-liability-hard-law-strategies-to-redress-weak-social-assurances/> or MSI Integrity's "*Not Fit-for-Purpose*" <https://www.msi-integrity.org/not-fit-for-purpose/#:~:text=MSIs%20can%20be%20powerful%20forums,victims%20with%20access%20to%20remedy.>

## **APPENDIX A: FURTHER READING:**

- [A RAID video](#) containing the account of the mother of an artisanal miner killed at the Mine.
- [A November 2022 report](#) from Human Rights Watch on the problems of social audits of global supply chains.
- [A November 2022 report](#) by RAID alleging that there have been at least 77 individuals killed at the North Mara Mine and 304 wounded, including allegations of torture.
- A [March 2022 press briefing](#) on the human rights violations at the North Mara Mine from RAID. [Barrick Gold's statement](#) in relation to RAID's publications, denying the allegations made therein.
- Two complaints made by RAID to the LBMA in [July 2020](#) and [March 2022](#), raising concerns about further violence and human rights abuses, and calling on the LBMA to suspend the refiner from the London gold market until it has been fully investigated. The full detailed July 2020 complaint is [here](#).
- A 2021 [letter](#) and [press statement](#) from five human rights groups raising concerns about the LBMA's programme with the LBMA's CEO.
- [A September 2021](#) Corporate Legal Accountability Briefing on social auditor liability
- [A July 2020 report](#) from MSI Integrity on the failures of the Multi-Stakeholder Initiative approach to corporate accountability
- A RAID video: "[Lethal Gold in Tanzania](#)", dated 2017

## **APPENDIX B – CHRONOLOGY OF ALLEGED HUMAN RIGHTS ABUSES AT THE MINE**

1. As noted above, there exists a long history of allegations of systematic abuses committed by security forces (such as ‘Mine Police’) on and around the Mine spanning nearly 20 years. The following are illustrative examples of the reported human rights abuses associated with the Mine in the period running up to ZZZ and ZZY’s deaths and beyond.
2. For the avoidance of doubt all incidents mentioned below are allegations. The companies involved (Acacia, Barrick, MMTC-PAMP and LBMA) deny some or all of the factual allegations made and make no admissions of liability.
3. Some incidents, identified below, are subject to legal claims brought by the alleged victims against Barrick Gold Corporation (the majority shareholder of the Mine), which have been issued and are ongoing in the United Kingdom<sup>12</sup> and Canada.<sup>13</sup>
4. In 2011, a fact-finding report by the Legal and Human Rights Centre, Tanzania,<sup>14</sup> reported that:
  - i) in July 2005, two villagers were killed by the Mine’s security guards;
  - ii) on 20 July 2005, a man was shot dead by one of the Mine’s security guards;
  - iii) in 2006, the Mine’s security guards shot a man five times in the back, killing him;
  - iv) on 13 March 2009, a man was shot in the leg by security guards, requiring his leg to be amputated;
  - v) 21 villagers were killed by police and security guards between January 2009 and June 2011;

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<sup>12</sup> <https://miningwatch.ca/news/2020/2/10/tanzanian-victims-commence-legal-action-against-barrick-gold-uk>

<sup>13</sup> <https://www.raid-uk.org/blog/tanzanian-human-rights-victims-file-first-ever-legal-case-canada-against-barrick-gold>

<sup>14</sup> A remaining version online is found here: <https://www.yumpu.com/en/document/read/8374086/fact-finding-mission-report-may-2011-legal-and-human-rights->



vi) on 16 May 2011, five people were shot dead and more than 10 people were injured by police officers at the Mine; and

vii) in 2011, a villager who had tried to communicate with NGOs and international agencies and embassies about abuses at the Mine was shot in the chest while taking a shower at home.

5. In March 2013, Leigh Day issued claims against Barrick on behalf of 13 individuals regarding injuries and deaths at the Mine. These claims were settled out of court on 6 February 2015, with no admission of liability.<sup>15</sup>
6. **In May 2014, the LBMA accredited MMTC-PAMP as a Good Delivery refiner. It issued Responsible Gold Certificates every year since then.**
7. According to an April 2014 publication by RAID, London Mining Network, MiningWatch Canada and CORE, between December 2008 and January 2014 police at North Mara regularly used lethal force against local people at or in close proximity to the Mine, resulting in at least 16 deaths and 11 injured.<sup>16</sup>
8. In July 2014, the All-Party Parliamentary Group on International Corporate Responsibility discussed repeated human rights violations at North Mara. Lisa Nandy MP, the chair of the group, was quoted as saying: *“In the past six years we know that 16 people have been shot dead by the Tanzanian police, which indicates that this is a major problem.”*<sup>17</sup>
9. On 2/3 October 2014, a 16 year-old boy was shot at and beaten by police officers on the Mine. (Subject to a legal claim in the UK)
10. On 7 May 2016, an individual who had entered the Mine with friends to search for gold bearing rocks was shot and killed. (Subject to a legal claim in the UK)
11. In 2016, a Tanzanian parliamentary inquiry received information that police were responsible for the killing of some 65 persons and the injuring of some 270 others.<sup>18</sup>

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<sup>15</sup> <https://www.business-humanrights.org/en/latest-news/statement-from-leigh-day-in-relation-to-legal-action-against-african-barrick-gold/>

<sup>16</sup> <https://londonminingnetwork.org/2014/04/african-barrick-gold-agm-investors-must-question-abuses-at-north-mara-mine-tanzania/>

<sup>17</sup> <http://www.theguardian.com/world/2014/jul/19/killings-uk-owned-gold-mine-tanzania-concern> .

<sup>18</sup> <https://www.theglobeandmail.com/report-on-business/international-business/african-and-mideast-business/police-killed-65-injured-270-at-tanzanian-mine-inquiry-hears/article32013998/>

12. In September 2016, MiningWatch Canada and RAID published a report that recorded allegations of at least 22 people killed and 69 injured, many by bullets, at North Mara between 2014 and 2016.<sup>19</sup>
13. Acacia's 2016 Annual report acknowledged 31 "*trespasser-related*" deaths at the Mine between 2014-2016. The report further stated that "*[i]n 2016, 37 allegations relating to public or private security were reported through our operations' community grievance processes compared to 74 in 2015. Of these, 30 involved allegations of excessive use of force by police (2015:58) and 7 involved allegations of use of excessive force by private security (2015:16). All allegations related to North Mara.*"<sup>20</sup>
14. On 19 June 2017, a crowd entered the Mine through the Makerero gate. A number of individuals, upon trying to leave the Mine, were beaten and arrested. (Subject to a legal claim in the UK)
15. On 3/4 August 2017, an individual who had entered the Mine to search for gold bearing rocks was shot and killed.<sup>21</sup>
16. Acacia's 2017 Annual Report acknowledged an additional two deaths at the Mine and stated that "*one individual was found dead on the mine site with a gunshot wound.*"<sup>22</sup>
17. In July 2018, a nine-year-old girl was killed after being run over by police near the Mine. Afterwards, the police opened fire upon local residents, injuring at least four women. (Subject to a legal claim in the UK)
18. Acacia's 2018 Annual Report records 18 grievances concerning "*security and human rights*" registered that year.<sup>23</sup>

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<sup>19</sup> <https://miningwatch.ca/news/2016/9/22/tanzanian-government-investigation-receives-hundreds-reports-violence-and-deaths>

<sup>20</sup> Acacia 2016 Annual Report, p58.

<sup>21</sup> <https://www.theguardian.com/environment/2019/jun/18/murder-rape-claims-of-contamination-tanzanian-goldmine>

<sup>22</sup> Acacia 2017 Annual report, p.60

<sup>23</sup> Acacia 2018 Annual report, p.69

19. On 18 June 2019, journalists published an investigative article as part of the “Forbidden Stories” consortium in various international newspapers.<sup>24</sup> This recorded that:

*“over the years police and security guards have been accused of killing dozens – possibly hundreds – of local people, injuring many more and raping countless women. There have also been reports of contamination from mining chemicals, but journalists and human rights activists who have tried to investigate these cases have sometime found themselves the subject of intimidation, harassment and even threats of deportation from police and state authorities.”*

20. The *Forbidden Stories* article described the shooting of one man at waste dumps in August 2017 and the shooting in December 2018 of a student by security personnel who were trying to scare villagers. The report further stated that Acacia (the then operator) had acknowledged that six of the 32 “trespasser related” fatalities between 2014 and 2017 involved persons who died in confrontations with the police at the Mine, while international monitors suggested that there had been at least 22 killings by guards and police.<sup>25</sup>
21. In or around June 2019, the LBMA invoked an Incident Review Process into allegations of mistreatment at the Mine following recent media reports.<sup>26</sup>
22. **On or around 2 July 2019, ZZZ was killed after entering the Mine to prospect for gold.**
23. **On 3 July 2019, the LBMA’s Chief Executive proceeded to re-certify MMTC-PAMP as having complied fully with the LBMA’s Responsible Gold Guidance.**
24. In September 2019, Transparency International published a report which stated that, “*Barrick has a documented history of human rights abuses and environmental damage in its North Mara gold mine. NGOs organisations have documented 22 alleged killings by the police or mine security workers since 2014. The victims were for the most part illegal miners, called ‘intruders’ by the company... Most of these*

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<sup>24</sup> <https://www.theguardian.com/environment/2019/jun/18/murder-rape-claims-of-contamination-tanzanian-goldmine>. See also <https://forbiddenstories.org/silence-is-golden-for-a-tanzanian-mine/>.

<sup>25</sup> Acacia’s response to the Forbidden Stories article is found here: <https://www.business-humanrights.org/en/latest-news/acacias-response-to-forbidden-stories-articles/>

<sup>26</sup> [https://cdn.lbma.org.uk/downloads/Publications/LBMA\\_RS\\_Report\\_2020\\_ProgrammeUpdate2019.pdf](https://cdn.lbma.org.uk/downloads/Publications/LBMA_RS_Report_2020_ProgrammeUpdate2019.pdf) at page 5

*‘intruders’ were small-scale miners with government licences who lost their livelihood and were not adequately compensated when the company acquired the land for mining... Women intruders have reported been taken away to an isolated location and raped by the mine security officers”<sup>27</sup>*

25. **In or around 30 December 2019, ZZY was shot and killed while working at the tailings storage facility.**
26. In or about April 2021, an individual was fired at by ‘Mine Police’ using live ammunition. He was shot in the abdomen. The individual was taken into police custody. He died either immediately or while in police custody. (Subject to a legal claim in Canada)
27. In or about July 2021, an individual was apprehended by ‘Mine Police’. He was repeatedly beaten and struck with an object causing a gaping wound on his shin and severe pain. (Subject to a legal claim in Canada)
28. In the same month, a further individual was shot and killed with live ammunition by ‘Mine Police’. (Subject to a legal claim in Canada)
29. In or about September 2021 an individual was shot by ‘Mine Police’. A bullet entered through his pelvis. He survived. (Subject to a legal claim in Canada)
30. In or about December 2021, ‘Mine Police’ fired large projectiles at individuals at the Mine. One individual was struck in the back of his head. He suffered a catastrophic head injury and died following a period of police custody. (Subject to a legal claim in Canada)
31. In the same month, a further individual was shot in the leg by ‘Mine Police’ with live ammunition, but he survived. (Subject to a legal claim in Canada)
32. In or about March 2022, an individual was struck by a bullet fired by ‘Mine Police’. He was hit in the lower back and died shortly afterwards. (Subject to a legal claim in Canada)
33. A further individual was shot through the right knee in the same month and survived. (Subject to a legal claim in Canada)

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<sup>27</sup> Transparency International, *Overview of corruption and anti-corruption in Tanzania* (30 September 2019), page 15. [https://knowledgehub.transparency.org/assets/uploads/helpdesk/Country-profile-Tanzania-2019\\_PR.pdf](https://knowledgehub.transparency.org/assets/uploads/helpdesk/Country-profile-Tanzania-2019_PR.pdf)

34. Following these incidents, in March 2022, RAID wrote to the LBMA<sup>28</sup> citing their report which states that at least four residents have been killed and seven more seriously injured by police assigned to the Mine since September 2019, and that police assigned to the Mine regularly invade residential areas during mine-related operations.<sup>29</sup>
35. In the same month, two individuals were detained and beaten by 'Mine Police' while being interrogated about alleged thefts at the Mine. One person was severely beaten on the knees, ankles and elbows while the second was beaten with a stick and iron rod on the buttocks, waist, knees and feet. (Subject to a legal claim in Canada)
36. In or about June 2022, 'Mine Police' fired live ammunition and tear gas at artisanal miners. An individual was shot through the shoulder, with the bullet lodging near his rib cage and causing a fractured vertebrae. He died as a result. (Subject to a legal claim in Canada)
37. Also in June 2022, a further individual was beaten with sticks and assaulted multiple times with a taser by 'Mine Police'. (Subject to a legal claim in Canada)
38. **On 14 July 2022, the LBMA issued the extant Responsible Gold Certificate to MMTC-PAMP.**<sup>30</sup>
39. In or about July 2022, an individual was shot through the knee by 'Mine Police'. He survived. (Subject to a legal claim in Canada)
40. In or around August 2022, an individual was apprehended by 'Mine Police', who fired tear gas cannisters at his legs. He was taken to near the Mine and told to look into a CCTV camera. The 'Mine Police' asked over the radio whether this individual was a suspect. The answer came back as negative, but the 'Mine Police' were encouraged to question the individual. The individual was tied up in the back of a vehicle. He was beaten with a baton on the ankles and thighs. (Subject to a legal claim in Canada)

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<sup>28</sup> [https://www.raid-uk.org/sites/default/files/raid\\_letter\\_lbma\\_23-03-2022\\_.pdf](https://www.raid-uk.org/sites/default/files/raid_letter_lbma_23-03-2022_.pdf);

<sup>29</sup> <https://www.raid-uk.org/sites/default/files/barrick-north-mara-police-violence-briefing-march-2022.pdf>

<sup>30</sup> <https://cdn.lbma.org.uk/gdl-downloads/MMTC-PAMP-FY2021-RGG-certificate.pdf>

41. In November 2022, RAID published further research stating that they have documented two people being killed and 18 injured in 2022 alone. RAID report on local residents accusing 'mine police' of forcing their way into their homes, arbitrarily arresting and beating resident, firing tear gas and ammunition indiscriminately, and engage in torture.<sup>31</sup> Many of those incidents are referred to above, with the alleged victims issuing a claim against Barrick Gold in the courts of Ontario in November 2022.
42. On 4 November 2022, the LBMA published a statement stating that it recognised the "progress that had been made in relation to the North Mara Gold Mine" and that MMTC-PAMP remains a Good Delivery List refiner.<sup>32</sup>
43. On 30 November 2022, around 100 artisanal miners entered the Mine, leading to one death and injuries to two police officers.<sup>33</sup>

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<sup>31</sup> <https://www.raid-uk.org/blog/barrick-tanzania-gold-mine-one-deadliest-africa>

<sup>32</sup> <https://www.lbma.org.uk/articles/mmtc-pamp-pvt-ltd-remains-a-good-delivery-list-refiner>

<sup>33</sup> <https://www.thecitizen.co.tz/tanzania/news/national/one-dies-after-clash-at-north-mara-mine--4042694>